

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Senator Eleanor Vaughn, on February 4, 1993,
at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)

Members Excused: None.

Members Absent: Sen. Tveit

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HJR 5
Executive Action: HJR 5

HEARING ON HJR 5

Opening Statement by Sponsor:

Rep. Mercer, House District #50, presented HJR 5. This is our obligation under the Montana Constitution to respond to the Reapportionment Commission. The House Committee had a number of proposals for changes. Many of the changes dealt with small technical changes, some of them dealt with major changes. It was the consensus of the House that no changes be adopted. They felt that was the simplest way to handle it, to simply endorse what the commission had done. There was a specific discussion on the House floor that in regard to the Senate districts, they did not look at that at all. We have until February 10 to complete this under the Constitution (EXHIBIT #A). Rep. Mercer stated if there

are changes are recommended the impacts to the state should be known. Reapportionment is a very difficult task. The Commission is a bipartisan group. They work in agreement. They are an endorsement to the plan. That suggests that is a good plan. It had a very large vote in the House of Representatives. It would be his desire to leave the resolution in the hands of the committee.

Sen. Van Valkenburg, Senate District #30, stated he had hoped the House of Representative would have acted on a number of the changes presented to the joint state administration committees when the bill was initially presented. The House did not act on any of the changes and the bill comes before the Senate essentially bare. It does not even say that the Legislature agrees that the Reapportionment Commission has done a good job or that it is acceptable to the Legislature. Even though that's what Speaker Mercer has told the committee that it was the House intent. That may have been the result of some miscommunication between the House State Administration Committee and the body of the House. At a minimum we have to correct that at the Senate. Most all of the recommendations that were made to the joint House and Senate Administration Committees were uncontroversial recommendations. Those uncontroversial recommendations ought to be adopted by this committee. Some are being made by Democrats and some are being made by Republicans. Most are being made for the reason that they fit the geographic parameters of a particular area better than the Reapportionment Commission's recommendations. This Committee can, in a bipartisan fashion, adopt those. There are four separate proposals made to the State Joint Administration Committee from the uncontroversial ones. The two proposals to come up with entirely different Senate pairings, that are centered around the Anaconda/Deer Lodge area, have ripple effects throughout the State of Montana. They are not uncontroversial and have far-reaching effects and it would be impossible to come to agreement on those changes in those Senate pairings. He recommended to the Committee that they not adopt the Senate pairings that were submitted to the committee by Rep. McCarthy and Sen. Beck. He stated it was not possible to adopt the massive changes that would be necessary to accommodate the legislators from Cascade County and other Cascade County individuals. That has far reaching consequences throughout the State of Montana. It doesn't just deal with Cascade County and an agreement will probably not be made. It is not appropriate nor necessary to deal with the Cascade County problem. The most difficult decision is the problem with respect to whether the Reapportionment Commission's plan violates the Federal Voting Right Act and whether some changes ought to be proposed with respect to under-representation of Native Americans in the Legislature. When the Reapportionment Commission started out Sen. Van Valkenburg supported the view that they should create a district in the Flathead Lake area that could be joined with a district in Glacier County in the form of a Senate District. The Commission chose not to do that and in so doing they began the basis of putting together an entire map for the State of Montana.

He suggested to the ACLU and the tribal representatives when they indicated that this needed to be changed that they had an affirmative obligation to come forward with a proposal that would encompass how the ripple effects were dealt with. It would be an impossibility to make the kinds of changes that the ACLU and the tribal representatives recommend. They may have a legal remedy in the federal court system and we may have to live with that at a later date but with all due respect to those interests this committee should not take on that task at this time. He urged adoption of the other changes because they are uncontroversial. With respect to the proposal that Sen. Pipinich made, there is an important legal reason that change should be made. Sen. Pipinich has currently been assigned to a district that he is not eligible to run in or to hold office in in the future. With a minor change in the boundaries that would include his residence, and it does not cause a deviation, that legal problem can be resolved. If that is true with any other Senator regardless of party, he would also make that recommendation. Sen. Van Valkenburg deferred to any proponents.

Proponents' Testimony:

None.

Opponents' Testimony:

Rep. Angela Russell, House District #99, spoke in opposition to HJR 5. She is a representative in the House because of the Voting Rights Act. She was elected in 1986 and prior to her election another tribal member, Ramona Howe, was in the House of Representatives. This all came about following redistricting in 1980. "Finally in 1984 we were able to elect a person from our area that they believe had the concerns and interests of the majority or at least a large minority in population. Prior to that time, the Crow Reservation could not have a strong minority on the reservation. In 1993, we have the opportunity and obligation to look at the State of Montana and look at the seven reservations in the state because we are a significant population. We are the largest minority population. We have 7% of the population but the kindergarten age is 11% of the school population so we are a growing population. We need to do something about that now. When the plan for redistricting came about there were various criteria that was used and they were considered mandatory. Those mandatory criteria include the protection of minority rights. Under number 5 of the Guidelines and Criteria for Legislative Redistricting says the redistricting plan may not dilute the voting strength of racial or language minorities and shall comply with Section 2 of the federal Voting Rights Act. No district plan or proposal for a plan is acceptable if it affords members of a racial or language minority group "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." Since the hearings began tribal members have followed this process. It appears from the information that I

have received that the Commission is not interested in listening in many cases to the concerns the Indian people brought before the commission. They needed to have legislative districts that reflected our minority population. I'm here also to give testimony for Rep. Bob Gervais. The early plan Sen. Van Valkenburg talked about combines the Flathead and Blackfeet Reservations and creates one Senate District. The Commission had some concerns about that because they felt that was not a community of interest. There are three Indian groups originally along with the Blackfeet who really were looking toward one district because they believe they are a community of interest. They have trading going on. There is a lot of commonalities among them. Federal laws apply to them as they apply to all the other Indian tribes in the State. They speak native languages in those communities. There was a valid argument. There are so many commonalities. It's very difficult to go through this plan and see what the ripple effect will be. Sen. Van Valkenburg asked if we had a plan to deal with this ripple effect. We do not have a plan but I know there were plans developed by the Legislative Council and some of those could have been used. It is unrealistic to throw the burden back on the tribes because the commission has taken 10 or 11 months to come up with a plan and to have Indian tribes and the ACLU come up with a plan in a couple of weeks is totally unrealistic. Perhaps the tribes are considered controversial but we need to remind you that we are citizens of this state and we have very few representatives that we have been able to elect and it is important that you know that we have concerns about participation in this government and as the situation now stands there are very few reservations that are able to do that. No one wants to go to court because that is costly. It will cost a lot of money. There was a case in Big Horn County dealing with the Voting Rights Act between the county and the school boards. That case cost Big Horn County over \$500,000. Big Horn County lost so they paid the whole bill. In this case, the State of Montana is the loser, so the State of Montana will pay the bill. The Commission is selected by the leadership of the Legislature. These four individuals chose the fifth person. I would like to recommend that Commission look like us. It has to look like the people of the State of Montana, not only by gender, but by racial parity and different generations."

Scott Crichton, Executive Director of the American Civil Liberty Union of Montana, spoke in opposition to HJR 5. "When one looks at the thoughtful examination that was presented by representatives of Native American nations throughout Montana, the Kootenai/Salish, the Blackfeet, people from Rocky Boy, from Fort Belknap, Fort Peck, the Northern Cheyenne Reservation, with specific ideas about how the Voting Rights Act should be complied with in this Reapportionment Plan we're faced with responses from the chairman of the Commission describing all that work and all that detail as "bovine excretions." It's difficult to feel that the charges that some people have made about not being listened to are hollow when all of that work is responded to in such a

manner. He expressed concern about doing what is right with the little time left. Given the pressures of time the committee may do what they think is right and pass it back to the Commission and if that happens, this is just one chapter in the long process of trying to get what we think is compliance with federal law. The ACLU has done its best with its resources to draw the attention to significant problems in terms of race in electoral politics in Montana and have done that in a non-partisan way."

George Oschenski, representing the Salish/Kootenai Tribes, spoke in opposition to HJR 5. "We urge you to take the step to try and take another look at it before we wind up with what Sen. Van Valkenburg calls the "legal recourse" to fix this thing."

Tootie Welker, Montana Alliance for Progressive Policy, spoke in opposition to HJR 5. "MAPP is very involved in voter registration and a lot of voter registration takes place on reservations. MAPP understands why there is such an apathy and why it is difficult to get the Native Americans registered to vote when they have very little chance to elect anyone who will represent them. In regards to the Voting Rights Act we need to look at the concerns of the Native Americans and hope this committee will take those concerns seriously. At this point, we oppose this plan."

Sen. Rea, Senate District #38, stated he was an opponent to the original resolution. In his area, he was taken from Gallatin County and an arbitrary line was selected which took 1500 people out of the Three Forks District. It separated Sen. Rea from his constituents. Sen. Eck had a proposal to put them back into Gallatin County and that met with opposition from the other party. The committee upheld the original line. Sen. Rea submitted a petition with 300 signatures to have either Sen. Eck's amendment or Sen. Rea's amendment adopted. As it is now, he will not be able to run because he is separated from his constituents. He wants to be in the same district as before with the people who elected him and the people he has represented.

Questions From Committee Members and Responses:

Sen. Burnett asked Sen. Van Valkenburg if the committee should consider an individual instead of a district as is the case with six or eight individuals changing the lines of the district to move them into their district. Sen. Van Valkenburg said the only instance where he was drawing the committee's attention is to Sen. Pipinich's. Sen. Pipinich has been assigned by the Reapportionment Commission to represent a district in which he is ineligible to serve. That is a significant difference between talking about putting someone in their district because they are across the street from wherever the line may be. The committee may decide that all of these other changes are unnecessary. But none of those have the legal effect of saying that the person who is assigned to represent those people for the next four years is ineligible to represent them by virtue of their residence. That

simple fact can be corrected with a minor change that doesn't involve violating the commission's criteria in any way. Anyone would want the same consideration extended to their constituents if they were affected the same way.

Sen. Swift asked Susan Fox, in relation to the Native American testimony just presented, the commission in its action did not decrease or detract from the opportunity of the Native Americans to vote and in fact the commission actually improved that situation, if that was right. Ms. Fox, staff researcher for the Legislative Council and Reapportionment Commission, stated the Commission did maintain or enhance the percentage of total population for Native Americans in any of the districts that contain reservation or the bulk of the reservation.

Sen. Pipinich asked Ms. Fox how many people the Sen. Rea amendment would affect. Ms. Fox said it was 281 people.

