



# 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

Dean Jellison  
116 Crestline Ave.  
Kalispell, MT 59901

## 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 -- BILLINGS LINCOLN CENTER BOARD ROOM MARCH 27, 2002

#### COMMISSION MEMBERS PRESENT

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

#### COMMISSION MEMBERS EXCUSED

Gregory Barkus

#### STAFF PRESENT

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

#### VISITORS

Visitors' list (ATTACHMENT #1)

#### CALL TO ORDER AND ROLL CALL

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

**Commissioner Pretty On Top:** The Districting and Apportionment Commission is a 5-member commission. We were appointed in 1999 and will be serving through the year 2003.

**Susan Fox. Research Analyst, Legislative Services Division:** The basic premise to redistricting has to do with population. It is triggered by the Census, in this case, the 2000 Census. As soon as we receive the figures and because we are redistricting the House Districts first, we divided that figure by 100 to get the ideal population of 9022. We then need to look across the state to see where we were mal-apportioned or where the districts were far away from the ideal population. Montana, overall, experienced a healthy increase in population of 12.9% average across the state, but it was not distributed evenly. Redistricting law has developed a plus or minus 5% population deviation. If your plan is within that overall 10% deviation, it is assumed to be constitutional.

The area on the Hi Line, close to the Continental Divide, lost enough population that one House District was lost. In the Northeastern corner of the state north of the Missouri River, we also lost one House District. In eastern Montana, they lost another House District. This has dramatic ramifications on how the district lines can be drawn. Very few districts will actually remain the same.

Yellowstone County, specifically, had about the state average population growth--14.05%. So, this holds well with the Yellowstone County districts. As it happened in most of the other major cities in Montana, the inside of the urban districts, the downtown districts, the stable part of town, the districts lost population. But, there was very healthy growth in the suburban areas. So, we are dealing with the population loss in eastern Montana and the population loss inside downtown central Billings. However, there is plenty of population in Yellowstone County to expand those districts to pick up population. Yellowstone County maintains the number of House Districts that it had previously. It is just that the configuration of them is going to change.

In attempting to assist in the settlement of the Old Person lawsuit, which is still ongoing from the 1990 round, and because of concerns about the population loss, the Commission decided that its starting point would be Glacier and Cascade Counties. We are currently one-half way through the state. It moved across the Hi Line eastward, came down eastern Montana, and we now find ourselves in Billings. We are continuing through the southwestern portion of the state and will end up in the western portion of the state. This will create a ripple effect. So, the decisions made in previous regions will effect how the districts are drawn in the remainder of the state. This afternoon, we adopted Plan 300 for the Northcentral and Northeast Regions. This will continue through the rest of the state.

As Commission staff and as part of the process, I visit around the state with Clerks and Recorders, the Central Committees, legislators, and anyone else who is interested in the redistricting process to gain information that fits with the redistricting criteria. I developed three of the four plans and a Commissioner submitted one of the plans. I take information and develop the maps and district descriptions as publications of the Legislative Services Division. We mail them to you and hold public hearings so that the Commissioners can hear what you think of the different plans. We will hold 12 hearings on the regional plans. In November, we will hold a hearing on the Senate pairings.

There have been questions about the numbering of the districts. At this point, you must treat the numbering as descriptive. The numbers will change. Once we have all 150 districts, we will hold the single, statutorily required public hearing in December in Helena. The plan is then presented to the Legislature by the 10th legislative day. The Legislature has no authority over the plan, but

they are allowed to make recommendations. The Commission takes the plan back, considers the Legislature's recommendations, adopts a final plan, and submits it to the Secretary of State. At that point, it becomes law and will be effective for the 2004 election cycle. The Commission is then dissolved.

**John MacMaster, Staff Attorney, Legislative Services Division** provided an overview of the mandatory and discretionary criteria for legislative redistricting adopted by the Commission. (EXHIBIT #1)

### **SOUTHCENTRAL REGION**

**Ms. Fox** provided an overview of the Southcentral Region plans (EXHIBIT #2) Because the ripple effect comes from the Southeast Region, it is impacting the Southcentral Region. In explaining a region, they have become difficult to delineate. You will notice that in some of the plans, such as in Plan 400, you see Broadwater, Meagher, and Park Counties. Plan 100 goes north into Fergus and Petroleum Counties and also Park County. Plan 200 includes Meagher and Park Counties. Plan 300 does not include Park County but Meagher County is included. Some of the counties will be included in adjacent regions. There will be a hearing in Gallatin County and Plan 300 will complete the Gallatin and Park County districts. For the Broadwater and Meagher district, it will be completed with the Southwest Region in the Bozeman and Helena areas.

Some of the plans use Powder River County to complete proposed district 30. The district in Rosebud and Big Horn Counties, with both the Crow and Northern Cheyenne Reservations involved, directly relate to the Voting Rights Act. Both districts slightly lost population, so we had to add additional population to it. In doing so, we try to maintain the voting rights by making sure that the minority voting age population percentages remain over 50% and, hopefully, the total population percentage is over 65%. These are guidelines to ensure the protection of minority voting rights. The reason that they need 50% for total population is because we are dealing with lower voter turnout, lower voter registration, and because they tend to have a greater population of minors.

Plans 300 and 400 use portions of or all of Powder River County. The other two plans stop at the Rosebud-Powder River County line. Plan 200 goes further north taking more of Rosebud County and includes a slight variation in the Hardin area. Proposed district 31 cuts into Yellowstone County and uses the population south of the Interstate.

In Plan 300, the district south of the Reservation line that is west of Hardin does not take in all of Big Horn County. Also in Plan 300, proposed district 29 goes into Custer County and does not go into Miles City.

