



1                   SENATE       BILL NO.   1  
2   INTRODUCED BY   HARP  
3                   BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION  
4  
5   A BILL FOR AN ACT ENTITLED:   "AN ACT CLARIFYING THE  
6   EFFECTIVE DATE AND APPLICABILITY DATE OF CHAPTER 823, LAWS  
7   OF 1991; ENSURING THAT NO UNINTENDED PENSION BENEFIT RESULTS  
8   FROM THAT ACT; AMENDING SECTION 22, CHAPTER 823, LAWS OF  
9   1991; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A  
10  RETROACTIVE APPLICABILITY DATE."

11  
12       WHEREAS, Chapter 823, Laws of 1991, provided, among  
13 other things, for adjustment payments to retirees of state,  
14 local, and teacher retirement systems who are also Montana  
15 residents; and

16       WHEREAS, the first adjustment payments were intended to  
17 be made for the 1991 tax year and to be payable to retirees  
18 by June 1, 1992; and

19       WHEREAS, the language of section 5, Chapter 823, Laws of  
20 1991, which provides for the payment of the retirement  
21 adjustments by June 1 of each year, read together with the  
22 May 24, 1991, effective date of Chapter 823 created  
23 confusion and a question of whether the adjustment payments  
24 were required to be paid beginning June 1, 1991, for the  
25 1990 tax year, which was not the intended result; and

1       WHEREAS, the additional, unintended payments have not  
2 been made at this time; and

3       WHEREAS, the impact on the general fund of beginning the  
4 adjustment payments a year earlier than intended is  
5 estimated to be approximately \$2.9 million; and

6       WHEREAS, this act is intended as a curative amendment to  
7 Chapter 823, Laws of 1991, to clarify that the intent of the  
8 52nd Legislature in enacting Chapter 823, Laws of 1991, was  
9 to make the first adjustment payments beginning June 1,  
10 1992.

11       THEREFORE, the Legislature of the State of Montana finds  
12 it is appropriate to amend the effective date and  
13 applicability date of Chapter 823, Laws of 1991.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16       **Section 1.** Section 22, Chapter 823, Laws of 1991, is  
17 amended to read:

18       "Section 22.   Effective       date       --       retroactive  
19 applicability. ~~{This-act}~~-is (1) [Sections 1 through 3, 6  
20 through 17, and 19 through 22] are effective on passage and  
21 approval and-applies.

22       (2) [Sections 4, 5, and 18] are effective July 1, 1991.

23       (3) [Sections 1 through 3 and 6 through 17] apply  
24 retroactively, within the meaning of 1-2-109, to taxable  
25 years beginning after December 31, 1990."

LC 0006/01

1        NEW SECTION.   **Section 2.**   Effective date -- retroactive  
2   applicability.   [This act] is effective on passage and  
3   approval and applies retroactively, within the meaning of  
4   1-2-109, to May 24, 1991.

-End-

APPROVED BY COMMITTEE  
ON TAXATION

1 SENATE BILL NO. 1  
2 INTRODUCED BY HARP  
3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE  
6 EFFECTIVE DATE AND APPLICABILITY DATE OF CHAPTER 823, LAWS  
7 OF 1991; ENSURING THAT NO UNINTENDED PENSION BENEFIT RESULTS  
8 FROM THAT ACT; REVISING THE DATE ON WHICH THE STATE  
9 TREASURER TRANSFERS FUNDS TO THE PUBLIC EMPLOYEES'  
10 RETIREMENT BOARD AND THE TEACHERS' RETIREMENT BOARD AND THE  
11 DATE ON WHICH ADJUSTMENT PAYMENTS ARE MADE; AMENDING  
12 SECTIONS 19-15-101 AND 19-15-102, MCA, AND SECTION 22,  
13 CHAPTER 823, LAWS OF 1991; AND PROVIDING AN-IMMEDIATE  
14 EFFECTIVE DATE DATES AND A RETROACTIVE APPLICABILITY DATE."  
15  
16 WHEREAS, Chapter 823, Laws of 1991, provided, among  
17 other things, for adjustment payments to retirees of state,  
18 local, and teacher retirement systems who are also Montana  
19 residents; and  
20 WHEREAS, the first adjustment payments were intended to  
21 be made for the 1991 tax year and to be payable to retirees  
22 by June 1, 1992; and  
23 WHEREAS, the language of section 5, Chapter 823, Laws of  
24 1991, which provides for the payment of the retirement  
25 adjustments by June 1 of each year, read together with the

1 May 24, 1991, effective date of Chapter 823 created  
2 confusion and a question of whether the adjustment payments  
3 were required to be paid beginning June 1, 1991, for the  
4 1990 tax year, which was not the intended result; and  
5 WHEREAS, the additional, unintended payments have not  
6 been made at this time; and  
7 WHEREAS, the impact on the general fund of beginning the  
8 adjustment payments a year earlier than intended is  
9 estimated to be approximately \$2.9 million; and  
10 WHEREAS, this act is intended as a curative amendment to  
11 Chapter 823, Laws of 1991, to clarify that the intent of the  
12 52nd Legislature in enacting Chapter 823, Laws of 1991, was  
13 to make the first adjustment payments beginning June 1,  
14 1992.  
15 THEREFORE, the Legislature of the State of Montana finds  
16 it is appropriate to amend the effective date and  
17 applicability date of Chapter 823, Laws of 1991.  
18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
20 Section 1. Section 22, Chapter 823, Laws of 1991, is  
21 amended to read:  
22 "Section 22. Effective date -- retroactive  
23 applicability. ~~{This--act--is (1) [Sections 1 through 3, 6~~  
24 through 17, and 19 through 22] are effective on passage and  
25 approval and-applies.



(2) [Sections 4, 5, and 18] are effective July 1, 1991.

(3) [Sections 1 through 3 and 6 through 17] apply retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1990."

**SECTION 2. SECTION 19-15-101, MCA, IS AMENDED TO READ:**

"19-15-101. Retirement adjustment -- annual deposit -- statutory appropriation. (1) There are statutorily appropriated, as provided in 17-7-502, from the general fund to the public employees' retirement board and the teachers' retirement board the amounts provided in subsection (2) for distribution to members of retirement systems as provided in 19-15-102.

(2) On or before ~~May~~ March 1 of each year, the state treasurer shall pay to the public employees' retirement board and the teachers' retirement board an amount equal to 2 1/2% of the total benefits paid by both systems during the prior calendar year. In distributing the appropriations to the boards, the treasurer shall consult with the boards to determine the amounts necessary for uniform payments to members. The amount of the benefits must be certified to the treasurer by the public employees' retirement board and the teachers' retirement board no later than April 1 of each year. For the purpose of this section, the public employees' retirement board shall collect information and certify the amount of benefits paid pursuant to Title 19, chapters 10

and 11. Not later than February 15 of each year, the boards of trustees of local police retirement funds, provided in 19-10-201, and boards of trustees of local fire department relief associations, provided in 19-11-104, shall submit reports on benefit payments containing information requested by the public employees' retirement board."

**SECTION 3. SECTION 19-15-102, MCA, IS AMENDED TO READ:**

"19-15-102. Montana retirement adjustment payments -- public employees' retirement board. (1) Not later than ~~June~~ April 1 of each year, the public employees' retirement board and the teachers' retirement board shall fix and pay to those members entitled to it an annual adjustment payment. The adjustment payment is determined for each system based upon the benefits paid by the system in the prior calendar year and on the annual benefit to which each Montana resident member of the system is entitled.

