



Montana Districting and Apportionment Commission

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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.**

PUBLIC HEARING – MISSOULA
MISSOULA COUNTY COMMISSION OFFICE
AUGUST 13, 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, 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 Commission members were present. (ATTACHMENT #2)

Susan Fox, Research Analyst, Legislative Services Division, provided an overview of the Commission's redistricting process. (EXHIBITS #1 and #2)

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

Ms. Fox provided an overview of the Western Region Plans (South) (EXHIBIT #4)

Ms. Fox: We saw considerable population growth in the Western Region. Ravalli County had the highest percentage growth at 44%, followed by Missoula County at 21%, Mineral County at 17%, and Sanders County at almost 18%. Within Ravalli County, there is one new House district and there is no shared district between Missoula and Ravalli Counties as there is currently. They are all variations on a theme on which communities are paired together. In all three plans, Darby is in the southern most district. But, the district immediately to the north, the Hamilton district, has changed. All of Hamilton is together in one district. Corvallis is with Hamilton in all three plans.

Plan 100 is a slightly larger area. Plan 200 includes Pinesdale, Hamilton, and Corvallis. Plan 300 is a smaller area but contains Hamilton and Corvallis. Pinesdale is with the Darby district. In Plan 100, Victor and Pinesdale are together. In Plan 200, Victor is in its own district. In Plan 300, Victor is also in its own district. The northern most district has Florence and Stevensville, again stopping at the county line. Four complete House districts and two complete Senate districts are within Ravalli County.

The boundary in the Sanders County district comes further towards Missoula County. The area in Lincoln County that used to be shared with the district in Sanders County is no longer with the Sanders County district. Lincoln County has two complete House districts. Proposed district #98 in Plans 100 and 200 and proposed district #88 in Plan 300 are all within the Sanders County district. The variation is when you come further down is whether Plains and Paradise are together or separated. In Plan 100, Plains and Paradise are together. In Plans 200 and 300, they are in separate districts, Paradise being with Mineral County and part of Missoula County while Hot Springs, Lonepine, and Niarada are included in the northern Sanders County area.

Coming down from Lake County, Plans 100 and 200 take some of the excess population, basically the Arlee School District. Plan 100 includes the Grant Creek area. Plan 200 stays out Grant Creek but takes some west Missoula population. In Plan 300, Arlee stays with the district to the north as does a portion of the western side of the Mission Mountains that are in a district with Lake and Flathead Counties and portions of Pondera and Glacier Counties.

One of the big changes, as I said we moved clockwise around the state, we had stopped at the Powell and Granite County lines. Currently, the district is shared between the Seeley Lake area and Granite County and part of Powell County. This is no longer the case because we started cleaning up at the Missoula County Line with proposed district #79 in Plans 100 and 200. Proposed districts #77 and #78 in Plan 300 are all within Missoula County and no longer share a portion of Granite or Powell Counties.

The Lolo district in Plans 100 and 200 are very similar to the existing district, except that it doesn't share with Ravalli County. Lolo in Plan 300 is with the district that goes further north into Missoula County, but it is whole within Missoula County. In Plan 300, you see that the Seeley Lake area is in a separate district. Clinton in Plans 100 and 200 is shared. Missoula proper has the same number of districts but there is quite a bit of movement. What happened to most of the larger cities in Montana is that inside town there was not enough room to grow. In the circle around town, there was higher growth, but there is plenty of population to spread around and

make sufficient district for the Missoula area. Surrounding the Missoula area, Plans 100 and 200 are built closer to existing districts. But, there is so much growth in some of these areas that they come closer into town. I was able to successfully negotiate a change with the Census Bureau. The last time we split Miller Creek right down the road because there wasn't an appropriate census. We actually got to put ridge line in and was able to use it join Miller Creek back together again in proposed district #78 in Plan 200 and in proposed district #77 in Plan 100. Miller Creek is still split using existing district lines in Plan 300 but it creates a district that is much more east-west than the separated district.

We have considerable variation in the Missoula County districts. In Plan 200, the Rattlesnake and Grant Creek are together; in Plan 100, they are separate; and in Plan 300, the Rattlesnake is in proposed district #78 with the area north of Highway 200. Proposed district #86 includes the Evaro Hill and some of north Missoula. We have the Highway 93 corridor and Grant Creek in Plan 100. Plan 200 includes the Grant Creek Corridor. Plan 300 uses the area that is actually a piece of the Highway 93 corridor. There is more variation in the east-west configuration in Missoula proper than there is in Plans 100 and 200. There are some incredible census blocks because of your growth that will have 1,000 people in them. Even with our plus or minus 5% deviation, there is some dramatic changes in the configurations. If you are going to look at amendments this area, we really do need look at that population. You notice that we have a high deviation in most of the districts due to some of the decision made previously, but it is well within below the 10% overall deviation. That is universal in all three plans.