Plan 200 uses the Crow Reservation portion of Yellowstone County to complete proposed district 31. Plan 100 does not take the town of Custer but it does take the area south of the Interstate. Huntley is included in proposed district 30. Plan 400 is the only plan that brings Huntley back into a Yellowstone County district.

Moving into Billings, the Broadview portion that is now shared with House District 8 is no longer shared in that district in any of the plans, and it comes back into the Yellowstone County district. Carbon County is slightly over the ideal population so we had to take some population out. In Plan 400, in the Silesia area, the line comes up to but does not include Joliet in the Carbon

County district. Plan 100 keeps the Roscoe Precinct with the Stillwater County district. Plan 200 also uses the Roscoe Precinct and Plan 300 takes the area north of Silesia.

The Stillwater County district needed population. You could take some of the Roscoe Precinct or variations on Sweet Grass County. Plan 400 is quite a bit away from Big Timber. Plan 100 goes right up to the Big Timber city limits, but Big Timber is included in the rural district with rural Park County. Plan 200 goes up to Big Timber but does not include it in the Stillwater County district. It includes a greater portion of Sweet Grass County. Plan 300 stops at the Stillwater-Sweet Grass County line and takes a little bit more of Carbon County.

The configuration of the Wheatland, Musselshell, Golden Valley district is considerably different in each of the plans. Plan 300 has Rosebud County split three ways. Colstrip and Forsyth are included in proposed district 29, and it uses the Reservation line. Northern Rosebud County shares Hysham north of the Highway with all of Musselshell County and a portion of rural Yellowstone County. Plan 200 splits Rosebud County in two places and takes much more population north of the Reservation line. It allows Musselshell County to be closer to the existing district, but it reaches into Meagher County to get more population, including the town of White Sulphur Springs. Plan 100 goes into Petroleum and Fergus Counties to finish the district. Plan 400 includes Musselshell County, northern Petroleum County, Garfield County, and extends into McCone County. It also puts Wheatland County with Meagher and Broadwater Counties. However, there is too much population so the western area of Broadwater County gets cut out. Some plans keep counties more intact than others, However, we were successful in keeping towns, other than Hardin and Billings proper, unsplit.

In the Yellowstone County districts specifically, we used the same configuration of districts as they were before, sharing with eastern Yellowstone County and on to the east in Plans 100, 200, and 300. In Plan 400, Huntley is brought into a Yellowstone County-only district. You see some different variations in districts south of the Yellowstone River. In Plan 400, the Blue Creek area separates the districts depending how far east you go. Plan 100 includes the Blue Creek area. Plan 200 is closer to Plan 300.

Central Billings districts lost population so existing district lines could not be used. I tried to use logical dividing points, such as Montana Avenue, North 27th, and Broadwater. But because of the population density in certain neighborhoods, it made it more difficult. I also tried to use precinct lines or school neighborhood boundaries where I could. Laurel is shared with the Silesia area in Plan 400. In Plan 100, Laurel is included in an area south of the Yellowstone River. In Plan 200, Laurel is a district that goes more north, closer to the existing line. In Plan 300, Laurel is included in a more northerly district than it is now, and it comes much further south of the Yellowstone River. Proposed district 43 goes north of Laurel. Broadview is brought back into the northern Yellowstone County district and comes up to the existing Heights district.

#### **PUBLIC COMMENT**

**Representative Monica Lindeen, House District 7, Huntley:** Because of the loss of population in eastern Montana, no matter which plan you decide on, there will be unhappy people. I represent a multi-county district, and no matter which plan I choose to support, there will be people in some areas of her current district that will not be pleased. I have decided that I am going to support Plan 300 for certain reasons.

I would like to explain something about the Huntley Project area when we talk about Huntley being separated out and communities of interest. Huntley Project includes the communities of Huntley, Worden, Ballantine, and Pompey's Pillar. All four communities share the irrigation and school district. For that reason, everybody thinks of themselves as one community. If you take Huntley out of the district, it would separate that community of interest.

Plan 100 does not include Pompey's Pillar. Plan 200 does not include Pompey's Pillar and the town of Custer. Plan 400 does not include Huntley. Plan 300 comes the closest to keeping the Huntley Project communities of interest together. It also brings Forsyth back into the district. Forsyth and Colstrip are very closely tied as far as communities of interest. In the last redistricting process, part of the Huntley Project, particularly the golf course, was taken out of district. Plan 300 does attempt to bring the majority of those folks back into the district which is a step in the right direction.

**Carol Gibson, resident, Billings:** I am speaking primarily about the Billings and Yellowstone County areas, and I am speaking in support of Plan 300. Plan 300 makes sense to me. It makes sense geographically, it follows the Rims and the River, and it tends to cluster like neighborhoods together in terms of the kind of housing, the interests, the school areas, and the hospital areas. The industrial area is also made into a nice district. I do support Plan 300.

**Virginia Court, resident, Billings:** I support Plan 300. I believe that it represents the most equitable distribution of a house seat while still keeping intact our neighborhoods, our schools, and our hospital areas. It keeps our districts compact and eliminates leapfrogging over the river, etc. I have lived in Big Horn County for 20 years. I like the idea that the proposed district 30 in Plan 300 ends at the Northern Cheyenne Reservation boundary. I also think, just having lived in the rural community of Hardin, that combining Colstrip and Forsyth makes a great deal sense. I just like Plan 300 and I think it provides the best solution to redistricting.