Sen. McClernan stated all of his instincts and political philosophies have been subject to Native Americans and he asked Susan what the ramifications would be if the committee were to go ahead with the proposals on the Blackfeet/Flathead and the Crow reservations. Susan said the ramifications of the Big Horn County proposals are slight and not going to cause a great ripple effect because the population is just taken out and given back to the districts which tend to be on the low side. That area is not as big a problem as putting the Blackfeet, Salish Kootenai together. It may be possible to get a suggestion to the Commission before Feb. 10 and the Commission would have 30 days in which to get something done. We do have the information from the ACLU to import into the current plan.

Sen. Weldon stated the Senate Committee has struggled in good faith attempting to figure out a way to accomplish, if not all that was argued, part of it. Part of the discussion centered on an analysis of the present situation for Indian participation and what the plan offers. He asked Mr. Crichton if he had an analysis of the same situation. There are two Indian majority House districts and one Indian majority Senate District. Mr. Crichton said that was correct. Sen. Weldon said under the plan submitted to the Legislature, there would be five Indian majority House Districts and one Indian majority Senate District. Mr. Crichton referred to Susan. His understanding is there would be two House and one Senate in the Salish Kootenai/Blackfeet, two House and one Senate for Rocky Boy/Fort Belknap/Fort Peck, and one House district that would allow Northern Cheyenne to potentially elect someone. ACLU's interest is not to guarantee that Indians are elected but to guarantee that Indians have a chance to elect. Sen. Weldon stated under the plan as submitted by the Legislature there would be a House District on or near the Blackfeet Reservation, which is the same, there would be one enhanced near the Crow Reservation would be the same, one that would be enhanced slightly in the Northern Cheyenne area, and one in the Fort Peck area and one in the Fort Belknap area. The net

The net effect for the potential involvement in the House is quite good under the Commission's plan. That would give some sense of the quandary this committee is grappling with.

Closing by Sponsor:

Sen. Van Valkenburg stated it was his recommendation that if the committee does propose amendments to HJR 5 with respect to specific changes that the committee include the reasons for the recommendations. That would be helpful to the Commission in its deliberations.

EXECUTIVE ACTION ON HJR 5

Discussion: Sen. Vaughn suggested the committee go down the list of amendments to see what action is necessary to be taken. Sen. Hertel stated he was against making any changes. Sen. Swift was also against making changes. Sen. Weldon and Sen. Pipinich felt there was a need to make changes. Sen. Weldon stated it was appropriate that the Legislature review and comment on these changes. He said the Commission is an independent board and has nothing to do with the Legislature or the Governor and has full power to design state's districts. They submit the plan to the Legislature only for review and comment and the Reapportionment Commission could consider the comments from the Committee or ignore the comments.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Sen. Rea (EXHIBIT #1).

Discussion: The Buffalo Jump Road is an easier boundary to identify.

Vote: Motion CARRIED with Sen. Burnett, Sen. Hertel, Sen. Swift voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Sen. Hockett and Rep. Bachini (EXHIBIT #2).

Discussion: The district line will now follow Highway 87 instead of a fenceline. The amendment includes the boundary around Box Elder. The Community of Box Elder will remain in House District 142 (new HB 92). There are 37 people affected by this amendment.

Vote: Motion CARRIED with Sen. Burnett voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Rep. McCaffree (EXHIBIT #3).

Discussion: The amendment addresses the district in Rosebud County. It drops the House District line west of Forsyth. It would clarify the district line and maintain the community of

interest these people share with Forsyth. There are 259 people affected by this amendment.

Vote: Motion CARRIED with Sen. Burnett and Sen. Swift voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Rep. Sayles (EXHIBIT #4).

Discussion: The amendment would move the boundary north about three blocks to include the area that Rep. Sayles lives. The amendment would place the people with the district that is most similar to the current district represented by Rep. Sayles. There are 300 people affected by this amendment.

Vote: Motion CARRIED with Sen. Burnett voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Sen. Bartlett (EXHIBIT #5).

Discussion: The amendment would redraw the House District line so the neighborhoods could remain together. It moves the line around Mt. Helena and would affect 59 people.

Vote: Motion CARRIED with Sen. Burnett voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Rep. Elliott (EXHIBIT #6).

Discussion: The amendment would move the district boundary from the river to the highway between Paradise and Plains. The amendment would affect 32 people.

Vote: Motion CARRIED with Sen. Burnett voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Sen. Pipinich (EXHIBIT #7).

Discussion: Sen. Pipinich has been assigned to a district where he is not allowed to run. The amendment would allow Sen. Pipinich to live in the district where he has been assigned.

Vote: Motion CARRIED with Sen. Burnett voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Rep. Wagner (EXHIBIT #8).

Discussion: The amendment moves the district boundary from Highway 2 and Hilltop Road to Highway 2 and Brunner Road. This amendment would keep people together currently in the same district. The amendment affects 183 people.

Vote: Motion CARRIED with Sen. Burnett and Sen. Swift voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Rep. Molnar (EXHIBIT #9).

Discussion: The amendment moves the district boundary from fencelines and waterways to the road near Molt. The reason is for ease of boundary and it more closely represents the district as it is now. It expands the district north but keeps the people who feel they belong to the community of Laurel with the Laurel District. The amendment affects 250 people.

Vote: Motion CARRIED with Sen. Burnett and Sen. Swift voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Rep. Galvin (EXHIBIT #10).

Discussion: The amendment adjusts the district boundary to include the fairgrounds. The amendment affects 46 people.

Vote: Motion CARRIED with Sen. Burnett voting no.

Motion: Sen. Weldon moved to amend HJR 5 specific to the request made by Rep. Driscoll (EXHIBIT #11).

Discussion: The amendment move the district boundary so the neighborhood on one side of Interstate 90 is connected to the larger area. This amendment would place people with a community of interest in the same district. The amendment affects 140 people.

Vote: Motion CARRIED with Sen. Burnett voting no.

Motion: Sen. Weldon moved to amend HJR 5 (hjr00502.asf).

Discussion: This amendment recognizes the argument and concerns expressed by the Native Americans through the hearing process.

Vote: Motion to AMEND HJR 5 CARRIED UNANIMOUSLY.

Motion: Sen. Weldon moved to amend HJR 5 (hjr00503.asf).

Discussion: This amendment recognizes the Reapportionment Commission did take a sincere effort to enhance and maintain Native American concerns by adopting 5 House districts and one Senate district.

Vote: Motion to AMEND HJR 5 CARRIED UNANIMOUSLY.

Motion: Sen. Swift moved to amend HJR 5 specific to the request made by Sen. Beck.

Discussion: There was discussion concerning ripple effect and Sen. Swift rescinded his motion.

EXECUTIVE ACTION ON HJR 5

Motion: Sen. Pipinich moved HJR 5 DO PASS AS AMENDED.

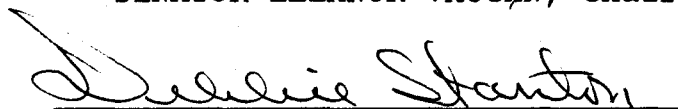
Discussion: Sen. Hockett asked if this bill could be amended on the floor of the Senate. Sen. Pipinich said he moved it as amended. Sen. Hertel stated we were not acting on Sen. Beck's, Sen. Ecks, Rep. McCarthy's. As far as the Indian issues, we are just recommending what the commission has done. Sen. Vaughn stated that the committee did add the two amendments that recognize that they had a concern. The rest of the amendments will go to the Commission unless someone on the floor makes some changes.

Vote: Motion HJR 5 DO PASS AS AMENDED CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 12:00 p.m.


SENATOR ELEANOR VAUGHN, Chair


DEBORAH STANTON, Secretary

EV/ds

ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 2-4-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		
Sen. Jim Burnett	✓		
Sen. Harry Fritz	✓		
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan	✓		
Sen. Bob Pipinich	✓		
Sen. Bernie Swift	✓		
Sen. Larry Tveit			
David Niss	✓		

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
February 5, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Joint Resolution No. 5 (first reading copy -- white), respectfully report that House Joint Resolution No. 5 be amended as follows and as so amended be concurred in.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Page 1, line 25.

Following: line 24

Insert: "WHEREAS, the Legislature recognizes the concerns of Native Americans and is committed to their expanded involvement in the political process; and

WHEREAS, the Legislature recognizes the Districting and Apportionment Commission's effort to enhance and maintain Native American majority districts by adopting five house districts and a senate district in which Native Americans constitute a majority of the district population; and"

2. Page 2, line 9.

Following: "Legislature."

Insert: "The Legislature recommends that the Commission consider the amendments:

(1) requested by Senator Rea in Gallatin County to move the eastern boundary of House District 33 in Gallatin County from Bench Road and Table Mountain Road to the east side of the Madison River using the Buffalo Jump Road north to Logan, skirting Logan on the southwest and following the Gallatin River to the headwaters of the Missouri River. This amendment moves 281 people from House District 32 to House District 33. The reason for this amendment is to maintain a community of interest and to use a boundary that is easier to identify. (Exhibit #1)

(2) requested by Senator Hockett and Representative Bachini in Hill County to move the western boundary of House District 92 in Hill County from the current district boundary to Highway 87 south to just north of Box Elder where House District 92 includes a small area west of Highway 87. This amendment moves 37 people from House District 92 to House District 90. The percentage of Native Americans in House District 92 improves slightly to 58.82% of total population and 52.37% of voting-age population. The reason for this amendment is to use a boundary that is easier to identify. (Exhibit #2)

(3) requested by Representative McCaffree in Rosebud County to move the western boundary of House District 3 from Highway 14 and the road north of Vananda to the Yellowstone River west of Forsyth and the county line. This amendment moves 259 people from House District 7 to House District 3. The reason for this amendment is to maintain the community of interest that these people share with Forsyth. (Exhibit #3)

(4) requested by Representative Sayles in Missoula County to move the northern boundary of House District 62 from the South Avenue to North Avenue and Edwards Avenue. This amendment moves 300 people from House District 70 to House District 62. The reason for this amendment is to place these people within the district that is most similar to the current district represented by Representative Sayles. (Exhibit #4)

(5) requested by Senator Bartlett in Lewis and Clark County to move the southern boundary of House District 54 from La Grande Cannon Boulevard to a ridge line on Mount Helena. This amendment moves 59 people from House District 53 to House District 54. The reason for this amendment is to keep a neighborhood in the same district and move the district boundary to a better geographical boundary. (Exhibit #5)

