



# Montana Districting and Apportionment Commission

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## Commission members:

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## Staff:

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Research Analyst  
Lisa Mecklenberg-Jackson  
Attorney  
Dawn Field  
Secretary

## MINUTES

September 24, 2009

Room 137, Capitol Building  
Helena, Montana

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  
Lisa Mecklenberg Jackson, Attorney  
Fong Hom, Secretary

### VISITORS

Visitors' list, Attachment #1.

## **COMMITTEE ACTION**

The Commission adopted the proposed work plan with an amendment that at least two public hearings outside of Helena will be held to discuss discretionary criteria.

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

- 00:00:01 The meeting was called to order at 1:32 p.m. by the Presiding Officer, Commissioner Regnier, who gave opening remarks and asked that the Commissioners and staff introduce themselves.
- 00:01:38 The minutes of the April 24, 2009; April 30, 2009; and May 7, 2009 meetings were unanimously approved and adopted.
- 00:02:00 **Introduction to the Census - Mary Craigle, Bureau Chief, Census and Economic Information Center, Department of Commerce**  
Ms. Craigle distributed and discussed several documents: Timeline of Census Activities Relative to Apportionment (**Exhibit 1**); Brief Summary of 2010 Census and the American Community Survey (**Exhibit 2**), and a table entitled "Major Geographic Areas and Type of ACS Estimates Received (**Exhibit 3**).
- 00:11:52 **Questions**  
Commissioner Smith asked about the changes in approach to Indian Country: do the changes have to do with the type of information collected or is it also the nature of the collaboration? Ms. Craigle said it was both. For the first time there will be a place on the form for Native Americans to self-identify what tribe they affiliate themselves with. In addition, they have redesigned the relationships with tribal partnerships based on what was learned from the 2000 Census.
- 00:12:50 Commissioner Lamson asked how the staffing in 2010 stands up with the staffing in 2000 and how will the undercounted areas be done? Ms. Craigle said in those areas that are hard to count, they will be going door to door. They will drop off the form in other areas that are easier to count and not speak with anyone. But in those hard to count areas, they will be going in and assisting people in actually filling out the forms. Ms. Craigle discussed their working relationship with the federal side and the establishment of "be counted" sites, and the "question and answer" sites.  
  
Commissioner Lamson asked if there has been any public service announcements to get the message to the public on the importance of doing the census? Ms. Craigle said that they have done a lot of work and have produced specific materials; i.e., tribal material, material for faith-based organizations and government organizations.
- 00:16:47 Commissioner Smith asked Ms. Craigle if she can generalize the makeup of the 2000 Census undercount? Ms. Craigle said that the areas that were undercounted significantly were tribal populations, low-income residents and children.

- 00:17:23 Commissioner Bennion asked how Montana ranked in the 2000 Census among other states in terms of the undercount? Ms. Craigle said the Montana was ranked 44th, with North Dakota ranked 3rd, South Dakota was 6th, and Minnesota was ranked number one.
- 00:20:05 **Phase 2 Presentation -- Lorie Palm, GIS Coordinator, CEIC, Department of Commerce**  
Ms. Palm discussed Phase 2 Redistricting, the Voting District Project and the document entitled "Montana Precinct Mapping Project" (**Exhibit 4**).
- 00:26:01 **Update on purchase of redistricting software packages - Joe Kolman, Staff Researcher, Legislative Services Division**  
Mr. Kolman said that the reason for using computers with redistricting software is that the software allows you to look at the lines and numbers together, how many people are in any kind of geography you want. The software also has analytical tools that will let you calculate missing blocks, check for errors, compute deviations, or measure compactness.  
  
Mr. Kolman said that the things that they will be looking at when they decide which version of software to purchase is ease of use, the analytical tools that they would need, customer support, and training. Mr. Kolman also discussed freeware that is available. He said that he will keep the committee updated.
- Questions**
- 00:32:06 Commissioner Regnier asked if the software that they are considering compatible with both Mac and PC? Mr. Kolman said that he didn't know.
- 00:32:45 Commissioner Bennion asked if the commissioners will have access to the software and training. Mr. Kolman said that would depend on what the commissioners decide to do as a Commission. They are looking at buying two or three copies for staff use and it would be up to the Commission if it wanted to buy copies that would be available to them.
- 00:36:07 **Overview of tentative Commission work plan and 2011 biennium budget - Rachel Weiss, Research Analyst**  
Ms. Weiss discussed the Commission's proposed work plan for the 2009-2013 District and Apportionment Commission and its budget (**Exhibit 4**).
- Questions**
- 00:41:27 Commissioner Vaughney asked if the Commission has thought about publicity as an entity? Ms. Weiss said that the 2000 Commission issued a press release encouraging Montanans to participate in the Census. Whether the Commission did anything beyond that she does not know.
- Discussion**
- 00:42:36 There was a discussion on ways to promote the Census. Commissioner Regnier said that the proclamation that was used in 2000 is something that this Commission should consider. Ms. Fox said that the LSD's Information Officer has a public service announcement ready and she would give some of the materials

to the commissioners to review.

00:44:29 Commissioner Bennion asked about the Commission's budget. Ms. Weiss said that all the previous meetings came out of the previous biennium's budget. The training that was held in San Francisco was on the previous biennium's budget. She didn't know if they were operating out of Legislative Services' particular budget or if there was actually a specific pool of money just for the Apportionment Commission. Today's meeting will be the Commission's first expense for this biennium.

00:45:29 Commissioner Smith requested that the commissioners be put on a list to receive information on the Outreach Program and meeting dates so that some of the commissioners could attend.

#### **Public Comment on Work Plan**

00:46:26 **Christina Volek, City Administrator of Billings**, suggested that geographic boundaries among the discretionary items listed in 2001 be followed and that communities of interest be kept intact. They are very pleased to see that the Commission is planning on holding hearings around the state.

00:50:49 **Jeff Essmann, Billings, Montana**, requested that the Commission provide notice and an opportunity for hearings early in the process on mandatory and discretionary redistricting criteria. It is important in terms of the public opportunity to participate in this process which is guaranteed both by the Montana Constitution and the Federal Constitution.

#### **Questions**

00:55:00 Commissioner Vaughey asked Mr. Essmann at what point would he expect such preliminary hearings to be held? Mr. Essmann suggested that the work plan be altered prior to adoption of the mandatory and discretionary criteria.

00:56:04 Commissioner Lamson said for the record, he would draw one exception. By the time they come to the larger urban areas, they actually do have considerable discretion for most of the districts because there are so many people concentrated in such a small area. The problem is that at some point you have to leave the Yellowstone County line to hook up with other districts.

01:02:16 **Erin Geraghty, ITS Division, Base Map Service Center, Department of Administration**, said that she is the governmental units data coordinator and deals with governmental boundaries. She wanted to officially make the statement that she would be willing to help in any of the mapping processes that will be going on.

#### **Commission discussion, revision, and adoption of work plan**

01:04:42 A discussion was held on possible areas in which to hold hearings and whether the budget will allow for that, the costs of teleconferencing, the constitutional rights of Montanans to have input, and scheduling.

#### **Motion**

01:19:29 Commissioner Bennion made a motion to hold meetings on discretionary criteria in the spring, noting that they might need more answers before deciding when and where and how many. He suggested scheduling a conference call at a later date.

After discussing whether or not to formally adopt the work plan until more information was made available regarding the budget and future meeting dates, Commissioner Bennion revised his motion to include holding at least two public hearings outside of Helena. The motion passed unanimously.

01:22:59 Commissioner Vaughey **moved** to adopt the work plan as amended. The motion passed.

#### **Public Comment**

01:23:05 **Jeff Essmann** thanked the Commission for adopting a work plan and for allowing the public to participate.

#### **Distribution of background material, direction to staff, next meeting date - Rachel Weiss**

01:24:03 Ms. Weiss distributed and discussed **(Exhibit 5)**:

- various issues the Commission might consider in the future
- spreadsheet on information from past commissions
- training that is available through the National Conference on State Legislatures
- summary of court cases and Attorney General opinions involving redistricting in Montana

01:26:40 A discussion was held regarding the next meeting date. Commissioner Bennion asked that each member tell staff what dates would be convenient for them and then staff would schedule the next meeting with ample time for public notice.

#### **Adjournment**

01:28:16 Commissioner Regnier adjourned the meeting at 3:00 p.m.

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