**Ed Carrell, Park County Commissioner, Livingston** provided written comments in support of Plan 100 for Park County and Plan 400 for Sweet Grass County and was strongly opposed to Plan 300. (EXHIBIT #3)

**Weldon Birdwell, resident, Billings** provided written comments in opposition to Plan 300 unless it was fully amended to correct its fatal flaws. (EXHIBIT #4)

**Jeff Essman, resident, Billings:** I rise to second what Mr. Birdwell stated as far as Plan 300 failing to meet the mandatory criteria of compact and contiguous. The districts are long and narrow. This only makes the problem that we have within the city now, worse. It divides the neighborhood task force areas among many of the different districts. It does, in fact, split what is commonly referred to as the Southside. The Southside has always been part of a single city ward. Since districting has been adopted in Yellowstone County, the Southside has always been a part of one or two house districts. Plan 300 divides it into four house districts.

In terms of communities of interest, it fails to meet your discretionary criteria. There has been a nonpartisan group that has already districted the city of Billings called School District 2. Their districts are generally compact and contiguous. That is done for a reason--so those children can go to the neighborhood schools. It does constitute a community of interest because you only had to attend the school closing hearings to feel how the neighborhoods identify with those

elementary school boundaries. If you look at Plan 300's proposed district 39, it contains portions of six elementary schools; its proposed district 40 contains portions of six elementary schools; and its proposed district 41 contains portions of six School District 2 elementary schools and a couple of rural school districts. There is no way that this can be supported in terms of the discretionary criteria of communities of interest. There is little that a person living on the 2300 block of Lewis has in common with somebody living on the 500 block of South 32nd.

This is a classic case of gerrymandering. It needs to be recognized. I urge you to look instead at the urban districts proposed in Plan 400. If you wish to maintain Plan 300 for the surrounding rural areas, that is fine; but I think it fails the legal challenge that it needs for the urban area within the city of Billings.

**Commissioner Lamson:** You don't have any trouble with jumping across the River in proposed district 34 in Plan 400.

**Mr. Essman:** The advantage of doing that there is that it does not divide the Blue Creek School District right down the middle.

**Representative Roy Brown, HD 14, Billings** provided written comments in opposition to Plan 300 and in support of Plans 100, 200, or 400 if the northwest portion of HD 14 were put back into the proposed district. Plan 200 with the proposed adjustments (See attachments to Exhibit #5) is the most logical and least disruptive to HD 14. (EXHIBIT #5)

**Bill Kennedy, Yellowstone County Commissioner:** I speak in favor of Plan 300. The question was asked about crossing the River and splitting the district. I think I would go with Plan 300 and keep proposed district 41 on the north side of the River and do the splitting on the Southside of the River. It makes more sense, especially to those folks who share the same areas and problems. In Plan 400, proposed districts 45 and 43 are split. In Plan 300, proposed district 45 wraps around. You are going to have the same concerns in the wrap around area in Plan 300.

We have also heard comments about splitting up school districts south of the River. The Blue Creek area and Blue Creek Road have always been a designated area for the precinct to the east. I was not real happy with the way it was done 10 years ago. When the Commissioners split up the city and Yellowstone County, we started at 5th Street West and Central Ave. We found one thing, you are not going to find the perfect district and the perfect area for everyone. We also had to make sure that we had the populations in the right areas. If you look at Plan 300, it pushes the school districts and long fingers back together, but you will always have some edges to get the population in those precincts. I think that proposed district 41 looks real good. I think proposed district 39 is going to be difficult. You will either have to go on one side of the River or the other to get the full population. Up in the northern area, proposed district 36, we heard some comments on that. I think that was 10 years ago, we saw some changes around the MSU-Billings area. There was a little gerrymandering there. I think that proposed district 36 would meet the needs.

The problems you see is that we do not have compact units in the city of Billings. I think Plan 300 can address that. I think there are some comments on Plan 300 that you may want to look at, but on the whole, I would support Plan 300.

If you also look outside the city of Billings in Plan 300, you have bigger blocks--from Huntley over to the Forsyth area and the Lockwood area. Also you are not splitting up or stretching the districts out as far as they were before. I think that Plan 300 would work the best for you.

**Representative Kim Gillan, HD 11, Billings:** My comments will be specific to the urban area. I would like to start out with the comments regarding HD 11 or the Heights community. Having looked at the plans, I feel very strongly about Plan 300. I support that plan because these are more logical compact and contiguous districts. In fact, some portions of the district are moved northward to recognize that is where the population is going. People go to school at those schools, it follows very definite neighborhood community lines. Previously, some of those people who were not in the Heights district but in a more rural district were really confused as to why they were represented by a rural area as opposed to when they were part of the Heights. I think that Plan 300 with regard to the Heights is the best example of a compact and contiguous district.

I would also like to comment that one of the things that I like about Plan 300 is that it does recognize natural boundaries like the Rims and the River. With regard to Plan 300, one of issues brought up is that it does not meet some of the discretionary criteria and that it looks like gerrymandering. I would say to the counter because most of the lines of travel in the city are on secondary roads east to west. That is where I see the lines going in Plan 300. In contrast in the Heights, it is more to the south and that is where Plan 300 goes. I does not seem to be contrived to me because it follows our natural driving routes. From someone who drives all over this town with my kids, I will tell you that those driving routes really do define neighborhoods. I support Plan 300 and it does meet the criteria.

**Bruce Simon, resident Billings:** Whichever plan we end up with across the state of Montana, I hope it is never viewed that one party won and another party did not. In the end, I believe that your job will be to provide the state with a plan that the people of Montana recognize as being appropriate. If they don't, neither party wins. The political process in Montana will lose and the public faith in this system will be diminished. That will make us all losers. I hope you keep this in mind. When you put your stamp of approval, you can walk with your head up and say I know the people of this state will support this because it is fair, equitable, and it meets all of the criteria.