(6) requested by Representative Elliott in Sanders County to move the boundary south of Plains from the Clark Fork River to follow Highway 200 past Paradise to where it intersects the Clark Fork River at which point the boundary follows the river south. This amendment moves 32 people from House District 71 to House District 72. The reason for this amendment is to keep people from the community of Plains in the same district. (Exhibit #6)

(7) requested by Senator Pipinich in Missoula County to move a portion of the southern boundary of House District 69 from I-90 to north of Highway 200 east of East Missoula and to have the boundary follow the Clark Fork River to the adopted boundary. This amendment moves 257 people from House District 69 to House District 58. The reason for this amendment is to keep Senator Pipinich in the district to which the Commission assigned him as a holdover Senator. If the amendment is not adopted he will have no right to run in the district to which he has been assigned. (Exhibit #7)

(8) requested by Representative Wagner in Flathead County to move the southwest boundary of House District 83 from Highway 2 (east/west) and Hilltop Road to Highway 2 (north/south) and Brunner Road. This amendment moves 183 people from House District 79 to House District 83. The reason for this amendment is to keep people together currently in the same district. (Exhibit #8)

(9) requested by Representative Molnar in Yellowstone County to move the northwest boundary of House District 22 from King Avenue and Canyon Creek to the Molt Road. This amendment also brings the southern boundary of House District 8 in Yellowstone County to Molt Road. Both of these amendments move the western boundary of House District 9 east toward Billings. This amendment moves 268 people from House District 9 and places 23 people in House District 8 and 245 people in House District 22. The reason for this amendment is to keep people with a community of interest together and to use a boundary that is easier to identify. (Exhibit #9)

(10) requested by Representative Galvin in Cascade County to move the northern boundary of House District 48 to I-15 west of Great Falls and place the fairgrounds in House District 48. This amendment moves 81 people from House District 47 to House District 48. The reason for this amendment is to place people with a community of interest in the same district. (Exhibit #10)

(11) requested by Representative Driscoll in Yellowstone County to move the eastern boundary of House District 17 from I-90 and Washington Avenue south of I-90 to follow King Avenue to Sugar Avenue and follow Garden Avenue east and north to Belknap Avenue to the Yellowstone River where it meets the adopted boundary. This amendment moves 141 people from House District 13 to House District 17. The reason for this amendment is to place people with a community of interest in the same district. (Exhibit #11)

All of the above amendments to the plan maintain a plus or minus 5% deviation which is one of the mandatory criteria adopted by the Commission.

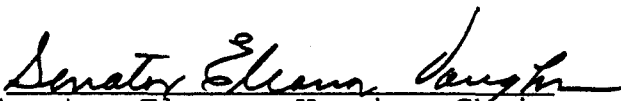
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M Amd. Coord.

Sec. of Senate

Senator Carrying Bill

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(8) requested by Representative Wagner in Flathead County to move the southwest boundary of House District 83 from Highway 2 (east/west) and Hilltop Road to Highway 2 (north/south) and Brunner Road. This amendment moves 183 people from House District 79 to House District 83. The reason for this amendment is to keep people together currently in the same district. (Exhibit #8)

(9) requested by Representative Molnar in Yellowstone County to move the northwest boundary of House District 22 from King Avenue and Canyon Creek to the Molt Road. This amendment also brings the southern boundary of House District 8 in Yellowstone County to Molt Road. Both of these amendments move the western boundary of House District 9 east toward Billings. This amendment moves 268 people from House District 9 and places 23 people in House District 8 and 245 people in House District 22. The reason for this amendment is to keep people with a community of interest together and to use a boundary that is easier to identify. (Exhibit #9)

(10) requested by Representative Galvin in Cascade County to move the northern boundary of House District 48 to I-15 west of Great Falls and place the fairgrounds in House District 48. This amendment moves 81 people from House District 47 to House District 48. The reason for this amendment is to place people with a community of interest in the same district. (Exhibit #10)

(11) requested by Representative Driscoll in Yellowstone County to move the eastern boundary of House District 17 from I-90 and Washington Avenue south of I-90 to follow King Avenue to Sugar Avenue and follow Garden Avenue east and north to Belknap Avenue to the Yellowstone River where it meets the adopted boundary. This amendment moves 141 people from House District 13 to House District 17. The reason for this amendment is to place people with a community of interest in the same district. (Exhibit #11)

All of the above amendments to the plan maintain a plus or minus 5% deviation which is one of the mandatory criteria adopted by the Commission.

-END-

ROLL CALL VOTE

Sen. Rea

SENATE COMMITTEE State Administration BILL NO. HR S

DATE 2-4-93 TIME _____ A.M. P.M.

NAME YES NO

NAME	YES	NO
Sen. Jim Burnett		✓
Sen. Harry Fritz	✓	
Sen. John Hertel		✓
Sen. Bob Hockett	✓	
Sen. Henry McClernan	✓	
Sen. Bob Pipinich	✓	
Sen. Bernie Swift		✓
Sen. Larry Tveit		
Sen. Jeff Weldon	✓	
Sen. Eleanor Vaughn	✓	

SECRETARY _____ CHAIR _____

MOTION: _____



Montana Districting and Apportionment Commission

2/2/93
4:50
Room 138 State Capitol
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

Commission members:

Jean Fallan Barrett
Chairman
2042 Gold Rush Avenue
Helena, MT 59601

Selden S. Frisbee
13 East Main
Cut Bank, MT 59427

James J. Pasma
5 Curve Drive
Havre, MT 59501

H.J. "Jack" Pinsoneault
215 West Broadway
Missoula, MT 59802

Jack D. Rehberg
2922 Glenwood Lane
Billings, MT 59102

Staff:

Susan Fox
Tom Gomez
Researchers
John MacMaster
Attorney
Ellen Garrity
Secretary

February 2, 1993

TO: Speaker of the House John Mercer
FROM: John MacMaster *J. MacMaster*

SENATE STATE ADMIN.
EXHIBIT NO. A
DATE 2-4-93
BILL NO. HJR5

In answer to your inquiry as to the deadline for the 53rd Legislature's return of the redistricting plan to the Districting and Apportionment Commission under Article V, section 14, of the Constitution of the State of Montana, that provision states that within 30 days after the Commission submits the plan to the Legislature, the Legislature shall return the plan to the Commission with the Legislature's recommendations.

Section 1-1-306, MCA, states that "the time in which any act provided by law is to be done is computed by excluding the first day and including the last unless the last day is a holiday, and then it is also excluded."

Section 1-1-301(4), MCA, states that "a 'day' is the period of time between any midnight and the midnight following."

The Commission submitted the plan to the Legislature on January 11. Under 1-1-306, MCA, that day is not counted and the first day is January 12. Counting 30 days, the Legislature has until midnight of Wednesday, February 10 (that is, until the end of that Wednesday), to return the plan to the Commission.

Please contact me if you have any further questions.

epg 3033jmx.

Amendments to House Joint Resolution No. 5
Third Reading Copy

For the Committee on State Administration

Prepared by Susan B. Fox
February 3, 1993

1. Page 1, line 25.

Following: line 24

Insert: "WHEREAS, the Legislature recognizes the concerns of
Native Americans and is committed to their expanded
involvement in the political process; and

WHEREAS, the Legislature recognizes the Districting and
Apportionment Commission's effort to enhance and maintain Native
American majority districts by adopting five house districts and
a senate district in which Native Americans constitute a majority
of the district population; and"

2. Page 2, line 9.

Following: "Legislature."

Insert: "The Legislature recommends that the Commission consider
the amendments:

(1) requested by Senator Rea in Gallatin County to move the
eastern boundary of House District 33 in Gallatin County from
Bench Road and Table Mountain Road to the east side of the
Madison River using the Buffalo Jump Road north to Logan,
skirting Logan on the southwest and following the Gallatin River
to the headwaters of the Missouri River. This amendment moves
281 people from House District 32 to House District 33. The
reason for this amendment is to maintain a community of interest
and to use a boundary that is easier to identify. (Exhibit #1)

(2) requested by Senator Hockett and Representative Bachini in
Hill County to move the western boundary of House District 92 in
Hill County from the current district boundary to Highway 87
south to just north of Box Elder where House District 92 includes
a small area west of Highway 87. This amendment moves 37 people
from House District 92 to House District 90. The percentage of
Native Americans in House District 92 improves slightly to 58.82%
of total population and 52.37% of voting-age population. The
reason for this amendment is to use a boundary that is easier to
identify. (Exhibit #2)

(3) requested by Representative McCaffree in Rosebud County to
move the western boundary of House District 3 from Highway 14 and
the road north of Vananda to the Yellowstone River west of
Forsyth and the county line. This amendment moves 259 people
from House District 7 to House District 3. The reason for this
amendment is to maintain the community of interest that these
people share with Forsyth. (Exhibit #3)

(4) requested by Representative Sayles in Missoula County to move the northern boundary of House District 62 from the South Avenue to North Avenue and Edwards Avenue. This amendment moves 300 people from House District 70 to House District 62. The reason for this amendment is to place these people with the district that is most similar to the current district represented by Representative Sayles. (Exhibit #4)

(5) requested by Senator Bartlett in Lewis and Clark County to move the southern boundary of House District 54 from La Grande Cannon Boulevard to a ridge line on Mount Helena. This amendment moves 59 people from House District 53 to House District 54. The reason for this amendment is to keep a neighborhood in the same district and move the district boundary to a better geographical boundary. (Exhibit #5)

(6) requested by Representative Elliott in Sanders County to move the boundary south of Plains from the Clark Fork River to follow Highway 200 past Paradise to where it intersects the Clark Fork River at which point the boundary follows the river south. This amendment moves 32 people from House District 71 to House District 72. The reason for this amendment is to keep people from the community of Plains in the same district. (Exhibit #6)

(7) requested by Senator Pipinich in Missoula County to move a portion of the southern boundary of House District 69 from I-90 to north of Highway 200 east of East Missoula and to have the boundary follow the Clark Fork River to the adopted boundary. This amendment moves 257 people from House District 69 to House District 58. The reason for this amendment is to keep Senator Pipinich in the district to which the Commission assigned him as a holdover Senator. If the amendment is not adopted he will have no right to run in the district to which he has been assigned. (Exhibit #7)

(8) requested by Representative Wagner in Flathead County to move the southwest boundary of House District 83 from Highway 2 (east/west) and Hilltop Road to Highway 2 (north/south) and Brunner Road. This amendment moves 183 people from House District 79 to House District 83. The reason for this amendment is to keep people together currently in the same district. (Exhibit #8)

(9) requested by Representative Molnar in Yellowstone County to move the northwest boundary of House District 22 from King Avenue and Canyon Creek to the Molt Road. This amendment also brings the southern boundary of House District 8 in Yellowstone County to the Molt Road. Both of these amendments move the western boundary of House District 9 east towards Billings. This amendment moves 268 people from House District 9 and places 23 people in House District 8 and 308 people in House District 22. The reason for this amendment is to keep people with a community of interest together and to use a boundary that is easier to identify. (Exhibit #9)

(10) requested by Representative Galvin in Cascade County to move the northern boundary of House District 48 to I-15 west of Great Falls, and place the fairgrounds in House District 48. This amendment moves 81 people from House District 47 to House District 48. The reason for this amendment is to place people with a community of interest in the same district. (Exhibit #10)

(11) requested by Representative Driscoll in Yellowstone County to move the eastern boundary of House District 17 from I-90 and Washington Avenue south of I-90 to follow King Avenue to Sugar Avenue and follow Garden Avenue east and north to Belknap Avenue to the Yellowstone River where it meets the adopted boundary. This amendment moves 141 people from House District 13 to House District 17. The reason for this amendment is to place people with a community of interest in the same district. (Exhibit #11)

All of the above amendments to the plan maintain a plus or minus 5% deviation which is one of the mandatory criteria adopted by the Commission.

Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 23, 1993

GALLATIN COUNTY
Prepared at the request of Sen. Rea

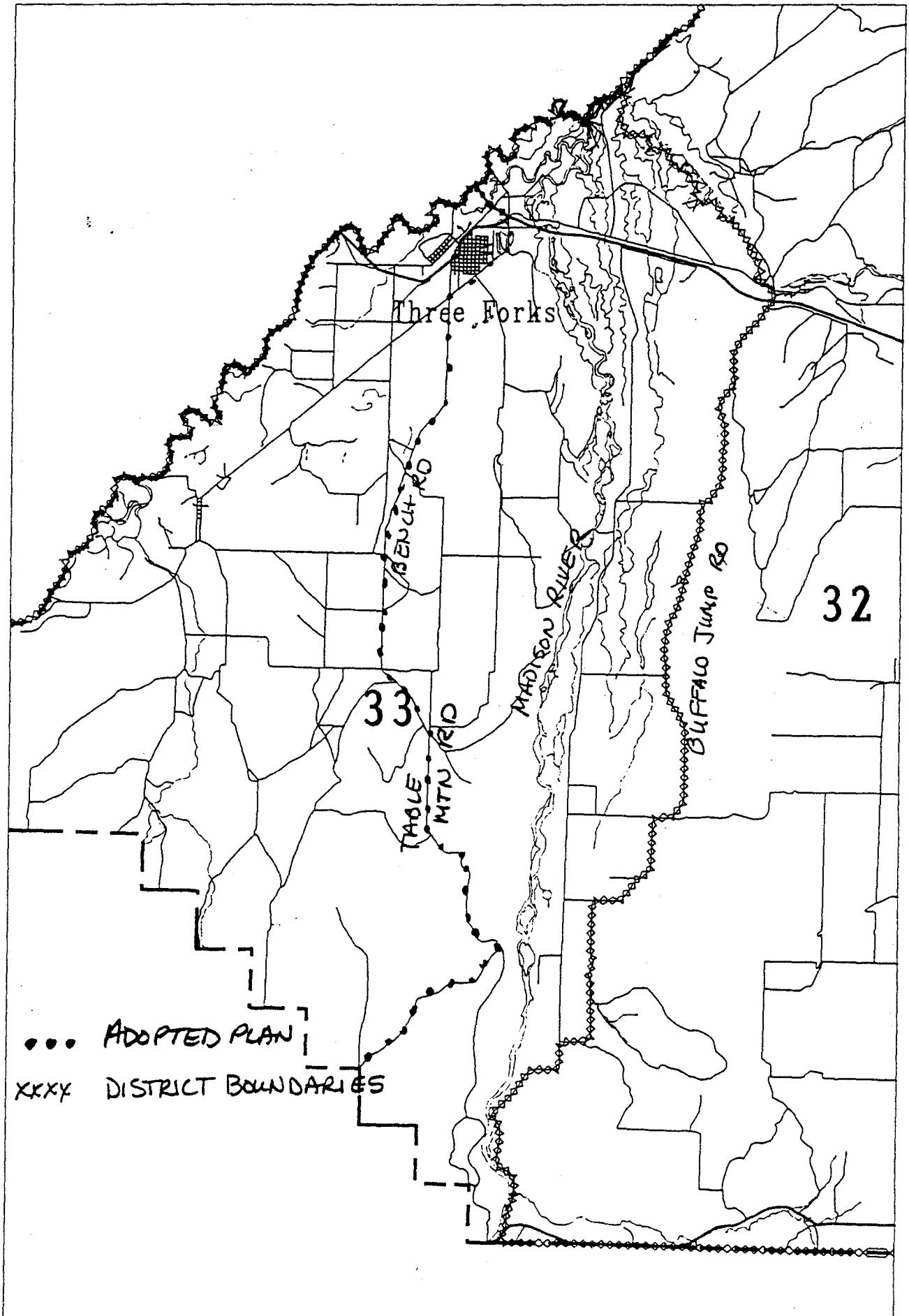
SENATE COMMITTEE NO. _____
HOUSE NO. 1
DATE 2-4-93
BILL NO. HJR 5

1. This amendment would move the eastern boundary of House District 33 in Gallatin County from Bench Road and Table Mountain Road to the other side of the Madison River using the Buffalo Jump Road north to Logan, skirting Logan on the southwest and following the Gallatin River to the headwaters of the Missouri River.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
33	74	8100 (1.36%)	8381 (4.88%)
32	76	8119 (1.60%)	7838 (-1.91%)

GALLATIN COUNTY

Requested by Sen. Rea



Ordered by Montana Legislative Council

DISTRICTING AND APPORTIONMENT

PROPOSED AMENDMENT TO
EASTERN HI-LINE REGION
Hill County

Prepared by Susan Fox, Staff Researcher
November 17, 1992

SENATE STATE ADMIN.

EXHIBIT NO. 2

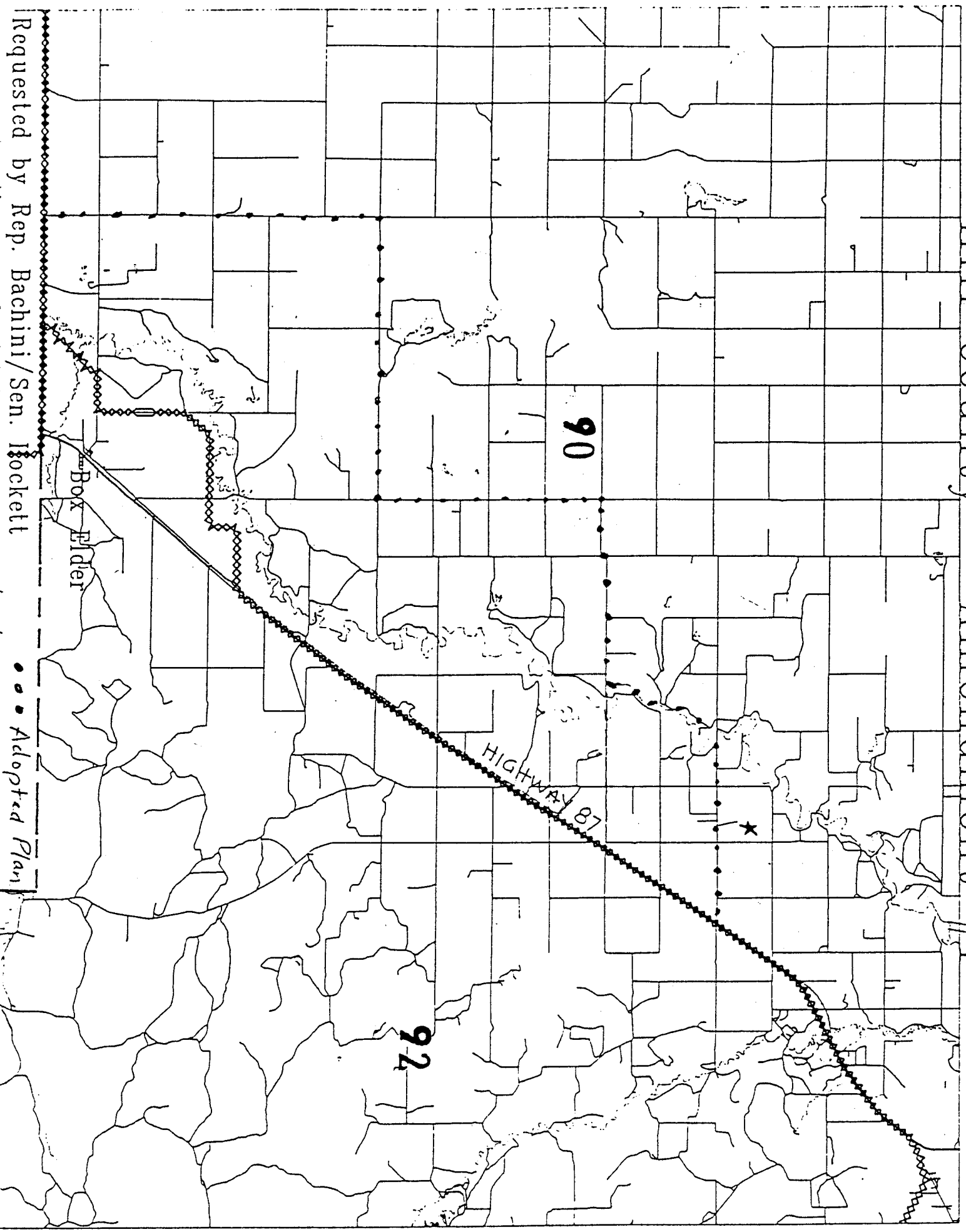
DATE 2-4-93

BILL NO. HJR 5

Amendment #1- Requested by Representative Bachini and Senator Hockett.

This amendment would move the western boundary of House District 142 in Hill County from the current district boundary to Highway 87 south to just north of Box Elder where it includes a small area west of Hwy 87. The percentage of Native Americans in House District 142 improves slightly to 58.82% of total population and 52.37% of voting age population.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
90	13/14	8145 (1.93%)	8182 (2.39%)
92	14/16	7960 (-0.39%)	7923 (-0.85%)



Requested by Rep. Bachini/Sen. Hockett

Adopted Plan

Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 23, 1993

SENATE STATE ADMIN.