PUBLIC HEARING

Ron Erickson, Representative, House District 64: I favor Plan 300 although I must say that each of the plans divide my present district into three districts. I think that is happening to quite a number of the Missoula Representatives. Part of my present district is a district in Miller Creek. As Ms. Fox mentioned, part of Miller Creek was in one district and the other side another. My main issue is that doesn't work. Where is doesn't work in the your two plans now in Plans 100 and 200 with where I live in Patty Canyon, both of the two plans divide our Canyon in one-half. We are a community of interest, we do have a common set of mainly professional people living in the area, and we have a strong landowners association that meets frequently. It would be a mistake to go ahead and divide us in one-half. One of the reasons I like Plan 300 is that it doesn't do that. There are some other things that I might choose to go ahead and write you about, but I am very concerned about community of interest everywhere, and I happen to represent one in my own home.

Bob Scott, Ravalli County: I have followed what you have done and I appreciate your hard work. I would like to address my comments this evening in favor of Plan 300 for Ravalli County. It accurately represents communities in Ravalli County and gives us the type of cohesiveness that we have not had in the past. It is a chance for the market areas and the communities of interest to be represented in the Legislature in a way that has not been possible in the past. Ravalli County is very linear. The transportation corridors run north-south. You will see in Plan 300, Corvallis and Hamilton are on that linear corridor and we now have a district that does something that is very natural. I favor of Plan 300 for Ravalli County.

James Shockley, Representative, House District 61: Plan 300 looks real good. It leaves me bullet proof.

Professor Jeffrey Renz, Turah: I would like to comment on the Indian county plans that the Commission has considered. I read in the paper that Joe Lamson (Commissioner) was quoted or perhaps misquoted as saying that Indians have been left out of the political process in Montana. I want to make a clear correction, Indians have been historically excluded from the political process in Montana. This was a fact that was found by a federal district judge in the Windy Boy case. This federal district judge had been appointed to the bench three separate times by former President Ronald Reagan. He was no flaming activist and he was certainly not liberal. I would say also that it is the same thing that I saw when I attended the Apportionment Commission meeting in 1992 and was met with hostility on more than one occasion. I urge you to consider and approve those plans that enlarge on and ensure Indian participation in the political process.

Gail Gutsche, Representative, House District 66: My concerns about the way that my current district is remapped is that it is a very urban downtown district currently--the north and west side, the downtown area, and the very lower Rattlesnake. The way that it is currently remapped takes in much more rural area all the way up Evaro Hill and Grant and Butler Creeks. To me it will have that mix of the rural-urban and also the very very poorest of the poor with some of the richest of the rich. I think that it will be a hard district to represent. That said, I still favor Plan 300 over the other two and would like to perhaps see a little more changes happen in some of these districts. I think it will be hard for people, particularly in Missoula, to represent those really diverse interests especially with the huge annexation issue that is in Missoula County.

Commissioner Pretty On Top: Which proposed district is the one that you are referring to?
Rep. Gutsche: Proposed district #86. House District 66 is my current district, it just becomes a lot more expansive and obviously, not nearly as compact.

Susan Reneau, Missoula County: I have looked over the three plans that affect me, and I favor Plan 200. I like it because it includes the entire Miller Creek drainage, and I also like the larger districts, especially in the area where I am which is proposed district #77 in Plan 200. I am down toward Lolo, and it is an extremely rural area. We don't have a lot of buildup except in the Orchard Homes area. Looking at the overall maps, I also prefer Plan 200 for the same reason that it seems to me to be more logical rather than breaking groups up. I definitely oppose Plan 300.

Larry Anderson, Candidate, House Districts 64: Of the three plans, I favor Plan 200. I believe Plan 100 may have had some assistance from my opponent, Mr. Erickson, because I am excluded from that district in Plan 100. We are talking about proposed district #80 in your reference sheet. I totally oppose that. I think that communities of interest are very important in Missoula. We have neighborhood councils that have a body of interest, and even though our streets are square and close together, we also have communities of interest within the city. Plan 200 would favor and retain the district as close as a community of interest as it is currently. I don't think that Plan 300 addresses that at all. It puts a finger of constituents way out on the other side of Miller Creek which would require a long drive. It may not be a long drive for those of you in the rural areas, but in Missoula when you are trying to get around, it can be very difficult. I would favor Plan 200.

Dale Mahlum, Senator, Senate District 35: Will the district change? Right now, I think I am in proposed district #86 in Plan 300. Would that change and, if so, what would it change too?

Commissioner Pretty On Top: You would reside in proposed district #86 also in Plan 200?