(2) (a) The public employees' retirement board shall allocate money appropriated for retirement adjustment to the public retirement systems in Title 19, chapters 3 and 5 through 13. The allocation to each system must be made based upon the annual amount each system's benefits payments bears to the amount paid by all of the systems specified in this subsection.

(b) The teachers' retirement board shall administer the money appropriated for retirement adjustment to the

1 teachers' retirement system in Title 19, chapter 4.

2 (3) (a) Each member of a system listed in subsection  
3 (2) who is a resident of the state and who is entitled to an  
4 annual benefit is entitled to a retirement adjustment  
5 payment. Each retirement system specified in subsection (2),  
6 through the public employees' retirement board, the  
7 teachers' retirement board, or a local retirement board of  
8 trustees, as appropriate, shall distribute its allocation of  
9 the money appropriated for retirement adjustment to its  
10 members entitled to adjustment payments. The governing board  
11 of each system set forth in subsection (2) shall provide an  
12 annual adjustment payment that is a percentage of annual  
13 benefits.

14 (b) The methodology that the public employees'  
15 retirement board and the teachers' retirement board use to  
16 calculate adjustments for systems administered by them must  
17 be adopted by rule pursuant to Title 2, chapter 4.

18 (c) For the purposes of this section, a "Montana  
19 resident" means a person domiciled in the state and any  
20 person who maintains a permanent place of abode within the  
21 state."

22 NEW SECTION. Section 4. Effective -date DATES --  
23 retroactive applicability. {This-act}-is (1) [SECTION 1 AND  
24 THIS SECTION] ARE effective on passage and approval and,  
25 [SECTION 1] applies retroactively, within the meaning of

1 1-2-109, to May 24, 1991.

2 (2) [SECTIONS 2 AND 3] ARE EFFECTIVE JULY 1, 1992.

-End-

1 SENATE BILL NO. 1

2 INTRODUCED BY HARP

3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE  
6 EFFECTIVE DATE AND APPLICABILITY DATE OF CHAPTER 823, LAWS  
7 OF 1991; ENSURING THAT NO UNINTENDED PENSION BENEFIT RESULTS  
8 FROM THAT ACT; REVISING CERTAIN REPORTING AND CERTIFICATION  
9 DATES; REVISING THE DATE ON WHICH THE STATE TREASURER  
10 TRANSFERS FUNDS TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD  
11 AND THE TEACHERS' RETIREMENT BOARD AND THE DATE ON WHICH  
12 ADJUSTMENT PAYMENTS ARE MADE; AMENDING SECTIONS 19-15-101  
13 AND 19-15-102, MCA, AND SECTION 22, CHAPTER 823, LAWS OF  
14 1991; AND PROVIDING AN-IMMEDIATE EFFECTIVE DATE DATES AND A  
15 RETROACTIVE APPLICABILITY DATE."

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18 other things, for adjustment payments to retirees of state,  
19 local, and teacher retirement systems who are also Montana  
20 residents; and

21 WHEREAS, the first adjustment payments were intended to  
22 be made for the 1991 tax year and to be payable to retirees  
23 by June 1, 1992; and

24 WHEREAS, the language of section 5, Chapter 823, Laws of  
25 1991, which provides for the payment of the retirement

1 adjustments by June 1 of each year, read together with the  
2 May 24, 1991, effective date of Chapter 823 created  
3 confusion and a question of whether the adjustment payments  
4 were required to be paid beginning June 1, 1991, for the  
5 1990 tax year, which was not the intended result; and

6 WHEREAS, the additional, unintended payments have not  
7 been made at this time; and

8 WHEREAS, the impact on the general fund of beginning the  
9 adjustment payments a year earlier than intended is  
10 estimated to be approximately \$2.9 million; and

11 WHEREAS, this act is intended as a curative amendment to  
12 Chapter 823, Laws of 1991, to clarify that the intent of the  
13 52nd Legislature in enacting Chapter 823, Laws of 1991, was  
14 to make the first adjustment payments beginning June 1,  
15 1992.

16 THEREFORE, the Legislature of the State of Montana finds  
17 it is appropriate to amend the effective date and  
18 applicability date of Chapter 823, Laws of 1991.

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

21 **Section 1.** Section 22, Chapter 823, Laws of 1991, is  
22 amended to read:

23 "Section 22. Effective date -- retroactive  
24 applicability. ~~{This--act}--is~~ (1) [Sections 1 through 3, 6  
25 through 17, and 19 through 22] are effective on passage and

1 approval and applies.

2 (2) [Sections 4, 5, and 18] are effective July 1, 1991.

3 (3) [Sections 1 through 3 and 6 through 17] apply  
4 retroactively, within the meaning of 1-2-109, to taxable  
5 years beginning after December 31, 1990."

6 **SECTION 2. SECTION 19-15-101, MCA, IS AMENDED TO READ:**

7 "19-15-101. Retirement adjustment -- annual deposit --  
8 statutory appropriation. (1) There are statutorily  
9 appropriated, as provided in 17-7-502, from the general fund  
10 to the public employees' retirement board and the teachers'  
11 retirement board the amounts provided in subsection (2) for  
12 distribution to members of retirement systems as provided in  
13 19-15-102.

14 (2) On or before ~~May~~ March 1 of each year, the state  
15 treasurer shall pay to the public employees' retirement  
16 board and the teachers' retirement board an amount equal to  
17 2 1/2% of the total benefits paid by both systems during the  
18 prior calendar year. In distributing the appropriations to  
19 the boards, the treasurer shall consult with the boards to  
20 determine the amounts necessary for uniform payments to  
21 members. The amount of the benefits must be certified to the  
22 treasurer by the public employees' retirement board and the  
23 teachers' retirement board no later than ~~April~~ FEBRUARY 15  
24 of each year. For the purpose of this section, the public  
25 employees' retirement board shall collect information and

1 certify the amount of benefits paid pursuant to Title 19,  
2 chapters 10 and 11. ~~Not later than February 15 of each year,~~  
3 the THE boards of trustees of local police retirement funds,  
4 provided in 19-10-201, and boards of trustees of local fire  
5 department relief associations, provided in 19-11-104, shall  
6 submit reports on benefit payments containing information  
7 requested by the public employees' retirement board."

8 **SECTION 3. SECTION 19-15-102, MCA, IS AMENDED TO READ:**

9 "19-15-102. Montana retirement adjustment payments --  
10 public employees' retirement board. (1) Not later than ~~June~~  
11 April 1 of each year, the public employees' retirement board  
12 and the teachers' retirement board shall fix and pay to  
13 those members entitled to it an annual adjustment payment.  
14 The adjustment payment is determined for each system based  
15 upon the benefits paid by the system in the prior calendar  
16 year and on the annual benefit to which each Montana  
17 resident member of the system is entitled.

18 (2) (a) The public employees' retirement board shall  
19 allocate money appropriated for retirement adjustment to the  
20 public retirement systems in Title 19, chapters 3 and 5  
21 through 13. The allocation to each system must be made based  
22 upon the annual amount each system's benefits payments bears  
23 to the amount paid by all of the systems specified in this  
24 subsection.

25 (b) The teachers' retirement board shall administer the



1 money appropriated for retirement adjustment to the  
2 teachers' retirement system in Title 19, chapter 4.

3 (3) (a) Each member of a system listed in subsection  
4 (2) who is a resident of the state and who is entitled to an  
5 annual benefit is entitled to a retirement adjustment  
6 payment. Each retirement system specified in subsection (2),  
7 through the public employees' retirement board, the  
8 teachers' retirement board, or a local retirement board of  
9 trustees, as appropriate, shall distribute its allocation of  
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11 members entitled to adjustment payments. The governing board  
12 of each system set forth in subsection (2) shall provide an  
13 annual adjustment payment that is a percentage of annual  
14 benefits.

