



Montana Districting and Apportionment Commission

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

Commission members:

Janine Pease Pretty On Top
Presiding Officer
P.O. Box 447
Lodge Grass, MT 59050

Joe Lamson
612 Touchstone Circle
Helena, MT 59601

Jack D. Rehberg
2922 Glenwood Lane
Billings, MT 59102

Sheila Rice
913 3rd Ave.
Great Falls, MT 59401

Gregory Barkus
PO Box 2647
Kalispell, MT 59903

Staff:

Susan Byorth Fox
Research Analyst
John MacMaster
Attorney

MINUTES

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.**

EXECUTIVE SESSION JUSTICE CENTER MEETING ROOM HAVRE MT JANUARY 16, 2002

COMMITTEE MEMBERS PRESENT

Janine Pease Pretty On Top, Presiding Officer
Joe Lamson
Jack D. Rehberg
Sheila Rice
Gregory Barkus

STAFF PRESENT

Susan Byorth Fox, Research Analyst
John MacMaster, Attorney
Lois O'Connor, Secretary

VISITORS

Visitors' list (ATTACHMENT #1)
Agenda (ATTACHMENT #2)

COMMITTEE ACTION

- Approved the minutes of the April 18, 2001; the May 4, 2001 Conference Call; the November 13, 2001, Executive Session; and the November 14, 2001, Public Hearing on the Northcentral Region in Browning
- Approved the minutes of the November 13, 2001, Public Hearing on the Northcentral Region in Great Falls as amended
- Approved the Executive Session proposed agenda

CALL TO ORDER

The meeting was called to order by Commissioner Pretty On Top, Chair, at 3:00 p.m. Attendance was noted, all Commissioners were present. (ATTACHMENT #3)

Commissioner Barkus **moved** that the Executive Session proposed agenda be accepted. Motion passed unanimously.

Commissioner Lamson **moved** that the minutes of the April 18, 2001; the May 4, 2001 Conference Call; the November 13, 2001, Executive Session; and the November 14, 2001, Public Hearing on the Northcentral Region in Browning be adopted. Motion passed with Commissioner Barkus abstaining.

Commissioner Lamson **moved** that the minutes from the November 13, 2001, Public Hearing on the Northcentral Region in Great Falls be approved as amended. Motion passed with Commissioner Barkus abstaining.

Commissioner Lamson requested that staff revisit the testimony of Sen. Glenn Roush to clarify which Northcentral Region plan that he preferred. Staff revisited Sen. Roush's testimony and amended the minutes from the November 13, 2001, Public Hearing meeting in Great Falls as follows:

Sen. Roush said that citizens of SB 43 disliked all of the plans but they realized the situation that the Commission was under. I will offer Plans 100 and 300 because they keep the city of Cut Bank together while Plans 200 and 400 divide Cut Bank.

Please Note: These changes have been made in the original minutes which are on file in the Offices of the Legislative Services Division.

PROPOSED REVISED WORKING SCHEDULE

Susan Fox, Research Analyst, Legislative Services Division, provided a copy of the Commission's proposed revised work schedule. (EXHIBIT #1)

The Commission adopted the following dates:

- February 19 and 20, 2002, in Miles City and Lewistown.
- March 14 and 15, 2002, to adopt the Northcentral and Northeast Region plans and to conduct the Southeast Region Public Hearing at Crow Agency and a Southcentral Region Public Hearing in Billings. A 3:00 p.m. Executive Session and 7:00 p.m. Public Hearing will be held at Billings on March 14 and a 1:00 p.m. public hearing will be held in Crow Agency on March 15.
- Tentatively adopted April 30 and May 1 to conduct the Southwest Region Public Hearings in Helena, Butte, and Bozeman.
- The proposed June meeting scheduled for June 27, 2002, will be rescheduled due to a conflict with Commissioner Rehberg.
- The proposed November 2002 dates are specific dates scheduled for hearings on the Senate pairings. It is also scheduled because of party caucuses, new legislator orientation, and law school for new legislators.

DESCRIPTION OF CHANGES TO THE NORTHCENTRAL REGION AND OVERVIEW OF THE NORTHEASTERN REGION PLANS

Northcentral Region

Ms. Fox: There are four plans for the Northcentral Region, three of which are variations of similar themes--Plans 100, 200, and 400. Plan 300 is a different philosophy. All of the plans follow the Commission's resolution to create an additional Indian majority house district to be combined with an existing Indian majority house district to establish an Indian majority senate district.

Two of the plans keep Cascade County intact and all four plans can be amended to keep Cascade County intact. Existing districts that Cascade County shares with surrounding counties because of population loss can expand to take in all of Cascade County. There are various configurations of Teton County. Before, Plan 100 kept proposed district 8 as it was in the existing legislative district. It has been slightly revised in the Northeast Region plans. Plan 300, that received considerable support at the Great Falls and Browning public hearings, also has a slight revision from the first plans in that part of Choteau County is combined with Liberty and Toole Counties and part of Toole County's population is used to complete proposed district 3. Proposed district 3 brings the town of Conrad back together and part of Lewis and Clark County will be used to complete proposed district 4 in Teton County. Proposed district 19, because it goes further into eastern Montana, would not be adopted with the Northcentral Region. The Lewistown district had to get bigger because of population loss--the hole of the donut has to get bigger which takes population out of the surrounding districts. Proposed District 8 combines the Rocky Boy's and Fort Belknap Reservations into a single house district. Instead of using a portion of Blaine County to complete that District, it extends further east into Phillips and Valley Counties. Plan 400 receives is more of a variation of Plan 100. Choteau County is extended further into Fergus and Judith Basin Counties to complete the population.

Northeast Region Plans

Ms. Fox provided an overview of the Northeast Region Plans and the Northeast Region - Plan 300 Revised. (EXHIBITS #2 and #3 respectively)

Ms. Fox: There is no Plan 400 in the Northeast Region because it was so similar to Plans 100 and 200. The concern in the Northeast Region is the continuation of proposed district 8 extending to the northeast corner of Montana north of the Missouri River. Plan 100 of the Northeast Region revises Plan 100 of the Northcentral Region in the Phillips County area. In order to have the population within the plus or minus 5% deviation, there is an extra 600 people. The plans deal with the extra 600 people in different ways.

Plan 100--Plan 100 uses Highway 191 as the boundary line in Phillips County. Malta, Glasgow, Fort Peck, Saco, and Opheim will be located in proposed district 20. It maintains a Native American majority district and uses the Milk River as a boundary. Daniels and Sheridan Counties are reunited after 10 years. Proposed district 24 expands on an existing district that is currently all inclusive in Roosevelt County. However, it needed additional population so it extend further into Valley County to include the communities of Frazer and Oswego and it includes more area north of Highway 2. It is in appearance more compact because it is a larger district. Its functional compactness is about the same because the district is along Highway 2 which is where the majority of the population is. It also maintains or enhances the Native American majority.

Plan 200--Plan 200 is a variation of Plan 100 but instead of the extra 600 people being combined into proposed house district 8, the population is taken from eastern Montana. The communities of Culbertson and Bainville are put into a Richland County district south of the Missouri River, including the communities of Sidney and Fairview. In the past, Culbertson and Bainville had been joined with the Richland County district but it was a rural Richland County District that did not include Sidney. Proposed District 24, instead of going all the way to the Fort Peck Reservation line it stops near Frazer. Fort Peck and St. Marie are included in proposed District 23 (Daniels and Sheridan County and the northern part of and eastern Roosevelt County except for Culbertson and Bainville. In appearance, proposed District 23 is more compact but it adds mostly area. Functionally, it is no different from the other plans. Proposed district 23 also uses the boundaries of the Fort Peck Reservation which accounts for the small "jut" in Valley County. Glasgow is included in proposed District 20.

Plan 300--The only difference between the revised Plan 300 and the former Plan 300 is the addition of population south of the Missouri River. Approximately 824 from Richland County are added into proposed district 21. It does not include Fairview, Lambert, or Sidney. It leaves Rocky Boy's and Fort Belknap Reservations together in a Native American majority district but instead of completing the district with the remainder of Blaine County, it uses southern Phillips and Valley Counties. The difference between Plan 300 and Plan 500 is very slight. Proposed district 22 is similar to what it was before but it includes the communities of Fort Peck, Frazer, Oswego, and the area south of Highway 2 in Valley County. This district will allow for a different Senate pairing to make it a Native American majority Senate district.

Plan 500--Plan 500 goes past the Milk River and the Fort Peck Reservation lines and takes in the area all the way east of the Highway including the town of Fort Peck. It uses Highway 2 as a boundary and goes around the Malta city limits. It keeps Malta, Opheim, Saco, St. Marie, and Glasgow together but it does take more of Valley County. It also keeps Daniels, Sheridan, and Roosevelt Counties in proposed district 21 including Culbertson and Bainville but it does not go south of the Missouri River.

Commissioner Rehberg: Proposed district 22, how far down will that extend?

Ms. Fox: It doesn't go past the Missouri River and it is similar to what it was 10 years ago except that it extends into Valley County. Proposed district 21 wraps around and comes south of the Missouri River.

Commissioner Pretty On Top: You have already had the opportunity to discuss some of these ideas with the people in this area, is that correct?

Ms. Fox: Yes, when I came through this area, I knew the concept of the extra 600 people and had discussed it with them. However, they did not see these maps. It was said that Culbertson and Bainville will probably not like the idea of being included south of the Missouri River, but I needed to illustrate the need to deal with the population. The Plans 300 and 500 series deal with the population very differently than the Plans 100 and 200 series. It does change the Havre district. There was also almost unanimous consensus that the Frazer-Oswego area was a community of interest with the existing House District 98 because they are reservation communities. We also discussed pulling Culbertson and Bainville down with Richland County but we did not talk about pulling Richland County up. We did not discuss the concept of the Senate district at any length at all.

Commissioner Barkus: You indicated that the Senate district had not been discussed, but conceptually, are you considering linking proposed districts 18 and 22 as a Senate district.

Ms. Fox: Correct. That is the configuration of the House districts will allow. It was a proposal that came up in the 1990 round and it was a part of the original Old Person lawsuit, but was dropped on appeal. Obviously, the loss of a House district in this area makes the proposal easy to do because there is one less House district to deal with because of the loss of population. All of the counties end up being split in all of the Plans, it is just how are they split.

Commissioner Pretty On Top: Could you briefly characterize what happened with the population in this area.

Ms. Fox: Ms. Fox provided an overview of Montana County Population: Percent Change 1990 to 2000: 12.9%. (EXHIBIT #4) The state had a 13% population gain but Sheridan and Daniels Counties each had a 10% and 13% population loss. If you add that with the relative gain of the state, it is a pretty dramatic loss of population. One-quarter of a district is lost in each of House Districts 95 and 97; one-fifth of a district is lost in House District 96; and even though House District 98 did not lose as much population, it was still 10% low. Adding up all of the population loss in the area results in the loss of a House district.

INFORMATION REQUESTS

Ms. Fox: At the public hearing in Browning, the public from Lake and Flathead Counties asked how many people from each county were in each of the proposed districts. She will provide a breakdown of the county populations to the Commission for each plan for each district.

Representative Tropila, Great Falls, mentioned at the Great Falls public hearing about the extension of the area south of Smelter Avenue to the county road. It is possible within the population deviation but it would change the configurations of the Plans considerably. In order to adjust for Rep. Tropila's suggestion, one area had 16 people while the other area had approximately 750 people. It was not as simple a swap as they may have thought. Going back to the old existing House District 47, some of the concern can be accommodated but there is considerable population that needs to be shifted.

There was also a portion of Pondera County that was in a third district (one slight corner of the Blackfeet Reservation in Pondera County). It would have to be a different precinct and there was some concern of the expense of having a different ballot. She reviewed the area and it included 107 persons which is a low population for a precinct. In addition, in the Glacier County area, there was an amendment proposed to bring the "slight jog" that did not comport with its existing boundary lines back into the boundary lines. There are only four people in the area so the amendment could be considered.

Ron Staley, Chair, Great Falls Neighborhood Council District #2, requested that the Commission review its proposals for Great Falls and, perhaps, adjust the districts to comply more closely with the Neighborhood Councils. Ms. Fox will provide a copy of the Great Falls Neighborhood Council Districts maps upon request.

Commissioner Rehberg: Do you have any idea of the population in each of the Neighborhood Council Districts?

Ms. Fox: I have not done anything on that, but now that I have the maps, I can find out who prepared the map and get an electronic version to do that for you. I am having the same

discussion with people in Billings about school neighborhood boundaries. She will also provide that information to the Commission as possible.

Commissioner Rehberg: Have they requested that you look at the Neighborhood Task Forces?

Commissioner Lamson: It was in one of the first letters that the Commission received some time ago.

Ms. Fox: Betty Williams, Hill County, requested an amendment to all of the Northcentral Plans. There is a very tiny area that has been annexed and the problem with using Census data is that there is no equivalent census block boundary in the area. It is a very big block containing only 34 people and the block extends much further south. The amendment would have to include the entire block to get the 34 people. Even though it is a minuscule number, there are technical ways to split a block, but information is not known to date as to where to put the population.

COMMISSIONER CONCERNS AND REQUESTS

Commissioner Pretty On Top: During the last Executive Session, the Commissioners made the announcement that it would prefer to have information requests sent directly to staff. What about the traffic on the Commission's website? Have you noted any increase in visitors to the website.

Ms. Fox: I do not know how they count that. I should ask our web people to see if there is a counter on the web sites. I have had numerous comments and calls and people have appreciated the maps so I know that they are being used. I notice also that when I visit that a lot of people have printed maps from the website. I am finding that it is easy to convert the maps to electronic format.

Commissioner Rehberg: Have you been receiving good responses from people at your staff meetings or are you strictly meeting with county people?

Ms. Fox: It depends. Some of it is just contacting people and getting the right people. Although she met with only a few people in Miles City, they were very helpful, but then there was very good attendance in Forsyth.

Commissioner Rehberg: Was that because Forsyth did not want to be split three ways again?

Ms. Fox: Some of that. I am not sure if it was my fault in not contacting enough people or giving them enough advanced notice. I feel that I am receiving good information in the areas that I go to. I am trying to set up some meetings with the Northern Cheyenne and Crow Tribes and Big Horn and Yellowstone Counties.

Commissioner Lamson: I do not know if the Commission has ever formally sent a thank you to Elaine Sliter for her service as a Commissioner. I think that we should draft a letter because she did give considerable time and we appreciate that effort. The second issue is also a Commission matter. The prior Commission secretary and recorder for the 1980 and 1990 Commission, who was very devoted to that work as staff person of the Legislative Council, Ellen Garrity, just recently passed away. I think that it would also be appropriate for the Commission to send a letter of condolence to her family since she did give many months of fine service. Commission members agreed.

Commission Barkus: I am primarily responding to public concerns in the Flathead about the potential affects of these plans that are creating this district that meanders down through the Flathead and Lake County areas creating a second Indian district that connects with Browning. It

is principally because of the resolution, which I was not involved with passing, so I am expressing concerns but also expressing fear that a lot of the work of this Commission is going to be challenged constitutionally. The districts that you are creating with that area is in violation of three of the four mandatory criteria established by the Constitution Convention in 1972, referring principally to the issues going down through Lake County. Obviously, Susan has done a great job keeping the population intact but the resolution has created the need for a 50% voting population in these particular districts. By ignoring the mandatory criteria, I think we are setting ourselves up for constitutional challenges and may negate a lot of good work that this Commission is doing. The three issues are: (1) that it does not create a contiguous and compact district; (2) there is not a common interest in the people around Arlee and Ronan with the people in Browning and East Glacier; and (3) that race shall not be a principle issue in redistricting or overriding discretionary criteria. With those three issues, I am very concerned that there will be a lot of good work that will go down the drain. The second thing is that the resolution which was passed, basically, is establishing and stating that the districts will be formed as such and that was done without public comment. And third, we are going to vote next month on the Northcentral district and that will affect dramatically the Northwestern district, and it will have been done without public comment in the Northwest. Granted, there were a few people that came over from the Flathead to Browning, but nonetheless, I am very concerned that we are going to set ourselves up for challenge.

Commissioner Rehberg: Was the resolution negated when they decided not to accept what we had proposed? Wasn't there a discussion at one time?

Ms. Fox: I believe that there was some discussion about it, but there was no motion or action taken on it.

Commissioner Lamson: It is not, at least by the majority of the member on the Commission, of the opinion that those mandatory criteria were violated. There was considerable legal research and presentation that went behind the resolution with the Attorney General's Office. The state of Montana is currently being sued and we are trying to facilitate an agreement that could put the state in the position of not having to redistrict two times. I think when Judge Pro makes his ruling, we will have more clarification about the concerns that Commissioner Barkus rose. We received ample testimony as to meeting those mandatory criteria. As far as the resolution without public comment, we definitely did have public comment at public meetings. The Attorney General was there and people came.

Commissioner Rehberg: It was a telephone conference call, however.

Commissioner Lamson: On that particular one, but we had extensive pre-meetings and wanted to work out some of the differences on the resolution. But the resolution was based and crafted upon language that we were receiving from the District Court in terms of what, at that point, was currently being said about these particular districts.

Commissioner Barkus: It was my understanding that the resolution was drafted in an attempt to settle. But I asked, at the last Executive Session, our legal counsel, John MacMaster, if the issues there were constitutional based on the mandatory criteria in the Constitution and he said that he could not respond affirmatively to that.

Commissioner Pretty On Top: It is a matter of judgment and our Commissioners are here to apply what best judgment they have. The majority of the Commission has voted on that resolution, and we are interested, really, to abide by the criteria that we have established. We are beholden in this matter to the decisions of the previous Commission or the lawsuit would not even have had to have happened. So in some respect, we are looking to see that we do our job well. I suggest to you that the Voting Rights Act is what we really have to be cognizant of. I am not exactly certain how much the Montana Constitution has in the way of instructions to districting and apportionment. I believe that we have to have our first and foremost attention on the Voting Rights Act, and when we selected the criteria, all of us studied it in great detail. It probably is a matter that we need to discuss in more detail. I am wondering about comments that you may have had in terms of the order of our hearing in Lake County. Have you had any discussion along those lines?

Commissioner Barkus: That has probably precipitated a considerable amount of discussion because of the geographic starting point that we began with that we are now creating several corners that we are painting ourselves into. We are working two ways from Northcentral going west and east, but we are working our way in the public hearing process through the east and will not get back up into the Northcentral area until much later. We will also have passed the district of the Northcentral area, creating the area that carves parts of Browning out of Glacier County and brings it down to Flathead Lake almost to Missoula County and all the way to Arlee without public comment. I think that the people in those counties have not had an opportunity to comment on it. I respect the Voting Rights Act in that we need to be aware of it. But, the Constitution which created the four mandatory criteria for redistricting is what is driving and guiding our Commission.

Commissioner Lamson: Granted, this is a large district. This district that people are concerned about with the Blackfeet and the Flathead Reservations is actually smaller than existing districts that the previous Commission had drawn up. People seem to think that because of the uniqueness of Montana's geography, sometimes districts cannot be quite as small as we would like them. But we have to balance these other criteria in doing that. The notion that this district is not contiguous is absolutely false. A contiguous district means that everything in the district touches each other and these are contiguous districts that we have put together. Again, we will be adopting these plans as we come down the pike. We have to start somewhere and there is nothing to stop us in December, after we have heard from all of the districts, from making adjustments. There have been some benefits. Previous Commissions have always backed themselves right up against the Continental Divide which has resulted in great disruptions to non-Indian communities by having to cut places up like Cut Bank and Conrad. By giving ourselves some flexibility on how we come down and unite those communities of interest and the reservation communities, it has also given us more flexibility to put Cut Bank and Conrad back together which is why those communities are supportive of these plans. It cuts both ways.

Commissioner Rehberg: You are only kidding yourself. The only reason that the resolution was passed was to make an Indian district that is not contiguous. You know it is not and the last Commission knew it was not. We made every effort to follow the criteria, and you are not following the criteria. If you think full well that what you are doing is any different from what was done 10 years ago, you are not correcting anything that was done wrong last time. If you have, then the Court would have made the decision 10 years ago. The Court still has not made up their mind about what they are doing on it. We have no guidance or no direction that what we did last

time was wrong. You are just point blank ignoring race cannot be the predominant factor. You are trying to make an Indian district and that is the only thing that you are doing and be honest about it. I do not care if the majority of you are going to do it because you are going to do it. You know that and I know it, but be honest about what you are doing.

Commissioner Lamson: I am honest about what I am doing and I am not breaking that criteria. If you can go up on the map and point to me where any of these proposed districts are not contiguous, I would like you to do that.

Commissioner Rehberg: I just pointed it out to you.

Commissioner Lamson: You can drive from Browning and stay on a highway and connect to Arlee and stay in that district.

Mr. MacMaster: I think you mean to say compact instead of contiguous. If this is part of a district and this is part of district and there is space between them, that is what is contiguity. Contiguity means that it cannot be in two or more pieces. Compactness is what Commissioner Barkus and Rehberg are speaking about. Is it compact both geographically in terms of its shape and is it functionally compact. Functional compactness being part of the idea that the district has to be compact.

Commissioner Barkus: Didn't you say that functional compactness required the ability to travel within the district in a fashion?

Mr. MacMaster: There are some cases that rule that a district is not functionally compact if you cannot move from one part of the district to another part of the district without leaving that district. I suppose you could say, in correlation to that, if you cannot travel from one part of the district to the other part of the district at all, then it could be said that it is not functionally compact also. On the other hand, part of the reapportionment theory is that you have to have functional compactness. The cases I found were all from the early 1900s, one case being that a city district where you could not get from one part of the district to the other part of the district by "street car", which was the common mode of transportation at that time, without actually leaving the district, entering another district, and coming back into the other district. It is going to be up to the five Commissioners in cases where functional compactness is challenged to determine "Is this a functionally compact district?".

Commissioner Rice: We have a long time to spend together on the road during the next several weeks and months. I think it is really important that we do base our arguments on fact and opinions, which all of us are certainly entitled to our opinion. This whole process is based on opinions and I appreciate Commissioner Barkus making his key points. I want to ask my fellow Commissioners to refrain from using words like "be honest". I may think that and you may think that, but I do not believe that it has place in a public hearing. I would ask that we retain our sense of common decency with each other.

Commissioner Rehberg: Then I will withdraw that and say "ulterior motive" on your part.

Commissioner Pretty On Top: Are there any items of information that would pertain to your areas of concern? As we looked at each of the letters that came in, staff has looked at them carefully. What really is the impact? There may be concerns, what sort of research might help elicit or bring clarity to how great a concern the Commissioners need to have for that?

Commissioner Barkus: After the Browning hearing, I made a request of Ms. Fox asking if we made the district of Glacier County go to the Continental Divide and become a major Native American district, approximately where would we have to go and how could we move these boundaries to create a district that stays east of the Continental Divide? There was one person's testimony at Browning that addressed the commonality of interest of the Blackfeet and the Confederated Salish and Kootenai Tribes. But, having lived in, around, and in between there, I do not think that there is a lot. I was looking more toward trying to somehow get a plan that would work which would create a major house district that represented well the Native American population of the Blackfeet Nation. Ms. Fox did respond well. I did call the Census Division and found that there are 10,100 people living on the Blackfeet Reservation. It seems to me that would make a nice house district, carving out a small finger on the end because of the population. It would create Heart Butte, Browning, East Glacier, Star, Babb, St. Mary's, and other communities of the Blackfeet Nation that would have a commonality of interest; it is compact; it is contiguous; and even though it could be argued that race is an issue in the district, but in reality, it is a true political division and it would work nicely in the whole scheme of things. If you take Pondera County and everything off of the reservation, you then get Valier, Conrad, Cut Bank, and wherever else you need to go to get your 9,022 people creating another commonality of interest. That to me is what this whole Commission is about rather than trying to fabricate a string of land. This to me is the ultimate of gerrymandering and I feel vulnerable legally on the Constitutional side that we will be challenged. We are going through a lot of work and I think that we should be aware of that because it has not been proven in the Court that this resolution was even necessary. Are we really carving up the state of Montana to facilitate a potential court challenge or are we creating our own court challenge that we will have to face down the road?

Commissioner Lamson: There were three individuals at the Browning hearing that testified on behalf of the commonalities of interest between those areas. It was Councilman Howlett from the Confederated Salish and Kootenai Tribes, Representative Carol Juneau, and Mr. McKay the Blackfeet Tribal Attorney.

Commissioner Barkus: I stand corrected. They did refer to that but as far as somebody from the Flathead Reservation coming up--Mr. Howlett is from the Flathead Reservation and that is who I was referring to.

Commissioner Rice: For the sake of the audience, I would like to talk a little bit about what has been referred to as "the resolution". The Commissioners from the prior Districting Commission has been disbanded but there is still a lawsuit pending which deals with this exact issue of creating the opportunity for what is called in legalese a "minority-majority district" that encompasses both the Flathead and Blackfeet Reservations. This Commission's attempt in passing the resolution as to what we would look at in that area was an attempt to have the Judge understand that we were trying to correct what was remanded. It is true that the lawsuit has not been decided yet, but has been remanded to the lower Court. The point is that the resolution was mentioned at least one-half a dozen times in the most current case that was just heard less than one month ago. I do not want us to discount the value of the resolution for keeping us out of Court or at least settling something that is happening in Court right now. I think we are faced with a very difficult set of principles and laws that do not always avoid conflict because there are conflicts within the laws themselves.

There being no further business; the meeting recessed at 4:30 p.m.

Draft