

SENATE BILL NO. 286

Introduced: 01/25/83

Referred to Committee State Administration: 01/25/83

Hearing: 01/31/83

Report: 02/07/83, Do Pass, As Amended

2nd Reading: 02/10/83

3rd Reading: 02/12/83

Transmitted to House: 2/12/83

Referred to Committee on State Administration: 02/14/83

Hearing: 3/2/83

Report: 03/23/83, Be Concurred In, As Amended

2nd Reading: 03/26/83, Be Not Concurred In

3rd Reading: 03/28/83, Be Not Concurred In

Bill Killed.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

BILL NO. 286

INTRODUCED BY

BILL FOR AN ACT ENTITLED:

QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V.

SECTION 14. OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE

LEGISLATURE RATHER THAN A CITIZEN COMMISSION REAPPORTION

MONTANA'S CONGRESSIONAL AND LEGISLATIVE DISTRICTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article V, section 14, of the Constitution

of the State of Montana is amended to read:

"Section 14. Districting and apportionment. (1) The

state shall be divided into as many districts as there are

members of the house, and each district shall elect one

representative. Each senate district shall be composed of

two adjoining house districts, and shall elect one senator.

Each district shall consist of compact and contiguous

territory. All districts shall be as nearly equal in

population as is practicable.

(2) In the legislative session following ratification

of this constitution and thereafter in each session

preceding each federal population census a commission of

five citizens, none of whom may be public officials, within

14 days after the official federal population census data

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

are available, a 12-member legislative committee on

reapportionment shall be selected to prepare a plan for

redistricting and reapportioning the state into legislative

and congressional districts. The majority and minority

leaders of each house shall each designate one commissioner

within 20 days after their designation, the four

commissioners shall select the fifth member who shall serve

as chairman of the commission if the four members fail to

select the fifth member within the time prescribed, a

majority of the supreme court shall select him three

committee members. Committee members shall be divided

equally among the congressional districts.

(3) The commission legislative committee on

reapportionment shall submit its plan to the legislature at

the first regular session after its appointment or after the

census figures are available. Within 30 days after

submission, the legislature shall return the plan to the

commission with its recommendations. Within 30 days

thereafter, the commission that legislature shall accept or

amend the plan submitted to it by the committee. Prior to

the next filing deadline for legislative and congressional

primary elections, the legislature shall file its final plan

with the secretary of state and it shall become law. The

commission is then dissolved. The plan is not subject to a

veto by the governor."

1 NEW SECTION. Section 2. Submission to electorate.
 2 This amendment shall be submitted to the electors of the
 3 state of Montana at the general election to be held in
 4 November 1983 by printing on the ballot the full title of
 5 this act and the following:

6 ☐ FOR providing that the Legislature rather than a
 7 *Five member appointed* commission reapportion Montana's
 8 congressional and legislative districts.

9 ☐ AGAINST providing that the Legislature rather than a
 10 *Five member appointed* commission reapportion Montana's
 11 congressional and legislative districts.

-End-

STATE OF MONTANA

REQUEST NO. 247-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 1983, there is hereby submitted a Fiscal Note for Senate Bill 286 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 286 proposes a constitutional amendment assigning reapportionment to a 12-member legislative committee rather than a 5-member commission.

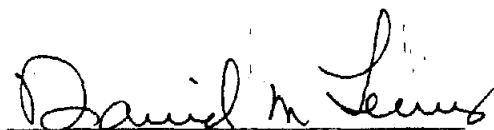
ASSUMPTIONS:

- 1) The cost of putting this measure to a vote is not included.
- 2) The legislative committee would be operable in 1991.
- 3) Cost would be absorbed in regular interim budgets were the legislature to so choose.
- 4) To compare to costs under existing law, the only difference would be in travel and other expenses for the larger number of members involved. Assume the same public hearings and meetings would be held.
- 5) There would be 27 reimbursable meeting days per member at a legislator pay rate of \$48.41 rather than \$20 as the commission received.
- 6) Each member would incur about \$2000 in reimbursable expenses.

FISCAL IMPACT:

The fiscal impact in fiscal 1992 and 1993 for member travel and expenses would be about \$25,684 more for the 12-member committee than for a 5-member commission. (The appropriation for the commission was \$37,000).