I would like to specifically address a couple of the plans, more specifically Plan 300, for the urban area of Billings. I grew up at 412 Burlington, then we moved four blocks west, and I now reside at 217 Clark. I have always lived in the same neighborhood. I went to school at the Broadwater School and my children went to school at the Broadwater School. I know the importance of neighborhood to a community. If you live in Red Lodge, you know the importance of Red Lodge. When you get to an urban center, seeking things that bring us together as a community is not as simple when you begin putting together legislative districts. When you look out toward the Heights, the people in Heights look upon themselves as a community and as a neighborhood. They need to be kept together.

When you look at Plan 300, it does a terrible disservice to a feeling of neighborhood and community within the core of Billings. The area south of the railroad tracks is divided up in such a way that I don't think anybody from the Southside of the railroad tracks could ever get elected in any of the districts that you have proposed. That area is currently trying to promote a single-

member district for the school district so that they can have some representation. Plan 300 steals it and takes it away.

Yes, the river is a boundary, but in many areas along the river in our county, there is not much population. The railroad provides a major dividing line in our community. There are not many ways to get across the railroad tracks. It is as difficult to get across the railroad tracks as it is to get across the river. There are other major arterioles that slice our neighborhoods. No mother would want their children running across 24th Street West to play with the neighbors on the other side. When we talk about being compact, Plan 300 has proposed district 45 running from the Rimrocks all the way into Blue Creek. You have to cross the railroad and the River. It makes absolutely no sense at all.

If you look in the central part of the city, our school districts are being decimated by Plan 300. Many of these districts represent a number of smaller portions of school district neighborhood schools. The junior highs and high schools are the same way. This plan makes me sad because I think it destroys the feeling of neighborhood and community. I would support Plan 400 because it does make some sense although there other plans that would also make sense. But, I urge you, don't destroy our community, don't tear it apart, and don't cut across so many lines that people don't know where they belong. Keep us together as a neighborhood. The people of Billings deserve it.

**Commissioner Lamson:** Just for clarification, you said that you supported Plan 400. I assume you are talking about Plan 400 within the Billings urban area not the outer part.

**Mr. Simon:** That is correct. I am addressing the urban area. I have lived here all of my life and I understand the social, economic, and geographical conglomerations within the neighborhoods.

**Representative Mark Noennig, HD 9, Billings:** I live immediately to the west of Zimmerman Trail right below the River. I have not studied the maps in detail, but what I have done is given the general appearance test to the maps based on what would be my district, the one that I would live in, in the event that any of the plans were adopted. Having grown up in Billings and living in that area, some things become immediately obvious. That part of Billings is one of the fastest growing and my district is probably one of the highest-income districts in the state. It is an extremely urban district except for those portions that currently extend west to the county line.

Plan 100 runs along the Rimrocks, it takes in north and south of Rimrock Road, and includes the Yellowstone Country Club in proposed district 41. That makes sense to me because those are my neighbors, people I know, and it is a common-interest district. Plan 200 has a similar kind of configuration in proposed district 43. It does not extend as far to the east, but it takes in the same amount and type of residential area both above and below Rimrock Road. In Plan 400, proposed district 45 closely looks like House District 9 the way it currently exists with the exception that since House District 9 has grown in population to about 13,000 residents, there has to be some portion of it that goes. Plan 400 deletes some of the eastern portion of that district.

I do not see Plan 300 making any sense at all. It looks to me to include my house at a point of something that is almost pie shaped. It runs a little sliver of an urban populated, upper-income area and it takes in a rural area that extends all the way south and wraps around Billings in an area, that I must confess, some of these places I have never been in. I have no familiarity in that

area. It also deletes the Yellowstone Country Club and it does not pass the general appearance compact test. It does not encompass communities of interest and keep them intact, and it certainly does not have commonality of social, cultural, and economic interests. I do not see Plan 300 as being valid for the people in this district.

**Representative Joan Anderson, HD 23, Carbon County:** As I look at these plans and think about your discretionary criteria, I would like to point out that in Plans 100 and 200, you have included the area around Roscoe into Stillwater County. A number of children in that area already attend school in Stillwater County so that makes a lot of sense to me if we are going to slice off a piece of Carbon County. Plans 300 and 400 that go into the Silesia area split a school district. I do not think that would fit with your discretionary criteria to do that. I strongly encourage you, that whatever plan you adopt, to try and exclude this from Plans 100 and 200 for Carbon County because it is a natural area to slice off from that particular House District.

**Neil Isto, resident, Carbon County:** I live in a rural area near Joliet and my comments relate to Carbon County. I would recommend that you adopt either Plan 100 or 200. These two plans retain political boundaries in much the same fashion as they exist today and will cause little disruption to the voting public. As long as the population base of the current district must be reduced, it makes sense to break off the Roscoe Precinct and include it in proposed district 46 in Plan 100 or proposed district 48 in Plan 200. Many of the people in the Roscoe Precinct consider Absarokee as their home town because their children go to school there and they do much of their shopping in the Stillwater, Absarokee, and Columbus areas.

To me, Plan 300 disrupts the voting pattern in Carbon County. People in the Silesia and Joliet areas would have different representation than the rest of Carbon County even though they have common interests. The representatives who may end up representing them may not have the same interests of the people in those communities. I believe that the people in these areas would feel much more comfortable if they were represented by elected officials who serve the majority area in the Carbon County, Joliet, and Fromberg areas.

**Don Ami, resident, Billings:** I want to speak specifically to the district that I live in--the current HD 11. Plan 300 is the only one that addresses the concerns that I hear voiced in my area (i.e., we would like to keep our community as highly compacted as we can.) If you look at any of the other plans, the high school that our children attend is not part of that district. I am currently working with some of the folks here in the room to develop some district lines within School District 2 that would preclude things along those lines. The only caveat that I would add, and I hope that you folks consider this in your deliberations, is that there is a lot of sense in including portions of the western sector of current House District 11 that Plan 300 does not include now. I suggest a least up to the western boundary of the Airport.