Sen. Mahlum: In Plan 200, I would be in proposed district #86 also.

Commissioner Lamson: Are you up for reelection this time?

Sen. Mahlum: No, I am not. I think I am the only termed-out Republican out of Missoula County.

Commissioner Lamson: If you were in proposed district #86 in either of the plans and neither of the plans is adopted, that would be your House district. We haven't made any decisions on the connection of the Senate districts yet. They won't be done until November after the elections.

Commissioner Jellison: Isn't it correct that a sitting Senator whose term will expire at the end of the next go around will stay in the district that he is now in.

Commissioner Lamson: Yes, until the 2004 election, you are still representing your district. Then the 25 Senators leftover will each be assigned a particular district to complete their terms.

Sen. Mahlum: So they will run in their respective districts in 2003?

Commissioner Lamson: 2002. They are in the same district that they are in right now. They will be assigned afterward. This is confusing because the people elected you for four years. If you have your term cut short, it is not constitutional.

Ms Fox: When Sen. Mahlum's term ends, if it ended in 2004, there would be a brand new district to run in. We are not sure what the districts would look like. The people who are elected this fall will serve two years under the districts that they are familiar with, but then they will be reassigned to a new district. Not knowing what the Senate pairings will be right now, if you can imagine that because of loss of the House districts on the eastern part of the state and gain on the western part of the state, that there is going to be some flip flopping of Senate district. They will probably change considerably. Though in the past, we tried to get as many of the voters that voted for someone in the same Senate district. Anybody who is elected this election will serve four years, but they will serve two under the district that they are running for and two years assigned to a different district. Those who run in the 2004 election will be running in the new district.

Duane Peterson, Missoula County: If the Commission is disbanded before the second two years, who will assign those districts?

Ms. Fox: This Commission will do that before it completes its work. We will wait until after this election so we will know who those 25 holdover Senators will be. That will be part of the 150 districts that a public hearing will be held on in December. There will also be a hearing on the Senate pairings, so you will have some opportunities to come and testify.

Commissioner Jellison: I just wanted to assure you that the rumor that anybody who offends the Commission might wind up representing Ekalaka is not true.

Duane Peterson, Missoula: Obviously, your reputation precedes you. I don't want to talk about the political nature of redistricting. I would like to comment on a couple things that I just found out in the terms of the criteria used and what some of the previous speakers made. One of the things in Missoula is that our current Mayor, Mike Kadas, tried to create communities in Missoula. Some things that kind of hang together. If you spend much time in Missoula, you will probably notice that our sidewalks are extensive bike trails, our walking paths are open spaces,

and so on to try to help keep people in touch and compact. Then I look at what is happening in elections in the primary, Missoula had less than a 12% turnout. This is very disappointing.

So when I look at these plans, primarily it shows up in Plan 300, I am concerned for Montanans and Missoulians. One of things I think all Commissioners would support is the fact that we need good people to run for office. Secondly, I think that you would support the fact that you would like to have a lot of people voting. I believe that Plan 300 discourages more so than the other two plans, significantly more so. It discourages people from being able to run and discourages people coming out to vote. For example, proposed district #85 in Plan 300 takes in property that I have in Lolo, Mullen Road, the Y, Frenchtown, and Alberton. That is a significant travel area for someone to cover. It is significant for someone in the Lolo area, 10 miles south, to run for office in an area that is 20 to 30 miles west of us. Another example, I live in the Rattlesnake which is a part of the city. Most of the people are business and professional people and the lower Rattlesnake is a high student population. In proposed district #78, they are connected with Seeley Lake not east Missoula where there is some educational tie in. Skipping all of the East Missoula, Clinton, and Turah areas and bouncing out to Seeley Lake, for someone to run from the Rattlesnake to try to also appeal to people in Seeley Lake is a challenge as well as simply the mileage and time spent. Miller Creek in the South Hills, Plans 100 and 200 has two districts. Plan 300 has four districts. One of the things in the South Hills is some sense of community. For Plan 300 to divide that into four different districts seems to not make sense, makes is extremely difficult for someone to run in the area, as well as for people in the area to know where to go to vote, how to vote, and which district that they are in.

Proposed districts #82, #83, #84, and 86--I don't know why the real high density in the city and then spreading way out into the County, it looks like we had an old wagon wheel with spokes. Every district has a bit of downtown and goes way out in Plan 300. Again it is a real challenge. Proposed districts #80 and #81 is a complete rat maze to me in trying to understand it. But in terms of someone running in that area, in terms of intactness, in terms geographic area, in terms of keeping communities of interest intact, and keeping occupations together, they do not make any sense. I a appealing to the Commission, when you decide on which plan you are going to vote for, think of two things, politics aside, (1) how do we get good people to run and make it feasible, financially, physically, and somewhat similar areas, and (2) how do we draw the boundaries so that people in a community are voting with their fellow community members rather than spread way out.

