



Montana Districting and Apportionment Commission

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MINUTES

May 15, 2012
1:00 p.m.

Little Big Horn College
Crow Agency, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page. You must have Real Player to listen to the audio recording or to view the video.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

Jim Regnier, Presiding Officer
Jon Bennion
Joe Lamson
Pat Smith

COMMITTEE MEMBERS EXCUSED

Linda Vaughay

STAFF PRESENT

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

AGENDA & VISITORS' LIST

Agenda, Attachment #1.
Visitors' list, Attachment #2.

CALL TO ORDER, ROLL CALL

00:00:00 Commissioner Regnier called the hearing to order at 1:11 p.m. The Secretary took roll, Commissioner Vaughney was excused (Attachment 3).

WELCOME AND ANNOUNCEMENTS

00:01:15 Commissioner Regnier welcomed the public to the hearing. The Commissioners introduced themselves; Commissioner Regnier introduced the Legislative Services Division staff.

OVERVIEW OF ADOPTED DISTRICTING CRITERIA, HEARING PURPOSE, AND PUBLIC COMMENT GUIDELINES

00:03:54 Commissioner Regnier reviewed the purpose of the hearing, and thanked the public for participating in the districting process. He reviewed the mandatory and discretionary criteria. He said that none of the maps are final and that changes will be drafted based on public comment.

PUBLIC COMMENT

00:08:48 **Scott Russell, Secretary of the Crow Nation**, testified on behalf of the Crow Nation in support of the Communities Plan. Mr. Russell submitted a letter from the Crow Tribe Executive Branch outlining the Tribe's reasons for supporting the Communities Plan and its reasons for opposing the Subdivision Plan (EXHIBIT 1).

00:14:46 **Gary W. Huckins, Broadus, citizen, voter, taxpayer**, thanked the Commissioners for the opportunity to offer comment. He submitted written testimony in support of the Deviation Plan and said it is the only plan that will ensure that every Montana citizen has an equal opportunity for representation in the Legislature and that it most nearly satisfies that every interest will be represented in fair and balanced manner (EXHIBIT 2).

00:16:10 **Janine Pease, Cabinet Head for Education, Crow Nation**, discussed her background and experience in the districting process, having been appointed to serve as the presiding officer of the last commission and was the lead plaintiff in the *Windy Boy v. Big Horn County* voting rights case in the 1990s. She said that she strongly supports the Communities Plan because the Crow people have a long standing record of effort in federal voting rights and that the Communities Plan would protect that effort. She also discussed how the Communities Plan would protect two Indian majority districts. Ms. Pease commented on the Subdivision Plan, saying it emphasizes county boundaries and would reduce Indian voter age population, which would diminish representation. She said that the shared and common interests, such as schools, tourism activity, farming and ranching, would best be kept together under the Communities Plan. Ms. Pease noted that overall, in the last four districting cycles, the Indians have been able to achieve a proportionate number of House District positions and that she encouraged the Commission to uphold that progress made in Montana. She said she is grateful for the opportunity to address the Commission and to submit testimony.

00:23:06 **Steve Small, representing the Northern Cheyenne Tribal Council**, said that he supports the Communities Plan. He read a letter of the support for the

Communities Plan from Tribal President Leroy Spang (EXHIBIT 3) and said that the Northern Cheyenne Tribal Council opposes the Subdivision Plan and the Urban Rural Plan because they would jeopardize the Indian majority districts. Mr. Small said that the Communities Plan best protects Indian voting rights and he thanked the Commission for the opportunity to comment.