Currently, the district only includes residential communities. I think that a bit of adversity on our part would not hurt. It would give our representative something to do besides knock on our doors. Quite frankly, we are the neighbors of the airport. We are the only neighborhood that abuts the airport that has the most direct consequences of noise and flight paths. We would like to have some say in how the airport area is managed. You are about 300 people short of the ideal population, but moving the district line toward the airport would help.

**LaVerne Bass, resident, Billings:** In many ways, I like Plan 300, particularly for the way that the Heights is divided. It makes a lot of sense. I also like the fact that--currently the way the district is for Lockwood, it stretches all the way to the southern part Laurel. At least in Plan 300, Lockwood is maintained, generally contiguous south of the River and to the east of the Blue Creek area. Plan 400 has a few good aspects in terms of central Billings. Plan 100 makes some sense in the design of Representative Noennig's district.

In terms of my neighborhood, none of the plans make any sense. I live in an area and every single one of these is attached by one single square block to either one district or another. We have worked very hard in our neighborhood to try to come to some sense of community because our children go to Highland School and they have to cross Virginia Lane. Next year, those children will go to McKinley School. We have a difficult time in our neighborhood having any sense of neighborhood at all. Basically the blocks from 6th to 5th get attached and from Beverly Hill Boulevard down to F Street, if you look at the maps, those two or three blocks get flipped around instead of being kept together. We need to have some of the streets around our school kept together.

**Commissioner Pretty On Top:** I am trying to figure out just exactly where you live.

**Mr. Bass:** It would be at the very edge of proposed district 40 in Plan 100. If you look at Plan 200, that neighborhood is added to the very edge of 40. If you look at Plan 300, my home is in proposed district 36. In Plan 400, it is added to the very edge of proposed district 38. Each plan you look at, which ever way you go, it is one-half of a block one way or the other.

**Octava Tate, resident, Billings:** I do not like the way Plan 300 is configured. It splits our neighborhood up. It also puts us outside of our school district. The purpose in requesting a single school district was in order for us to participate within the school district boundaries. I think that of all the plans, Plan 100 keeps our neighborhood in the neighborhood and it keeps me within the neighborhood. Plan 300 puts me out of the neighborhood and into proposed district 39. I am very active in my neighborhood and I would like to remain active in the neighborhood. With a little configuration here and there, you could expand proposed district 33 to include the school district and it fits the urban, cultural, and economic base.

**Mary Westwood, resident, Billings:** This is one of the most important things we ever do in figuring out how we can create districts where there is one person one vote and where people get the proper representation that they need. I am a great believer in politics, but I believe more in democracy, and I am particularly interested in what is happening. I do not exactly believe in using task force boundaries because they are not contiguous. No one can figure out what task force I should belong to. I think I am going to end up with membership in about four. That would be great because I am trying to promote a skate park just south of the tracks. That experience has been very interesting for me because I didn't know that two blocks in a city could make such a big difference in the way people think. People have had a long-held and mistaken belief that that part of town is the bad part of town. When you are two blocks from our financial center, they still think it is.

That is why I am going to speak in opposition to Plans 400, 100, and 200. Plan 400 troubles me greatly because it takes our minority community and puts them into one district. That means that they will have less representation than they would if they were placed in several districts where they would have the opportunity to elect more people. We already have the problem of people

representing us who are from outside of the urban area. I believe that if there were more opportunities for people to run, we would have more representation from the downtown area. Plans 100 and 200 perpetuate what I consider the thought of "the other side of the tracks". The only way we will truly be neighborhoods in this community is when we make those tracks disappear in our minds if not in reality.

I see in Plan 300 that I would, as a neighborhood, have the opportunity to have three people represent me. Perhaps, if Mr. Brown wasn't doing what I wanted, I could go another person and say I am part of downtown and I want you to vote this way. We have lost our school. I don't like the school boundaries and I don't think of them as non-partisan because they took away the school that was in our part of town. It was done in ways that was not fully representative. So I don't necessarily believe in school boundaries either. But, I also believe that the kids that I care about go to about four or five different schools, and I should have as much concern about those schools as I had about the one that was in my area. To me Plan 300 makes us a community which is the most important thing and it does not perpetuate the old boundaries that have been very detrimental to our development as a community.

**Monty Sealey, Musselshell County, Roundup:** I appreciate the conversation about the urban area on communities of interest. But rural areas also have similar interests in ranching communities and people with whom we do business. Plan 100 fits all our similarities as much as any of them. We share two major water sheds and we have about six different districts working on economic development and social issues. Ryegate and Lavina have more in common with Roundup than they do with Big Timber under Plan 300. With the folks I talked to in my area, Plan 100 would be our preference.

Plan 200 would be our second choice. Musselshell, Golden Valley, and Wheatland Counties are on the same watershed. So is the eastern portion of Meagher County. It is not exactly a compact district under Plan 200, but it is similar. It is similar in area and it follows geographic boundaries of the county lines.

Plan 300 does not--we are not a part of anything to the east of us beyond Melstone. Plan 300 is our fourth choice. Plan 400 splits the common interest areas exactly in half. From Lavina to Circle is 250 miles and they have zero in common. It is not compact in any means. Plan 100 is best for compactness under the mandatory criteria. In your discretionary criteria--communities of interest, Plans 100 and 200 meet that criteria..

**Commissioner Lamson:** Your criticism of Plan 300 was that you did not share anything in common with those areas to the east. Isn't it true that part currently makes up one-half of your Senate District.

