



# Montana Districting and Apportionment Commission

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## Commission members:

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## Staff:

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Research Analyst  
Joe Kolman  
Research Analyst  
Julianne Burkhardt  
Attorney  
Dawn Field  
Secretary

## MINUTES

May 16, 2011

Room 137, State Capitol  
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

### COMMITTEE MEMBERS PRESENT

Jim Regnier, Presiding Officer  
Jon Bennion  
Joe Lamson  
Pat Smith  
Linda Vaughey

### STAFF PRESENT

Rachel Weiss, Research Analyst  
Joe Kolman, Research Analyst  
Julianne Burkhardt, Attorney  
Dawn Field, Secretary

### AGENDA & VISITORS' LIST

Agenda, [Attachment #1](#).  
Visitors' list, [Attachment #2](#).

## **COMMITTEE ACTION**

The Districting and Apportionment Committee:

- approved the May 28, 2010, meeting minutes, as written;
- adopted the congressional district plan; and
- set a meeting date of July 12, 2012, at 2 p.m.

## **CALL TO ORDER AND ROLL CALL**

00:00:01 **Presiding Officer Jim Regnier** called the meeting to order at 2:00 p.m. The secretary noted the roll, all members were present ([Attachment #3](#)). Commissioner Regnier welcomed everyone present to the meeting, briefly reviewed meeting protocol and the agenda, and welcomed new Legislative Services Division staff attorney, Julianne Burkhardt.

## **ADOPTION OF MAY 28, 2010, MEETING MINUTES**

00:03:02 **Commissioner Joe Lamson moved** to adopt the May 28, 2010, meeting minutes as written. **The motion carried unanimously.**

## **DISCUSSION OF CENSUS RESULTS**

00:04:04 **Mary Craigle, Bureau Chief, Montana Census and Economic Information Center**, gave a PowerPoint presentation which included the redistricting timeline, criteria adopted for congressional and legislative districts, an overview of census data releases, a comparison of census results for same geographical unit, data, and the count resolution process ([EXHIBIT 1](#)).

00:25:25 Commissioner Lamson discussed changes in the American Indian population on Montana's seven reservations, as compared to previous growth rates ([EXHIBIT 2](#)). Commissioner Regnier asked Ms. Craigle to comment.

00:32:43 Ms. Craigle said that the tribes would have to specifically request the U.S. Census Bureau revisit the numbers and that only certain data can be corrected, such as boundaries and housing units. She said that it is important that all numbers be carefully examined in order to make sure it is as accurate as possible.

00:35:13 Commissioner Smith asked if there were similar concerns in other states about population counts on reservations. He said that Montana's tribal governments are very concerned about the census data released to date and they are looking at the data very carefully. Ms. Craigle said that she had been invited to make a presentation at the May 10 tribal summit meeting and that her presentation is available online at <http://ceic.mt.gov/>.

00:37:12 Commissioner Bennion asked that Ms. Craigle alert the Commissioners if a formal challenge to the census data is made. Ms. Craigle said she would do so if she was made aware of it.

## **REVIEW OF CONGRESSIONAL DISTRICT PLAN**

00:38:28 Commissioner Regnier noted that a copy of the certificate of entitlement from the Clerk of the House of Representatives of the United States for one representative ([EXHIBIT 3](#)) has been received and that a letter of acceptance of the

congressional district plan has been prepared for the Secretary of State, to be signed by the Commissioners (**EXHIBIT 4**).

#### **Public comment on congressional district plan**

No comment was given.

#### **Commission discussion and adoption of congressional district plan**

00:40:25 **Commissioner Vaughney moved to adopt the congressional district plan. The motion passed on unanimous voice vote.**

Commissioner Regnier announced that a brief recess will be taken while a polycom telephone is set up in order to allow Sen. Jeff Essmann, Billings, SD 28, to provide comment to the Commissioners.

#### **COMMISSION DISCUSSION OF DATE AND AGENDA ITEMS FOR NEXT MEETING**

00:49:10 Commissioner Regnier said it is important that the Commissioners discuss policy and procedure for conducting meetings and considering data. **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, referred to commission decision points (**EXHIBIT 5**) in her discussion of how to begin mapping process, various operation procedures, and staff suggestions.

00:54:55 The Commissioners discussed possible ground rules for how and when public comment will be taken, how or if outside plans will be considered, use of software and other technology, and what process will be used to narrow the scope and focus of the data and comment received.

01:03:50 Commissioner Regnier asked what guidance is needed from staff before the next meeting. Commissioner Lamson requested to have an explanation of how flexible the *Maptitude* software program is with other programs. Commissioner Regnier asked staff to report on the recent *Maptitude* software training. **Joe Kolman, Research Analyst, LSD**, reported on the three-day training. He said that the software appears to be fairly flexible and easy to work with. He referred to a map of current legislative districts with the updated census data displayed on the meeting room wall (**EXHIBIT 6**) in his report and noted that it is also posted on the DAC web page. He said that the Commissioners are welcome to meet with staff to be trained in the use of the *Maptitude* software, should they so desire. Mr. Kolman also distributed a table listing the population changes that occurred in each house district since the 2000 census (**EXHIBIT 7**).

01:10:23 Commissioner Bennion asked staff to prepare briefing papers on mapping approaches used by other states and ideas on how to solicit public input from citizens and communities. Ms. Weiss said staff will prepare several options for the Commissioners to consider at the July meeting.

01:15:29 Ms. Weiss summarized staff directions to be completed in advance of the next meeting:

- draft an operational procedures for staff and commissioners to complete their work, and

- draft general guidelines for public on how to submit input, when input can be submitted, and in what format.

01:19:42 Commissioner Lamson said that the process becomes very rigorous and demanding as it nears the end and suggested that the hearing process be concluded and plans be drawn before Labor Day in 2012, with the final hearing to be held in December of 2012.

**Public comment on date and agenda items for next meeting**

01:21:36 **Senator Jeff Essmann, Billings, SD 28**, discussed his concerns about the population change on the Crow Reservation, reasons that may have contributed to the change, decision points to be made at the Commission's next meeting, and his concern that the previous processes have not served the state well. He suggested that reservation districts be dealt with first, before larger urban areas or regional areas. He said that public comment should be taken early in the process in order to ensure that the final plan reflect the best interest of the public, not the political parties.

01:28:57 Commissioner Regnier commented that one of the mandatory criteria adopted by the Commission is that race can not be a predominant factor. He asked if that would pose a problem, should the mapping process begin with reservation districts. Sen. Essmann and Commissioner Lamson both thought there would be no problem and explained that a reservation could be considered a political unit or a community of interest, and that tribes are considered language groups, not racial groups.

01:31:33 **Ed Bartlett, attorney and lobbyist, City of Billings**, thanked the Commission for coming to Billings for a hearing in May 2010. He discussed the importance of allowing public comment early in the process and said that the City of Billings has specific concerns that it will provide comment on.

01:34:52 Commissioner Vaughey discussed how large an area would be included in a regional approach if the Commission held public hearings before drawing maps.

**Next meeting date**

01:39:51 After a brief discussion of potential meeting dates and times, it was agreed that the next meeting would be set for Tuesday, July 12, at 2 p.m. Ms. Weiss said that meeting materials would be mailed out in advance of the July 4 holiday weekend.

**PUBLIC COMMENT ON ANY OTHER TOPIC UNDER JURISDICTION OF COMMISSION**

01:43:02 No public comment was given.

**ADJOURN**

01:43:22 With no further business before the Commission, Commissioner Regnier adjourned the meeting.

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