

Testimony of Tony Belcourt (D) HD 32  
House Representative H.D. 32  
Montana State Legislature

Montana State Redistricting and Appointment Committee

Recommendations for Legislative Redistricting Criteria

May 14, 2010

I want to thank the Districting and Appointment Commission for the opportunity to submit recommendations for the Legislative Redistricting Criteria. I serve as State Representative representing House District 32.

As one of the Native American State Legislators representing one of the six (6) Indian majority House Districts, H.D. 32 shares many "community of interest" issues as well as "community of interest" legislation. The Chippewa Cree Tribe, the Fort Belknap Indian Community and the Fort Peck Tribes have many common interests as Indian communities in our State. Some examples of these interests in common that have been addressed in previous legislative sessions such as, biofuel development, agriculture and ranching issues, alternate energy development, such as wind power and environmental concerns, such as hazardous exposure impacts on health. Some of the community of interest issues includes:

- The impact of hazardous exposures on the health of the respective Tribes.
  - Identification of hazardous exposure sites
  - Identification of chronic disease i.e. cancer, diabetes, cardiovascular disease,
  - Correlating hazardous exposure sites with chronic disease through geographical location.
- Water quality issues, I sponsored HB 557, an act which streamlined environmental review over regional water supply systems which is currently a common interest for the regional water projects currently under construction in HD 32 impacting the reservation and non-reservation communities at Fort Peck and Rocky Boy.
- Water Rights – I sponsored HB 135, an act which provided State funds for the State cost-share for the Fort Belknap-Montana State Water Compact. The issue of water right, in particular Indian Water Rights is a critically important issue common to the three (3) tribal governments that I represent in HD 32.

- Energy development in rural areas of Montana, such as Indian reservations are important to the three (3) reservations in HD 32 because of the abundance of natural resources such as natural gas and oil.
- Economic development is another common and critically important interest with the three (3) reservations that I represent as well as the non-tribal population that I represent in HD 32. Because of our rural nature it can be challenging to provide economic development opportunities to our communities, both tribal and non-tribal. However, as we move forward bridging gaps between tribal and non-tribal communities and enter into partnerships that benefit both communities, we will be able to provide the economic benefits to our communities in eastern Montana. A good example is the Rocky Boy's/Northcentral Montana Regional Water Project. The Chippewa Cree Tribe has been working hand-in-hand with the various communities in northcentral Montana to bring clean drinking water to our communities. The construction of the regional water pipeline has created many economic opportunities in the region.

As a new redistricting plan is developed, I urge the commission to keep the 3 Indian majority Senate Districts and 6 Indian majority House Districts developed by the last commission. This plan has proven to have created opportunity for American Indians to be part of the political process and elect representation of their choice.

Here are my comments supporting the use of different criteria:

1. **Population Deviation:** I request the redistricting commission to continue using deviation plus or minus 5% for the drawing of legislative districts. The U.S. Supreme Court and all previous Montana redistricting commissions have established and used the 5% deviation. It gives the commission the flexibility to draw districts that can accommodate city and county lines, uphold the Voting Rights Act, and provide the opportunity for Montana's diverse communities of interests to elect legislators of their choice.
2. **Starting Point:** I request the redistricting commission to use existing districts as starting points when considering the new census numbers.
3. **Communities of Interests:** I request the redistricting commission to continue using the criteria of keeping communities of interest intact. As a Native American legislator I have witnessed firsthand the importance of having a legislative voice for Indian Country. American Indians make up 6% of the state population and because of the three (3) Indian majority Senate Districts and the six (6) Indian majority House Districts that were developed by the last Commission, Native American legislators now make up 6% of the State Legislature. The Native American communities that I represented in the last legislative session have many "community of interest" issues such as education, health, judicial, natural resources, taxation, housing, water rights, energy development, environmental issues and numerous others that were debated in the last session.

4. Voting Rights Act: I support and recommend the Voting Rights Act to remain a main criterion for all districts. Members of a racial or language minority group must be afforded the right to participate in the political process and elect representatives of our choice.

