58th Legislature HR0003.02

1	HOUSE RESOLUTION NO. 3
2	INTRODUCED BY BARRETT, BITNEY, R. BROWN, FUCHS, HURWITZ, JACKSON, LASZLOFFY, MOOD,
3	MORGAN, A. OLSON, RIPLEY, ROSS, BOOKOUT-REINICKE, BRUEGGEMAN, E. CLARK, DEVLIN,
4	EVERETT, KASTEN, LAMBERT, MAEDJE, MALCOLM, B. OLSON, PETERSON, ROBERTS, SALES,
5	SCHRUMPF, SHOCKLEY, STEINBEISSER, WAGMAN, WITT
6	BY REQUEST OF THE JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT
7	
8	A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REJECTING THE
9	LEGISLATIVE PLAN THAT THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION
10	SUBMITTED TO THE LEGISLATURE.
11	
12	WHEREAS, the MontanaDistrictingandApportion mentCommissionsubmitteditslegislativeredistrictingMember 1999 and Member 2019 and Memb
13	plan to the Legislature on January 6, 2003, as required by Article V, section 14, of the Montana Constitution; and
14	WHEREAS, the Joint Select Committee on Districting and Apportionment has received and considered
15	testimony on the plan; and
16	WHEREAS, the House of Representatives contends that the 5% population deviation allowance
17	contained in the plan was used for partisan gain, that the Constitution is clear in language that the districts "shall
18	be as nearly equal in population as is practicable", and that a 1% population deviation, or less, is both practical
19	and possible; and
20	WHEREAS, the House of Representatives contends that the majority of the Commission ignored the
21	mandatory, constitutional criterion of "compact" districts in creating several House and Senate Districts that are
22	over 200 miles from one end to the other; and
23	WHEREAS, the House of Representatives contends that the American Indians have been isolated and
24	that other minority groups were ignored when several districts in Montana were established; and
25	WHEREAS, the House of Representatives contends that race was used as the predominant criterion
26	in tentatively establishing six House Districts and three Senate Districts in blatant violation of the mandatory
27	criterion that race may not be the predominant factor to which the traditional discretionary criteria are
28	subordinated; and
29	WHEREAS, the Commission failed to adopt a criterion of consideration of existing district lines as the
30	previous Commission had adopted; and



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WHEREAS, the Commission has disregarded, in several instances, the discretionary criteria adopted by the Commission on April 18, 2001, by dividing many towns, cities, and counties, while giving little or no regard to keeping communities of interest intact; and

WHEREAS, the arbitrary assignment of holdover Senators to districts that did not elect them is at best wrong, blatantly unethical, and simply unfair to the electors; and

WHEREAS, the Legislature is required to return the plan to the Commission with its recommendations on or before February 5, 2003.

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9 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF 10 MONTANA:

That the House of Representatives rejects the Legislative Redistricting Plan for the reasons stated above, requests that the Commission reconvene and adopt a plan that conforms to the mandatory and discretionary criteria as set forth by the 1972 Constitutional Convention and state and federal law, and contends that the majority of the Commission has performed a constitutional injustice to the electorate and the elected legislators of Montana, that the plan has been conceived in a mean-spirited, partisan fashion that disregards the mandatory criteria as set forth by the 1972 Constitutional Convention and the discretionary criteria adopted by the Commission itself, that the Commission's exercise in political gerrymandering is unacceptable to the citizens of the state of Montana, and that the legislative redistricting plan must be redone.

BE IT FURTHER RESOLVED, that copies of the following documents be attached to this resolution:

- 20 (1) the tapes of the hearings of the Joint Select Committee on Districting and Apportionment held on January 20, 21, and 24, 2003;
 - (2) written testimony submitted on January 20, 21, and 24, 2003; and
- (3) a minority report from the members of the Joint Select Committee on Districting and Apportionment
 who support the plan.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file by the Secretary of State and that copies be sent by the Secretary of State to the presiding officer and each member of the Montana Districting and Apportionment Commission.

28 - END -

