



# Montana Districting and Apportionment Commission

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## Commission members:

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Research Analyst  
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## 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.**

Tenth Public Hearing of Interim  
Council Chambers, Butte  
May 21, 2002

### COMMITTEE MEMBERS PRESENT

Janine Pease Pretty On Top, Presiding Officer  
Sheila Rice, Vice Presiding Officer  
Joe Lamson  
Jack D. Rehberg  
Dean Jellison

### STAFF PRESENT

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

### VISITORS

Visitors' list (ATTACHMENT #1)

### CALL TO ORDER AND ROLL CALL

The public hearing was called to order by Commissioner Pretty On Top, Presiding Officer, at 7:00 p.m. Attendance was noted; all Commissioners were present. (ATTACHMENT #2)

**Commissioner Pretty On Top:** The Commission was appointed in 1999 and will serve until 2003.

**Susan Fox, Research Analyst, Legislative Services Division,** provided a general overview of the legislative redistricting process and the 2000 Census population analysis. (Please See EXHIBITS #1 and #2 from the May 21, 2002, public hearing in Bozeman)

**John MacMaster, Staff Attorney, Legislative Services Division**, provided an overview of the mandatory and discretionary criteria adopted by the Commission. (Please See EXHIBIT #3 from the May 21, 2002, public hearing in Bozeman)

### **OVERVIEW OF THE SOUTHWEST REGION PLANS**

**Ms. Fox:** The state had an overall 12.9% population growth. Butte-Silver Bow County had a 1.96% growth, so it maintained pretty well but had a relative loss compared to the rest of the state. We were able to keep the four main house districts in Butte-Silver Bow County. The portion of the fifth county that you shared previously with both Madison and Gallatin Counties, that portion of the county will have to be brought back into the other four house districts. There is very little difference in town just a couple of blocks here and there. Part of the reason is that House District #35 was okay percentage wise, within that plus or minus 5% deviation, and the other three districts were between negative 5% and negative 10%. We had to add very little population, between 450 to 900 people, to get them within the plus or minus 5% deviation.

In the surrounding area, the Commission started at Golden Valley and Stillwater districts. We were able to stop at the Gallatin County line in all three plans. North of that, Wheatland, Golden Valley, and Meagher Counties complete the northern district with various portions of Broadwater and/or Lewis and Clark Counties. This effects how some of the Gallatin County districts are distributed.

Because there are so many districts in this area because of the plus or minus 5% deviation, Plans 100 and 200 stop with one extra district in Gallatin County, but Plan 300 was able to pull that district completely into Gallatin County. It is an additional district. None of the Madison County district is shared the Butte-Silver Bow County district at this time. Beaverhead County is one complete house district in all three plans. It allows us to keep the southern Butte-Silver Bow County line. The difference in proposed district 59 in Plans 100 and 200 take more of the southern part of the county that was previously shared with Madison County. In Plan 300, it is split using I-15 between proposed districts 60 and 61.

As we come further west into the Deer Lodge County area, Plans 100 and 200 use all of Deer Lodge County to complete a district, using a positive deviation. Plan 300 is much closer to the existing district, splitting Deer Lodge County and joining it with parts of Granite County, which it now shares in a Senate District, and completing the district between Anaconda and the town of Deer Lodge. In Plan 100 to complete the district, it groups Granite County with Deer Lodge, Avon, and Elliston--the southern one-third of Powell County where the bulk of the population is. Plan 200 does not complete either proposed districts 71 or 72, leaving it to have to complete its districts with population from Missoula County. Plan 300 completes proposed districts 71 and 72, using Granite and Powell Counties. Powell County is shared in different ways with two different Lewis and Clark County districts, basically splitting the county into thirds.

Jefferson County is slightly too big for a house district. It shares different parts with different counties depending on the plan. Plan 100 takes the Montana City area and pulls it up with a Lewis and Clark County district. In Plan 200, the Cardwell area is included in Madison and Gallatin County district. In Plan 300, all of Jefferson County that is south of I-90 is shared with the Madison County District.

### **PUBLIC COMMENT**

**Representative Allen Rome, House District #56:** I reside six miles east of Garrison. Concerning Plan 300, my business which is in the town of Deer Lodge, I've owned Ace Hardware along with my Dad for 43 years. Plan 300 would totally eliminate me from being able to represent Deer Lodge, and it would also put it into the Anaconda-Deer Lodge County district. I have some reservations about Plan 200 although it does incorporate almost all of Powell County and part of Missoula County. Basically, Plan 100 is better representation for the rural communities. I didn't get to talk to many people from Philipsburg, but I did talk to a number of people from Drummond, nor have I contacted Rep. Mood on the issue. For the rural area, Plan 100 would be a better plan.