EXHIBIT NO. 3

ROSEBUD COUNTY

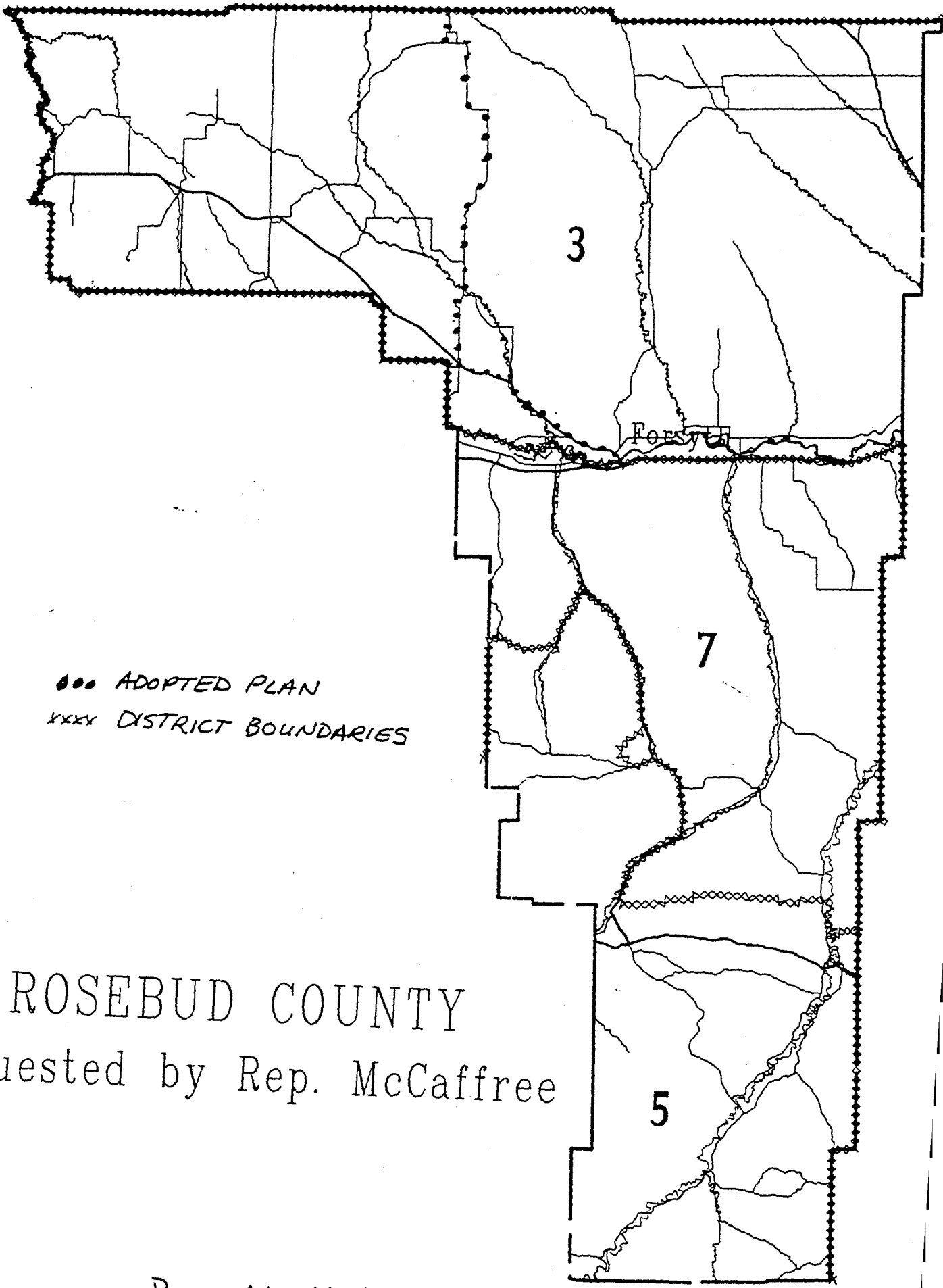
DATE 2-4-93

Prepared at the request of Rep. McCaffree

BILL NO. HJR5

1. This amendment would move the western boundary of House District 3 to the Yellowstone River west of Forsyth, from Highway 14 and the road north the Vananda. This returns it to the plan prior to the November 30, 1992 amendment.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
3	25	7979 (-0.15%)	8238 (3.09%)
7	27	7893 (-1.23%)	7634 (-4.47%)



●●● ADOPTED PLAN
XXXX DISTRICT BOUNDARIES

ROSEBUD COUNTY

Requested by Rep. McCaffree

Prepared by Montana Legislative Council

Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 23, 1993

SENATE STATE ADMIN.

EXHIBIT NO. 4

MISSOULA COUNTY

Prepared at the request of Rep. Sayles

DATE 2-4-93

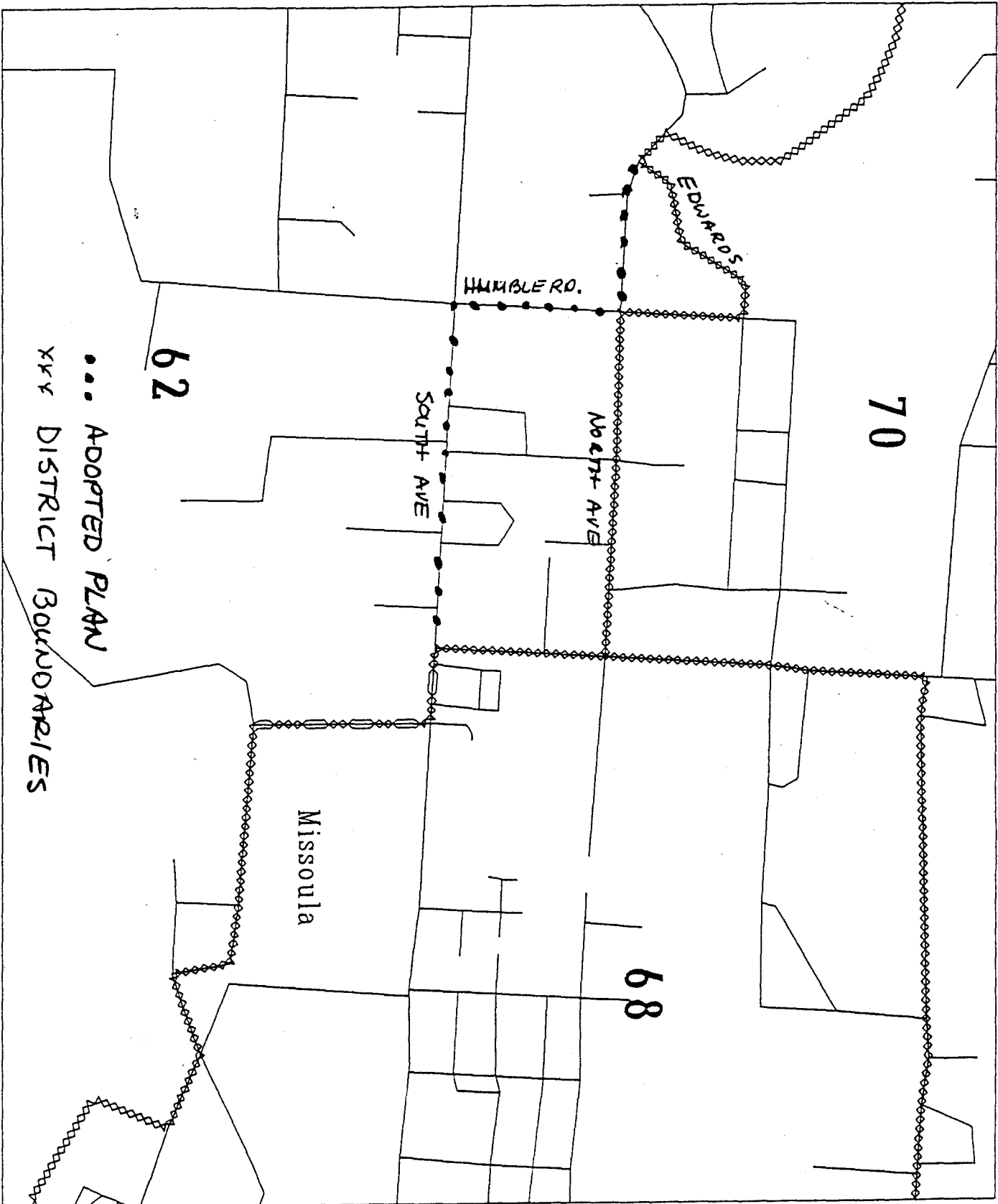
BILL NO. HJR 5

1. This amendment would move the northern boundary of House District 62 from the South Ave to North Ave and Edwards Ave.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
62	61	7672 (-3.99%)	7972 (-0.24%)
70	new	7973 (-0.23%)	7673 (-3.98%)

