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Montana Districting and Apportionment Commission

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MINUTES

May 16, 2012
1:00 p.m.

Miles Community College
Miles City, 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 EXCISED

Linda Vaughey

STAFF PRESENT

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

AGENDA & VISITORS' LIST

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

CALL TO ORDER, ROLL CALL

00:00:01 Commissioner Regnier called the meeting to order at 1:00 p.m. The Secretary took roll, Commissioner Vaughey was excused (Attachment 3).

WELCOME AND ANNOUNCEMENTS

00:00:07 Commissioner Regnier welcomed the public to the hearing. The Commissioners introduced themselves, Commissioner Regnier introduced the Legislative Services Division staff. He explained meeting protocol to be followed and guidelines for giving public comment.

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

00:03:33 Commissioner Regnier reviewed the purpose of the hearing, saying that Montana citizens have a constitutional right to participate in the districting process. He summarized the mandatory and discretionary criteria and briefly reviewed the proposed maps. He said that four were prepared by Legislative Services Division (LSD) staff, based on various themes provided by one or more of the Commissioners and that the Communities Plan was submitted by Commissioners Lamson and Smith.

PUBLIC COMMENT

00:09:43 **Rep. Matthew Rosendale, HD 38, Dawson and Wibaux Counties**, said that counties are the state's communities and that every effort should be made to keep them intact. He said that Dawson and Wibaux Counties were divided into three districts in the last districting cycle and that the citizens don't feel adequately represented. He said that he would support the Subdivision Plan because it does a good job of keeping counties intact. He said that he would not support the Communities Plan because it divides counties.

00:11:36 **Kelly Thibault, Miles City**, said that as a native Montanan, he would like to talk about the native Montanans who were here long before him. He said that he supports the Communities Plan because it provides the strongest protection of minority voting rights so American Indians can fully participate in our political process. He said the Communities Plan would create the strongest minority majority voting districts with the highest overall Indian voting age population of any of the five plans. Mr. Thibault said that the Communities Plan would create a strong senate district for the Crow and Northern Cheyenne Tribes. He thanked the Commission for the opportunity to comment.

00:12:49 **Rep. Bill McChesney, HD 40, Miles City**, thanked the Commissioners for coming to Miles City. He said that he reviewed all of the proposed maps and that while none are perfect, he thought the Communities Plan would provide the best bipartisan framework for Montana's Legislature. He said that it has the lowest population deviation and divides the fewest small communities. He said that the Communities Plan also does the best job of providing equitable representation for Native Americans and in keeping districts a reasonable size, ensuring proper

representation. Rep. McChesney thanked the Commission for their work and said that he supports the Communities Plan.

- 00:16:29 **Dell Dinstel, Colstrip, retired coal miner**, said that he supports the Communities Plan and is opposed to the Urban Rural Plan because it divides up Montana too much. He said that under the Communities Plan, Colstrip would have significant influence in two house districts instead of one, as well as provide strong protection for minority voting rights.
- 00:18:28 **Keith Bales, Otter, former legislator**, thanked the Commission for coming to eastern Montana. He commended the Commission for reducing the population deviation criteria down to 3% from 5%. He discussed how the Communities Plan would divide up his area and said that communities are divided up into multiple districts, which destroys communities. He said it would be very difficult to campaign and to explain to citizens how their districts are drawn. He said it is imperative to keep districts in counties because that is how people are used to voting. Mr. Bales said that the other plans do this but that the Communities Plan doesn't.
- 00:21:05 **Gerry Devlin, Miles City, former legislator**, said that the last Commission cut up counties all over the state. He discussed Custer County, Dawson County, Carter County, and Fallon County specifically and said that he still gets calls from people wanting to know who their representative and senator is. He said it is very confusing and that he doesn't approve of the Communities Plan. He said that the Subdivision Plan appears to follow county lines and would be better. He thanked the Commissioners for coming to Miles City.
- 00:22:47 **Geraldine Custer, Clerk and Recorder/Election Administrator, Rosebud County**, said that Rosebud County was put on the chopping block and cut into three districts in the last two districting cycles. She said that her representative and senator live in Musselshell County over 100 miles from her and that it isn't possible to effectively represent people when dealing with great distances like that. Ms. Custer said that she would support the Urban Rural Plan, the Subdivision Plan or the Deviation Plan, but not the Communities Plan or the Existing Plan.
- 00:24:13 **Tammy Christensen, Sidney, Richland County**, said that Richland County fits the criteria requirements to be its own district and that she supports the Urban Rural Plan and Subdivision Plan as drawn by legislative staff. She said that the Communities Plan splits up Richland County up into three areas and that she doesn't support that plan. Ms. Christensen said that Richland County needs to be intact and be represented by someone who will support its schools, infrastructure needs, and businesses.
- 00:25:42 **Loren Young, Richland County Commissioner**, said that he opposes the Communities Plan. He thanked the Commissioners for listening to the testimony and said that he wanted to be on the record to request that Richland County be left alone or as a stand-alone for representation in Helena. He said that Richland County meets the criteria to be its own district and that the residents feel that