FISCAL NOTE 9:D/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-83

Approved by Committee
on State Administration

1 SENATE BILL NO. 286
2 INTRODUCED BY E. SMITH, KULSTAD, LEE, OCHSNER, STOBIE,
3 DONALDSON, COMPTON, WALLIN, THOFT, SCHULTZ, FAGG, BOYLAN,
4 GRAHAM, B. BROWN, SEVERSON, MCCALLUM, TVEIT, HAGER,
5 H. HAMMOND, RYAN, SOLBERG, VINGER, R. JENSEN, SHAW,
6 UNDERDAL, C. SMITH, DEVLIN, IVERSON, KEYSER, HANSON,
7 SWITZER, WINSLOW, BLISS, PHILLIPS, MARBUT,
8 SWIFT, SEIFERT, ERNST, HEMSTAD, GAGE
9
10 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
11 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V,
12 SECTION 14, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE
13 LEGISLATURE RATHER THAN A ~~CITIZEN~~ FIVE-MEMBER APPOINTED
14 COMMISSION REAPPORTION MONTANA'S CONGRESSIONAL AND
15 LEGISLATIVE DISTRICTS."
16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18 Section 1. Article V, section 14, of the Constitution
19 of the State of Montana is amended to read:
20 "Section 14. Districting and apportionment. (1) The
21 state shall be divided into as many districts as there are
22 members of the house, and each district shall elect one
23 representative. Each senate district shall be composed of
24 two adjoining house districts, and shall elect one senator.
25 Each district shall consist of compact and contiguous

1 territory. All districts shall be as nearly equal in
2 population as is practicable.
3 (2) ~~In the legislative session following ratification~~
4 ~~of this constitution and thereafter in each session~~
5 ~~preceding each federal population census a commission of~~
6 ~~five citizens, none of whom may be public officers, within~~
7 ~~14 days after the official federal population census data~~
8 ~~are available, a 12-member legislative committee on~~
9 ~~reapportionment~~ shall be selected to prepare a plan for
10 redistricting and reapportioning the state into legislative
11 and congressional districts. The majority and minority
12 leaders of each house shall each designate ~~one commissioner~~
13 ~~within 20 days after their designation, the four~~
14 ~~commissioners shall select the fifth member, who shall serve~~
15 ~~as chairman of the commission if the four members fail to~~
16 ~~select the fifth member within the time prescribed, a~~
17 ~~majority of the supreme court shall select him three~~
18 ~~committee members. Committee members shall be divided~~
19 ~~equally among the congressional districts.~~
20 (3) The ~~commission~~ legislative committee on
21 reapportionment shall submit its plan to the legislature at
22 the first regular session after its appointment ~~or after the~~
23 ~~census figures are available. Within 30 days after~~
24 ~~submission the legislature shall return the plan to the~~
25 ~~commission with its recommendations within 30 days~~

1 ~~thereafter the commission that legislature shall accept or~~
 2 ~~amend the plan submitted to it by the committee. Prior to~~
 3 ~~the next filing deadline for legislative and congressional~~
 4 ~~primary elections, the legislature shall file its final plan~~
 5 ~~with the secretary of state and it shall become law. The~~
 6 ~~commission is then dissolved. The plan is not subject to a~~
 7 ~~veto by the governor."~~

8 **NEW SECTION.** Section 2. Submission to electorate.
 9 This amendment shall be submitted to the electors of the
 10 state of Montana at the general election to be held in
 11 November 1983 by printing on the ballot the full title of
 12 this act and the following:

- 13 ☐ FOR providing that the Legislature rather than a
 14 citizen ~~FIVE-MEMBER-APPOINTED~~ commission reapportion
 15 Montana's congressional and legislative districts.
 16 ☐ AGAINST providing that the Legislature rather than a
 17 citizen ~~FIVE-MEMBER-APPOINTED~~ commission reapportion
 18 Montana's congressional and legislative districts.

19

-End-

Constitutional Amendment

SENATE BILL NO. 286

INTRODUCED BY E. SMITH, KOLSTAD, LEE, OCHSNER, STOBIE,
DONALDSON, COMPTON, WALLIN, THOFT, SCHULTZ, FAGG, BOYLAN,
GRAHAM, B. BROWN, SEVERSON, MCCALLUM, TVEIT, HAGER,
H. HAMMOND, RYAN, SOLBERG, VINGER, R. JENSEN, SHAW,
UNDERDAL, C. SMITH, DEVLIN, IVERSON, KEYSER, HANSON,
SWITZER, WINSLOW, BLISS, PHILLIPS, MARBUT,
SWIFT, SEIFERT, ERNST, HEMSTAD, GAGE

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V,
SECTION 14, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE
LEGISLATURE RATHER THAN A CITIZEN ~~FIVE-MEMBER APPOINTED~~
COMMISSION REAPPORTION MONTANA'S CONGRESSIONAL AND
LEGISLATIVE DISTRICTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article V, section 14, of the Constitution
of the State of Montana is amended to read:

"Section 14. Districting and apportionment. (1) The
state shall be divided into as many districts as there are
members of the house, and each district shall elect one
representative. Each senate district shall be composed of
two adjoining house districts, and shall elect one senator.
Each district shall consist of compact and contiguous

territory. All districts shall be as nearly equal in
population as is practicable.