15 (b) The methodology that the public employees'  
16 retirement board and the teachers' retirement board use to  
17 calculate adjustments for systems administered by them must  
18 be adopted by rule pursuant to Title 2, chapter 4.

19 (c) For the purposes of this section, a "Montana  
20 resident" means a person domiciled in the state and any  
21 person who maintains a permanent place of abode within the  
22 state."

23 NEW SECTION. Section 4. Effective ~~date~~ DATES --  
24 retroactive applicability. ~~{This act}~~ is (1) [SECTION 1 AND  
25 THIS SECTION] ARE effective on passage and approval and.

1 [SECTION 1] applies retroactively, within the meaning of  
2 1-2-109, to May 24, 1991.

3 (2) [SECTIONS 2 AND 3] ARE EFFECTIVE JULY 1, 1992.

-End-

1                   SENATE BILL NO. 1  
 2                   INTRODUCED BY HARP  
 3           BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION  
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 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE  
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 12 ADJUSTMENT PAYMENTS ARE MADE; AMENDING SECTIONS 19-15-101  
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 14 1991; AND PROVIDING AN-IMMEDIATE EFFECTIVE DATE DATES AND A  
 15 RETROACTIVE APPLICABILITY DATE."

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 17           WHEREAS, Chapter 823, Laws of 1991, provided, among  
 18 other things, for adjustment payments to retirees of state,  
 19 local, and teacher retirement systems who are also Montana  
 20 residents; and

21           WHEREAS, the first adjustment payments were intended to  
 22 be made for the 1991 tax year and to be payable to retirees  
 23 by June 1, 1992; and

24           WHEREAS, the language of section 5, Chapter 823, Laws of  
 25 1991, which provides for the payment of the retirement

1 adjustments by June 1 of each year, read together with the  
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 5 1990 tax year, which was not the intended result; and

6           WHEREAS, the additional, unintended payments have not  
 7 been made at this time; and

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 9 adjustment payments a year earlier than intended is  
 10 estimated to be approximately \$2.9 million; and

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 12 Chapter 823, Laws of 1991, to clarify that the intent of the  
 13 52nd Legislature in enacting Chapter 823, Laws of 1991, was  
 14 to make the first adjustment payments beginning June 1,  
 15 1992.

16           THEREFORE, the Legislature of the State of Montana finds  
 17 it is appropriate to amend the effective date and  
 18 applicability date of Chapter 823, Laws of 1991.  
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20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21           **Section 1.** Section 22, Chapter 823, Laws of 1991, is  
 22 amended to read:

23           "Section 22. Effective date -- retroactive  
 24 applicability. ~~{this--act}--is~~ (1) {Sections 1 through 3, 6  
 25 through 17, and 19 through 22} are effective on passage and



1 approval and-applies.

2 (2) [Sections 4, 5, and 18] are effective July 1, 1991.

3 (3) [Sections 1 through 3 and 6 through 17] apply  
4 retroactively, within the meaning of 1-2-109, to taxable  
5 years beginning after December 31, 1990."

6 **SECTION 2. SECTION 19-15-101, MCA, IS AMENDED TO READ:**

7 "19-15-101. Retirement adjustment -- annual deposit --  
8 statutory appropriation. (1) There are statutorily  
9 appropriated, as provided in 17-7-502, from the general fund  
10 to the public employees' retirement board and the teachers'  
11 retirement board the amounts provided in subsection (2) for  
12 distribution to members of retirement systems as provided in  
13 19-15-102.

14 (2) On or before ~~May~~ March 1 of each year, the state  
15 treasurer shall pay to the public employees' retirement  
16 board and the teachers' retirement board an amount equal to  
17 2 1/2% of the total benefits paid by both systems during the  
18 prior calendar year. In distributing the appropriations to  
19 the boards, the treasurer shall consult with the boards to  
20 determine the amounts necessary for uniform payments to  
21 members. The amount of the benefits must be certified to the  
22 treasurer by the public employees' retirement board and the  
23 teachers' retirement board no later than ~~April~~ FEBRUARY 15  
24 of each year. For the purpose of this section, the public  
25 employees' retirement board shall collect information and

1 certify the amount of benefits paid pursuant to Title 19,  
2 chapters 10 and 11. ~~Not later than February 15 of each year,~~  
3 the THE boards of trustees of local police retirement funds,  
4 provided in 19-10-201, and boards of trustees of local fire  
5 department relief associations, provided in 19-11-104, shall  
6 submit reports on benefit payments containing information  
7 requested by the public employees' retirement board."

8 **SECTION 3. SECTION 19-15-102, MCA, IS AMENDED TO READ:**

9 "19-15-102. Montana retirement adjustment payments --  
10 public employees' retirement board. (1) Not later than ~~June~~  
11 April 1 of each year, the public employees' retirement board  
12 and the teachers' retirement board shall fix and pay to  
13 those members entitled to it an annual adjustment payment.  
14 The adjustment payment is determined for each system based  
15 upon the benefits paid by the system in the prior calendar  
16 year and on the annual benefit to which each Montana  
17 resident member of the system is entitled.

18 (2) (a) The public employees' retirement board shall  
19 allocate money appropriated for retirement adjustment to the  
20 public retirement systems in Title 19, chapters 3 and 5  
21 through 13. The allocation to each system must be made based  
22 upon the annual amount each system's benefits payments bears  
23 to the amount paid by all of the systems specified in this  
24 subsection.

25 (b) The teachers' retirement board shall administer the

1 money appropriated for retirement adjustment to the  
2 teachers' retirement system in Title 19, chapter 4.

3 (3) (a) Each member of a system listed in subsection  
4 (2) who is a resident of the state and who is entitled to an  
5 annual benefit is entitled to a retirement adjustment  
6 payment. Each retirement system specified in subsection (2),  
7 through the public employees' retirement board, the  
8 teachers' retirement board, or a local retirement board of  
9 trustees, as appropriate, shall distribute its allocation of  
10 the money appropriated for retirement adjustment to its  
11 members entitled to adjustment payments. The governing board  
12 of each system set forth in subsection (2) shall provide an  
13 annual adjustment payment that is a percentage of annual  
14 benefits.

15 (b) The methodology that the public employees'  
16 retirement board and the teachers' retirement board use to  
17 calculate adjustments for systems administered by them must  
18 be adopted by rule pursuant to Title 2, chapter 4.

19 (c) For the purposes of this section, a "Montana  
20 resident" means a person domiciled in the state and any  
21 person who maintains a permanent place of abode within the  
22 state."

23 NEW SECTION. Section 4. Effective date DATES --  
24 retroactive applicability. (This act is (1) [SECTION 1 AND  
25 THIS SECTION] ARE effective on passage and approval and.

1 [SECTION 1] applies retroactively, within the meaning of  
2 1-2-109, to May 24, 1991.

3 (2) [SECTIONS 2 AND 3] ARE EFFECTIVE JULY 1, 1992.

-End-

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SECRETARY BILL NO. 2  
*Theresa Harper*  
BY REQUEST OF THE SECRETARY OF STATE  
*M. J. ...*

AND THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ADDRESS THE PROBLEMS, ALTERNATIVES, AND CONTINGENCIES ARISING FROM THE STATE'S SUIT FOR RELIEF FROM A CONGRESSIONAL APPORTIONMENT THAT ALLOCATED ONLY ONE CONGRESSIONAL SEAT TO THE STATE OF MONTANA; TO DETERMINE THE ALTERNATIVE PROCEDURES FOR PRIMARY FILING AND FOR THE PRIMARY AND GENERAL ELECTIONS IF A FINAL DETERMINATION IS MADE THAT MONTANA IS ENTITLED TO ONLY ONE CONGRESSIONAL REPRESENTATIVE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, on January 16, 1991, the Clerk of the United States House of Representatives issued a certificate of entitlement to the Governor of Montana containing notice that the State of Montana is entitled to one congressional representative in the 103rd Congress; and

WHEREAS, pursuant to that certificate and in accordance with Article V, section 14, of the Montana Constitution, the Montana Districting and Apportionment Commission prepared and filed its final plan for one congressional district with the Secretary of State of Montana in April 1991 and the plan

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became law; and  
WHEREAS, on May 22, 1991, the Attorney General of Montana filed a lawsuit in the United States District Court for the District of Montana against the United States Department of Commerce and its Secretary, the United States Bureau of the Census and its Director, and the Clerk of the United States House of Representatives, challenging the apportionment formula and the resulting loss of one of Montana's two congressional representatives; and

WHEREAS, on October 18, 1991, a three-judge United States District Court for the District of Montana found that the apportionment violates the rights of Montana voters to equal representation and declared unconstitutional and void 2 U.S.C. 2a, upon which the certificate of entitlement was predicated; and

WHEREAS, the decision of the United States District Court for the District of Montana has been appealed to the United States Supreme Court, which has noted probable jurisdiction and has scheduled oral arguments for March 4, 1992; and

WHEREAS, the Legislature of the State of Montana finds that the decision of the United States District Court for the District of Montana is law unless and until it is overturned, that the judgment has rendered invalid the Districting and Apportionment Commission's April 1991 plan



1 for one congressional district, and that Montana is entitled  
2 to two congressional representatives unless and until a  
3 final determination is made otherwise.

4 THEREFORE, the Legislature of the State of Montana finds  
5 that it is appropriate to provide for the preparation and  
6 adoption of a plan for two congressional districts, to  
7 direct the Secretary of State to accept declarations of  
8 nomination and to prepare the ballot for the office of  
9 congressional representative for both a first and second  
10 district for the 1992 primary election, and to specify a  
11 contingent method for nomination of candidates in the event  
12 of a final determination that Montana is entitled to only  
13 one congressional representative.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. **Section 1. Redistricting of congressional**  
17 **districts -- contingent primary filing, primary election,**  
18 **and general election procedures.** (1) (a) Except as provided  
19 in subsection (2), for the filing period beginning January  
20 21, 1992, and ending March 19, 1992, the secretary of state  
21 shall accept declarations of nomination for the office of  
22 congressional representative for both a first and second  
23 district for the state of Montana, as established by the  
24 two-district plan provided for in subsection (3). Both  
25 offices must be placed on the ballot for the June 2, 1992,

1 primary election.

2 (b) If a final determination is made before the 1992  
3 primary election that Montana is entitled to only one  
4 congressional representative in the 103rd United States  
5 congress, the nominations for the office of congressional  
6 representative are vacant and the vacancies must be filled  
7 as provided in 13-10-326. Votes cast at the primary for  
8 candidates for the offices of first and second district  
9 congressional representative must be counted, and the  
10 returns must be canvassed as provided in Title 13, chapter  
11 15, but no declaration of nomination may be issued under  
12 13-15-507.

13 (c) If a final determination is made after the 1992  
14 primary election but before the November 1992 general  
15 election that Montana is entitled to only one congressional  
16 representative in the 103rd United States congress,  
17 declarations of nomination issued pursuant to 13-15-507 are  
18 invalid, the nominations for the office of congressional  
19 representative are vacant, and the vacancies must be filled  
20 as provided in 13-10-327. If the date of the final  
21 determination is less than 75 days before the 1992 general  
22 election, each political party shall appoint a candidate  
23 within 5 days after being notified of the vacancies by the  
24 secretary of state, as provided in 13-10-327(2). An  
25 independent candidate who wishes to file for the office of

1 congressional representative shall file a petition for  
 2 nomination within the time provided by this subsection for  
 3 political parties to file their candidate nominations with  
 4 the secretary of state.

5 (2) If a final determination is made on or before April  
 6 7, 1992, that Montana is entitled to only one congressional  
 7 representative in the 103rd United States congress, the  
 8 secretary of state shall accept declarations of nomination  
 9 for the office of congressional representative for only one  
 10 district until March 19, 1992, or for a period of 3 working  
 11 days from the date of the final determination, whichever is  
 12 later, and shall place only one congressional representative  
 13 office on the ballot for the 1992 primary election. If the  
 14 final determination is made after March 19, 1992, and before  
 15 April 7, 1992, the filing deadline in 13-10-201(6) does not  
 16 apply.

17 (3) (a) As soon as is practical after [the effective  
 18 date of this act], the Montana districting and apportionment  
 19 commission shall prepare and hold a hearing on a plan for  
 20 two congressional districts based on the official 1990  
 21 census data. For purposes of subsection (1)(a), the plan  
 22 must be used by the secretary of state to determine the  
 23 congressional district in which an elector resides.

24 (b) If a final determination results in Montana being  
 25 entitled to two congressional representatives, the

1 commission shall immediately file the two-district plan with  
 2 the secretary of state. Upon filing, the two-district plan  
 3 becomes law and applies retroactively to the date that the  
 4 one-district plan was filed. The two-district plan must  
 5 state that under the authority of the commission, the  
 6 two-district plan supersedes the one-district plan filed in  
 7 April 1991.

8 NEW SECTION. **Section 2. Severability.** If a part of  
 9 [this act] is invalid, all valid parts that are severable  
 10 from the invalid part remain in effect. If a part of [this  
 11 act] is invalid in one or more of its applications, the part  
 12 remains in effect in all valid applications that are  
 13 severable from the invalid applications.

14 NEW SECTION. **Section 3. Effective date.** [This act] is  
 15 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

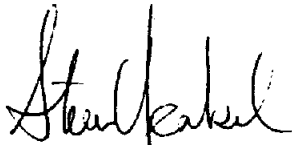
In compliance with a written request, there is hereby submitted a Fiscal Note for SB0002, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to address the problems, alternatives, and contingencies arising from the state's suit for relief from a congressional apportionment that allocated only one congressional seat to the State of Montana, to determine the alternative procedures for primary filing and for the primary and general elections if a final determination is made that Montana is entitled to only one congressional representative.

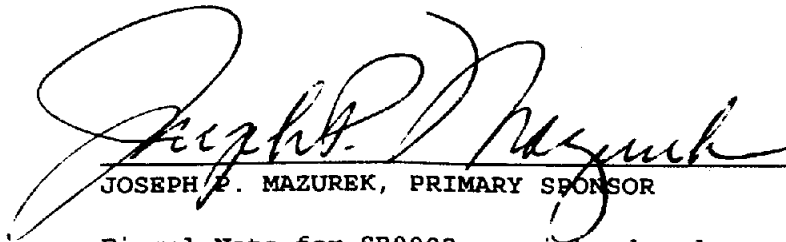
FISCAL IMPACT:

No fiscal impact.



