



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.**

PUBLIC HEARING CITY COMMISSION CHAMBERS, ROOM 206, CIVIC CENTER GREAT FALLS MT NOVEMBER 13, 2001

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)

CALL TO ORDER

The Commission reconvened for a public hearing at 7:00 p.m. Roll call was noted, all Commission members were present. (ATTACHMENT #2)

Susan Fox, Research Analyst, Legislative Services Division: Districting and apportionment is based upon population. The attempt is, after each decennial census, to redistrict the legislative districts so that they are more equal in population. Montana's population in the 1990 Census was roughly 902,000. If you divide that by 100 districts, we come up with 9,022 persons per each district. When doing Congressional redistricting, we have to get very close to the target

population as possible. With legislative districts, we are allowed to have a plus or minus 5% of the target population. The Commission will follow a clockwise pattern around the state. We have to accomplish that before the next legislative session. There is one statutorily required public hearing in Helena and that will happen sometime in the fall of 2002. We also assign holdover Senators after the election happens in November, and the plan will be presented by the 10th legislative day of the 2003 Legislature. They have no authority in the matter but they do get 30 days to comment and make recommendations to the Commission. At that time, the Commission takes the plan back; considers the legislative recommendations; and finalizes the plan, submits it to the Secretary of State at which time, it becomes law and the Commission is dissolved. Ms. Fox provided a copy of the 2000 Census Population Report and Analysis. (EXHIBIT #1)

John MacMaster, Staff Attorney, Legislative Services Division provided a recap of the Commission's mandatory and discretionary criteria. (See Exhibit #3 of the Commission's November; 13, 2001, Executive Session in Great Falls.)

Ms. Fox provided a recap of the North Central Region plans. (See Ms. Fox's overview of the North Central Region Plans #100, #200, #300, and #400 from the Commission's Executive Session.)

George Golie, Representative, House District (HD) 44, Great Falls, said that although there has been a 17% loss in population which has to be made up, HD 44 has always been urban, compact and contiguous. Plans #100, #200, and #400 include parts of Cascade County while Plan #300 keeps the urban setting. Plan #300 has the boundaries of the city limits on the south, 10th Avenue South to the north, and parts on the central south side. Plan #300 extends east of Great Falls within the city limits from 10th Avenue South and it takes in very close to all of the medical facilities in Great Falls (the new hospital, the surgery center, and the Great Falls Clinic) two nursing homes, several assisted living centers, the University of Great Falls, and the Great Falls College of Technology. Rep. Golie was concerned that with redistricting, people would be confused about where they would vote. However, Plan #300 keeps the same voting precincts except for a portion on the south side, north of 10th Avenue South, that will have to be moved to a different precinct. Most of the people in HD 44 under Plan #300 would vote in the same precinct. HD 44 is not up to the ideal population of 9,022 but there was an assisted living center and many apartment houses recently built that will add to the population. He added that Plan #300 is compact, it is easy to describe, it includes communities of interest, it keeps the same voting precincts, it increases the population making it closer to ideal, and it keeps HD 44 an urban district. Rep. Golie supported Plan #300.

Bill Rappold, Chair, Pondera County Commission, supported Plan #300 and appreciated that the Commission kept the Pondera County seat, which has been split for the last 20 years, intact under all four plans. He said that even though Pondera County is split in three pieces in all of the plans, Plan #300 keeps the largest percentage of the Pondera County residents in one voting bloc and gives it more power in electing a legislator.

Elaina Zemple, Pondera Coalition For Progress, Conrad, supported Plan #300. She said that the town of Conrad is grateful for being reunited. The citizens of Conrad would also like to keep its County together as much as possible, which Plan #300 does. Plan #300 also offers the majority of Conrad's County to remain a single voting district.