Commissioner Rehberg: We had an informational hearing in Helena talking about the Reapportionment Commission and what we are doing. The divisiveness of the Commission became very apparent, both in the hearing and in the publicity. It was pointed out that because of our divided attitude in our approach to the whole process that people aren't interest in voting. You said that only 12% voted in the primary. Would you blame this Commission for that lack of voting?

Mr. Peterson: No, of course not. I don't believe that. To me, the way that the districts are divided in Missoula proper makes it divisive and I think would inhibit voter turnout and would inhibit. Already in Missoula, we have the challenge of not having the competition a lot of areas throughout the state have. The competition that we frequently have, if at all, is maybe one Republican, maybe one Democrat, and then we may have an Independent, a Constitutionalist, a Green Party, or a number of other parties, but we don't have the competition that other do. I think

the districting that is especially in Plan 300 is going to hurt that. That is what we need to be bottom line concerned with--voter turnout and getting qualified people to run in an area.

Holly Raser, Representative, House District 70: I understand what Mr. Peterson says about the difficulty of running in a large diverse. That actually describes my district perfectly. House District 70 currently encompasses some of Orchard Homes, Target Range, the Mullen Road area all the way up through the Y, part of Frenchtown, and up to Arlee to the county line. As far as representing diverse districts, that is about as diverse as it gets. It is a challenge, no question about it. I think that a lot of us who are living in the rural areas, I don't believe that there is any way that you can divide up the maps for representation without having some of those challenges. To be perfectly honest with you, there are things that I like about all of the plans and things that I don't like about all of the plans. My current district would be split into four districts. It makes it very difficult. The Target Range area in all of the plans would be split. It seems most intact in Plan 300. But, in all of them, they are split. Again, these are very important communities of interest. They are strong neighborhoods and strong identification in similar issues. So I see a problem with the Target Range area. The Orchard Homes area is split in all three plans. There is some good things about all of the plans. None of them are perfect, unfortunately. The Mullen Road area--there is only one plan that keeps it all intact and that would be Plan 300. Where the Mullen Road area is fairly intact, it does incorporate some of the neighborhood towards the city. I suppose all of them have to do that just to get the population balanced. The Evaro-Arlee area, I favor Plan 300, except for when it brings the southeast corner. But, at least it keeps Evaro and the Y together and then Arlee in a separate county. I believe that is something that would be easier for somebody to represent common interests.

Nina Cramer, Chairman, Missoula County Democrats: I am here tonight in support of Plan 300. I would also like to speak to the diversity of Plan 300. Being a Democrat, I think this plan would benefit all of us greatly because we would have more diverse population of people to represent. That helps us then to find compromise when we see different interest groups brought together. Many of the concerns that people have expressed, they have forgotten also about our commonalities. We are all consumer, we have concerns about the cost and availability of goods, the education of our children, as well as small business owner. Whether you are a small business owner in the Rattlesnake or a small business owner in Seeley Lake, you have many of the same concerns. I wanted to voice my support for Plan 300 and compliment its diversity.

Betty Lund, Ravalli County Commissioner: We are the second fastest growing County in Montana behind Jefferson County. I stand before you because I have stood before you before. I began in the County in 1972, and this is my fourth time to work on reapportionment. We recognize today that the districts do run 9,022 people. We are so fortunate to have four districts within our county. I hope that you will indulge me to look at the map that we will create for showing all four districts in Ravalli that followed school district boundaries. As far as election people are concerned, school district boundaries are almost carved in stone. The map that I will present to you is the districts that you have before with our school districts. You are probably asking yourselves why I am harping on school district boundaries. School district boundaries are things that control the price of an election depending upon how many ballots you have to have. We are asking you to consider this in your deliberation. I know that there is a lot of political ramifications, but, for all of the years that I have done this, it seems to have worked really well in Ravalli County, never even considering politics. The first school district that we completed had 9,023 people in it, and I am confident that we can finish that with the rest of the Valley. There is a

limited amount of money in every county, and I would appreciate it if you would look at the economics of this. Perhaps, by doing it by school district, you would save us money.

Vickie Zier, Clerk and Recorder, Missoula County: I'm not going to tell you which plan I like or don't like. What I am hoping that you will grant, at least the Clerks and Recorders and Election Administrators, is the time to work with Susan to look at the boundaries that may be problematic for us in precincting. For example, right here, this is the highway. This imaginary line here that would be the line dividing the House District would be very difficult for us to make sure that we are putting those people in the correct House District. I would ask that whichever plan be used is as an accurate tool when we are assigning our precincts for our registered voters. We don't want to guess which House District an elector resides in. If we use existing highways, streets, rivers, and school district boundaries as often as possible, we would be able to precinct accurately which is critical for us. Using dry creek beds or bases of mountain ranges is, at times, very problematic for us.