**Mr. Sealey:** Exactly. But, I'm telling you that we share common interests in terms of economics, ranching, and business. Senate districts obviously combine. When you get into the rural areas, some of the districts could be 300 miles long. You have to look at when you get into completely different watersheds for a house district with 9,000 people. One part of a watershed has nothing in common with a watershed in another portion of the district. We have nothing in common with them. But when you combine them in Senate districts, that is part of the problems that you have in the rural areas.

**Commissioner Lamson:** Wouldn't you say that the predominant economy in Musselshell, northern Rosebud, northern Treasure, and Yellowstone County areas is farming and ranching?

**Mr. Sealey:** Basically, we all have farming and ranching in common but we have more in common with Forsyth and the south area in terms of timber and coal mining.

**Representative Alan Olson, HD 8, Roundup:** When you get into communities of interest, Plan 300 does not cut it for central Montana. The last time we had the most in common with northern Rosebud County was when they were they were shearing and shipping sheep out of Ingomar. People from northern Rosebud County spend very little time in Musselshell or Golden Valley Counties. Our current district with just the Musselshell Valley is the community of interest and it is a community that needs to stay together. Under Plan 300, proposed district 29 includes parts of 5 counties. That is not a community of interest. You have part of Custer, part of Big Horn, part of Treasure, part of Rosebud, and part of Yellowstone Counties. In proposed district 30, you have parts of three counties. In Plan 100 in proposed district 10, you have four complete counties. In Plan 200, you have three complete counties in proposed district 32 and the majority of Meagher County. Plan 200 addresses the concerns you will hear on Treasure and Rosebud Counties considerably better than Plan 300. Plan 400 would address Treasure and Rosebud Counties' concerns the best. My preferences are Plans 100, followed by 200, 400, and 300.

**Commissioner Lamson:** You would even take Plan 400 which puts Musselshell County virtually over to the North Dakota border over Plan 300 which is extremely compact.

**Representative Olson:** Yes, I would.

**Representative John Esp, HD 25, Big Timber** read a letter from the Sweet Grass County Commissioners in opposition to Plan 300A and in support of Plans 200, 400, or 100. (EXHIBIT #6)

The whole Yellowstone River corridor defines the communities in our area. We interact in many different ways up and down the Yellowstone River corridor and the Interstate corridor. All of our social activities and medical facilities have ties together. We worked with Park County to form an alliance to reopen our hospital in Big Timber and we share doctors. If you look at last year's basketball schedule, we played Gardner, Livingston, Columbus, Absorkee, Huntley, Shepard, and Park City. That is how our children interact. Our softball and baseball schedules in the summer include two Big Timber teams, four Livingston teams, and a team from Gardner. We do all those things together and the people have similar interests.

I know the people in my district and we think a lot alike on a lot of issues. We share the Absaroka-Beartooth Wilderness with Park, Sweet Grass, and Stillwater Counties. We share the Stillwater Mine and its associated benefits and challenges. We are all a part of an impact plan. We have similar mountain-foothill agriculture that we all take part in. Most of us trade and socialize east and west. We do not go north and south. I support Plans 100, 200, 300 with a minor amendment, and 400. If you amend Plan 300, leave Sweet Grass County split with either Park or Stillwater Counties.

**Senator Mack Cole, SD 4, Hysham:** If you look at Plan 200, there are two areas that have a lot in common--the Musselshell and Yellowstone Valleys. We would like to keep them together. The one thing that I do not like about Plan 200 is the southern part of Rosebud County. This has created confusion and problems. We are not talking about a lot of people but we are talking about the mines. If it could go down to the Reservation boundary, it would make more sense and it would tie all of Rosebud County, except for the Reservation, together like it is in Plan 400. You

are putting the people together who work closely together and they come into Forsyth. Plans 200 and 400 puts Rosebud County into two districts rather than three.

When you take a county of 840 people (Treasure County) and split it into two districts, it does not make much sense. I understand the urban area of Yellowstone County, but when you get into an area that does not have a lot of people, I hope that you would look real close at not splitting up Treasure County into two areas and Rosebud County into three areas. These people work together and they are close together. For that reason, I would recommend Plan 200 if we can move it down to the Reservation boundary and do some changing in Yellowstone County.

**Michael Lange, resident, Billings:** Plans 100, 200, and 400 have a great deal of similarities in the way they were originally drafted. Plan 200 breaks down Billings in a geographical area that seem to follow a logical path. So does Plan 100. Plan 400 is a little different but, again, it seems to follow the same general theme of logic. Plan 300 gives the appearance that the plan was drafted by someone with a motive other than logic. It almost appears that this plan was drafted with purely political reasons. I do not think that serves the best interests of the people of Montana or the people of Billings. I would suggest that the Commission look strongly at adopting Plan 200 as the most logical plan for the urban area of Billings. Plan 400 and 100 would be comparable logic. Plan 300, while it does bring emotional views from both sides regarding breaking up neighborhoods, because it clearly does that in political ways. The Southside is a perfect example. I urge the Commission to act in a manner responsible to the people of Montana. What we gain in short term political gains now may change in later years. The better we are at putting the politics out of an issue like this will ultimately serve the people best.

**Marion Dozier, Southside Task Force, Billings** provided written comments opposing Plan 300. (EXHIBIT #7)

**Representative Ken Peterson, HD 20, Billings:** The only question that should be before the Commission is fairness. Fairness for everyone and all voting citizenry of Montana. If that is the criteria, I could support whatever is done by the Commission. However, in looking at some of the plans, I am not convinced that fairness has been the main criteria. I think that the mandatory criteria for legislative districts is designed to be fair for all people.