Helena has "played musical chairs" with counties in past districting cycles and that counties need their own voice in Helena. Mr. Young said that local residents feel that partisan politics have been played at their expense.

00:27:15 **Andrew Gaskill, rancher, Powder River County**, said that he totally opposes to Communities Plan and supports the Urban Rural Plan because it follows county lines, which is important to communities. He said that the Communities Plan makes the least sense of all of the proposed plans.

00:28:05 **Stephanie Verhasselt, Richland County Clerk and Election Administrator**, asked that Richland County be made its own district because it meets the criteria and that being split as it has been has impacted the county negatively and has resulted in poor representation. She said it is confusing to voters as well. Ms. Berhasselt also read letters into the record from Commissioner Don Stepler, Rosebud County Commissioner, in support of leaving Rosebud County in single district and opposing the Communities Plan (EXHIBIT 1); and a letter from Daniel Farr, Superintendent of Schools, Sidney Schools, Rosebud County, opposing the Communities Plan because it splits Rosebud County and Sidney. Mr. Farr's letter said that Mr. Farr would support any plan that keep Rosebud County whole and that the Communities Plan would be a disservice to Rosebud County (EXHIBIT 2).

00:34:29 **Karen Charles** spoke in support of the Communities Plan and thanked the Commissioners for coming to the area for the hearing.

00:34:54 **Terry Hansen, Miles City**, said that he supports the Communities Plan. He said that while he understand the concerns of Rosebud County, he thought the Communities Plan would best serve the County. He said that he agreed with the comments made by Rep. McChesney and Mr. Thibault.

00:35:42 **John Mercer, Sidney**, said that he is concerned about the population issue and that Sidney is very different today than it was even one year ago. He said that the new plan is supposed to provide for the needs for the next ten years and that it will be difficult to do, based on what is happening right now in Sidney. He said that Sidney's population is projected to double or even triple but that the districting will have to be based on census numbers, which are already inaccurate. Mr. Mercer said that he doesn't support any one plan right now but does like the idea of having Richland County in one district and not divided into three districts.

00:38:26 **Sharon Dinstel, Colstrip**, said that she appreciates all the work the Commissioners have put into the districting process. She said that there a many pieces to the puzzle and what is most important to her is equal representation and that she supports the Communities Plan for that reason. She said that the Communities Plan will split her community and will create some inconvenience but that it would be worth it.

00:39:50 **David Halvorson, candidate for HD 37**, said that he agrees with comments in opposition to the Communities Plan, particularly those of Mr. Bales. He said that

it is possible that under the Communities Plan, Richland County and Sidney could conceivably end up with no representation. He noted that because Richland County generates approximately 50% of Montana's oil and gas tax revenue that could be viewed as taxation without representation.

- 00:41:38 **Rebekka McEuen, Powder River County**, said that she agrees with Mr. Halvorson's and Mr. Bales' comments and is completely against the Communities Plan. She said that she likes the idea of Richland County being a separate entity and supports the Urban Rural Plan.
- 00:42:35 **Leslie Messer, Executive Director, Richland Economic Development, Sidney**, said that the challenges are many in Sidney and the surrounding area, and that she wholeheartedly opposes the Communities Plan. She said that she also supports having Richland County in a single district and that splitting the county into three districts would dilute Richland County's voice, which is appalling to her.
- 00:43:42 **Stan Taylor**, said that he supports the Communities Plan. He thanked the Commission for the opportunity to comment.
- 00:44:10 **Jerry Dalbec**, said that he concurs with the comments made by Rep. McChesney and Mr. Thibault and is in favor of the Communities Plan. He commented that if Richland County was split into three districts, it would have three representatives.
- 00:44:57 **Deborah Hanson, Miles City**, said that she has been active in political campaigns and is familiar with the districting process. She said that she appreciates the Commission coming to eastern Montana and is glad to see Miles City as its own district. She said that she supports the Communities Plan because Miles City would have one senate district. She said that she agrees with the comments made by Rep. McChesney and Mr. Thibault.
- 00:46:15 **Jean Lemire Dahlman, Forsyth**, said that she supports the Communities Plan and agrees with the comments made by Mr. Thibault, Rep. McChesney, Mr. Hanson, Mr. Dinstel, and Ms. Dinstel. She characterized SD 22 as "schizophrenic" because of the way it is divided up and said that she likes the Communities Plan because it observes the criteria by keeping communities of interest intact, as well as trade areas, and social and economic areas of interest.
- 00:48:01 **Karen Stevenson** said that she agrees with previous comments made in support of the Communities Plan, particularly those made by Rep. McChesney.
- 00:48:30 **Amel Samuelson-McEuen**, commented on behalf of the Powder River Tea Party, saying that it agrees with the comments made by Mr. Bales and opposes the Communities Plan.
- 00:49:37 **Carla Bowers, rancher southeast Powder River County**, said that she wholeheartedly agrees with Mr. Bales' comments. She said that she would