As we celebrate the 25-year history of Native American efforts to enforce the Federal Voting Rights Act in Montana Indian Country, the protection of American Indian voting rights pursuant with the requirements of the Voting Rights Act must remain a critical component to any newly developed redistricting plan.

Thank you for considering my recommendations as you consider the mandatory and discretionary criteria to be used in drawing the districts in 2013

Sincerely,



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# Montana State Senate



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*The Big Sky Country*

COMMITTEES:  
BUSINESS AND LABOR  
STATE ADMINISTRATION  
HIGHWAY AND TRANSPORTATION

Testimony of Jonathan Windy Boy (D) SD 16  
Vice-Chairman, Chippewa Cree Tribes Business Committee  
Senator, Montana State Legislature

Montana State Redistricting and Apportionment Committee

Recommendations for Legislative Redistricting Criteria

May 14, 2010

I want to thank the Districting and Apportionment Commission for the opportunity to submit recommendations for the Legislative Redistricting Criteria. I serve as State Senator representing Senate District 16 or as some would call it, the "Muskrat District". Senate District 16 was developed in the last Districting and Apportionment Commission.

Voting is a constitutional right. Redistricting plans that do not reflect American Indian voting strength diminishes that constitutional right. The Voting Rights Act protects Montana Indian Voters participation in the political process and ensures our opportunities to elect representatives of our choice. It is critical that the Voting Rights Act is adhered to in any new redistricting criteria. Insuring that Montana Indian voters have equal opportunity to participate in the political process and elect representatives of our choice strengthens the larger Montana Community and upholds the principles of the U.S. Constitution as well as the Montana State Constitution.

The Rocky Boy-Fort Belknap-Fort Peck Senate District 16 shares many "community of interest" issues as well as "community of interest" legislation. The Chippewa Cree Tribe, the Fort Belknap Indian Community and the Fort Peck Tribes Assiniboine Sioux are interrelated and share cultural similarities. Some of the community of interest issues includes:

- The impact of ruralness to healthcare delivery for the three reservations.
  - Transportation costs – all three reservations travel great distances for specialty care at the expense of a limited Tribal budget (the Indian Health Service does not pay for the expense of travel).
  - Recruitment and retention of health providers – all three reservations are challenged with recruiting and retaining health providers in order to provide a continuity of care to their respective Tribal members,
  - Effective and appropriate healthcare (includes prevention and treatment) – currently all three tribes are part of a partnership with Benefis Health System in cancer screening – cancer is the leading cause of death for three Tribes.
  - Accessing Medicaid Eligibility Determination for tribal members that are Medicaid eligible but for whatever reason have not been enrolled in Medicare.
  
- Water Rights, in particular, Indian Water Rights as they relate to the State of Montana Water Compacting Process. All the Tribe in SD 16 have negotiated water rights with the State of Montana's Reserved Water Rights Compact Commission. As such, water rights issues, as they relate to implementation of State/Tribal Water Compacts, remain a common issue amongst my tribal constituents.
  
- Regional Water Systems are another common issue between tribal and non-tribal residents in SD 16. The Rocky Boy's/Northcentral Regional Water System and the Fort Peck Reservation/Dry Prairie Rural Water System are located within SD 16 involving the Chippewa Cree Tribe and the Assiniboine Sioux Tribe at Fort Peck.
  - The Fort Peck Reservation/Dry Prairie Rural Water System will provide drinking water to 27,434 people in eastern Montana. Upon completion of the regional water system, it will provide future drinking water to area residents currently relying on poor quality water supplies. The Fort Peck Reservation/Dry Prairie Rural Water System is located in northeastern Montana. The Reservation is approximately 100 miles long by 40 miles wide and is bounded on the south by the Missouri River. Groundwater from shallow alluvial aquifers is currently the primary water source for the municipal systems. The regional rural water project will provide for a single water treatment plant located on the Missouri River, near Wolf Point, Montana, and will distribute water through 3,200 miles of pipeline. The water treatment plant will have a capacity of delivering up to 15.6 million gallons of water per day.