Plan 300 does not meet the criteria of compact and contiguous districts nor does it pass the functional test of compactness in terms of travel, transportation, and communication. Some of the districts cross the railroad, cross the interstate, and cross everything. It does not meet the functional compactness. I do not think it passes the protection of minority voting rights. In the last session, I worked very hard on the Education Committee to get a bill passed that would allow the persons in the school district to petition for single-member school districts. This was very important for the people who lived on the Southside of Billings. The Southside of Billings has traditionally been a minority area and they wanted some voting rights. They wanted some rights to be heard and they wanted to submit candidates, but they could not get elected. Plan 300 is similar to that. It disenfranchises those folks.

With respect to the discretionary criteria--follow the lines of political units, such as voting precincts. Plan 300 completely destroys any of the other districts that existed prior to what currently exists. Plan 300 also destroys communities of interest. It fails the look and functional tests. Plans 200 or 400 pass the compactness test. As a member of the State-Tribal Relations

Committee, I have great concerns about the relationship between the American Indians and the rest of the state of Montana. By designing everything to meet the tribal boundaries, you foster segregation of the Indians which gives greater discrimination. I also think that you disenfranchise, to a large extent, the whites who live in those areas. I urge you to reject Plan 300 and adopt Plan 200 or 400.

**Representative Dennis Himmelberger, HD 18, Billings:** Plan 300 stands out as being the least feasible and does the most damage to the citizens of Billings. It splits the neighborhoods dramatically, much more so than the other plans. What concerns me is what this has the potential of doing to citizen involvement in the process. I have been working hard to get more involvement from my constituents in the political process and try to make everyone feel that they are included. When you split neighborhoods, which Plan 300 does, I think you take away that. Neighborhoods have common goals and common interests. As someone trying to represent a district, I think that is what a representative should do--try to represent the people in your district. When you breakup neighborhoods and spread things out, it make it almost impossible to do because you are getting so many diverse neighborhoods in one district. I would encourage you to consider the voters and citizen involvement, and I sincerely believe that Plan 300 has the potential to damage that.

**Representative Bob Story, HD 24, Park City:** I was elected to the Legislature after the last reapportionment. The House District that I represent had previously been part of Stillwater County and part of Yellowstone County. Then it became all of Stillwater County and part of Sweet Grass County--everything south of the river except the city of Big Timber. It took three terms before the people came to the realization that I represented them and that Shiell Anderson (former legislator) did not. When you start changing rural districts substantially, people still think they are in the old district and it takes them a long time to come to grips with that. Even though they go to the polls and vote, the Big Timber paper seldom carries a sample ballot.

In looking at the plans, I see that along the Hi Line you sliced all of the northern-tier counties in half north-south. I think we are going to have a lot of problems with that type of thing going on up there. The plans that I would support are either Plans 100 or 200 for the same reasons that the people from Carbon County spoke about. If you decide to pick Plan 300 or 400, most of that does not relate to anything west of Billings. You could leave those districts as they are. The Roscoe area in Carbon County is more closely tied to Stillwater County than the Silesia area. You cannot get to Silesia from Stillwater County without going through Yellowstone County. You have to go to Laurel and come back up. At least with Roscoe, you come down the creek and end up in Stillwater County. If want to stay contiguous, put the Roscoe area with Stillwater County. If you want to put Silesia in with Yellowstone County or leave it with Carbon County, that is of little interest to me. It is just a hard place to represent from Stillwater County because it is hard for them to consider themselves part of Yellowstone County if they do not know where the county line is, or else they think they are in Carbon County.

**Norman Mills, resident, Billings:** I echo what was said by Mr. Esp, Mr. Brown, Mr. Simon, and Mr. Peterson. I serve in the PTA of the school and I work with the task forces. I want to emphasize the necessity of keeping together people who gather together for other reasons for this reason also. Plan 300 is a disaster because it does not meet the cultural criteria. Even though it is discretionary, we need to follow it because it is put there for a purpose. I favor Plan 400. I believe that we must keep in mind that this is being done for the benefit of the people and

taxpayers. I am a taxpayer in four counties in the state. They deserve to be treated fairly, honestly, and have their cultural activities into account.

**Connie Wardell, resident, Billings:** A ward in the city of Billings is equal to about two house districts. Plans 100, 200, and 400 slice up the wards in the area that I am familiar with. Plan 300, with the exception of the area that Mark Noennig refers to, follows the linear pattern which is the way the political and the school districts of Billings follow.

I am also a realtor and I am aware of the growth areas and the older-housing areas. Plan 300 does an amazing job between Grand and the top of the Rims between 64th Street and 27th Street West. Although I can understand why Representative Brown would like to keep the University and the 600 people in the district that he has now, that area has consistently been looking to the west in an area west of 27th Street. I moved into this area in 1950 when 13th Street West was country and the Rehberg Ranch started there. It was disappointing to everyone in the area around the University when they pulled the boundary over in the last redistricting.

It amazes me that proposed district 38 takes into consideration the older housing area and the older people, and when you go into proposed district 43, you get into a younger population and newer housing. When you get into the area that Mr. Noennig was referring to, you get into a more upscale, younger population. As Plan 300 had done with proposed district 45, the northern part of that area corresponds with what is built as you go south. This is the most rapid growing area of Billings.