support either the Urban Rural Plan or the Deviation Plan and would strongly oppose the Communities Plan and the Deviation Plan.

00:50:28 **Mary Katherine Dunphy** thanked the Commissioners for taking on a difficult job. She said that Montana has the distinction of being the fourth largest state but with the lowest per capita population, so it is hard to assemble districts. She said that she opposes the Republican-sponsored Subdivision Plan, Urban Rural Plan, and Deviation Plan, mainly because of the large districts they would create and the low percentages of Indian voting age residents. She said that she supports the Communities Plan because it would maintain highly competitive districts and not allow domination by one party, and that it also has a very low population deviation.

00:55:16 **Bev Schaffer, Powder River County**, said that she doesn't support the Communities Plan and favors the Urban Rural Plan or Deviation Plan.

00:56:01 **Ruth Carrington Birch, Hysham, Treasure County**, said that her county has one of the smallest populations in the state. She said that she has looked over all of the plans and that the Communities Plan appears to best represent her county and provide equal representation.

00:56:50 Mr. Halvorson asked for clarification on the origin of the plans, specifically if any of the plans were sponsored by the Republican Party. Commissioner Regnier explained that the Commission directed the staff to draft four plans, based on themes suggested by various Commissioners. He said that under the rules, any of the Commissioners could also present a plan, which Commissioners Lamson and Smith did. He said that technically, none of the plans are backed by any particular party.

00:58:35 **John Mercer, Sidney**, asked to respond to an earlier comment that if Sidney was divided into three districts it would have three representatives. He said the vote would be diluted from representation from three different districts.

COMMISSIONER COMMENT

00:59:40 Commissioner Lamson thanked everyone for their comments. He said that Miles City was the last of fourteen hearings and that all were good and had good participation. He said that he appreciates the long distances traveled and effort made to attend and comment at the hearings. He responded to comments made about Sidney being cut into three districts and not having effective representation. He said that Sidney will remain whole and that Richland County will have a majority district under the Communities Plan. He said that Senator Walter McNutt has provided excellent representation for Richland County and is a very respected legislator and that Don Stepler also represented eastern Montana well.

01:02:14 Commissioner Smith thanked everyone for coming and said the Miles City hearing was a strong finish for the Commission. He said that all five plans are just starting points and the public record remains open for comment. He encouraged everyone to ask their friends and family to comment and said that

the Commissioners will carefully review all comments as they consider what changes must be made to the proposals.

01:03:44 Commissioner Bennion thanked everyone for their comments and said that the Commissioners would consider all comment and incorporate them as best they can. He said that he understands the concerns expressed by the Richland County residents and that he will carefully consider the criteria and make sure that it is applied based on community needs and not a political party's wishes. He said the criteria will be applied fairly and consistently across the board. Commissioner Bennion encouraged the public to stay involved in the process and thanked them for coming.

01:05:16 Commissioner Regnier expressed sincere thanks to all who came to the hearing. He said that public comment plays a very important role in the districting process and noted that this Commission cranked down the population deviation based on comment received in the initial round of hearings. He said it will be challenging to draw districts with such a low deviation because of the changing demographics in the state. He said that the dramatic increases and decreases in population around the state will require the Commission to draw districts that will look odd but that it is more important to preserve the "one man, one vote" as required by the United States Constitution. Commissioner Regnier said that he knows the Commission can't please everyone but that it will do the best job possible. He thanked everyone for the input.

ADJOURNMENT

With no further business before the Districting and Apportionment Commission, a motion was made to adjourn. The Commission will meet next on August 13-17, 2012, in Helena, Montana.

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