Glenn Roush, Senator, Senate District (SD) 43, said that citizens of SD 43 disliked all of the plans but they realized the situation that the Commission was under. It was not a racial situation; it was a fairness situation that the federal government says has to be adhered to. Sen. Roush said the he felt sorry for the representatives from the southern Lake County district running almost to the Canadian Border--from the Missoula County line to East Glacier, approximately 200 miles. He asked how can a person effectively represent someone from that far away. That is what is seen in all four plans. The consensus in Glacier County is that there is not much its citizens have to say about it because of the criteria that has to be adopted in those two house districts, the majority being Native Americans. He added that Plans #100 and #300 keep the town of Cut Bank together. Plans #200 and #400 divide Cut Bank into two sections, following Highway 2 east and west through town. Sen. Roush was also concerned about a strip of land off of the Blackfeet Reservation--north of the Cut Bank city limits, 10 miles wide, and boarding Canada and the Toole County line--that is not reservation area under Plan #100. He was unsure of the population of the area but it was not a precinct or a school district. Plan #300 would run from the Blackfeet Reservation on the Continental Divide to the Interstate Highway north of Shelby, to the Canadian Border and would probably include Sunburst and a large portion of Toole County. If Plan #300 is used it could set up a situation where two present party members would be running against each other. If Plan #300 is adopted, there would be very little population deviation. Sen. Roush added that Pondera County does not want to be split up. He said that this was his third time going through redistricting and he has lost his district each time. On all four plans, Cut Bank, unless split, is going to be all the way down to the Missouri River for Senate District. He also expressed his concern about the outcome of the Old Person v. Brown case and hoped for a speedy decision. He urged the Commission that If it had any input into the issue, that it asked the Judge for a ruling as soon as possible. Sen. Roush offered Plans 100 or 300 because they kept the city of Cut Bank together while Plans 200 and 400 divided Cut Bank.

Joe Briggs, Cascade County Republican Central Committee, provided written comments in support of the Commission's passage of Resolution #1 and Plan #400 with one exception. Mr. Briggs said that Malmstrom Air Force Base had recently expanded its boundaries that includes a section of on-base housing that is north of 10th Avenue North. This change in area is not reflected in any of the proposed plans. The Central Committee requested that the boundary be moved so that all of the on-Base housing and Malmstrom AFB be contained in a single district. (EXHIBIT #2)

Kathleen Galvin-Halcro, Representative, House District #48, represented former Representative Patrick Galvin who was in strong support of Plan #300 except for area 12 under the plan. The area shows the district ending short of the county line. Mr. Galvin preferred that the district extend all the way north to the Cascade County line and west to end at 15th Street N.W. rather than Stuckey Road. Rep. Galvin-Halcro was also representing members of the Neighbor Council #2 who are concerned about the dividing line in Plan #300. Plan #300, in what is currently HD 48, shows that the northwest division line at the North West Bypass rather than at 5th or 6th Streets N.W. Representing herself, Rep. Galvin-Halcro supported Plan #300 if the dividing line were at the natural North West Bypass division route and at the 15th Street N.W. dividing line. This puts Stuckey Road in a small area which has a strong Native American population, as much of HD 48 has a strong urban Native American population--one of the larger Native American populations in Montana--to keep the population whole so when they choose to run a representative, they can run a representative of their choice and have a strong voting bloc for that representative.

James Parker Shield, Chairman, Cascade County Republican Party, supported the Commission's passage of Resolution #1 that supports and enhances Native American voting rights. There is a significant Native American population on the west side. There is also a significant Native American population on the lower south and north sides that whose voting rights and opportunities would be severely reduced if Plan #300 was adopted because the lines run east and west. Indian communities in Great Falls include over 6,000 Native Americans and they would find themselves having their vote diluted because those voting districts would run lengthwise, east and west, they would be severely outnumbered, and they would have less of a chance to elect someone whom they think represents their community. Mr. Shield supported Plan #400 because it safeguards Native American voting rights and because it does a good job geographically community wise in representing the interests of Cascade County.

Brad Lotton, Hill County, Havre, said that Plans #100, #200, and #400 have the same boundaries for Liberty and Hill County District 6. Hill County has a large Native American voting population. Under Plan #300, when the Rocky Boy and Fort Belknap Reservations and then extend clear down into Valley County dilutes the Native American population too much to give them adequate representation. Plan #300 also divides Hill County on unnatural boundaries while Plans #100, #200, #400 are more on the County lines. He said that in looking at communities of interest, the protection of the minority voting rights, and for the Hill County neighbors in Phillips and Valley Counties, Mr. Lotton endorsed Plan #400.

Stella Plachetka, Teton County Clerk and Recorder, said that the entire Teton County is beautifully intact in Plan #300 and the residents of the County liked that.

Ann Pasha, Chairman, Choteau County Republican Central Committee, said that the Central Committee supports Plan #400 because it will best serve the voters of Choteau County. Plan #400 was in keeping with the mandatory criteria for redistricting that allows for a compact area. The Central Committee feels that Plans #100, #200 would also accomplish this. Plan #300 expands the area into too large of an area and it divides the County. However, Plan #300 takes care of population equalization and the much needed protection of minority voting rights. Plan #400 allows for keeping Choteau County's communities of interest intact. The Committee stressed the importance of keeping Choteau County together, not allow for a split.

