



Fourth Meeting
2011 Interim
September 13, 2011

Room 414
State Capitol Building
Pierre, South Dakota

Tuesday, September 13, 2011

The fourth meeting of the Legislative Redistricting Committee was called to order by Representative Val Rausch, at 10:07 a.m. (CDT) in Room 414 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Representatives Jim Bolin, Mitch Fargen, Kent Juhnke, Mark Kirkeby, David Lust, Val Rausch, and Susan Wismer; and Senators Jim Bradford, Corey Brown, Russell Olson, Larry Rhoden, and Todd Schlekeway. Senators Joni Cutler and Deb Peters and Representative Brian Gosch were excused.

Staff members present included Jim Fry, Director; Dave Ortbahn, Principal Research Analyst; and Lisa Shafer, Legislative Secretary.

(NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC). This meeting was web cast live. The archived web cast is available at the LRC web site at <http://legis.state.sd.us> under "Interim Information – Current Interim – Minutes and Agendas.")

Approval of Minutes

REPRESENTATIVE JUHNKE MOVED, SECONDED BY SENATOR RHODEN, THAT THE MINUTES OF THE MEETING ON JULY 28, 2011 BE APPROVED. The motion prevailed on a voice vote.

Approval of Agenda

REPRESENTATIVE JUHNKE MOVED, SECONDED BY SENATOR RHODEN, THAT THE MEETING AGENDA BE APPROVED. The motion prevailed on a voice vote.

Remarks from the Chair

Representative Val Rausch said that it is important to receive public testimony throughout the legislative redistricting process. Subcommittees have met across the state and received input from citizens. The committee will be developing lines for the Native American districts, but the lines will not be official and is only a recommendation to the full legislature. The rest of the state legislative districts will be decided after the Native American districts are drawn.

Native American Redistricting Subcommittee Reports

Pine Ridge/Rosebud

Senator Jim Bradford informed the committee that there was a good turnout from the citizens of Fall River County at the meeting in Pine Ridge. The Rosebud subcommittee meeting had a good turnout with former legislators and representatives from the Rosebud Sioux Tribe present. Both meetings expressed interest in having the legislative district boundaries remain the same. He distributed a letter from Mr. Thomas Poor Bear, Vice President of the Oglala Sioux Tribe, stating the tribe's support of the legislative redistricting map American Horse 2.0. **(Document #1)**

Representative Kent Juhnke said that the subcommittee meeting did not receive favorable reception for the maps of Hollow Horn Bear. There was spirited input at the Pine Ridge subcommittee meeting concerning the proposals to replace Haakon County with portions of Fall River County.

Mr. Jim Fry, Director of the Legislative Research Council, thanked Mr. Mark Bordeaux from the Rosebud Sioux Tribe for helping plan the meetings at Rosebud and Pine Ridge. Public testimony from the meetings were in consensus that the Hollow Horn Bear maps were too vast to be an effective district.

Standing Rock/Cheyenne

Senator Larry Rhoden said that the subcommittee met at Eagle Butte, McLaughlin, and in Isabel. The meetings were not extremely well attended, but had good discussion. There was not support for the Hollow Horn Bear maps. Reasons for lack of support include the district was too vast and differences between the tribes. The general input was to have the districts remain the same. The public did not favor proposals that spread that district east across the Missouri River. He noted a consensus to make Corson County whole and not be split amongst different districts.

Lower Brule/Crow Creek/ Yankton

Representative Mitch Fargen advised the committee that the subcommittee met in Oacoma. Over forty people were present including the chairman of the Yankton Sioux Tribe. There was not much public support for the Hollow Horn Bear redistricting map. There was lots of support for Little Wound 1.0 because the cities of Oacoma and Chamberlain would be in the same district. Representative Kim Vanneman and Representative Larry Lucas spoke against the Little Wound map because it would divide the Sichangu Lakota into two different legislative districts.

Mr. Fry noted that Mr. Robert Cournoyer, Chair of the Yankton Sioux Tribe, was present at the meeting in Oacoma and offered testimony.

Review of Native American Majority-Minority District Maps

Mr. Reuben Bezpaletz, Chief Analyst for Research and Legal Services, thanked the committee for making an unprecedented effort to hold meetings on or close to the tribal areas. The subcommittee meetings did not have as much Native American participation as hoped, but quality information was obtained. The Hollow Horn Bear maps were eliminated because of

lack of support. He explained the remaining Native American land redistricting maps to the committee:

- Combination Plan Y (**Document #2**);
- Combination Plan Z (**Document #3**);
- American Horse 1.0 (**Document #4**);
- American Horse 2.0 (**Document #5**);
- American Horse 3.0 (**Document #6**);
- American Horse 4.0 (**Document #7**);
- American Horse 8.0 (**Document #8**);
- American Horse 11.0 (**Document #9**);
- American Horse 12.0 (**Document #10**);
- Spotted Tail 1.0 (**Document #11**);
- Spotted Tail 3.0 (**Document #12**);
- Spotted Tail 4.0 (**Document #13**);
- Spotted Tail 5.0 (**Document #14**);
- Spotted Tail 6.0 (**Document #15**);
- Little Wound 1.0 (**Document #16**);
- Big Foot 1.0 (**Document #17**);
- Big Foot 2.0 (**Document #18**); and
- Big Foot 3.0 (**Document #19**);

In response to committee questions, Mr. Bezpaletz stated that each legislative district in the state can't have a deviation greater than plus or minus 5%. The biggest concern with majority-minority districts is for the state to not regress in the number created.

Public Testimony

Distributed was an email from Mr. Jim Nelson, citizen of Timberlake, SD, stating support for Big Foot 2.0 and Big Foot 3.0. (**Document #20**)

Senator Bruce Rampelberg discussed a letter from Mr. Michael Ortner, Fall River County Commission Chairman, that was previously distributed to the committee. (**Document #21**) Any redistricting plan that splits Fall River County will have a significant impact on the counties legislative representation. He recommends the committee select the redistricting map American Horse 12.0.

Mr. Ted Hustead, citizen of Wall, SD, asked the committee to keep the city of Wall with the current District 30.

Mr. Jim Turner, Mayor of Edgemont, SD, cautioned the committee on splitting Fall River County by dividing the current District 30. He said that the City of Edgemont does not associate much with the towns and counties to the east. He endorsed redistricting maps American Horse 12.0 and American Horse 11.0.

Ms. Ann Cassens, citizen of Cotton Wood Township, asked the committee to not divide Fall River County. She distributed a signed petition requesting the South Dakota Legislature to not

separate any portion of Custer County, Fall River County, or any portion of Pennington County east of the Cheyenne River from the current Legislative District 30. (**Document #22**)

Mr. Joe Falkenburg, citizen of Edgemont, SD, and **Mr. Joe Logue**, citizen of Oelrichs, SD, requested the committee not divide Fall River County.

Representative James Schaffer requested that the committee select the redistricting map Spotted Tail 5.0 because Lower Brule and Crow Creek would like to be in a legislative district with Mellette County and Todd County.

Ms. Susan Henderson, citizen of Edgemont, SD, asked that the committee not divide Fall River County. She said that the City of Edgemont and the neighboring Native American tribes have conflicting interests pertaining to railroads and other issues. She supports redistricting map American Horse 11.0

Representative Larry Lucas said that except for Spotted Tail 6.0, the redistricting map options provide the ability for more Native American voting potential. He asked the committee to not separate Todd and Tripp Counties.

Mr. Glen Reaser, citizen of Hot Springs, SD; **Ms. Cindy Turner**, Edgemont Chamber of Commerce; **Mr. Bill Curran**, citizen of Edgemont, SD; and **Mr. Leonard Benson**, citizen of Oral, SD; stated their support for the American Horse 12.0 redistricting map.

Mr. Mark Hollenbeck, citizen of Edgemont, SD, said that the current District 30 works well. He informed the committee that mineral extraction industry and the DME railroad are a big part of the southwestern South Dakota community but not part of the surrounding Native American tribes.

Mr. Ed Briggs, Haakon County Commissioner, said that his concern is, that because of the current districts, Haakon County has not had a person elected to serve as a legislator.

The committee recessed 11:50 a.m. and reconvened at 1:20 p.m.

Senator Corey Brown is excused from the meeting in the afternoon.

Public Testimony (Continued)

Representative Peggy Gibson reminded the committee that Beadle County has been divided for the past 10 years and would like to have the county under one legislative district. She informed the committee of the benefits of using single member districts throughout the state.

Mr. Bill Thompson, citizen of Sioux Falls, SD, stated his support for single member house districts because they could be less expensive to campaign, provide a better chance of meeting candidates, and increase the possibility of encouraging more people to run for office.

Ms. Ann Thompson, President of League of Women Voters in Sioux Falls, SD, said that redistricting is fundamental to the people's right to vote.

Ms. Rita O'Connell, Haakon County Commissioner, stated that the only legislative representation for Haakon County is from Pine Ridge; which is 2-3 hours away. She would like to have legislative representation from Haakon County.

Mr. Mark Bordeaux, Rosebud Sioux Tribe Legislative Offices, told the committee that the population on the reservations has grown. He asked the committee to look at the population of the reservations in relation to the representation. He supports the Spotted Tail 1.0 legislative redistricting map.

Ms. Kim Wright, citizen of Rapid City, SD, asked that competitiveness be the primary focus in creating legislative districts. She told the committee that on Thursday, September 15, 2011, the South Dakota Public Broadcasting will be hosting a panel for redistricting.

The committee recessed at 1:46 p.m. and reconvened at 2:39 p.m.

Voting on Native American Majority-Minority Districts

District 26

REPRESENTATIVE JUHNKE MOVED, SECONDED BY SENATOR OLSON, TO ADOPT THE LEGISLATIVE REDISTRICTING MAP SPOTTED TAIL 6.0.

REPRESENTATIVE FARGEN MOVED A SUBSTITUTE MOTION, SECONDED BY REPRESENTATIVE WISMER, TO ADOPT THE LEGISLATIVE REDISTRICTING MAP SPOTTED TAIL 1.0.

The committee discussed the motions.

The substitute motion failed on a roll call vote with 3 AYES, 8 NAYS, and 4 EXCUSED. Those members voting AYE include; Fargen, Wismer, and Bradford. Those members voting NAY include: Bolin, Juhnke, Kirkeby, Lust, Rhoden, Schlekeway, Olson, and Rausch. Those members EXCUSED include: Gosch, Brown, Cutler, and Peters.

SENATOR OLSON MOVED A SUBSTITUTE MOTION, SECONDED BY REPRESENTATIVE FARGEN, TO ADOPT THE LEGISLATIVE REDISTRICTING MAP SPOTTED TAIL 5.0. The substitute motion prevailed on a roll call vote with 11 AYES and 4 EXCUSED. Those members voting AYE include: Bolin, Fargen, Juhnke, Kirkeby, Lust, Wismer, Bradford, Rhoden, Schlekeway, Olson, and Rausch. Those members EXCUSED include: Gosch, Brown, Cutler, and Peters.

District 27

SENATOR BRADFORD MOVED, SECONDED BY REPRESENTATIVE FARGEN, TO ADOPT THE LEGISLATIVE REDISTRICTING MAP AMERICAN HORSE 2.0.

SENATOR OLSON MOVED A SUBSTITUTE MOTION, SECONDED BY REPRESENTATIVE KIRKEBY, TO ADOPT THE LEGISLATIVE REDISTRICTING MAP AMERICAN HORSE 12.0. The substitute motion passed on a roll call vote with 9 AYES, 2 NAYS, and 4 EXCUSED. Those members voting AYE include: Bolin, Fargen, Kirkeby, Lust, Wismer, Bradford,

Schlekeway, Olson, and Rausch. Those members voting NAY include: Juhnke and Rhoden. Those members EXCUSED include: Gosch, Brown, Cutler, and Peters.

District 28

Senator Rhoden distributed and explained a legislative redistricting map for the current District 28. **(Document #23)**

SENATOR RHODEN MOVED, SECONDED BY REPRESENTATIVE LUST, TO ADOPT THE LEGISLATIVE REDISTRICTING MAP DOCUMENT #23. The motion prevailed on a roll call vote with 11 AYES and 4 EXCUSED. Those members voting AYE include: Bolin, Fargen, Juhnke, Kirkeby, Lust, Wismer, Bradford, Rhoden, Schlekeway, Olson, and Rausch. Those members EXCUSED include: Gosch, Brown, Cutler, and Peters.

Representative Juhnke noted that he thought the committee was only voting for district boundaries and not for single member districts inside the boundaries. He stated that he will not vote for any plan that has a District A and District B.

Special Session

Mr. Jim Fry told the committee that the Legislature can call a special session with 2/3 vote of the full Legislature. Distributed to the committee was a copy of the petition the Legislature will need to sign. **(Document #24)** The petition will be mailed, and once 2/3 (70) signed petitions are returned, then the proclamation convening the Legislature for special session signed by President Pro Tem Bob Gray and Speaker of the House Val Rausch will be sent to the Office of the Secretary of State. A copy of the proclamation was distributed. **(Document #25)**

Distributed to the committee was 2012 Proposed Legislation for the reapportionment of Supreme Court districts. **(Document #26)**

Mr. Fry stated that the proclamation addresses both the legislative and the judicial redistricting during the special session.

REPRESENTATIVE FARGEN MOVED, SECONDED BY SENATOR RHODEN, TO APPROVE THE PETITION FOR A SPECIAL SESSION ON OCTOBER 24, 2011, AND TO MAIL THE PETITION TO ALL LEGISLATORS. The motion prevailed on a roll call vote with 11 AYES and 4 EXCUSED. Those members voting AYE include: Bolin, Fargen, Juhnke, Kirkeby, Lust, Wismer, Bradford, Rhoden, Schlekeway, Olson, and Rausch. Those members EXCUSED include: Gosch, Brown, Cutler, and Peters.

Additional Information

All statewide redistricting maps are due to Legislative Research Council by Wednesday, September 21, 2011. This will allow time for copies to be mailed to all Legislative Redistricting committee members.

The committee discussed the procedures for the final meeting.

Next Meetings

The next meeting of the full Legislative Redistricting committee will be held on September 27 and 28, 2011, in Pierre.

Adjourn

REPRESENTATIVE JUHNKE MOVED, SECONDED BY REPRESENTATIVE LUST, TO ADJOURN. The motion prevailed unanimously on a voice vote.

The committee adjourned at 4:06 p.m.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's Homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).