



# 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 BLACKFEET SCHOOL ADMINISTRATION BOARD ROOM BROWNING MT NOVEMBER 14, 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 public hearing was called to order at 7:05 p.m. Roll call was noted, all Commission members were present. (ATTACHMENT #2)

**Susan Fox, Research Analyst, Legislative Services Division:** Redistricting is calculated by the decennial census every 10 years. When the information is received, it allows us to look at the districts to strive for equality in those districts. The population shift in the state requires us to redistrict the legislative districts. Montana had a 12.9% increase in population but it was not uniformly spread across the state. Population was lost across the Hilline and in eastern Montana.

Three House Districts will be lost in that area--one each in the northcentral, northeastern, and southeastern parts of Montana. These House Districts will shift to the Flathead, Ravalli, and Gallatin County areas. With that much population shift, the districts will have to change considerably.

In support of the Commission's activities, I visited the area and talked to the Clerks and Recorders, members of Central Committees, tribal officials, and various other individuals to gather and share information. Once the information is received, I try to develop plans based upon that information. The bottom line is that the population is what we have to work with to get a plus or minus 5% deviation. The plans were mailed to various people, legislators in the affected areas, and to the Commission members. The Commission will proceed to meet and hold hearings across the Hilline and into the northeastern and southeastern parts of the state. It will finish up in the south central portion and will end in the Flathead areas of the state. We will take all public comment and all documents are available on the Commission's website.

**John MacMaster, Staff Attorney, Legislative Services Division**, provided an overview of the mandatory, discretionary, and operational guidelines adopted and used by the Commission for legislative redistricting. (Please See Exhibit #3 of the Commission's November 13, 2001, Executive Session held in Great Falls.)

**Ms. Fox** provided an overview of Resolution No. 1 adopted by the Commission regarding the Old Person v. Brown case now before the federal District Court. (EXHIBIT #1)

**Ms. Fox** provided a review of the Northcentral Region Plans #100, #200, #300, and #400. (See Exhibits #1 and #2 and Ms. Fox's overview in the Commission's November 13, 2001, Executive Session held in Great Falls.)

### **PUBLIC COMMENT**

**Kevin Howlett, Tribal Council Representative, Confederated Salish and Kootenai Tribe**, said that the Flathead Nation has long been a proponent of redistricting and efforts to provide the Indian people with a voice in the Montana Legislature. They believe that they meet the criteria outlined, and he does not recall having been represented by a Native American. It took a federal law suit to bring about a change in the way that the Ronan Public School Board is elected. Mr. Howlett requested that the Commission come to the Flathead to hold hearings. He said that the Tribe does not look at Marias Pass as a boundary or something that is impassable. Many Blackfeet people now reside on the Flathead Reservation and attend the Salish and Kootenai Tribal College. They also have inter-sports activities and many families who are married within the Tribes. They share many things in common. However, there are unique differences to each reservation as there are unique differences to every sovereign entity.

**Commissioner Rehberg:** Gene Turnage represented the Salish and Kootenai Tribes.

**Stan Fisher, Representative, House District 75, Bigfork**, said that at the present time the legislative district immediately south of his district is represented by Representative Joey Jayne who is a Native American. He said that his biggest concern with the plans is that they take the Swan Valley out of the district that he is presently representing and puts into an area that is noncontiguous to the proposed area. If the mileage is taken from St. Ignatius and Arlee, it is approximately 75 miles to Bigfork, 5 miles across, and 40 miles into the Swan Valley. The

greatest portion of the area in Plan #300 is Bob Marshall and the Big Bear Wilderness. Nobody lives there so it would be better served by putting into HD 75. He added that at the present time, he goes to Essex from Bigfork which is 55 miles. Under the new plan, it would be over 100 miles. Again, his major concern is that the Swan Valley is noncontiguous to the Flathead Reservation. He was also concerned that it may dilute the voting ability of the Salish and Kootenai Tribes because it will take in non-Indian voters in the northern part of the plan. Rep. Fisher said that he did not believe that proposed District 2 was contiguous, that it would dilute the voting population of the Salish and Kootenai Tribes, and that a considerable population in Swan Valley that would be cut off from any representation.

**Carol Juneau, Representative, House District 85, Browning**, said that redistricting must not only be viewed as a challenge but an opportunity to create legislative boundaries that will allow communities in the state to have a greater opportunity to participate in the political process and to elect candidates of their choosing who will reflect who Montana is. The Census figures show 66,320 American Indian and Alaska Natives in Montana. This is a 39% increase over the 1990 Census. This leaves the American Indian population percentage at approximately 7%.