Another major issue would be the proposal that does not create a situation where a electors' secret ballot is a risk. That is critical that small districts are created that an elector's right of privacy is at risk. I also would like to mention school district boundaries. In the past two legislative sessions, bills have been introduced to combine school elections with the primary election. I believe that before the next ten year or over that it could be a high possibility. If we use school boundaries as often as possible, it reduces the amount of precincts we will have at the county level, and it will make this easier to move in that direction if it every comes to fruition. I will be submitting in detail my concerns for each proposal by the deadline of September 3.

George Bailey; Missoula: I grew up in Roundup. After I graduated from Missoula, I start teaching and coaching in Poplar and Broadus. I bring up coaching because I think it is appropriate to what we are looking at. When I was a young coach, some of the more senior coaches said that no matter how good your team is, don't stick it to the other team. There was also a saying in coaching "What goes around comes around". We have three Democrats and two Republicans on this Commission. When the whole state is divided up, you are going to win but don't stick the boots to the other team because you probably won't win in the end. Other Montanans will get more involved in the process, and the next time it might be the other way. I ran for the Legislature in a district in the Target Range area which was fairly rural. I had to come across Reserve (Street) and get into an urban district that was very democratic. The Republican had lost. It was hard for me to think that I am going to investment my time away from family and money, but I went ahead with it. The more you divide it up, the less representation. You have to work for a balance, and I plead that you do that.

Nedra Taylor, Clerk and Recorder, Ravalli County: I do ask one thing. I would like the Commission to carefully consider the economic impact of your plans. I am also not going to point to one or other of the plans. We are working on a plan to send to you and we would like you to consider it. As an election administrator, I must be concerned about the increase of cost to our taxpayer. With the huge increase in population in Ravalli County, we had significant cost increases in our elections

already. With these the proposed plans, our county will again take another significant increase, such as general costs for elections, ballot cost, printing, programing, and split precincts. There is also the need with the plans for many more precincts than we have that will again increase our costs because of the number of election judges that we will need to train and have. Please, consider carefully for the sake of all of the taxpayer of this state.

Carolyn Squires, Candidate, Senate District #34: I did represent House District #68 until I was term limited out. In that process, I served 14 years in the Legislature. I have served under the compact, the county/city option in regards to the Legislature, and there was much of the same discussion that have been going on about the composition of this Commission. Last time, it was Republican dominated rather than Democratic. My district splits down the middle of a street, and I take in three House members in the process. If that is not gerrymandering, I don't know what is. This brings people in together into a group of the city. The gentlemen talked about going out to the "Y". Does anybody understand that Rep. Doug Mood goes from Seeley Lake to Philipsburg. I believe that is approximately 100 or more miles. I don't think that is fair. Twenty miles is a lot different than 100 miles. I think it is a good idea to bring it in and address the issues. It makes it easier, in all actuality, to find somebody to run. When you are trying to find somebody to run in a district that has people in Ravalli and Missoula Counties that crosses the lines, you have to have somebody who absolutely lives in the districts. I am not in favor of a carpetbagger; never have been and won't be. I would say that if you want to find good people that can run, it would allow this to happen within Missoula County and Ravalli County as well. The Rattlesnake, without a question of a doubt, has its own personality, but so does Seeley Lake. People will come together and have some discussion, and maybe that will bring particular community together. It is 60 miles that way, but remember, from Seeley Lake or Condon to Philipsburg. Tell me how they connect with each other. I would support Plan 300 where it brings us all into area and we all represent the people within our own county.

Commissioner Rehberg: I served on the Commission 10 years ago. I don't take offense to what you say, but I think you need to be informed. We had 12 ballots from 12 different hearings. Eleven of the 12 were unanimously voted on. It was not a Republican Commission no matter how you might look at it. I was an objective two Democrats and two objective Republicans. The Chairman who was appointed who did a very good job in presiding, she broke only one time. Otherwise they were unanimous except one vote. I know that you would like to and the Democrat Party likes to reflect that it was a very partisan Commission, but it was a very unified, cohesive, and cooperative working Commission.

Ms. Squires: I feel much the same way of this particular Commission that, in hearing the stories and the conversations about gerrymandering. Much of that conversation, maybe you might not have been aware of it before and I hope not because it is not a fair thing to do to anybody who is put into a position like this, but those comments were also going on at the same time. I believe that you are fair and I believe that you are supportive of your points of view, and I will never condemn you for those particular points. I wasn't saying it for that purpose, but the issue of gerrymandering came in 10 years

ago the same as it has come into this Commission. Please, I am not casting dispersions on the Commission at all. If I made that kind of insinuation, I apologize to you personally.