MISSOULA COUNTY

Requested by Rep. Sayles



... ADOPTED PLAN
XRV DISTRICT BOUNDARIES

Prepared by the Montana Legislative Council

Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 23, 1993

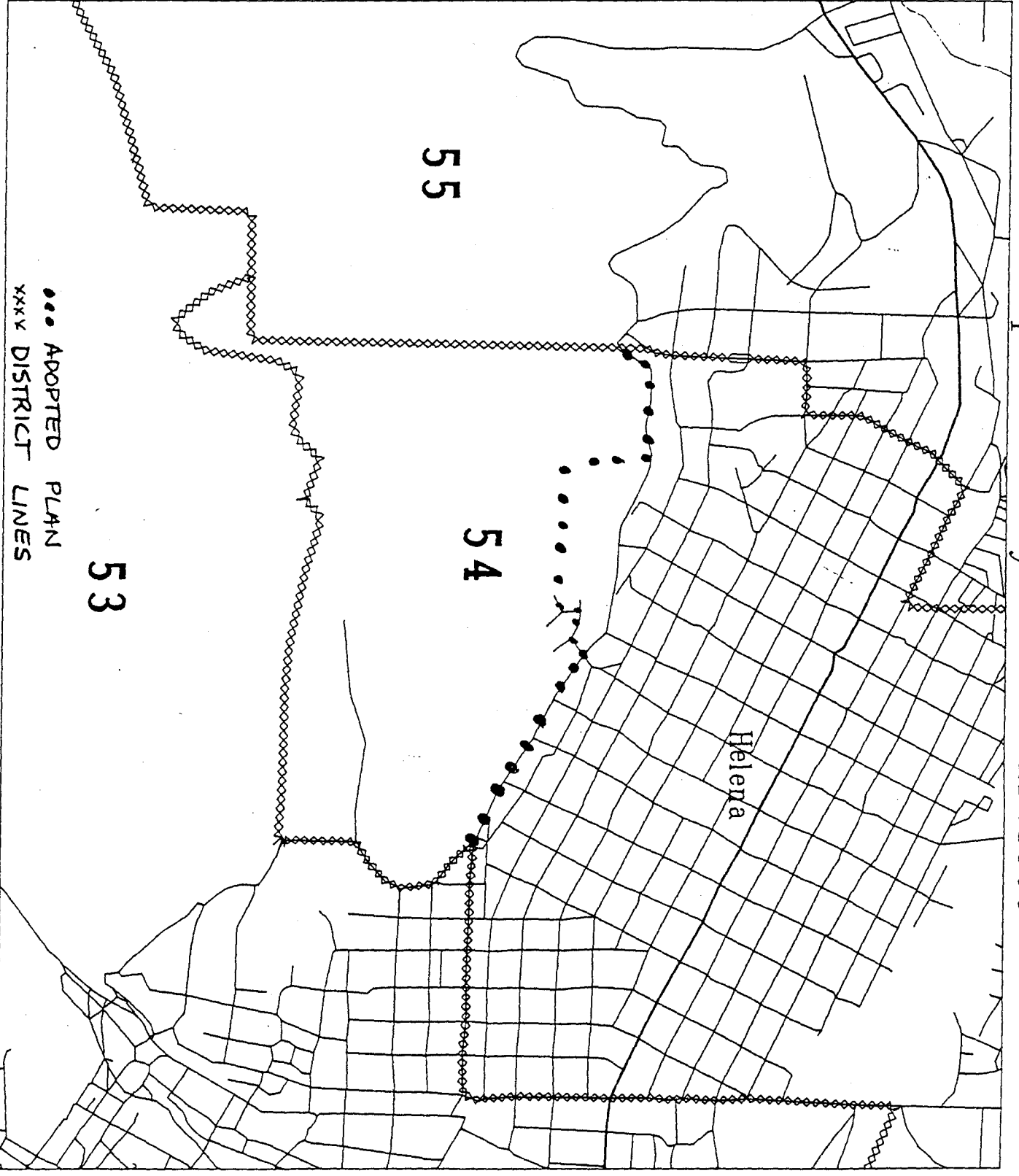
LEWIS AND CLARK COUNTY
Prepared at the request of Sen. Bartlett

SENATE DIST. PLAN.
EXHIBIT 5
DATE 2-4-93
BILL NO. HJR 5

1. This amendment would move the southern boundary of House District 54 from La Grande Cannon Boulevard to a ridge line on Mount Helena.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
53	45	7978 (-0.16%)	7919 (-0.90%)
54	46	8298 (3.84%)	8357 (4.58%)

LEWIS & CLARK COUNTY
Requested by Sen. Bartlett



Prepared by Montana Legislative Council

Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 23, 1993

SANDERS COUNTY
Prepared at the request of Rep. Elliott

SENATE STATE ADMIN.

EXHIBIT NO. 6

DATE 2-4-93

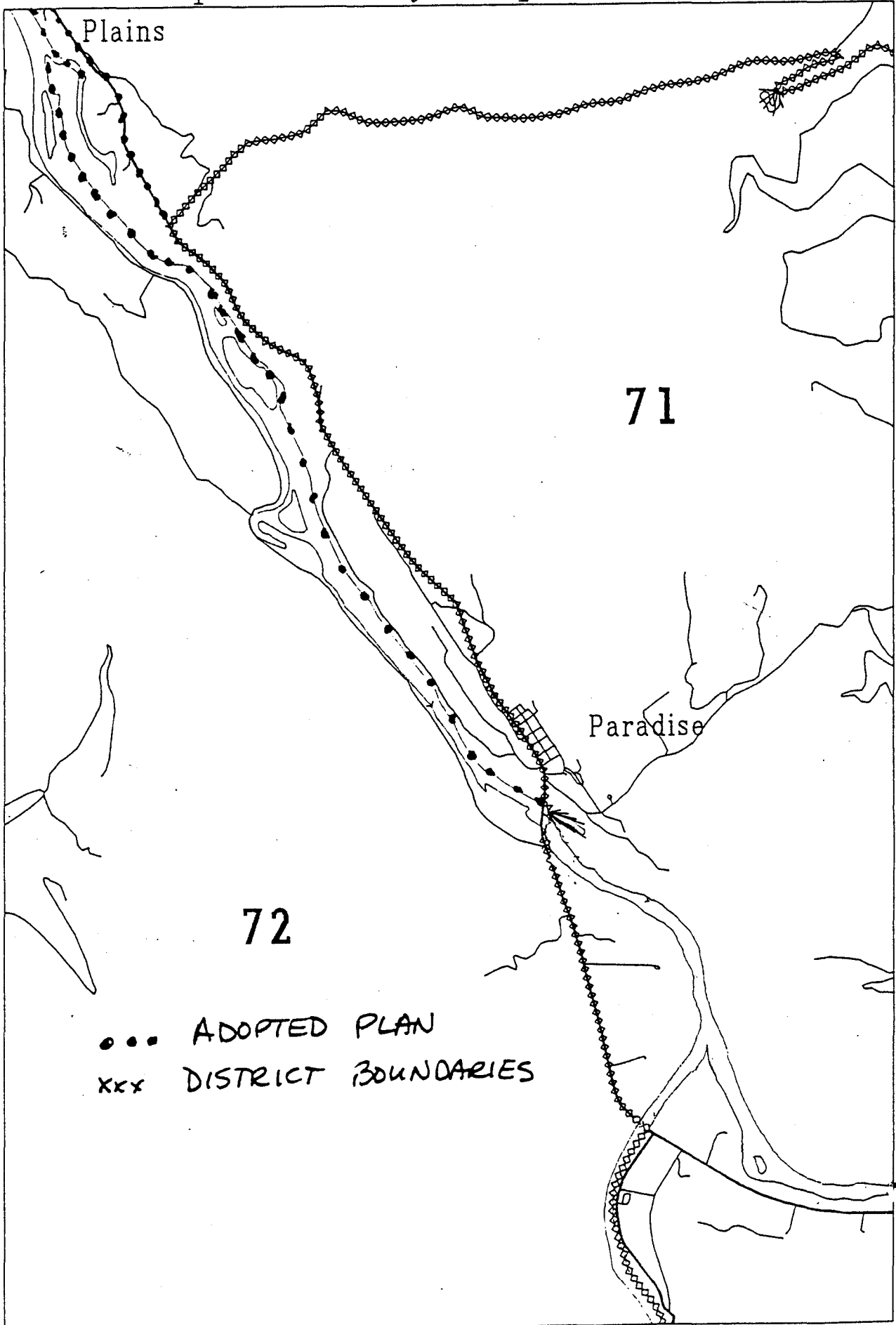
BILL NO. HJR 5

1. This amendment would move the boundary south of Plains from the Clark Fork River to follow Hwy 200 past Paradise and where it intersects the Clark Fork River, it follows the river south.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
71	52	8064 (0.91%)	8032 (0.51%)
72	51	8169 (2.23%)	8201 (2.63%)

SANDERS COUNTY

Requested by Rep. Elliott



●●● ADOPTED PLAN
xxx DISTRICT BOUNDARIES

Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 26, 1993

MISSOULA COUNTY
Prepared at the request of Sen. Pipinich

SENATE STATE ADMIN.

EXHIBIT NO. 7

DATE 2-4-93

DWL NO. HSR 5

1. This amendment would move a portion of the southern boundary of House District 69 from I-90 to north of Highway 200 east of East Missoula and follows the Clark Fork River to the adopted boundary.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
58	65	7981 (-0.13%)	8238 (3.09%)
69	54	8157 (2.08%)	7900 (-1.14%)

Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 26, 1993

MISSOULA COUNTY
Prepared at the request of Sen. Pipinich

SENATE STATE ADMIN.

EXHIBIT NO. 7

DATE 2-4-93

DRL NO. HJR 5

1. This amendment would move a portion of the southern boundary of House District 69 from I-90 to north of Highway 200 east of East Missoula and follows the Clark Fork River to the adopted boundary.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
58	65	7981 (-0.13%)	8238 (3.09%)
69	54	8157 (2.08%)	7900 (-1.14%)