**Representative Larry Cyr, House District #37:** Looking at Plan 300, which includes proposed house district 61, there is a portion that takes out about 15 houses. I would like to see those houses taken out of the area between Montana and Jackson. I live in that area, and it takes away all of my neighbors. Secondly, it divides proposed house districts 60 and 61 arbitrarily by I-15 so that the area west of I-15 belongs to proposed house district 61. I think the line should be drawn north and south from present day House District #65. The only reason being that it has the same types of people who do the same types of work and it is a better geographical fit than the arbitrary line of I-15. I will discuss this with Commissioner Lamson to see if he would be willing to work some more on it.

**Gerry Allen, Candidate, House District #35):** I would like to echo Larry's (Rep. Cyr) comments with respect to the southern portion of proposed house district 60. I-15 is just an arbitrary line. There are mountains between the Valley and a little portion of proposed district 60. It would make more sense to have that area in the north end of proposed house district 61. The present boundary for the north end of the proposed district is Ottawa Street. The houses on both sides of Ottawa Street are similar. The continuity of interest would suggest that Plan 100 be adopted because some of the house would drop down into proposed district 61. The area around Ottawa Street includes Whittier School and all the folks who would have common interests in school activities. I think it would make more sense to include more people in proposed house district 61. Finally, east of Continental Drive and east of the Interstate, that area is now part of Precinct 9. The children in that area go to the same school, and there would be more continuity of interest if they went with the present House District #35. Also for continuity of interest, I suggest that the people on the eastern edge would have more similar occupations and more in common with the folks south of the Interstate. I would suggest that Plan 100 be adopted.

**William Penn, Candidate, House District 38:** I would also like to see us, if we are going to make this drastic change, to accept Plan 100. I have adamant feelings about not accepting Plan 300 at all.

Plan 100, as far as the boundaries go I believe, would benefit the district and community overall. Plan 200 would be my second choice because it whittles away the diversity whereas Plan 100 stays on Platinum and goes east further toward the Gallatin County area which I think is a much better situation.

**Steve Flynn, Deer Lodge:** I would like to speak against Plan 300 for a variety of reasons. Living in Deer Lodge, Plan 300 splits the county into three separate districts whereas Powell County is currently pretty uniform. It is very important from my point of view to maintain that unity as much as possible. Plan 300 splits the town of Anaconda in half, and it moves people immediately adjacent to the city limits of Deer Lodge into another district. People would live a few minutes from Safeway and not be in that district. The plan I would support is Plan 100, but if you are bound and determined to accept Plan 300, I would like to at least ask that you include the communities of Avon, Garrison, and Gold Creek within that district. At least, it keeps some of the rural character of the district, and it would keep the representation consistent with the people who live in the district.

I have a very hard time accepting the combination of Deer Lodge and Anaconda in the same district because their histories are so much different. Deer Lodge is a ranching and timber town. Anaconda is a mining town and has a high percentage of retired individuals. There is nothing against either community, it is just that they are so dissimilar in interest. I would have a hard time imagining a single individual being able to effectively represent both of those diverse interests. I would like to tell you to maintain the basic economic base and total character of the Deer Lodge area as a unit for a matter of fair representation. I think Plan 300, in the way it is set up for Anaconda/Deer Lodge County, is extremely unfair.

**Senator Dan Harrington, Senate District #19:** I do support Plan 300. As far as we are concerned in Butte/Silver Bow County, I think that with certain amendments to change some houses in certain areas, I do support Plan 300. I think that it would work for the whole southwestern part of Montana.

**Representative Jim Keane, House District #36:** I appreciate that the Commission did retain Butte/Silver Bow County's four seats. Our concern was that we had to get the population in each district. I think that has been done, and I support Plan 300. The area that I represent will turn into proposed house district 62, and it follows the guidelines very well. It retains most of the old district, and it corrects the population by taking an area up to the county line which runs along the Continental Divide. For Butte/Silver Bow County, Plan 300 is the best plan for this area.

**Senator Bea McCarthy, Senate District #29:** Currently I represent four counties of the state-- Granite County and parts of Powell, Missoula, and Anaconda/Deer Lodge Counties. A house district, which is part of my district, has been chopped completely and it is not even a part of this discussion. It is the part that is Missoula County and not a part of what we are discussing here. I have met with as many of my constituents as I could, particularly with those in Granite County. After much discussion, Plan 300 was their preference. Nell Buck, Hall, MT, asked that I put her name into the record, and she will submit written testimony prior to the deadline in June.

The people that I represent in Anaconda/Deer Lodge are mixed. They would like to be left whole in one respect, but they realize that they have been split for the last 10 years. My back door is currently in Senator Tom Beck's district. They realize that this would continue under Plan 300, and they have been very content with him and his representation. Therefore, they have felt that Plan 300 still represents their best interests. Plan 300 takes in the communities of Opportunity and Warm Springs and puts them together with the community of Deer Lodge. This is all a rural area which I am sure that you are aware of. It also takes the city of Anaconda and puts it with Granite County which has been a good relationship for me in representing this area. It does create two new districts. I have talked to Susan (Fox) a number of times as we work through this, but if you don't have the right bodies in the right places, you just don't do it. What it boils down to is that my preference is Plan 300 and hope that it is the best plan for the constituents that I represent.