Billings will be expanding water and sewer to 58th Street West which is going to mean that the whole area between King and Rimrock Road is going to be filled with housing. If you are going to err on having a smaller district, you may want that proposed district 45 be toward the smaller side of population because 10 years from now, it will probably be the largest. Plan 300 would be better if you would adjust the area of proposed district 45 to take in the Yellowstone Country Club and move the boundary east of the Blue Creek area. I can understand why the Southside would look at Plan 400 and think it was a wonderful plan for them. But, the Blue Creek area is the second fastest growing area, and if Plan 400 is adopted the Southside would never have a representative be elected. I support Plan 300 with some changes. Plans 100, 200, and 400 take a part of the Heights that makes it a part of the Airport, leaps over, and makes it a part of a rural area which is not a good way. Plan 300 keeps all the urban areas of the Heights contiguous to each other.

**Larry Healy, resident, Billings:** I love democracy, and this is democracy in action. Redistricting is not a win-win situation. I was involved in redrawing boundaries for school districts and not everyone was happy when we were finished, but over time, people adapted. Mr. Noennig is my representative, and should he get through the primary battle and win in the general election, he would probably have concerns about all of the plans. I am in House District 9, and regardless of which plan you are in, I am in a different district in all four plans. I do not define my neighborhood or political boundaries in terms of where the lines are drawn. If you are going to represent people, you have to win their trust and confidence. I do have a bias and I support Plan 300.

**Christine Frazier, resident, Billings:** I am running for the Legislature in House District 13. Plan 300 is the worst thing that could happen to the Southside. It is the lower-income

neighborhood, it has more minorities than any other area of the city, and Plan 300 takes a few of those people and sticks them in with people who have much higher incomes. They would never have a voice at all and it totally disenfranchises lower-income and minority people. Soon, I will be knocking on doors to convince people to register to vote so that they will have one voice in the Legislature. With Plan 300, they will have none. I support either Plan 100 or 200 because keeps the area intact. I do not support Plan 400.

**Dennis Olson, resident, Billings:** I am not testifying in favor of any of the plans. I am concerned about the points that have been raised about the impacts on current HD 13. Much concern has been raised that Plan 300 splits up HD 13, but I was looking through the maps and Plan 300 breaks it into four different new districts. Plan 200 breaks it into three new district; Plan 100 breaks it into three districts also, and Plan 400 breaks it into two district. On its face, Plan 400 would be the best plan for the area. But, you also heard testimony from the Southside Task Force who preferred Plan 200, but Plan 200 splits it into three districts.

When I moved from one district to another, there is not much difference in the corridor between Grand, Broadwater to 24th, and all the way out to Division. All the plans break up HD 13. Under Plan 300, there is a sliver between 3rd and 4th that is the fourth district that breaks up HD 13. The other blue part in Plan 300 is one of the most sparsely populated districts in the district. When I look at the geographics of it, the biggest core of HD 13 is in Plan 300. So, I do not want to endorse Plan 300 either because I have not had the chance to talk with Joan Hurdle or the Southside Task Force.

**Emily Shaffer, resident, Billings:** If you make the districts three miles long, you are not keeping it together very good. That is what the North Park area would be if Plan 300 is used. We are also working on single-member school districts, and we are trying to group these areas together. When you extend areas that change from low income to areas that have more income, you are not going to have good representation. Plan 300 will not work for the area. It also chops up the Southside. Plan 400 puts us with the Southside so you have all of the low-income area together. Plan 100 has more grouping in the North Park area. I would not like you to use Plan 300 or 400.

**Senator Lorents Grosfield, SD 13, Big Timber:** I looked into the Constitution and the statutes about the Commission and its effort. The Commission has greater power with less direction than any other government body that we have, with the possible exception of the Supreme Court. This gives you extensive flexibility. However, there is no branch of government that has any veto or balancing power over the work that you do. The Legislature is given the opportunity to look at your full recommendation and make possible recommendations to the plan, but you do not have to pay any attention. In fact, you do not have to pay attention to anything that anybody says because you have no statutory or constitutional guidance. I hope that when it is all over, it can be said of this Commission that it was fair and that it was responsive to Montana citizens.

I intend to make most of my comments in the Bozeman hearing. I represent Park and Sweet Grass Counties. Monty Sealey from Roundup stated to not combine it with Sweet Grass County because they do not have any thing in common with them. Ed Carrell representing the unanimous opinion of the Park County Commissioners said do not put us with Gallatin County, we want to stay with Sweet Grass County. John Esp gave a unanimous recommendation from the Sweet Grass County Commissioners stating that they did not want to be put with the

northern people, leave us with Park County. What everybody is saying is to leave Park and Sweet Grass Counties together. I concur with that. I would not support Plan 300 at all because it takes Sweet Grass County and puts it north, it takes Park County and puts it west, and it splits the district in both directions. Plans 100, 200, and 400, I will be more specific about them in Bozeman.

**Senator Royal Johnson, SD 5, Billings:** I would like to take a different approach than what you have heard tonight. If you were starting out today and if you had never been to the city of Billings but you were this Commission and you had to do something, you would probably start at some place near what seemed to be the center of the city. Then you would draw a circle or square using the criteria that you have. You mark off the first piece with roughly 9,000 people in it and then you pick out the boundaries by streets or certain areas that make sense. Then you carve out the next district. If you approach it like that, it is almost impossible to end up with anything other than Plans 100, 200, or 400. These plans make sense. Plan 300 looks like there was no organized effort to have the right numbers in the right places, and contiguous, and geographically acceptable, etc. Plans 100, 200, or 400 do not take his district apart, but I have talked with staff and suggest some lines or boundaries that might better be served by moving the boundary one way or the other.

**Representative Esp:** I just want to extend an invitation to the Commissioners on behalf of Park or Sweet Grass Counties to come to the counties and put together a meeting.

**Commissioner Pretty On Top** reminded the public that the record was open for three weeks following the hearing for written comment.

Their being no further public comment, the public hearing adjourned at 9:30 p.m.

CI2255 2105loxa.