Commissioner Jellison: With regard to the distance, Missoula County residents were included in proposed district #1 under Plan 300. That district goes from Arlee to Browning. There are Missoula County residents included in House District #1 as proposed in Plan 300. What do you think about that distance?

Ms. Squires: Do to the Courts rulings that I have occurred, I understand that must be a district made in the particular composition of Native Americans. I'm not overly fond of it, but I also respect my friends who are on the Native American side. If it needs to be there and if it needs to be defended, then we have to do it.

Commissioner Jellison: Do you think that a district like that would be created if it were not because of the Native American involvement?

Ms. Squires: I believe that the Commission would see that those individuals who are Native American have a commonality and need to have representation that they deserve in the Legislature.

Commissioner Jellison: But the only reason for creating that district is because of Native Americans.

Ms. Squires: I believe that it is a Court ruling or a Court suggestion that if it put before the Courts that a minority shall have representation within the body. It is my understanding that this provides for it. I totally support that the Native Americans in the state, since they have a certain population here, be allowed to have some representation in the Legislature. They deserve it.

Commissioner Lamson: I made this point in Kalispell and also in Pablo, and I am a little surprised. After we had very good hearings up there, we had two hours of testimony from numerous people that cited all types of communities of interest that are shared in proposed district #1. But also the point that districts was actually smaller than the adjoining district that is currently in place which is the Doug Mood district. For some reason that district because it doesn't have a large Native American population, doesn't seem to be a problem for that Representative to get around and represent those diverse interests within that district, but in the other district, there seemed to be a problem. That is point that should also be realized and I think pondered a little bit.

Commissioner Jellison: Are you saying that Doug Mood's district is as large a district?

Commissioner Lamson: I am saying that if you put ruler on the far end of Doug Mood's farthest points in his district, that it is a longer district from its two farthest points than the distance in proposed district #1. And there are also several other districts in eastern Montana currently in existence by the previous Commission that are far larger than that proposed district. For some reason nonIndians can get around those districts just fine, but Indian people can't get around in their districts. That logic is just beyond me.

Vicki Cocchiarella, Senator, Senate District 32: What I really like to hear is that Susan (Fox) with the Census people in making an appeal and winning regarding the lower Miller Creek Road or the upper Miller Creek and the back side of Dean Stone Mountain. As a former representative of that area going from Patty Canyon, all the around pass Miller Creek, up Miller Creek, down the other side, and

off to one side of the road made no sense to me. Just as Rep. Erickson said, it makes no sense to divide Patty Canyon. Most of the population is on one side of Patty Canyon and the side that you have taken either sending it clear to Seeley Lake or sending it back around with Miller Creek does not service all of the issues that were mentioned by the Clerk and Recorders. On the other hand, I think that one of the things that has happened in drawing all of the Plans, but if I could and choose and put the maps together, I would pick Plan 100 for Miller Creek because that is an area where as a community of interest is reflected, except for the urban- rural conflict. Having represented a totally urban House seat and then representing a Senate seat that was all of a sudden city versus county, it made a huge difference and created lots of conflict and made it very difficult to represent the people. That is a huge concern when you lay these districts out and looks at some of the urban-city districts that are put together with county districts. When you laid out the plans, was future growth considered?

Commissioner Pretty On Top: It is a matter of questioning whose crystal ball you look into. No, as a matter of fact, we look at current population and whether there is trends or not. We are obligated to look at current numbers.

Sen. Cocchiarella: I believe you said at all of the districts were leaning toward the 5% plus side.

Ms. Fox: Yes, that is accurate. All three plans, you have in this area an average deviation is on the positive side about 3.5%. But, most districts are closer to the 5% deviation. It is just a function of the ripple affect, what the Commission's previous actions have been, and the population growth in this area.

Sen. Cocchiarella: Since that is the case, there are areas of Missoula that I think should be viewed more to the negative side. I don't know if you would be willing to consider that, but the Miller Creek area is one of those, and probably the Mullen Road area. If there are some ways to move people and numbers, to make sure that the Patty Canyon areas are left together, and to bring back a sense of community to some of the inner city areas, I think that should also be considered. The growth direction in this city and county is important, and then consider also city versus county issues. I don't see that being considered in any of the areas, especially when you take the Rattlesnake and put it with Seeley Lake. I think that is not good. There is good and bad in all of the plans. We need to have the opportunity to listen to the Clerk and Recorders with the school district issues, and then consider where the growth is going to be to make sure that we apply a sense of that. Also the issue of city versus county. These are big issues in Missoula and I think probably bigger issues here then they are in a lot of places.