**Sherm Anderson, Candidate, Senate District #28 candidate:** I would like to note the timeliness of receiving the information didn't leave us much time to get a very good grasp of what we are looking at. From what I reviewed, I would like to voice my opinion that Plan 100 would best be suited for our community of Deer Lodge. I would also definitely like to voice opposition to Plan 300. If Plan 300 is the plan that you choose to adopt, I would like to have you seriously consider the impacts of carving the city of Deer Lodge out of the county and also splitting our county into three segments. In looking at the discretionary criteria for the use of boundary lines of counties, cities, and towns, in Plan 300, you carve up the county into three portions and you carve Deer Lodge out.

I live 2 miles east of the Interstate in Deer Lodge. The community in which I reside would become a part of the Helena district. I would like to have you seriously consider the community of Deer Lodge if Plan 300 is the one to be adopted. It could be implemented into the rest of the county. Again I say, I prefer Plan 100 because it keeps the cohesiveness of the rural communities of Granite County, Philipsburg, Drummond, and Deer Lodge in which we have much more in common than we do with the Anaconda district. Also Plans 100 and 200, as far as Anaconda and Deer Lodge, it makes their county a district separate by itself. It adds back into their county the town of Opportunity which is currently carved out. I think that is a good idea because Opportunity and Anaconda definitely have a lot of things in common. I hope that you will consider the aspects of what you are doing to our community of Deer Lodge and the County of Powell under Plan 300.

**Commissioner Lamson:** I worked with the Representatives and Senators in this area, particularly with Senator Beck. The big concern with the folks in the valley is the role that institutions play in that economy. It seems that there has been good bipartisan support of representing the area between Warm Springs and up to the Montana State Prison. Many Anaconda legislators were also working very hard for that area because large numbers of their people work in those areas. Have you found that a community of interest exists between those two communities?

**Mr. Anderson:** I haven't really. The people who work at the prison commute from Butte, some from Anaconda, and at least one-third live in the community of Deer Lodge. As far as that having any bearing on the representation, I don't know where it would have because those folks get off shift and go

home to Butte and Anaconda. What takes place in the community of Deer Lodge, they don't have any concern over that.

**Tom Warren, Butte:** Regarding House Districts #37 and #38, I am most supportive of Plan 100 as being the most sensible among the three plans for those two districts.

**Edward Gill, Deer Lodge:** I would like to offer my objection to Plan 300. It would eliminate our present representative in that plan should be adopted. Plan 100 fits our particular problem much better, and we certainly do not to lose our representative.

**Mary McMahan, Butte/Silver Bow Clerk and Recorder:** My purpose for coming and comments are always from an Election Administrators standpoint. The biggest challenge that I face is a good administrative management of our Commissioner districts with our voting precincts in Butte/Silver Bow County. We have a number of maps that show just how complex an issue that is for us to deal with and to manage during election times. My interest, mainly, is in the Commission choosing a plan that administratively, we will be able to effectively use our GIS mapping system, as developed over the last four years, so that we can take what you are putting together and utilize it to align our Commissioner districts and precinct boundaries effectively within the legislative redistricting as well.

**Commissioner Rehberg:** Is there a plan that you prefer?

**Ms. McMahan:** The main thing that I would like to see is the inclusion of that portion of current House District #33 into #37 which is included in one of those plans. That is the main thing that effects us from an administrative standpoint. If I were to pick a plan specifically that would be best for us to use, I would have to say that it would be Plan 100.

**Ms. Fox:** I wanted to apologize to the people in Powell, Granite, and Anaconda/ Deer Lodge Counties. Because of the original region that I had set up to redistrict and the number of districts that I had to accomplish before our time limits ran out, I didn't get a chance to do as much advance work with those counties. So, I do apologize and we did get them the materials in the last mailing, but they did receive late notice on some of the plans. I wanted to explain what was happening with their late notice. That was my fault, and I do apologize to those counties for not getting enough advance work done.

**Commissioner Pretty On Top:** We are dealing with an unusually large number of districts. As you know, it can create a conflict throughout this whole tour. It is our tenth hearing and we are approaching all of the data on three-fourths of the house districts. We have had over 750 statements in our hearing process, both presented during the hearings and also written testimony. We really encourage you to take the next 3-week period of time, study the maps, and give us your comments on your neighborhoods, your communities of interest, and the things that really do serve you in your community. Our Commissioners are very devoted to looking at that material and taking into consideration those

significant points that are made by people. Obviously, you are the people who know that information. The record will be open for three more weeks.

There being no further public comment, the hearing adjourned at 7:55 p.m.

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