- 00:25:41 **Gayle Small, Lame Deer, self**, discussed her experience as a legislative candidate in the 1980s and the racial polarization she encountered while campaigning. Ms. Small said that while healing has occurred, there is still progress to be made. She said that she hopes that common ground can be found and that communities can rally and support one another, particularly considering the impending impact of the Otter Creek coal development. She said that the Communities Plan would best serve the Indian people and that the Urban Rural and Subdivision Plans would jeopardize Indian voting age. Ms. Small said that she was a witness in the Windy Boy case, which brought about significant change in Indian voting rights. She said that the Tribes have achieved major successes and she urged the Commission to uphold that effort.
- 00:35:00 **Brandon Shoppe, Attorney, Hardin**, strongly urged the Commission to include the entire city of Hardin in a single district. He said that his representative lives over 40 miles away and that having Hardin in a single district would strengthen the ties to the community.
- 00:36:31 **Sen. Sharon Stewart Peregroy, SD 21**, said that she agrees with testimony given by the Crow and Cheyenne Council members, as well as Ms. Pease and Ms. Small. She said that it is important for the Commission to remember that the Indians had to go to court in order to ensure voting access. She said that the Communities Plan ensures that voting rights will remain available to both tribes, both of whom existed long before Montana became a state. Sen. Peregroy discussed the history of the tribes as willing warriors in the United States military, co-existing with ranching families, as well as economic, social, educational, and governmental and family ties between the tribes and the surrounding area. She said other proposed plans would diffuse and place barriers to participation. She asked that the Commission approve the Communities Plan.
- 00:42:15 **Rep. Carolyn Pease Lopez, HD 42**, welcomed the Commission to her community. She said that her grandfather was proud to be a legal voter and that for many years, Indian voters were disenfranchised and didn't think that it was possible for them to have a voice in the Legislature. She said that because of the court case, Indians have embraced their representation and that election day now has an air of jubilancy and expectancy. Rep. Pease Lopez said that she wants it on the record that Indian communities contribute over \$1 billion dollars into the Montana economy, which is a blessing to the rest of the state. She said that she supports the Communities Plan and that the other plans would dilute the Indian vote. Rep. Pease Lopez thanked the Commission for hearing the Indian voice and allowing it to mean something in the decision process.
- 00:51:07 **Angela Russell, Crow Tribe member, Lodge Grass**, said that she has been involved with voting rights for many years, including marching in Alabama in

1965 with Martin Luther King. Ms. Russell also discussed her family's history of participation in government and said that it was instilled in her that voting is a right and a privilege. She said for those reasons, she supports the Communities Plan and that the other plans would dilute the Indian voting voice. She discussed her experience as a former Montana legislator and said that she learned that there are many different opportunities to participate and to be a part of government. She said that she does not want those opportunities to be diminished and that it is important to make sure that the young people run for office and contribute to their community and country.

COMMISSIONER COMMENT

- 00:56:57 Commissioner Regnier closed the public comment period.
- 00:57:20 Commissioner Bennion thanked everyone for coming out to comment and said that the level of participation has been great. He said that the participation will ensure that the final map will look like Montana. He said that the Commissioners will pay very special attention to the majority-minority districts because they are very important.
- 00:58:01 Commissioner Lamson agreed that excellent testimony has been received in the public hearings. As a personal note, Commissioner Lamson said that he has been involved in Montana politics for a long time and is a friend of the Crow and Cheyenne Tribes. He said it is fulfilling to see them participate and be a strong voice for their peoples.
- 00:59:06 Commissioner Smith also thanked all for coming to hearing and said that public comment will be taken through the end of the year. He said that the *Windy Boy v. Big Horn County* was Montana's version of Dr. Martin Luther King's Selma March and served as the leading case in the nation for voting rights enforcement.
- 01:01:30 Commissioner Regnier thanked the public for their participation. He said that he has long been involved with the districting process, first as an attorney and then as a Supreme Court Justice who appointed Ms. Pease as presiding officer on the previous Commission in 2000. He thanked her and the others present for their active participation in Indian voting rights litigation and said that through their individual efforts, meaningful changes were made. He said that he wanted to extend a personal thanks to each for that.

ADJOURN

- 01:02:57 With no further business before the Commission, Commissioner Regnier adjourned the meeting. The Districting and Apportionment Commission will meet next on May 15, 2012, at 7:00 p.m. in Billings, Montana.

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