Jerome Kolar, Chairman, Judith Basin Republican Central Committee, supported Plans #100, #200, or #400. He said that if District 19 as proposed in Plan #300 is adopted, the District would be approximately 225 in length. The current District 93 includes Judith Basin, Fergus, rural Fergus, and Petroleum Counties. In attempting to find people to run for that office, he has heard many times that people would like to run for a legislative office but they cannot afford the time to travel throughout the district. Under Plan #300, it would become prohibitive. The Judith Basin Republican Central Committee supported Plans #100, #200, or #400 because no legislator could effectively serve the proposed District 19 under Plan #300.

Susan Humbl, Great Falls Area Chamber of Commerce, said that the Chamber of Commerce supported Plan #400 with an alteration in its proposed boundaries because Plan #400 does a better job of recognizing the distinct communities of interest that exists within the region. Plan #400 is superior in regard to the protection of existing communities both inside and outside Cascade County. The Chamber also believes that maintaining the integrity of the communities to be of high importance and asked that the Commission give significant weight to

this criteria in its deliberations. The alteration requested by the Chamber of Commerce is as follows: Malmstrom AFB and the older on-base housing lie in District 13. The newly constructed on-base housing north of 10th Avenue North lies in District 12. It requested that the Commission alter the boundaries between Districts 12 and 13 so that it would retain all of Malmstrom AFB and its housing units in the same district.

Joe McKenney, Representative, House District 49, Great Falls, said that HD 49 encompasses the Fox Farm area, Gore Hill, parts of Sun Prairie, the east side of the Missouri River along lower River Road, and south of the city limits going to 13th Street. All of the proposed plans drop the east side of Missouri River from HD 49 and it made sense to drop it from the district. He added that three of the plans for the proposed District 19 added the town of Ulm to the current HD 49. Plan #300 does not include Ulm and Ulm should be included because Ulm is adjacent to Gore Hill and it is a community of interest to Gore Hill and to southwest Great Falls. Of the three plans that included Ulm, Rep. McKenney supported Plan #400.

Rick Ripley, Representative, House District 50, Wolf Creek, said that his concern with all four of the plans is the ripple effect. In all of the proposed plans, HD 50 loses the communities of Cascade, Simms, Fort Shaw, and Sun River. These are rural communities that are contiguous; they are communities of like interest with family ties; and they are located in one geographical area. He said that students in Wolf Creek, which would remain in HD 50, attend school in Cascade. Under the four proposals, Cascade would be included in another district. Augusta students are 18 miles from Simms and the residents interact in various activities. Under the four proposals, the county lines are ambiguous. The use of geographical lines such as the Sun River, the Missouri River, or the Interstate makes for a better definable line. He added that HD 50 was rural district and would like to remain that way. He requested that the Commission remove Fort Shaw, Simms, and Cascade from the four proposed plans.

John Witt, Representative, House District 89, Carter, said that HD 89 currently includes Liberty and Choteau Counties and a small portion of Hill County and he disliked all of the four proposed plans. He said that giving up Liberty, Hill, and Choteau Counties together is a task that he would not like to do. He requested that the Commission consider keeping Choteau and Judith Basin Counties whole, and as much of Fergus County as whole as possible because he could do a better job representing people who are of the same lifestyle and business as he. Rep. Witt said that Plan #400 did a better job of providing the representation that the people in his communities demand. Because of the many geographical differences and the time that it would take to travel under Plan #300, he could not support it. He felt that the Senate district proposed under Plan #300 would be practically impossible for a Senator to cover that much area. Rep. Witt supported Plan #400 because the representation of the Native American population is best represented in Plan #400 and because the adjustments that need to be made in Cascade County are within the realm of Plan #400.

Larry Lehman, Representative, House District 87, Power, said that he realized that redistricting was driven by population. However, compact and contiguous districts, transportation, communication, and geography need to be other major factors. He said that although he could see the advantages of Plan #400, he supported Plan #300 because it kept Teton County intact. Under Plan #400, the communities of Power and Dutton, both of which are in Teton County, would fall into Cascade County. Under Plans #100 and #200, one of the greater communities in Teton County, Fairfield along with large part of the Fairfield Irrigation area

would also fall into Cascade County. He said that HD 87 in Teton County shares an irrigation district with an area north of Choteau. He felt that the representation needed to be combined into an area that represents agricultural. Rep. Lehman supported Plan #300 or Plan #400 with modifications.