(2) ~~In the legislative session following ratification
of this constitution and thereafter in each session
preceding each federal population census, a commission of
five citizens, none of whom may be public officers, within
14 days after the official federal population census data
are available, a 12-member legislative committee on
reapportionment shall be selected to prepare a plan for
redistricting and reapportioning the state into legislative
and congressional districts. The majority and minority
leaders of each house shall each designate one commissioner
within 20 days after their designation, the four
commissioners shall select the fifth member who shall serve
as chairman of the commission. If the four members fail to
select the fifth member within the time prescribed, a
majority of the supreme court shall select him three
committee members. Committee members shall be divided
equally among the congressional districts.~~

(3) The ~~commission~~ legislative committee on
reapportionment shall submit its plan to the legislature at
the first regular session after its appointment ~~or after the~~
~~census figures are available. Within 30 days after~~
~~submission, the legislature shall return the plan to the~~
~~commission with its recommendations. Within 30 days~~

1 ~~thereafter the commission that legislature shall accept or~~
 2 ~~amend the plan submitted to it by the committee. Prior to~~
 3 ~~the next filing deadline for legislative and congressional~~
 4 ~~primary elections, the legislature shall file its final plan~~
 5 ~~with the secretary of state and it shall become law. The~~
 6 ~~commission is then dissolved. The plan is not subject to a~~
 7 ~~veto by the governor."~~

8 ~~NEW SECTION.~~ Section 2. Submission to electorate.

9 This amendment shall be submitted to the electors of the
 10 state of Montana at the general election to be held in
 11 November 1983 by printing on the ballot the full title of
 12 this act and the following:

13 ☐ FOR providing that the Legislature rather than a
 14 ~~citizen FIVE-MEMBER APPOINTED~~ commission reapportion
 15 Montana's congressional and legislative districts.

16 ☐ AGAINST providing that the Legislature rather than a
 17 ~~citizen FIVE-MEMBER APPOINTED~~ commission reapportion
 18 Montana's congressional and legislative districts.

19
 -End-

STATE ADMINISTRATION COMMITTEE

March 23, 1983

SENATE BILL 286

1. Title, line 13.

Strike: line 13 in its entirety

Insert: "FIFTH MEMBER OF THE"

2. Title, line 14.

Following: "COMMISSION"

Insert: "TO"

3. Title, line 15.

Following: "DISTRICTS"

Insert: "BE SELECTED BY THE FOUR LEGISLATIVELY-APPOINTED MEMBERS AND ELIMINATING THE SUPREME COURT'S ROLE IN THE APPOINTMENT"

4. Page 2, lines 6 through 9.

Strike: "Within" on line 6 through "reapportionment" on line 9

Insert: "In the legislative session following ratification of this constitution and thereafter in each session preceding each federal population census, a commission of five citizens, none of whom may be public officials,"

5. Page 2, line 12.

Strike: "designate"

6. Page 2, lines 17 through 19.

Strike: "three" on line 17 through "districts" on line 19

Insert: "appoint one commissioner. Within 30 days after their appointment, the four commissioners shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, the commissioners forfeit their positions and, within 20 days thereafter, the majority and minority leaders of each house shall each appoint a new commissioner. A person may be appointed as a commissioner only once. The selection of the fifth member and chairman shall be in the same manner and within the same time period as required under the original appointments. Failure to select the fifth member shall result in the same vacancies, the same procedure for new appointments, and the same selection of the fifth member as required under the original appointments, until such time that the fifth member is selected"

7. Page 2, lines 20 and 21.

Strike: "legislative" on line 20 through "reapportionment" on line 21

Insert: "commission"

STATE ADMINISTRATION COMMITTEE

PAGE 2

March 23, 1983

SENATE BILL 286

8. Page 3, lines 1 through 4.

Strike: "That" on line 1 through "legislature" on line 4

Insert: "and after the census figures are available.

Within 30 days after submission, the legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the commission"

9. Page 3, lines 6 and 7.

Strike: "The" on line 6 through "governor" on line 7

Insert: "The commission is then dissolved"

10. Page 3, lines 13 and 14.

Strike: "Legislature" on line 13 through "APPOINTED" on line 14

Insert: "fifth member of the"

Following: "commission" on line 14

Insert: "to"

11. Page 3, line 15.

Following: "districts"

Insert: "be selected by the four legislatively-appointed members and eliminating the supreme court's role in the appointment"

12. Page 3, lines 16 and 17.

Strike: "Legislature" on line 16 through "APPOINTED" on line 17

Insert: "fifth member of the"

Following: "commission" on line 17

Insert: "to"

13. Page 3, line 18.

Following: "districts"

Insert: "be selected by the four legislatively-appointed members and eliminating the supreme court's role in the appointment"

14. Page 3, line 19.

Following: line 18

Insert: "Section 3. Coordination instruction. If House Bill No. 629 is passed and approved, the date "November 1983" in section 2 of this act is changed to "November 6, 1984"."

AND AS AMENDED BE CONCURRED IN