

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT

Call to Order: By **CHAIRMAN GREGORY D. BARKUS**, on January 24, 2003 at 3:29 P.M., in Room 317-B Capitol.

ROLL CALL

Members Present:

Sen. Gregory D. Barkus, Chairman (R)
Rep. Debby Barrett, Vice Chairman (R)
Rep. Joey Jayne (D)
Rep. Michael Lange (R)
Sen. Gerald Pease (D)
Sen. Fred Thomas (R)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Greg Petesch, Legislative Branch
Prudence Gildroy, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing on Districting and Apportionment

{Tape: 1; Side: A}

CHAIRMAN GREGORY BARKUS called the meeting to order with all members present. He advised that there was a short time horizon to legislatively respond to the plan. They needed to get something out of committee whether it be a resolution or bill.

SEN. FRED THOMAS noted in the past, legislatures responded to the Commission with a resolution and a bill might not be appropriate.

Greg Petesch, Director Legal Services, advised a bill would not be appropriate as that would involve the Governor. Historically,

resolutions had been used to make legislative recommendations to the Commission. The House rules specifically provide that the recommendation be in the form of a House resolution. Separate resolutions had been used last time and the time before a joint resolution was used. Because of the time frame he advised separate resolutions.

CHAIRMAN BARKUS asked if there were separate resolutions would the members of the committee vote separately.

Mr. Petesch explained it was a joint select committee; they would vote separately anyway on the recommended resolution. The committee could be the requestor of separate House and Senate resolutions.

SEN. THOMAS asked what would be the process for a minority report.

Mr. Petesch advised in the 1980 resolutions documents were attached. He felt a minority view could be attached. He said committee minutes had been attached to resolutions and an attorney general opinion in the 80s was attached. Normally, the findings of the committee are stated in the preamble and whereas clauses. Then the recommendation is made; then a statement that "the following documents are included" along with a list of those documents.

CHAIRMAN BARKUS asked if the minority report would not be a part of a resolution--it could be just an attachment.

Mr. Petesch replied it could be incorporated into the resolution's recommendations as an attached document.

SEN. THOMAS said it would be his intent to move to request a House resolution and a Senate resolution. A majority of the committee would probably have a critical resolution drafted but he would want to include the opportunity to have a minority report attached. He asked **SEN. GERALD PEASE** if he would have an interest in having a minority report prepared.

SEN. PEASE advised that would be in order for the House and the Senate.

Motion: **SEN. THOMAS** moved that **A HOUSE RESOLUTION AND A SENATE RESOLUTION BE REQUESTED, BE DRAFTED AND PREPARED FOR THE COMMITTEE TO BE CONSIDERED IN AS TIMELY A MANNER AS POSSIBLE AND THAT SENATOR PEASE AND REPRESENTATIVE JAYNE WORK ON A MINORITY REPORT TO BE ATTACHED.**

REPRESENTATIVE JOEY JAYNE noted that usually resolutions were a page long. She asked what his vision was of a minority report as it would be setting a precedent.

SEN. THOMAS thought the resolution would be 2 or 3 pages long and the minority report would be similar.

REP. JAYNE contended there was a motion on the floor, but because she didn't know what the Senate and the House resolution was going to say, she wondered if it was premature to ask if a minority report should go with it.

SEN. THOMAS thought it could certainly be contemplated, voted on and proposed, and attached--it would be their choice. He offered to take it out of the motion.

REP. JAYNE felt the content of the minority report would be dependent upon the language of the resolution. She thought there might be certain areas they would agree on. She felt it was a token report and she didn't have a choice.

SEN. THOMAS stated he was just trying to be respectful of her position.

REP. DEBBY BARRETT advised there would be two separate documents focused on the plan that was presented. One resolution wouldn't be a comment on the other. They would just write what they think of the plan.

SEN. PEASE asked if the committee would debate the resolution itself.

SEN. THOMAS said it would be his intention, or the pleasure of the committee, that the resolution be put forth by a member of the committee at a hearing and would then be heard by the committee and voted on pass/fail. If a minority wished to attach a report to it, it would be done at that time.

SEN. PEASE asked if it would be this committee and **SEN. BARKUS** advised it was the pleasure of the President of the Senate.

SEN. PEASE reiterated they would be able to debate the resolution at that time as they had some differences. **SEN. BARKUS** said that would be his guess.

REP. JAYNE reiterated the motion before the body was for a general resolution allowing the House and Senate a resolution which includes a minority report. She saw no problem with that. She asked if subsequent to the motion to accept the resolution,

there would be a motion on moving language of either resolution and if that would be the procedure. The reason she asked was, without any substance or wording, a subsequent motion would be needed to move language.

SEN. BARKUS asked if the subsequent motion was to adopt the minority report. He asked the secretary to read the motion.

Secretary read the motion that a "House and a Senate resolution be drafted and prepared for the committee to consider as timely as possible and that minority members would work on a minority report".

SEN. BARKUS advised the rules of a joint select committee of the two houses offers the opportunity for the minority to respond to any majority decision. He didn't think a motion was necessary to approve that.

REP. JAYNE said her question was that there was a motion on the floor and that they were going to vote on it. The motion says that the committee agrees to move the process. She asked if someone was going to make a motion after this motion to move language that was going to be in the subsequent motion that has to be there.

SEN. BARKUS thought that was probable. This was establishing a process.

SEN. THOMAS thought the question was how will that be drafted. The majority of the committee will sit down and have a resolution drafted and if there is interest in a minority report being drafted that be done as well. The motion allows for the resolution drafts to be made. Those need to be drafted by the guidance of the committee leadership.

Vote: Motion **carried 5-1 with PEASE voting no.**

Mr. Petesch advised they now had a House resolution and Senate resolution request.

SEN. BARKUS said that allowed them to request a drafter to draft a resolution.

ADJOURNMENT

Adjournment: 3:46 P.M.

SEN. GREGORY D. BARKUS, Chairman

PRUDENCE GILDROY, Secretary

GB/PG

EXHIBIT (jdh15aad)