Joe Tropila, Representative, House District 47, Great Falls, supported Plan #300. He said that for the city of Great Falls, Plan #300 is the best plan that he had seen for contiguous districts and communities of interest. Two exceptions to Plan #300 is that the area below the North West Bypass should be included in the proposed HD 5 and the area above 34th Street should be included in different district and the district line should be cut off at the county road. For voting areas in Great Falls, Plan #300 would be the best plan for the city.

Representative John Witt, representing Edith Clark, Representative, House District 88, said that Rep. Clark represents portions of Pondera and Toole Counties. She supports Plan #400 because she believed that the representation from Northcentral Montana is the best under Plan #400.

Don Ryan, Senator, Senate District 22, Great Falls, said that he supported Plan #300 because it gave the best representation for the Native Americans. He said that many of the people who live in the proposed District 7, south of 21st Street and along the Gibson Flats, send their children to school in Centerville. The people have identified with that area and it was important that it be considered in its representation. He also liked the idea of including the medical facilities on 10th Avenue South into one district. In addition, proposed Districts #9, #10, and #11 are solid districts where a person can go door to door and get the homeowners can get to know their representatives.

Merlin Wolery, Representative, House District 90, Rudyard, said that Plans #100, #200, and #400 includes the west part of Hill County and Liberty County which is the way it was in the 1970s. He said that Havre has historically been split on a north/south boundary. He asked the Commission to consider moving the north/south boundary north three or four blocks rather than bisecting the town north and south as Plan #300 does. Rep. Wolery preferred one of the other plans, but if Plan #300 was used he requested that the boundary in Havre be changed.

Roger Debruckyer, representing himself, said that Plans #100, #200, or #400 are the only plans that hold most of the districts in a contiguous manner. Plan #300 stretches into Garfield County. He supported Plan #400, and if not, consider Plans #100 or #200.

Rhonda Carpenter, Cascade County Republican Central Committee, Great Falls, said that Great Falls grew in neighborhoods north, south, east, and west and it has continued those neighborhoods. If people go into the lower north and south sides of Great Falls, which is the original town site, they would find the neighborhood housing area. This housing area tends to be filled with low-income people and a lot of rental property. Moving forward to the center of the city, more middle income people are found. Further east are the newer houses. It would be very difficult to go with Plan #300 when it asks someone to represent people from the very low-income rental property all the way to the upper-income and further-in properties. She felt that it would make for a house district that would not be compact and fitting and it would not in anyway be considered a neighborhood. Plan #200 splits the lower north and south sides. Plans #100 and #400 treat Great Falls basically the same and the Central Committee looked at the proposals

very closely because of the way they kept the neighborhoods. The proposed District 14 expands to the south. However, that is not a rural area. It is actually mobile home parks and 1- and 2-acre lots where people have built houses. Ms. Carpenter suggested that the portion of Malmstrom Air Force Base that is currently in proposed District 13 could be move into the proposed District 12. Some population could be taken out District 12 somewhere else along the border with District 13 so that everyone in the district would not be offset. She added that Plan #400 has the least deviation in population for the whole region (under 3%). Plan #300 has the most deviation in population (above 3.5%). When the population gets close to the 5%, it would not be long before they would become house districts that would be over the 5%. In addition, she said that the Cascade County boundaries are really not its boundaries of trade. In Plan #400, where it reaches north into Teton County, although it does divide Teton County, it does not do it on an arbitrary basis. It divides it on the Greenfield Irrigation District lines and it takes the bedroom communities of Power and Dutton, which many of the citizens work and trade in Great Fall, and keeps them in the Cascade County region and would instead take Fairfield, Choteau, and communities that are not bedroom communities out of the region. She said that the Central Committee preferred Plan #400 over #100. Plan #100 divides Fairfield so that part of the town would be represented by a Lewis and Clark County district while Plan #400 does not split Fairfield or its school districts.

Commissioner Pretty On Top: The Commission is very interested to extend the period of time for any written testimony or comments. Because we have a number of our hearings in this region in the future, the record will be open for this area until mid-February. We also have a website. If you have any maps where you have made any changes, feel free to send them to Ms. Fox so that she can include them in all of the Commission's considerations.

There being no further comment, the public hearing adjourned 8:30 p.m.

CI2255 1331loxa.