STEVE YEAKEL, BUDGET DIRECTOR  
Office of Budget and Program Planning

1/7/92  
DATE



JOSEPH P. MAZUREK, PRIMARY SPONSOR

Fiscal Note for SB0002, as introduced

1/8/92

DATE

SB 2





1 for one congressional district, and that Montana is entitled  
2 to two congressional representatives unless and until a  
3 final determination is made otherwise.

4 THEREFORE, the Legislature of the State of Montana finds  
5 that it is appropriate to provide for the preparation and  
6 adoption of a plan for two congressional districts, to  
7 direct the Secretary of State to accept declarations of  
8 nomination and to prepare the ballot for the office of  
9 congressional representative for both a first and second  
10 district for the 1992 primary election, and to specify a  
11 contingent method for nomination of candidates in the event  
12 of a final determination that Montana is entitled to only  
13 one congressional representative.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. **Section 1.** Redistricting of congressional  
17 districts -- contingent primary filing, primary election,  
18 and general election procedures. (1) (a) Except as provided  
19 in subsection (2), for the filing period beginning January  
20 21, 1992, and ending March 19, 1992, the secretary of state  
21 shall accept declarations of nomination for the office of  
22 congressional representative for both a first and second  
23 district for the state of Montana, as established by the  
24 two-district plan provided for in subsection (3). Both  
25 offices must be placed on the ballot for the June 2, 1992,

1 primary election.

2 (b) If a final determination is made before the 1992  
3 primary election that Montana is entitled to only one  
4 congressional representative in the 103rd United States  
5 congress, the nominations for the office of congressional  
6 representative are vacant and the vacancies must be filled  
7 as provided in 13-10-326. Votes cast at the primary for  
8 candidates for the offices of first and second district  
9 congressional representative must be counted, and the  
10 returns must be canvassed as provided in Title 13, chapter  
11 15, but no declaration of nomination may be issued under  
12 13-15-507.

13 (c) If a final determination is made after the 1992  
14 primary election but before the November 1992 general  
15 election that Montana is entitled to only one congressional  
16 representative in the 103rd United States congress,  
17 declarations of nomination issued pursuant to 13-15-507 are  
18 invalid, the nominations for the office of congressional  
19 representative are vacant, and the vacancies must be filled  
20 as provided in 13-10-327. If the date of the final  
21 determination is less than 75 days before the 1992 general  
22 election, each political party shall appoint a candidate  
23 within 5 days after being notified of the vacancies by the  
24 secretary of state, as provided in 13-10-327(2). An  
25 independent candidate who wishes to file for the office of

1 congressional representative shall file a petition for  
 2 nomination within the time provided by this subsection for  
 3 political parties to file their candidate nominations with  
 4 the secretary of state.

5 (2) If a final determination is made on or before April  
 6 7, 1992, that Montana is entitled to only one congressional  
 7 representative in the 103rd United States congress, the  
 8 secretary of state shall accept declarations of nomination  
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 13 office on the ballot for the 1992 primary election. If the  
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 18 date of this act], the Montana districting and apportionment  
 19 commission shall prepare and hold a hearing on a plan for  
 20 two congressional districts based on the official 1990  
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 22 must be used by the secretary of state to determine the  
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24 (b) If a final determination results in Montana being  
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-End-



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-End-

# Office of Legislative Fiscal Analyst

## General Fund Summary

### 1993 Biennium (In Millions)

01/13/92 08:39 PM

6th LEGISLATIVE DAY

**Ending Fund Balance (6/30/93) (\$86,581) \***

	Revenue Adjustments To HJR 1		<b>21.935</b>
Passed House	Corporation Tax Audits	5.000	
Passed House	Income Tax Audits	1.517	
Passed House	Liquor Profit *Bailment*	1.000	
Passed House	DOR Income Tax Tape Adjustment	5.101	
Passed House	Higher Rents, Roy., Partnership Growth	9.317	
	Revenue Bills		<b>35.374</b>
Passed Senate	SB 001 Clarify Retirement Dates	2.900	
Passed House	HB 014 Accelerated Estimated Tax	32.474	
	Fund Balance Transfers		<b>20.462</b>
Passed Senate	HB 002 General Appropriations Act	8.540	
Passed Fnce. & Claims	HB 003 I&I Sale of Timber	4.500	
Passed Fnce. & Claims	HB 004 UI Administration Account	1.500	
Passed Fnce. & Claims	HB 005 Prison Industries Revolving	0.605	
Passed House	HB 006 Drivers' License Reinstatement	0.436	
Died Fnce. & Claims	HB 007 District Court Reimbursement	Unknown	
Passed House	HB 009 Secretary of State	0.040	
Passed House	HB 010 Highways Coal Tax	4.572	
Failed House	HB 015 Petroleum Tank Account	0.000	
Passed House	HB 017 Gambling License Fee Account	Unknown	
Passed House	HB 018 MT Science & Tech Account	0.019	
Passed House	HB 021 Crime Victims Compensation	0.250	
	HB 2 Adjustments		<b>10.443</b>
Passed Senate	Supplementals	(19.812)	
Passed Senate	Appropriation Reductions	30.255	
	Miscellaneous Appropriation Reductions		<b>1.865</b>
	See Attached	1.865	

**Ending Fund Balance \$4,498**

\* Based on Revenue Oversight Committee's revised revenue estimate, appropriations under current law, 3.8 % annual growth in personal property reimbursement, 4.3 % annual growth in GTB costs, and \$5.0 million annual reversions. House Appropriations Committee voted (1/6) not to include \$8.5 million additional supplementals in fiscal 1993. The current law general fund supplemental to the school equalization account is included in this balance.

\*\* General fund appropriation reductions shown as a positive.

Office of Legislative Fiscal Analyst  
 General Fund Summary  
 1993 Biennium (In Millions)

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6 th LEGISLATIVE DAY

Miscellaneous Appropriations

Passed Senate	HB 005	Long Range Building	0.985514
Passed Senate	HB 077	Patrol Retirement	0.046240
Passed Senate	HB 142	Postsecondary Education	0.004290
Passed Senate	HB 268	Appellate Defender Committee	0.000000 *
Passed Senate	HB 491	Respite Care	0.050000
Passed Senate	HB 509	System Changes— Pay Plan Imp.	0.009000
Passed Senate	HB 569	DFS Mgn. Info. System	0.260750
Passed Senate	HB 579	Motor Vehicle Registration	0.118176
Passed Senate	HB 876	MIAMI Council	0.001120
Passed Senate	HB 903	Court Automation	0.033600
Passed Senate	HB 966	Galen/Warrn Springs Study	0.002960
Passed Senate	HB 990	L&C Interpretive Center	0.056000
Passed Senate	HB 999	Special Education	0.197680
Passed Senate	SB 232	Salvage Vehicle Inspection	0.099750

**Total Miscellaneous Appropriations 1.660000**

\* The \$50,000 reduction to the fiscal 1992 HB 268 Appellate Defender Commission appropriation has been removed from the status sheet because it does not affect the general fund balance.



**OFFICE OF LEGISLATIVE FISCAL ANALYST**

**ACTION ON HOUSE BILL 2  
THROUGH THE SENATE  
Over/(Under)  
EXECUTIVE BUDGET**

Section/Agency	Fiscal 1992 General Fund	Fiscal 1993 General Fund	Biennium General Fund
<b>SECTION A</b>			
Legislative Auditor	(\$18,512)	\$57,550	\$39,038
Legislative Fiscal Analyst	(1,000)	26,002	25,002
Legislative Council	12,000	65,164	77,164
Environmental Quality Council	0	0	0
Consumer Counsel	0	0	0
Judiciary	52,656	194,148	246,804
Governor's Office	(460,105)	(53,052)	(513,157)
Secretary of State	0	(175,000)	(175,000)
Commissioner of Political Practices	0	0	0
State Auditor	(51,257)	(61,023)	(112,280)
Crime Control Division	0	0	0
Highway Traffic Safety	0	0	0
Justice	(37,879)	(254,561)	(292,440)
Transportation	0	0	0
Revenue	0	0	0
Administration *	(73,299)	(76,238)	(149,537)
State Fund	0	0	0
Public Employee's Retirement Board	(9,583)	4,000	(5,583)
Teacher's Retirement Board	0	0	0
Military Affairs	(5,100)	5,100	0
<b>TOTAL</b>	<b>(\$592,079)</b>	<b>(\$267,910)</b>	<b>(\$859,989)</b>
<b>SECTION B</b>			
Health & Environmental Sciences	\$17,985	(\$88,515)	(\$70,530)
Labor & Industry	0	0	0
Social & Rehabilitation Services	419,150	872,471	1,291,621
Family Services	725,052	1,529,538	2,254,590
<b>TOTAL</b>	<b>\$1,162,187</b>	<b>\$2,313,494</b>	<b>\$3,475,681</b>
<b>SECTION C</b>			
Public Service Regulation	\$0	\$0	\$0
Fish, Wildlife and Parks	0	0	0
State Lands	(800,000)	0	(800,000)
Livestock	0	0	0
Natural Resources & Conservation	10,891	40,908	51,799
Agriculture	0	0	0
Commerce	(184,186)	(269,895)	(454,081)
<b>TOTAL</b>	<b>(\$973,295)</b>	<b>(\$228,987)</b>	<b>(\$1,202,282)</b>

<b>SECTION D</b>			
Montana Arts Council	\$0	(\$103,865)	(\$103,865)
Library Commission	0	31,281	31,281
Historical Society	16,221	16,181	32,402
Corrections & Human Services	(623,980)	1,043,676	419,696
<b>TOTAL</b>	<b>(\$607,759)</b>	<b>\$987,273</b>	<b>\$379,514</b>
<b>SECTION E</b>			
Board of Public Education	\$0	\$0	\$0
School for the Deaf & Blind	0	0	0
Office of Public Instruction	556,364	195,373	751,737
Commissioner of Higher Education	0	849,798	849,798
Vocational-Technical System	0	440,576	440,576
Six University Units	0	3,033,194	3,033,194
Agricultural Experiment Station	0	655,384	655,384
Cooperative Extension Service	0	252,851	252,851
Forestry & Conservation Experiment Station	0	44,784	44,784
Bureau of Mines	0	127,487	127,487
Montana Council of Vocational Education	0	0	0
Fire Services Training School	0	19,922	19,922
<b>TOTAL</b>	<b>\$556,364</b>	<b>\$5,619,369</b>	<b>\$6,175,733</b>
<b>SECTION F</b>			
<i>Long Range Planning</i>	(\$695,514)	\$0	(\$695,514)

<b>TOTAL SENATE ACTION</b>	<b>(\$1,150,096)</b>	<b>\$8,423,239</b>	<b>\$7,273,143</b>
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\* Does not include the \$50,000 reduction to HB268 Appellate Defender Commission which does not affect the general fund balance.

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**OFFICE OF LEGISLATIVE FISCAL ANALYST**

**ACTION ON HOUSE BILL 2 THROUGH THE SENATE  
GENERAL FUND**

Section/Agency	Fiscal 1992				Fiscal 1993				BIENNIUM TOTAL
	House Bill 2	Cat & Dogs	Other	Total	House Bill 2	Cat & Dogs	Other	Total	
<b>SECTION A</b>									
Legislative Auditor	(\$78,481)	\$0	(\$22,159)	(\$100,640)	(\$3,211)	\$0	(\$43,340)	(\$46,551)	(\$147,191)
Legislative Fiscal Analyst	(49,364)	(2,640)	0	(52,004)	(46,156)	(1,650)	0	(47,806)	(99,810)
Legislative Council	(127,584)	(2,960)	0	(130,544)	(108,608)	0	0	(108,608)	(239,152)
Environmental Quality Council	(7,958)	0	0	(7,958)	(7,400)	0	0	(7,400)	(15,358)
Consumer Counsel	0	0	0	0	0	0	0	0	0
Judiciary	(113,488)	(33,600)	(11,000)	(158,088)	(184,112)	0	(26,000)	(210,112)	(368,200)
Governor's Office	3,895	0	(603,000)	(599,105)	(210,933)	0	0	(210,933)	(810,038)
Secretary of State	(70,000)	0	0	(70,000)	(25,000)	0	(150,000)	(175,000)	(245,000)
Commissioner of Political Practices	(17,156)	0	0	(17,156)	0	0	0	0	(17,156)
State Auditor	(120,257)	0	0	(120,257)	(157,023)	0	0	(157,023)	(277,280)
Crime Control Division	(40,547)	0	0	(40,547)	(42,973)	0	0	(42,973)	(83,520)
Highway Traffic Safety *	(15,920)	0	0	(15,920)	(15,920)	0	0	(15,920)	(31,840)
Justice *	(475,206)	(93,894)	0	(569,100)	(684,586)	(124,032)	(24,400)	(833,018)	(1,402,118)
Transportation *	(47,814)	(27,600)	0	(75,414)	(31,353)	(18,640)	0	(49,993)	(125,407)
Revenue	(168,346)	0	0	(168,346)	(261,372)	0	0	(261,372)	(429,718)
Administration **	(199,813)	(9,000)	(146,000)	(354,813)	(226,050)	0	(46,000)	(272,050)	(626,863)
State Fund	0	0	0	0	0	0	0	0	0
Public Employee's Retirement Board	0	0	(120,547)	(120,547)	0	0	(24,000)	(24,000)	(144,547)
Teacher's Retirement Board	0	0	0	0	0	0	0	0	0
Military Affairs	(72,725)	0	(183,431)	(256,156)	(57,600)	0	(40,000)	(97,600)	(353,756)
<b>TOTAL</b>	<b>(\$1,600,764)</b>	<b>(\$169,694)</b>	<b>(\$1,086,137)</b>	<b>(\$2,856,595)</b>	<b>(\$2,062,297)</b>	<b>(\$144,322)</b>	<b>(\$353,740)</b>	<b>(\$2,560,359)</b>	<b>(\$5,416,954)</b>
<b>SECTION B</b>									
Health & Environmental Sciences *	(\$280,031)	(\$1,120)	\$0	(\$281,151)	(\$391,632)	\$0	\$0	(\$391,632)	(\$672,783)
Labor & Industry *	(39,005)	0	0	(39,005)	(39,771)	0	0	(39,771)	(78,776)
Social & Rehabilitation Services	4,250,016	0	(1,217,235)	3,032,781	(1,262,946)	0	(527,613)	(1,790,559)	1,242,222
Family Services	970,693	(310,750)	0	659,943	(877,389)	0	0	(877,389)	(217,446)
<b>TOTAL</b>	<b>\$4,901,673</b>	<b>(\$311,870)</b>	<b>(\$1,217,235)</b>	<b>\$3,372,568</b>	<b>(\$2,571,738)</b>	<b>\$0</b>	<b>(\$527,613)</b>	<b>(\$3,099,351)</b>	<b>\$273,217</b>

<b>SECTION C</b>									
Public Service Regulation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Fish, Wildlife and Parks	(34,459)	0	0	(34,459)	(34,837)	0	0	(34,837)	(69,296)
State Lands	5,128,939	0	0	5,128,939	(400,363)	0	0	(400,363)	4,728,576
Livestock	(65,000)	0	0	(65,000)	(20,000)	0	0	(20,000)	(85,000)
Natural Resources & Conservation	(528,751)	0	0	(528,751)	(349,343)	0	0	(349,343)	(878,094)
Agriculture	(99,930)	0	0	(99,930)	(89,634)	0	0	(89,634)	(189,564)
Commerce ***	(184,186)	(56,000)	(500,000)	(740,186)	(269,895)	0	(1,500,000)	(1,769,895)	(2,510,081)
<b>TOTAL</b>	<b>\$4,216,613</b>	<b>(\$56,000)</b>	<b>(\$500,000)</b>	<b>\$3,660,613</b>	<b>(\$1,164,072)</b>	<b>\$0</b>	<b>(\$1,500,000)</b>	<b>(\$2,664,072)</b>	<b>\$996,541</b>

<b>SECTION D</b>									
Montana Arts Council	(\$7,860)	\$0	0	(\$7,860)	(\$110,363)	\$0	\$0	(\$110,363)	(\$118,223)
Library Commission	(124,600)	0	0	(124,600)	(31,281)	0	0	(31,281)	(155,881)
Historical Society	(37,825)	0	0	(37,825)	(20,399)	0	0	(20,399)	(58,224)
Corrections & Human Services *	(256,744)	0	(2,049,174)	(2,305,918)	20,559	0	(1,306,324)	(1,285,765)	(3,591,683)
<b>TOTAL</b>	<b>(\$427,029)</b>	<b>\$0</b>	<b>(\$2,049,174)</b>	<b>(\$2,476,203)</b>	<b>(\$141,484)</b>	<b>\$0</b>	<b>(\$1,306,324)</b>	<b>(\$1,447,808)</b>	<b>(\$3,924,011)</b>

<b>SECTION E</b>									
Board of Public Education	(\$9,761)	\$0	\$0	(\$9,761)	(\$9,543)	\$0	\$0	(\$9,543)	(\$19,304)
School for the Deaf & Blind	(56,879)	0	0	(56,879)	(66,553)	0	0	(66,553)	(123,432)
Office of Public Instruction	(361,444)	(197,680)	0	(559,124)	(210,390)	0	0	(210,390)	(769,514)
Commissioner of Higher Education	(460,547)	0	0	(460,547)	(296,495)	0	0	(296,495)	(757,042)
Vocational-Technical System	(65,525)	0	0	(65,525)	(509,843)	0	0	(509,843)	(575,368)
Six University Units	(1,442,345)	0	0	(1,442,345)	(7,547,177)	0	0	(7,547,177)	(8,989,522)
Agricultural Experiment Station	(117,419)	0	0	(117,419)	(214,819)	0	0	(214,819)	(332,238)
Cooperative Extension Service	(44,746)	0	0	(44,746)	(82,408)	0	0	(82,408)	(127,154)
Forestry & Conservation Experiment Station	(11,068)	0	0	(11,068)	(36,536)	0	0	(36,536)	(47,604)
Bureau of Mines	(20,054)	0	0	(20,054)	(20,172)	0	0	(20,172)	(40,226)
Montana Council of Vocational Education	0	0	0	0	0	0	0	0	0
Fire Services Training School	(3,818)	0	0	(3,818)	(6,442)	0	0	(6,442)	(10,260)
<b>TOTAL</b>	<b>(\$2,593,606)</b>	<b>(\$197,680)</b>	<b>\$0</b>	<b>(\$2,791,286)</b>	<b>(\$9,000,378)</b>	<b>\$0</b>	<b>\$0</b>	<b>(9,000,378)</b>	<b>(\$11,791,664)</b>

<b>SECTION F</b>									
Long Range Planning	\$0	(\$985,514)	\$0	(\$985,514)	\$0	\$0	\$0	\$0	(\$985,514)

<b>TOTAL SENATE ACTION</b>	<b>\$4,496,887</b>	<b>(\$1,720,758)</b>	<b>(\$4,852,546)</b>	<b>(\$2,076,417)</b>	<b>(\$14,939,969)</b>	<b>(\$144,322)</b>	<b>(\$3,687,677)</b>	<b>(\$18,771,968)</b>	<b>(\$20,848,385)</b>
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\* Does not include fund balance transfers requiring statutory changes.

\*\* Does not include the \$50,000 reduction to HB268 Appellate Defender Commission which does not affect the general fund balance.

\*\*\* "Other" includes local impact funds that remain in the school equalization account, reducing the general fund supplemental.

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# OFFICE OF LEGISLATIVE FISCAL ANALYST

## SENATE FINANCE & CLAIMS ACTION ON HOUSE BILL 2

January 11, 1992

Section/Agency	Fiscal 1992 General Fund	Fiscal 1993 General Fund	Biennium General Fund
<b>SECTION A</b>			
Judiciary			
Offset reduction to fee-based services	\$10,648	\$17,894	\$28,542
Governor's Office			
Special Session Costs	8,111	0	8,111
Justice			
Restores Gambling FTE	76,447	207,001	283,448
<b>TOTAL</b>	<b>\$95,206</b>	<b>\$224,895</b>	<b>\$320,101</b>
<b>SECTION B</b>			
<b>TOTAL</b>	<b>0</b> \$0	<b>0</b> \$0	<b>0</b> \$0
<b>SECTION C</b>			
Natural Resources & Conservation			
Budget reduction reversed	\$48,596	\$83,469	\$132,065
Commerce			
Budget reduction	(16,333)	(54,667)	(71,000)
Eliminate infrastructure studies' funding	(100,000)		(100,000)
Reduce Local Impact Account Reversion *	0	100,000	100,000
<b>TOTAL</b>	<b>(\$67,737)</b>	<b>\$128,802</b>	<b>\$61,065</b>
<b>SECTION D</b>			
Historical Society			
Vacancy savings eliminated	16,221	16,181	32,402
Corrections & Human Services			
Vacancy savings reduced	14,407	29,790	44,197
<b>TOTAL</b>	<b>\$30,628</b>	<b>\$45,971</b>	<b>\$76,599</b>
<b>SECTION E</b>			
Higher Education			
Reallocate Existing Budget Reductions	0	0	0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>SECTION F</b>			
<b>TOTAL</b>	<b>0</b> \$0	<b>0</b> \$0	<b>0</b> \$0
<b>TOTAL FINANCE &amp; CLAIMS' ACTION</b>	<b>\$58,097</b>	<b>\$399,668</b>	<b>\$457,765</b>

\* Reduction in "other" funds with a general fund impact.

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# Office of Legislative Fiscal Analyst

## Senate Floor Action on HB 2

Status Date & Time

01/13/92

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Agency Description	C	General Fund Fiscal 1992	General Fund Fiscal 1993	General Fund 1992-93
3101 Governors Office	01			0
HB2 Increase budget for Brd Visitors	01	6,996	8,624	15,620
6701 Military Affairs	01			0
HB2 Reduce budget reductions	01	40,779	87,913	128,692
<b>Section A Totals</b>		<b>47,775</b>	<b>96,537</b>	<b>144,312</b>
<b>Section B Totals</b>		<b>0</b>	<b>0</b>	<b>0</b>
6501 Department of Commerce	03			0
Oth Adtnl local impact for Coal Board*	03		100,000	100,000
<b>Section C Totals</b>		<b>0</b>	<b>100,000</b>	<b>100,000</b>
6401 Dept. Corrections & Human Ser	04			0
HB2 Increase vacancy savings	04	(6,996)	(8,624)	(15,620)
HB2 Jail payments - parole violators	04	66,120	66,120	132,240
<b>Section D Totals</b>		<b>59,124</b>	<b>57,496</b>	<b>116,620</b>
<b>Section E Totals</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>All Section Totals</b>		<b>106,899</b>	<b>254,033</b>	<b>360,932</b>

\* Local impact account appropriation to the Coal Board reduces the money available for school equalization, increasing the general fund supplemental to the SEA.

1 SENATE BILL NO. 2

2 INTRODUCED BY MAZUREK, HARPER, CRIPPEN, MERCER

3 BY REQUEST OF THE SECRETARY OF STATE

4 AND THE DEPARTMENT OF JUSTICE

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ADDRESS THE  
7 PROBLEMS, ALTERNATIVES, AND CONTINGENCIES ARISING FROM THE  
8 STATE'S SUIT FOR RELIEF FROM A CONGRESSIONAL APPORTIONMENT  
9 THAT ALLOCATED ONLY ONE CONGRESSIONAL SEAT TO THE STATE OF  
10 MONTANA; TO DETERMINE THE ALTERNATIVE PROCEDURES FOR PRIMARY  
11 FILING AND FOR THE PRIMARY AND GENERAL ELECTIONS IF A FINAL  
12 DETERMINATION IS MADE THAT MONTANA IS ENTITLED TO ONLY ONE  
13 CONGRESSIONAL REPRESENTATIVE; AND PROVIDING AN IMMEDIATE  
14 EFFECTIVE DATE."  
15

16 WHEREAS, on January 16, 1991, the Clerk of the United  
17 States House of Representatives issued a certificate of  
18 entitlement to the Governor of Montana containing notice  
19 that the State of Montana is entitled to one congressional  
20 representative in the 103rd Congress; and

21 WHEREAS, pursuant to that certificate and in accordance  
22 with Article V, section 14, of the Montana Constitution, the  
23 Montana Districting and Apportionment Commission prepared  
24 and filed its final plan for one congressional district with  
25 the Secretary of State of Montana in April 1991 and the plan

1 became law; and

2 WHEREAS, on May 22, 1991, the Attorney General of  
3 Montana filed a lawsuit in the United States District Court  
4 for the District of Montana against the United States  
5 Department of Commerce and its Secretary, the United States  
6 Bureau of the Census and its Director, and the Clerk of the  
7 United States House of Representatives, challenging the  
8 apportionment formula and the resulting loss of one of  
9 Montana's two congressional representatives; and

10 WHEREAS, on October 18, 1991, a three-judge United  
11 States District Court for the District of Montana found that  
12 the apportionment violates the rights of Montana voters to  
13 equal representation and declared unconstitutional and void  
14 2 U.S.C. 2a, upon which the certificate of entitlement was  
15 predicated; and

16 WHEREAS, the decision of the United States District  
17 Court for the District of Montana has been appealed to the  
18 United States Supreme Court, which has noted probable  
19 jurisdiction and has scheduled oral arguments for March 4,  
20 1992; and

21 WHEREAS, the Legislature of the State of Montana finds  
22 that the decision of the United States District Court for  
23 the District of Montana is law unless and until it is  
24 overturned, that the judgment has rendered invalid the  
25 Districting and Apportionment Commission's April 1991 plan

1 for one congressional district, and that Montana is entitled  
2 to two congressional representatives unless and until a  
3 final determination is made otherwise.

4 THEREFORE, the Legislature of the State of Montana finds  
5 that it is appropriate to provide for the preparation and  
6 adoption of a plan for two congressional districts, to  
7 direct the Secretary of State to accept declarations of  
8 nomination and to prepare the ballot for the office of  
9 congressional representative for both a first and second  
10 district for the 1992 primary election, and to specify a  
11 contingent method for nomination of candidates in the event  
12 of a final determination that Montana is entitled to only  
13 one congressional representative.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Redistricting of congressional  
17 districts -- contingent primary filing, primary election,  
18 and general election procedures. (1) (a) Except as provided  
19 in subsection (2), for the filing period beginning January  
20 21, 1992, and ending March 19, 1992, the secretary of state  
21 shall accept declarations of nomination for the office of  
22 congressional representative for both a first and second  
23 district for the state of Montana, as established by the  
24 two-district plan provided for in subsection (3). Both  
25 offices must be placed on the ballot for the June 2, 1992,

1 primary election.

2 (b) If a final determination is made before the 1992  
3 primary election that Montana is entitled to only one  
4 congressional representative in the 103rd United States  
5 congress, the nominations for the office of congressional  
6 representative are vacant and the vacancies must be filled  
7 as provided in 13-10-326. Votes cast at the primary for  
8 candidates for the offices of first and second district  
9 congressional representative must be counted, and the  
10 returns must be canvassed as provided in Title 13, chapter  
11 15, but no declaration of nomination may be issued under  
12 13-15-507.

13 (c) If a final determination is made after the 1992  
14 primary election but before the November 1992 general  
15 election that Montana is entitled to only one congressional  
16 representative in the 103rd United States congress,  
17 declarations of nomination issued pursuant to 13-15-507 are  
18 invalid, the nominations for the office of congressional  
19 representative are vacant, and the vacancies must be filled  
20 as provided in 13-10-327. If the date of the final  
21 determination is less than 75 days before the 1992 general  
22 election, each political party shall appoint a candidate  
23 within 5 days after being notified of the vacancies by the  
24 secretary of state, as provided in 13-10-327(2). An  
25 independent candidate who wishes to file for the office of



1 congressional representative shall file a petition for  
 2 nomination within the time provided by this subsection for  
 3 political parties to file their candidate nominations with  
 4 the secretary of state.

5 (2) If a final determination is made on or before April  
 6 7, 1992, that Montana is entitled to only one congressional  
 7 representative in the 103rd United States congress, the  
 8 secretary of state shall accept declarations of nomination  
 9 for the office of congressional representative for only one  
 10 district until March 19, 1992, or for a period of 3 working  
 11 days from the date of the final determination, whichever is  
 12 later, and shall place only one congressional representative  
 13 office on the ballot for the 1992 primary election. If the  
 14 final determination is made after March 19, 1992, and before  
 15 April 7, 1992, the filing deadline in 13-10-201(6) does not  
 16 apply.

17 (3) (a) As soon as is practical after [the effective  
 18 date of this act], the Montana districting and apportionment  
 19 commission shall prepare and hold a hearing on a plan for  
 20 two congressional districts based on the official 1990  
 21 census data. For purposes of subsection (1)(a), the plan  
 22 must be used by the secretary of state to determine the  
 23 congressional district in which an elector resides.

24 (b) If a final determination results in Montana being  
 25 entitled to two congressional representatives, the

1 commission shall immediately file the two-district plan with  
 2 the secretary of state. Upon filing, the two-district plan  
 3 becomes law and applies retroactively to the date that the  
 4 one-district plan was filed. The two-district plan must  
 5 state that under the authority of the commission, the  
 6 two-district plan supersedes the one-district plan filed in  
 7 April 1991.

8 NEW SECTION. Section 2. Severability. If a part of  
 9 [this act] is invalid, all valid parts that are severable  
 10 from the invalid part remain in effect. If a part of [this  
 11 act] is invalid in one or more of its applications, the part  
 12 remains in effect in all valid applications that are  
 13 severable from the invalid applications.

14 NEW SECTION. Section 3. Effective date. [This act] is  
 15 effective on passage and approval.

-End-