Thelma Baker, Missoula: Is it my understanding that proposed district #1 would encompass five counties in plan 300?

Commissioner Pretty On Top: Parts of five counties, yes.

Ms. Baker: I have heard quite a bit of conversation about Rep. Doug Mood. Rep. Mood has three counties. We have heard a great deal discussion about milage. I would like to point that there is a considerable difference in representing three counties compared to five counties. In the campaign process, there is a great deal of extra money that needs to spent because you have to attend functions, fairs, meetings, etc. To me, it would just be an undertaking to have to represent five counties. At this

time, I would urge you to reconsider, and I do oppose Plan 300. But, if that plan is chosen, I would urge you to reconsider and possibly leave Missoula out of the mix.

Commissioner Pretty On Top: If you recall that in the criteria, Indian reservations were part of the various boundaries or structures within the state that were considered. While many Indian reservation extend over numerous counties, there is lens, from an Indian point of view, that looks at a reservation without regard to county lines. That is one of the things that we have taken into consideration.

Ms. Baker: It is still five counties.

Commissioner Lamson: One point also is that yes, while it is five counties technically, there are just 10 people in Flathead County, we will probably take care of that. It will include Flathead County but it's Bob Marshall Wilderness. The grizzly bears are the dominant population there. In Missoula County, there is small number of people involved. We may very well revisit that. In that case, it will be four counties.

Ms. Baker: Did I understand you to say, excluding the grizzly bears, that there would be 10 possible electors.

Commissioner Lamson: Yes, and that may have been an error in terms of the computer program following the census blocks which can be easily corrected.

Ms. Baker: This violates peoples' privacy.

Commissioner Lamson: That is why we had the public hearings. That was brought to our attention and I do think that in drawing these plans, sometimes a block gets included that wasn't intended to be included. That could be easily amended in the final process.

Ms. Baker: There is also an expense because you have to represent 10 possible people in the same manner as if there were 1,000.

Commissioner Lamson: Your point is well taken.

Commissioner Jellison: One Clerk and Recorder talked about this and indicated that at least 10 people in proposed district #1 that they have only two registered voters within the 10 people. Your concerns about privacy would obviously be somewhat difficult because, if they both voted, at least one of them would no know how both of them voted.

Commissioner Lamson: This will be the first amendment proposed that will have unanimous support.

Candi Jerki, Ravalli County: I speak in favor of Plan 300. I work for the state as an appraiser so I am very familiar with Ravalli County and I have traveled the area a lot. One of the reasons that I favor Plan 300 is because you have different areas in the county. If you take a look at the Hamilton area, by including Corvallis and the Grantsville area with it, you have a cohesive area that is a lot of older homes and a lot of people who have lived in the Hamilton area for a long time, but yet, there are many new homes going in. It is somewhat cohesive, but yet, it includes a bunch of communities that have similar interests together. Also, if you go to the north part, Florence and Stevensville have a lot of similarities. Being from Florence, I feel a little bit sad that we can't put the whole Florence school districts together because of school district is in Missoula County and will end up going with Lolo. But, because of the population, Ravalli County works out just perfectly to have four House Districts so it has to be the way

that it is. I have not seen the plan that Betty and Nedra were talking as far as going with the school district lines. But, I am pretty aware where the lines are, and there is no way being that there is seven school districts in an area where you can only divide it up into four districts that you can follow school districts lines no matter what you do. If you take a look at proposed district 76, it is all of the Florence school district that is in Ravalli County and it is all of the Lone Rock School District that are together. Stevensville ends up being split between two districts, Victor is all in one school district, Corvallis School District ends up being split three ways but there does seem to be any way to get around it, and Hamilton is split two except for a very small area. We don't want to see the cost of elections go up, but of the three plans, I believe Plan 300 is the best one. I would like you to seriously consider it.

Ed Lord, Chamber of Commerce, Philipsburg: I apologize for missing the Butte hearing when our area was considered. I consider myself fairly politically astute. I take two daily newspapers, a biweekly paper, and a weekly paper, and I was totally unaware of the Butte hearing. But that is water under the bridge now. I do have some problems with Plan 300 of the Southwest Region in that Granite County is basically put in with the south one-half of the city of Anaconda. Most of the are that you have in Deer Lodge County that is included in Granite County is the Pintlar Wilderness area. Nobody lives there. Basically what you have done is put one-half of the city of Anaconda in with Granite County, and according to your criteria that there should be communities of like interest--although I have a lot of friends in Anaconda, they make a living a lot different than I do and a lot of my neighbors do. Are you familiar with the proposed amendment #3? We would favor this plan. A couple things really good about this is that it will work really well with the south one-half of Powell County with Interstate 90 and it goes through Granite County. Another good thing about this is that Powell County winds up being in two legislative districts rather than three that they would be in under Plan 300. Even many people in Deer Lodge County preferred having their own district as proposed under amendment #3 of Plan 300. I think that for those reasons, I would ask that you consider amendment #3 to Plan 300. It makes a lot more sense from the views of community, like interests, and people would generally more interested in participating in the system if we could do that.