MISSOULA COUNTY

Requested by Sen. Pipinich

69

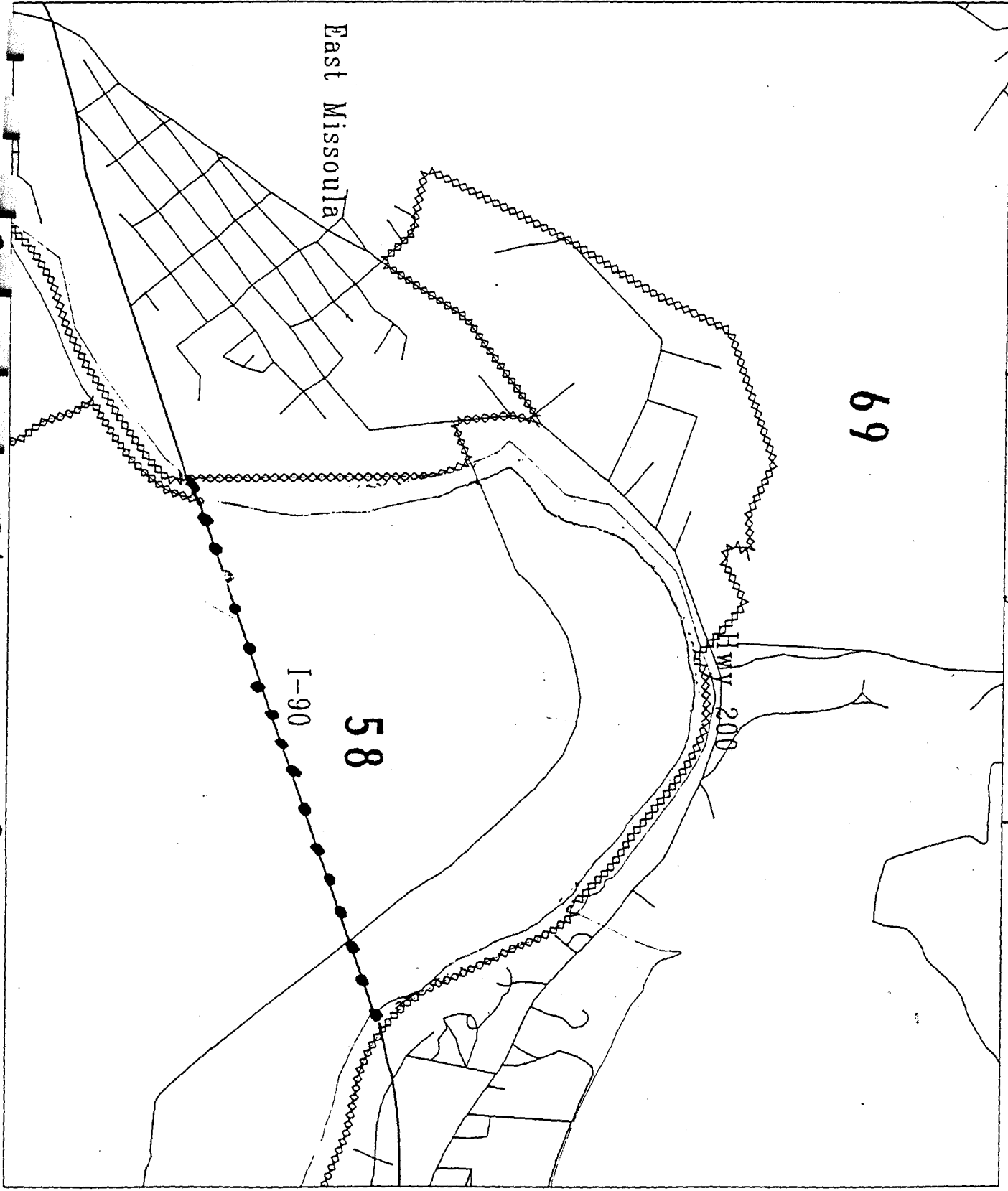
East Missoula

HWY 200

58

I-90

Prepared for Architectural Legislative Council



Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 23, 1993

FLATHEAD COUNTY
Prepared at the request of Rep. Wagner

SENATE STATE ADMIN.

EXHIBIT NO. 8

DATE 2-4-93

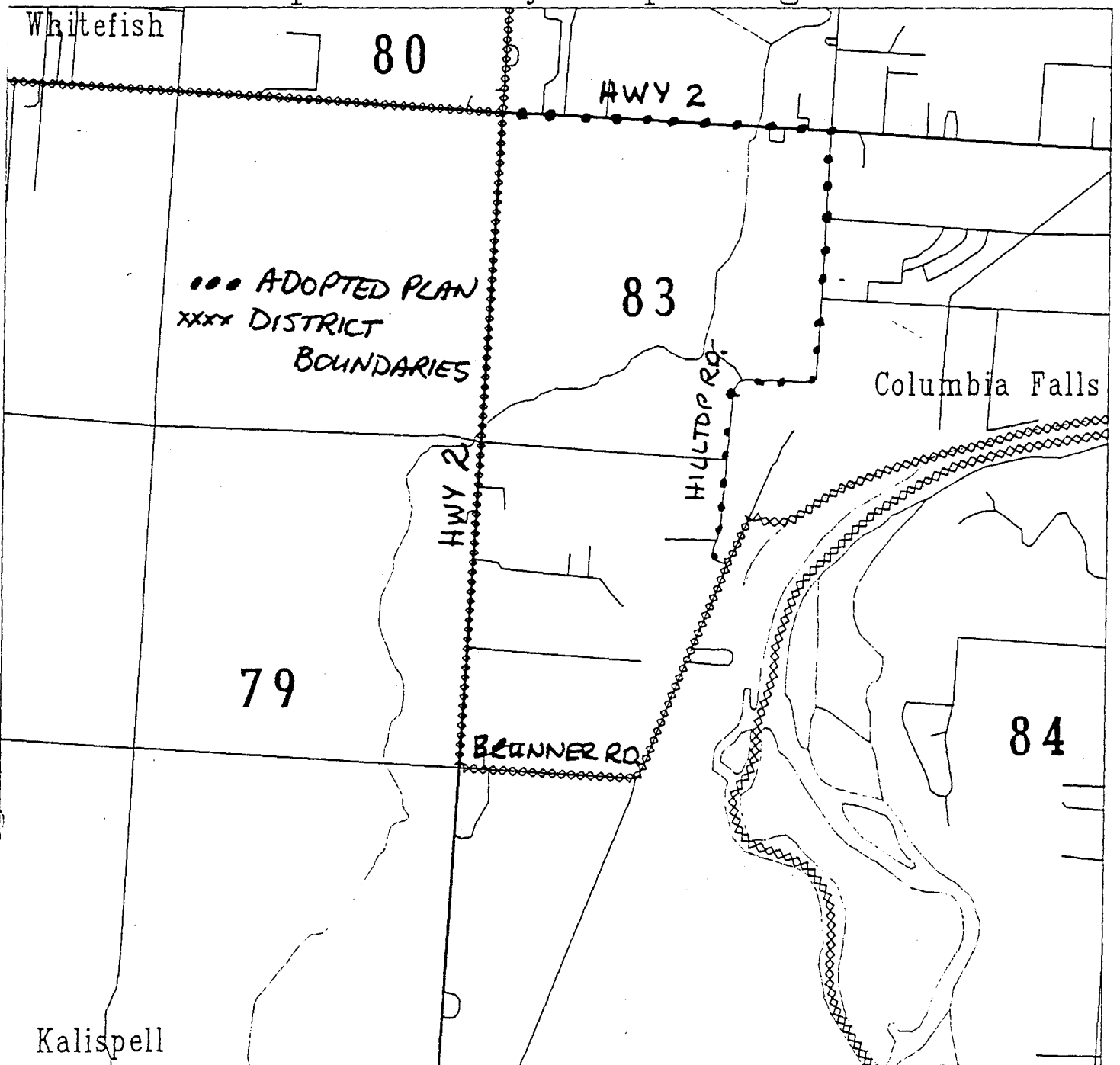
BILL NO. HJR 5

1. This amendment would move the southwest boundary of House District 83 from Highway 2 (east/west) and Hilltop Road to Highway 2 (north/south) and Brunner Road.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
79	4	7933 (-0.73%)	7750 (-3.02%)
83	8	7875 (-1.45%)	8058 (0.84%)

FLATHEAD COUNTY

Requested by Rep. Wagner



Prepared by Montana Legislative Council

Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
January 23, 1993

SENATE STATE ADMIN.

ENRBIT NO. 9

YELLOWSTONE COUNTY

DATE 2-4-93

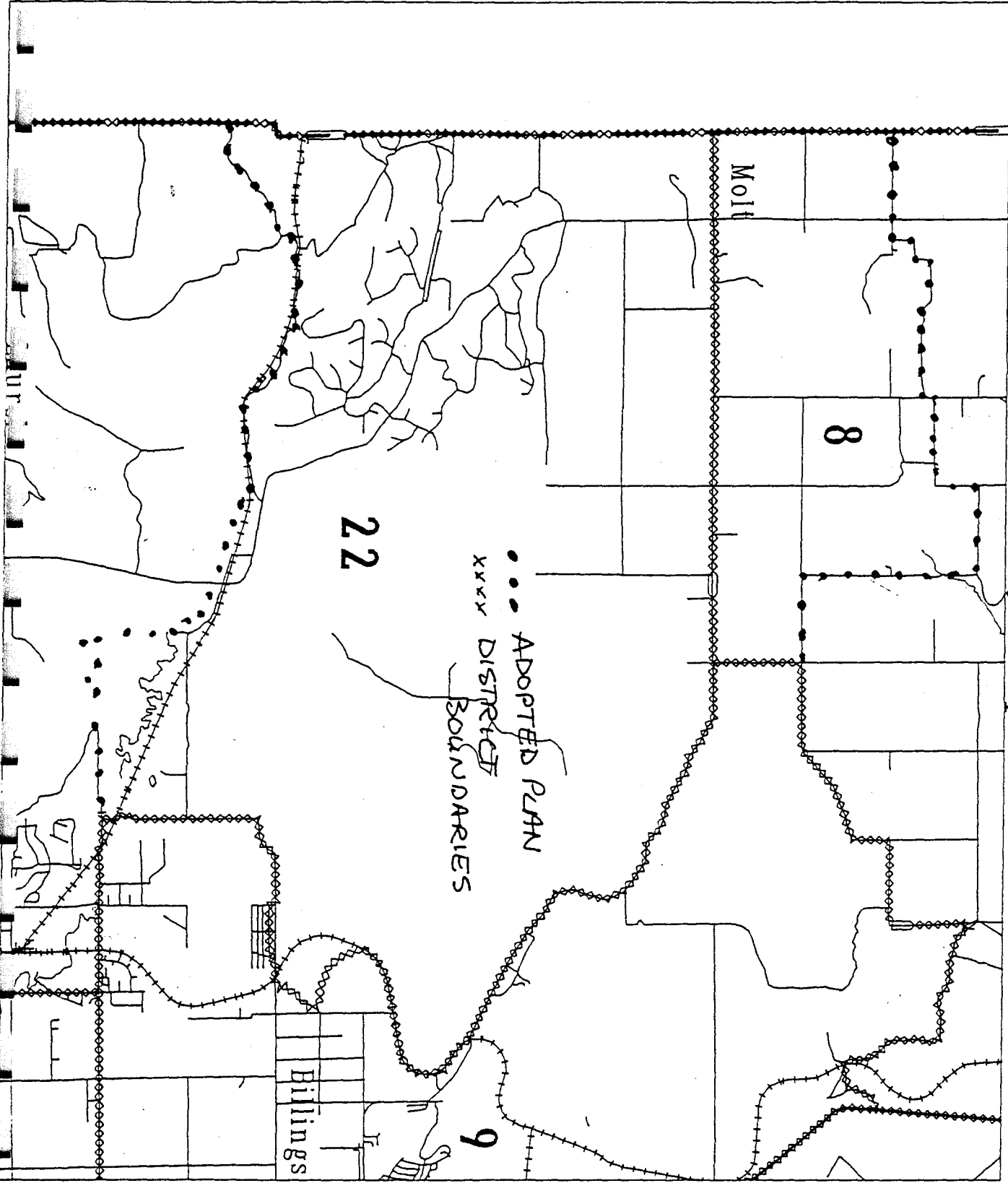
Prepared at the request of Rep. Molnar BILL NO. HJR 5

1. This amendment would move the northwest boundary of House District 22 from King Avenue and Canyon Creek to the Molt Road. This amendment also brings the southern boundary of House District 8 in Yellowstone County to the Molt Road. Both of these amendments move the western boundary of House District 9 east towards Billings.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
8	31	7628 (-4.54%)	7651 (-4.25%)
9	87	8220 (2.87%)	7952 (-0.49%)
22	85	8084 (1.16%)	8329 (4.23%)

YELLOWSTONE COUNTY

Requested by Rep. Molnar



Proposed Amendment to the Districting and Apportionment Plan
For the Senate and House Committees on State Administration

Prepared by Susan B. Fox
February 1, 1993

SENATE STATE ADMIN.