- The Rocky Boys / North Central Montana Rural Water System, is located in northcentral Montana on my reservation, Rocky Boy's Reservation and the various communities in northcentral Montana. The regional water system is under construction in coordination with the Chippewa Cree Tribe (Tribe) of the Rocky Boy's Reservation and the North Central Montana Regional Water Authority (Authority). The rural water system will provide the necessary infrastructure to ensure existing water systems are in compliance with Federal Safe Drinking Water Act regulations. A core pipeline will provide potable water from Tiber Reservoir to the Rocky Boy's Reservation, while non-core pipelines will serve 21 surrounding towns and/or rural water districts. At full build-out, this project will serve a population of approximately 43,000.
- During the last legislative session, I was the primary sponsor of several bills dealing with "community of interest" issues relevant to my constituents within SD 16 such as: 1) SB 196 (Designate American Indian Heritage Day) designating the last Friday of September as a day to celebrate American Indian Heritage; 2) SB 358 (Native American Symbol on the State Flag); 3) SJ 31 (Study Child Trauma due to the Effects of Domestic Violence); 4) SJ 32 (Study Fetal Alcohol and Related Syndromes); 5) SB 514 (Tax Exemption for Enrollee of any Tribe of Reservation Source of Income); and 6) SB 488 (Require Agencies to Cooperate with Tribes on Cultural Resources). These are examples of the legislative opportunities that become available to our reservation communities when we have the opportunity to elect a tribal representative to represent our interests during our Legislative Session.

Here are my comments supporting the use of different criteria:

1. **Population Deviation:** I request the redistricting commission to continue using deviation plus or minus 5% for the drawing of legislative districts. The U.S. Supreme Court and all previous Montana redistricting commissions have established and used the 5% deviation. It gives the commission the flexibility to draw districts that can accommodate city and county lines, uphold the Voting Rights Act, and provide the opportunity for Montana's diverse communities of interests to elect legislators of their choice.
2. **Starting Point:** I request the redistricting commission to use existing districts as starting points when considering the new census numbers.
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population and because of the three (3) Indian majority Senate Districts and the six (6) Indian majority House Districts that were developed by the last Commission. Native American legislators now make up 6% of the State Legislature. The Native American communities that I represented in the last legislative session have many "community of interest" issues such as education, health, judicial, natural resources, taxation, housing, water rights, energy development, environmental issues and numerous others that were debated in the last session.

4. **Voting Rights Act:** I support and recommend the Voting Rights Act to remain a main criterion for all districts. Members of a racial or language minority group must be afforded the right to participate in the political process and elect representatives of our choice.

Lastly, I commend the efforts of the Districting and Apportionment Commission in holding the various public hearings throughout Montana and getting the information out to our communities in Indian Country. I thank you for your dedicated public service.

Thank you,



Jonathan Windy Boy (D) SD 16  
Vice-Chairman, Chippewa Cree Tribes Business Committee  
Senator, Montana State Legislature

Chuck and Penny Jarecki  
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May 19, 2010

Districting and Apportionment Commission  
Legislative Services Division  
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Dear Commission Members:

We have been Montana voters for more than fifty years. We have seen many changes on Montana's political landscape, some good and some irresponsible.

It seems that the redistricting process has become tainted by political gerrymandering. In the relatively recent past, legislative district boundaries have been redrawn to where local communities are divided. Topographical features have been ignored, making it difficult for legislators to visit their respective districts.

As you go about the process of considering possible changes to legislative district boundaries, consider being guided by some basic principles:

- 1) Legislative districts should reflect the community as a whole, not fractionalize it.
- 2) Legislative districts should not be divided by major topographical features, like mountain ranges, which reduces the ability of the legislator to visit his or her constituents.
- 3) Every effort should be made to make the legislative districts nearly equal in population.
- 4) If at all possible, legislative district lines should follow other government administrative lines, like school districts.

Sincerely,

  