Rep. Juneau said that Plan #300 is the best plan of the four proposed plans, and she preferred that the community of Browning be kept intact as much as possible. Plans #100 and #200 share common characteristics. The majority of the two proposed districts would be American Indian and the majority of the voting age population would be American Indian. She said that their common history as Indian people and their common culture as Indian people bind the two proposed districts together. In addition, they share common educational characteristics. In 1976, Blackfeet Community College and Salish and Kootenai College began together and became sister colleges and many local students attend Salish and Kootenai College to participate in its nursing program. In addition, the two proposed districts under Plan #300 share tribal nations that have sovereign status and they share government-to-government relationships. Economic issues and challenges are also common characteristics of Indian reservations throughout Montana. They have high unemployment rates and high rates of TANF participants. It must also be remembered that Native Americans have language in the Montana Constitution (Article X1(2)) that talks about the cultural heritage of American Indians in the state ("The state recognizes the distinct and unique cultural heritage of the American Indian and is committed in its educational goals to the preservation of their cultural integrity.") This sentence puts the emphasis on the importance of the American Indian people and political representation in Montana.

Rep. Juneau added that she has been active in local political activities for many years, and she has found that, not only locally but throughout the state, when communities have a candidate of their choice, there is usually a higher voter turnout and participation in the process. Another common characteristic shared by the two proposed districts is that, in most cases, the voter turnout in Indian communities is primarily Democratic. In Old Person v. Cooney (Brown), sets up the creation of another Indian majority Senate district in order to be in compliance with Section 2 of the Voting Rights Act. Plan #300 does that. If Native American had proportional representation, they should have a minimum of 3 Indian Senators and 8 Indian Representatives serving in the Montana Legislature to meet the intent of the Old Person v. Cooney (Brown) case. She urged the Commission to seriously look at Plan #300.

**Commissioner Barkus:** Since we have the four plans to look at, we have to review the other plans. What is your interpretation of how Plans #100, #200, and #400 would fit in because they

all meet the criteria.

**Rep. Juneau:** Plan #100 and \$400, when you look closer at the division in Browning, and divides it almost in half. I would prefer to keep the city of Browning intact as much as possible because it is the major cultural, trade, and economic center on the Blackfeet Reservation.

**Bill Icenogge, Glacier County Commissioner,** said that the main concern of the Glacier County government is fracturing traditional voting precincts. There are people in the room who worked hard over the years to get the Indian people registered to vote. It would be most discouraging for these people to go to their traditional voting polls and they are not registered. They are told that they must go to another precinct to vote. He requested that the Commission keep the traditional voting precinct intact as much as possible.

**Commissioner Rehberg:** Would you briefly discuss the precinct maps?

**Mr. Icenogge:** Precinct 6 and newly created House District 3, depending on the plan, takes out parts or all of Cut Bank and some do the same thing to Browning. Plan #400 divides Browning, and the old voting Precinct 9 (southern Browning coming in on Highway 2 to East Boundary Street out to Little Creek) would throw them into the westside precinct. All or most of the precincts in Browning would have to be redrawn.

**Commissioner Pretty On Top:** Is there any plan suitable to you?

**Mr. Icenogge:** Plans #100, #200, and #400 do less damage, but most of the people are more satisfied with Plan #300. We will probably have to do more work on the precinct under Plan #300, but it is not too bad.

**Commissioner Lamson:** Most of you folks prefer Plan #300. Is it because Plan #300 keeps Cut Bank intact and probably does the least changes in Browning?

**Mr. Icenogge:** I would say maybe.

**Joe McKay, Attorney, Blackfeet Tribe,** concurred with Rep. Juneau. He said that it is timely and appropriate that the Commission attempt to draw the district of Montana to fairly and accurately represent the people of Montana in the state Legislature. Plan #300 most satisfies the purposes and intent of redistricting to provide better representation for Indian people. Plan #300 divides the Blackfeet Reservation into two districts. Every other plan divides the Reservation into three districts. He said that Plans #100, #200, and #400 divide the Reservation, they do not meet the requirements of Old Person v. Cooney (Brown), and they dilute the Reservation voting strength while Plan #300 keeps the voting strength of the Reservation block. He also did not believe that redistricting had any impact on voting districts in Browning. Where he votes, the CCD Center, the voting precincts are just separate tables that people go line up to. To the extent that there is a trade off, the trade off resulting in better and more fair and accurate Indian representation in the Legislature, is worth the reeducational or reregistration efforts it takes to put people in the correct precincts. He also agreed with Mr. Howlett and Rep. Juneau in that the proposed districts in Plan #300 (Districts #1 and #2) do share common characteristics. They share family and long-standing, historic inter-marriage between the Confederated Salish and Kootenai and the Blackfeet people. However, they share those things on a broader scale that cross racial lines. People on the west side of the mountains and on the east slope have significant similarities including economics. Timber, ranching, and farming are the two Reservations' economic basis, and unfortunately, they also share the similarities of the lack of industrial development, poverty, and high unemployment. They also share characteristics in the

sense of resources and resource development that drive the economic basis. Plan #300 is the most acceptable plan to the people of the Blackfeet Reservation.