EXHIBIT NO. 10

CASCADE COUNTY

DATE 2-4-93

Prepared at the request of Rep. Galvin

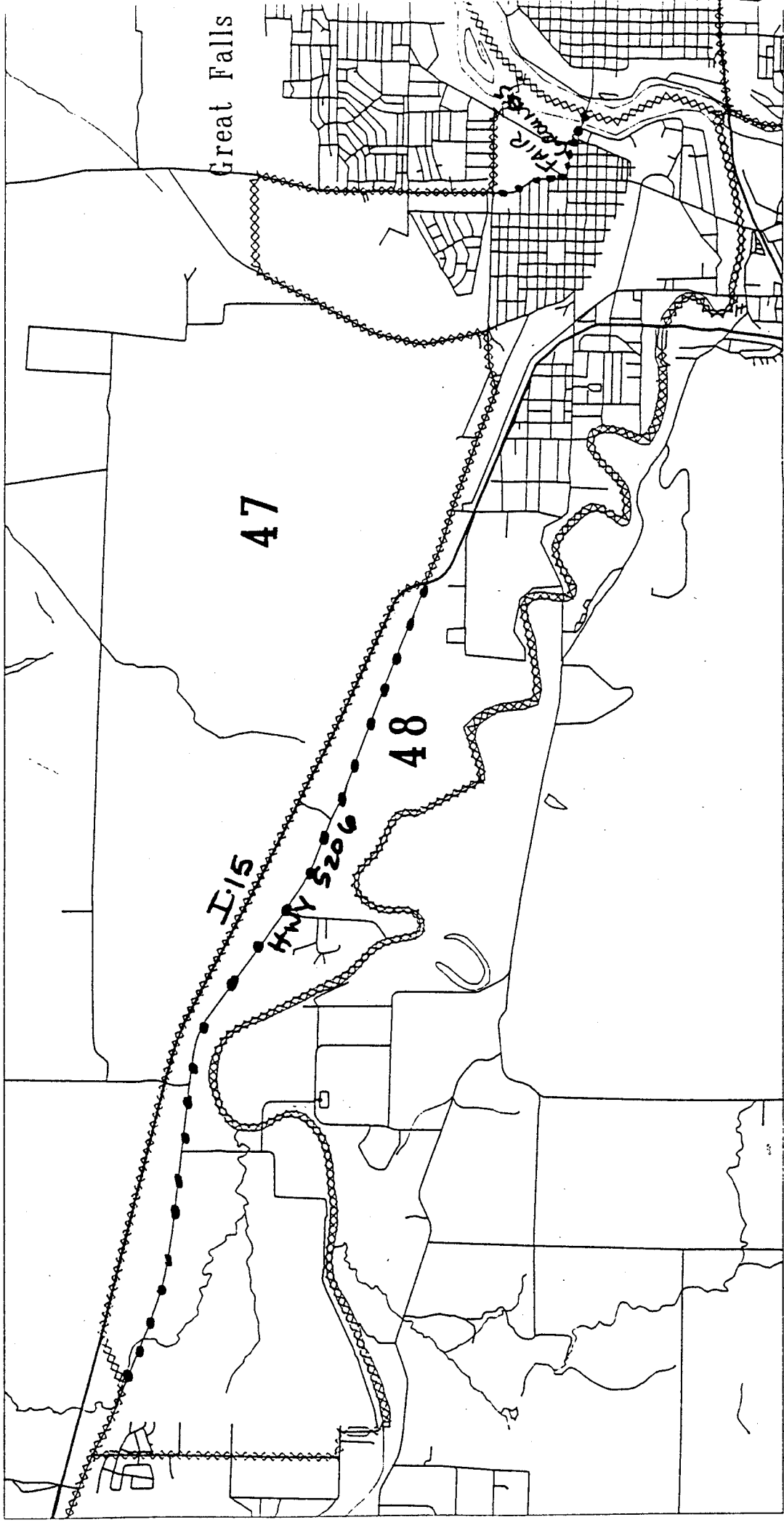
BILL NO. HJR 5

1. This amendment moves the northern boundary of House District 48 to 1-15 west of Great Falls, and places the fairgrounds into House District 48.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
47	41	8319 (4.10%)	8238 (3.65%)
48	40	8154 (2.04%)	8190 (2.49%)

CASCADE COUNTY

Requested by Rep. Galvin



Proposed Amendment to the Districting and Apportionment Plan

For the Senate Committee on State Administration

Prepared by Susan B. Fox
February 2, 1993

SENATE STATE ADMIN.

EXHIBIT NO. 11

YELLOWSTONE COUNTY

Prepared at the request of Rep. Driscoll

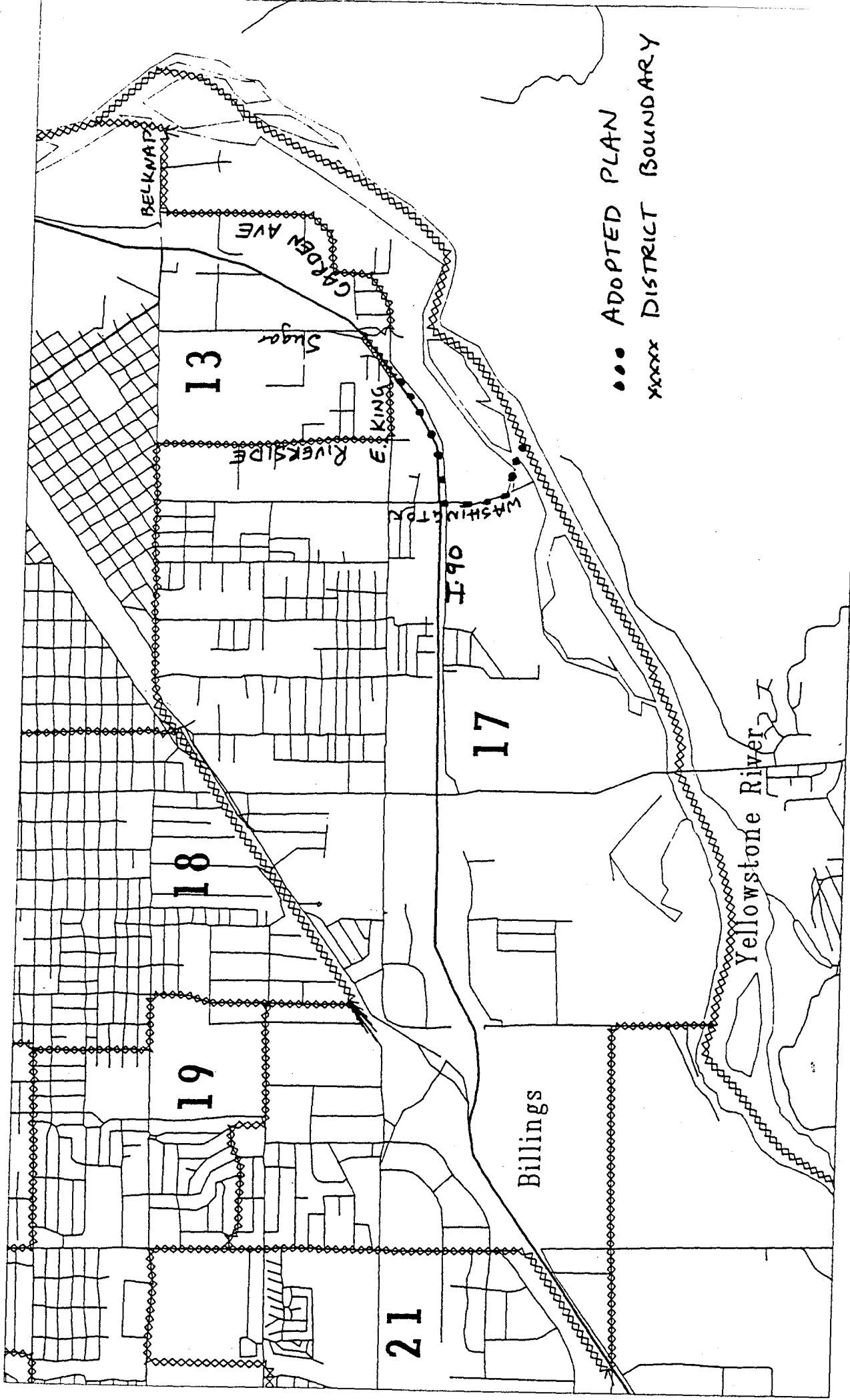
DATE 2-4-93

BILL NO. HJRS

1. This amendment would move the eastern boundary of House District 17 from I-90 and Washington Ave. south of I-90 to follow King Ave to Sugar and follow Garden Ave east and north to Belknap Ave. to the Yellowstone River where it meets the adopted boundary.

NEW #	OLD #	ADOPTED PLAN	AMENDMENT
13	31	7795 (-2.45%)	7654 (-4.22%)
17	87	7653 (-4.23%)	7794 (-2.47%)

YELLOWSTONE COUNTY
Requested by Rep. Driscoll



Prepared by Montana Legislative Council

Amendments to House Joint Resolution No. 5
Third Reading Copy

Requested by Sen. Weldon
For the Committee on State Administration

Prepared by Susan B. Fox
February 3, 1993

1. Page 1, line 25.

Following: line 24

Insert: "WHEREAS, the Legislature recognizes the concerns of
Native Americans and is committed to their expanded
involvement in the political process; and"

Amendments to House Joint Resolution No. 5
Third Reading Copy

Requested by Sen. Weldon
For the Committee on State Administration

Prepared by Susan B. Fox
February 3, 1993

1. Page 2, line 25.

Following: line 24.

Insert: "WHEREAS, the Legislature recognizes the Districting and Apportionment Commission's effort to enhance and maintain Native American majority districts by adopting 5 house districts and a senate district in which Native Americans constitute a majority of the district population; and"

DATE 2-4-93

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: HJR 5

Name	Representing	Bill No.	Check One	
			Support	Oppose
GEORGE OCHENSKI	CONF. SALISH-KOOTENAI TRIBES	HJR 5	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY