

HOUSE BILL NO. 309

INTRODUCED BY R. BROWN, BALYEAT, D. BROWN, BRUEGGEMAN, DEVLIN, FUCHS, KASTEN,
 LASZLOFFY, LEHMAN, MOOD, A. OLSON, RIPLEY, SINRUD, STAPLETON, STEINBEISSER, F. THOMAS,
 YOUNKIN, FISHER, MCNUTT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A POPULATION CRITERION FOR THE REDISTRICTING OF LEGISLATIVE DISTRICTS; PROHIBITING THE SECRETARY OF STATE FROM ACCEPTING A PLAN NOT IN COMPLIANCE WITH CERTAIN CRITERIA; AMENDING SECTION 5-1-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Redistricting criteria.** (1) In the drawing of legislative districts, the districting and apportionment commission shall comply with the following criteria:

(a) the districts must be compact and contiguous; and

(b) the districts must be as equal as practicable.

(2) For the purposes of this section, "as equal as practicable" means within a plus or minus 1% relative deviation from the ideal population of a district as calculated from information provided by the federal decennial census.

Section 2. Section 5-1-111, MCA, is amended to read:

"5-1-111. Final plan -- dissolution of commission. (1) Within 90 days after the official final decennial census figures are available, the commission shall file its final plan for congressional districts with the secretary of state and it shall become law.

(2) Within 30 days after receiving the legislative redistricting plan and the legislature's recommendations, the commission shall file its final legislative redistricting plan with the secretary of state ~~and it shall become law.~~
The secretary of state may not accept any plan that does not comply with the criteria in [section 1]. Upon acceptance of a plan by the secretary of state, the plan is considered filed and becomes law.

(3) Upon the acceptance and filing of both plans, the commission ~~shall be~~ is dissolved."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an

integral part of Title 5, chapter 1, part 1, and the provisions of Title 5, chapter 1, part 1, apply to [section 1].

NEW SECTION. **Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 6. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to any legislative redistricting plan of the districting and apportionment commission that was not filed with the secretary of state on [the effective date of this act].

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