Earl Martin, Chairman, Granite County Commissioner: I go along with Ed Lord in the way you have divided us up in Plan 300. You have gone down the main street of Anaconda and put one-half of it in proposed district #72 and one-half in proposed district #71. It could be very possible that we could have the Representative from district #71 living across the street from the Representative in district #72 in Anaconda where our Senator is already from Anaconda. Now, we don't dislike the people from Anaconda, but they have a totally different lifestyle than we do in Granite County. In light of that, I would appreciate you taking a look at the plan that Ed (Lord) has given you.

Connie Lord, Philipsburg: I speak in favor of putting Granite County with Powell County. For many years, Granite County was a part of the district that included Anaconda and Deer Lodge. It was very frustrating to the people of Granite County because they could not get someone elected that represented their interest. The Anaconda people dominated the election scene. By putting Granite County in with the southern part of Powell County, we would share economic interests. It has been

mentioned earlier, the Interstate goes through Granite and Powell Counties. Many people in the northern part of Granite County, that being the Hall-Drummond area, have a close connection to the Deer Lodge people in Powell County. Many of us in Granite County that would like to be with Powell County. I might add that in the redistricting that Philipsburg was put in with the Seeley Lake-Condon area because Philipsburg and Seeley Lake share many common interests economically, the timber industry being one in particular. We have been happy with that arrangement even though it has been a big district. I hope that you will consider our concerns in Granite County to be connected with Powell County.

Dave Wanzenried, Representative, House District 68: I also had the privilege in representing a district in Flathead County in the early 1990s. I have to tell you that despite the fact that the two counties are geographically disbursed and economically different, they are remarkably similar. This state is a state of families, neighborhoods, and regions. The district that I represent currently, I am just a caretaker and there for a short period of time. I can stand before you and tell you that we ought to adjust the boundaries here and there to make these a better plan. You are at the end of your process, and there has been discussion about the ripple effect. We are at the end of that ripple so there is limited opportunities to deal with some of the adjustments that are being talked about. Legitimate concerns have been raised in some areas.

I want you to know that I want to go on record supporting Plan 300. The main reason is that it is not a perfect plan, but it comes closest to provide the challenge necessary in Missoula County for those of us who happen to represent an area that straddles the city-county boundaries to recognize that the frame of reference that the people come from is different. In my case, people have been recently annexed, some are about to be annexed, and people who never want to be annexed. This drives their outlook on almost everything that takes place in the Legislature. I think it is healthy for the Commission to challenge candidates, any candidate who wants to be in the Legislature to recognize the diversity that makes up this state, geographically and economically. This plan does that. It challenges candidates to recognize that you can't have it all with downtown Missoula. You are going to have to represent a broader constituency that does have a different frame of reference, and you are going to have to listen to, not only them, but people elected from other parts of the state who represent the same types of diverse constituencies. I support this plan and will help in any way that I can.

Sen. Mahlum: What is the scope of the Commission? Are you suppose to look at what is today in the year 2002 population and that is how you are going to do the redistricting? Or will you look ahead in the future for a little bit.

Ms. Fox: We use the census data of April 1, 2000 so we are using dated data. We have no way of knowing whose crystal ball to use. It was actually litigated in the 1980 round about whether or not we should use projected plans. It is actually a good example because it came out of Great Falls area. At that time, it was experiencing great growth. But, it has not panned out in the last 20 years and its growth has stabilized and not had the incredible growth that they were having in the early 1980s. We also saw that in eastern Montana during the 1980s where there was a spike in population because of the oil

boom. But, it busted before the April 1, 1990, census. Even though it is probably safe to say that this area will be gaining population, but we have no way of knowing accurately so we do stick to the population as it was reported to the Census April 1, 2000.

Sen. Mahlum: The reason I asked was because in Rep. Raser's and my district, we know that within three to five years, I know of 500 homes that are going into this area.

Commissioner Rehberg: That is a question that is asked all of the time. The eastern part of the state is losing, the western part is going to grow, and everybody is looking to the future. Unfortunately, our hands are tied. It is a fair, honest question because what you are saying is definitely going to happen.

There being no further public comments, the public hearing adjourned at 8:40 p.m.

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