**Bill McCauley, Cut Bank**, said that as a taxpayer of Glacier County and Cut Bank, he wanted to go on record as a proponent of Plan #300. For years, the cities of Cut Bank and Conrad were split and never had the opportunity to work together. They have many things in common as agricultural communities and need the opportunity to work together to support and represent cities of their size. He supported Plan #300.

**Cynthia Johnson, Pondera County Commissioner**, support Plan #300. However, she felt that Pondera County deserved to be made whole for the first time in 20 years. The County has two Senators and 2 Representatives; but when it comes time to come together, constituents of Pondera County may not agree with constituents from Teton, Toole, and Glacier Counties. The two Representatives and two Senators are compelled to vote with their home districts. Plan #300 does not dilute the Pondera vote to the point that it no chance to electing a representative to the Legislature.

**Ted Kronebush, Electrical Contractor, Conrad**, said that for 20 years the city of Conrad has been split in half resulting in two different Senators and two different Representatives that people must deal with in order to solve an issue. It is important for the community of Conrad to be represented by one person. It is also felt that it was time that Conrad, Valier, Grady, and Dupuyer should be unified along with the city of Cut Bank because they have the same economic views. They want to see progressive and aggressive businesses coming to the area. They feel that if they could talk with one person rather than four, it would be easier to get those things going. He felt that it was necessary to have one aggressive person working for just that area.

**Dan Sullivan, General Contractor, Conrad**, said that Conrad needed to be united into one district along with Cut Bank. He supported Plan #300.

**George Heavy Runner, Blackfeet Tribal Member**, preferred that the Commission would have started in the Rocky Boy Reservation area. The HD 85 represented by Rep. Juneau has been traditionally a representative from the Browning area. He said that if the people who voted democrat in the primary would have voted democrat in general election, the Browning area would have had the opportunity to participate on the Senate side. Plan #300 is the most logical plan because it keeps the Blackfeet Reservation intact. The success of the Commission is not its presence throughout the state but how it works with the people in those areas. Mr. Heavy Runner said that he is interested in how the proposed Senate district will work because of the geographical distances between the Flathead and Blackfeet Reservations over the Continental Divide (145 miles apart). He hoped the proposed Senate district would be contiguous.

**John McFarland, Conrad**, supported Plan #300 because it unifies the economic bases in the area. Conrad and Cut Bank are largely agricultural in nature. Conrad currently has two large projects being proposed for the Conrad area that will have an approximately \$250 million impact to the area and it has an immediate need for assistance. The ongoing representation is very much appreciated in community.

**John Holden, Rancher, Valier**, said that he has no heartburn over the proposed reservation

districts because the distance for the proposed Senate District will be less than some of the districts in eastern Montana. He supported Plan #300 because it keeps Pondera County and communities of common interests intact.

**Harold Olson, Economic Development Corporation, Pondera County, Conrad**, said that he has been involved in many projects that required communication with the representation. When one Representative from Glacier County, one from Toole County, one from Teton County, and one from Pondera County, it is very difficult to portray a passion for a project with someone who is not your neighbor. He supported Plan #300 because it makes Pondera County whole and it gives Conrad the opportunity to work with the city of Cut Bank.

**Dave Chalfon, Conrad**, supported Plan #300 and was concerned about the divisions that Conrad presently has. He also hears confusion among its population when they go to vote about who to vote for, who am I supposed to be talking to, or who is representing me compared to where I live. He added that he lives on the border line of one of the divisions. The voting decisions that he makes may be totally different than the person across the street. The division divides the community. Plan #300 unifies Conrad, it keeps Pondera County as whole as possible, and it gives Conrad the opportunity to work with Cut Bank.

**Commissioner Pretty On Top:** The Commission's record will be open until the middle of February for this region. We invite the public to continue giving its thoughts and ideas on the plans, provide written comments and proposed maps, and to correspond with the Commission's staff.

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

CI2255 1337loxa.