



**Fifth Meeting  
2011 Interim  
September 27, 2011**

**Room 414  
State Capitol Building  
Pierre, South Dakota**

**Tuesday, September 27, 2011**

The fifth and final meeting of the Legislative Redistricting Committee was called to order by Representative Val Rausch, at 8:27 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, Brian Gosch, Kent Juhnke, Mark Kirkeby, David Lust, Val Rausch, and Susan Wismer; and Senators Jim Bradford, Corey Brown, Russell Olson, Deb Peters, Larry Rhoden, and Todd Schlekeway. Senator Joni Cutler was excused.

Staff members present included Dave Ortbahn, Principal Research Analyst; Reuben Bezpaletz, Chief Analyst of Research and Legal Services; Terry Miller, Senior Fiscal 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 LUST MOVED, SECONDED BY REPRESENTATIVE GOSCH, THAT THE MINUTES OF THE MEETING ON SEPTEMBER 13, 2011 BE APPROVED. The motion prevailed on a voice vote.**

**Approval of Agenda**

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

**Rapid City Subcommittee Reports**

**Representative David Lust** said that the Rapid City Conurbation Subcommittee met in July to discuss the outer boundaries of the conurbation district. The subcommittee met on September 13, 2011, to determine district lines inside the conurbation area. Although there was not a great turnout; there was good discussion. The subcommittee met last week and this morning to discuss the four redistricting map options. The subcommittee voted in support of Proposed Rapid City Conurbation Districts – Option A revised (**Document #1**).

**SENATOR RHODEN MOVED, SECONDED BY REPRESENTATIVE JUHNKE, TO ADOPT THE PROPOSED RAPID CITY CONURBATION DISTRICTS – OPTION A REVISED (DOCUMENT #1) AS THE LEGISLATIVE REDISTRICTING MAP FOR THE RAPID CITY AREA.**

In response to **Representative Susan Wismer’s** question, Representative Lust explained the changes in the new map for Rapid City.

**The motion prevailed on a voice vote.**

### **Sioux Falls Subcommittee Reports**

**Senator Russell Olson** informed the committee that the Sioux Falls Conurbation Subcommittee met on August 29, 2011, to discuss the legislative district lines inside the Sioux Falls conurbation area. After the redistricting maps were received, they were posted on the Legislative Research Council’s (LRC) website. Subcommittee members were asked to rank the maps and submit their preferences to the LRC staff. After tallying the votes, the committee recommends Proposed Sioux Falls Conurbation Districts – Option A. (**Document #2**)

**SENATOR PETERS MOVED, SECONDED BY REPRESENTATIVE BOLIN, TO ADOPT THE PROPOSED SIOUX FALLS CONURBATION DISTRICTS – OPTION A AS THE LEGISLATIVE REDISTRICTING MAP FOR THE SIOUX FALLS AREA.**

**REPRESENTATIVE FARGEN MOVED, SECONDED BY REPRESENTATIVE WISMER, AN AMENDMENT (DOCUMENT #3) TO THE LEGISLATIVE REDISTRICTING MAP OPTION A - FOR THE SIOUX FALLS AREA.**

The committee discussed the motion to amend.

**The motion to amend failed on a voice vote.**

The committee discussed the original motion to adopt Option A for the Sioux Falls area. Some of the issues discussed include school districts, city boundaries, conurbation boundaries, population increases, and city demographics.

**The original motion passed on a voice vote.**

### **Public Testimony**

Distributed to the committee were statewide redistricting maps options:

- “Proposed Statewide Map – Option A: Submitted by Representative Rausch and Senator Olson” (**Document #4**);
- “Proposed Statewide Map – Option B: Submitted by Representative Fargen” (**Document #5**);
- “Proposed Statewide Map – Option C: Submitted by Bill Thompson” (**Document #6**); and
- LRC Statewide Maps (**Document #7**).

**Ms. Kim Wright**, citizen of Rapid City, said that the decisions made for redistricting in the Rapid City area had limited public input. She asked about the reasoning behind redistricting the northern part of Rapid City. Representative Lust responded that the four redistricting map options were available at the subcommittee meetings. Each map was drawn by starting with the core areas and trying to maintain the existing districts.

**Mr. Tom Katus**, citizen of Rapid City, stated that the north area of Rapid City has never received adequate attention or representation. He presented a redistricting map at the subcommittee meeting that would have addressed the poor and minority citizens in north Rapid City. He will present an amendment to the Legislature.

**Mr. Bill Thompson**, citizen of Sioux Falls, requested that the public have the opportunity to testify on the adopted statewide legislative redistricting map at a committee meeting the morning of the special session because public citizens are not allowed to testify in the House or Senate Chambers. He stated his disappointment in the Sioux Falls subcommittee meeting process in that the members' final choices were submitted to LRC and not made public. He also commented that single member house districts should be considered throughout the entire redistricting process.

Representative Wismer requested that the votes from the Sioux Falls subcommittee meeting be made public.

**Ms. Julie Pierson**, Pennington County Auditor, expressed her concerns about certain aspects of the Rapid City map. She urged the committee to draw district lines similar to the existing legislative district lines.

**Mr. Joel Keierleber**, citizen of Colome, SD, said that often throughout the redistricting process, people try to protect the incumbents. However, he believes that the redistricting process should reflect the constitutional founders and represent the citizens.

**Ms. Ann Thompson**, League of Women Voters in Sioux Falls, stated her concerns with the legislative redistricting process. Some of her concerns include: publicity, partisan effort, follow through on suggestions, language, and committee priorities were not clearly determined.

**Representative Betty Olson** informed the committee that there are many constituents in the current District 28 that would not like to be removed from that district. There are four precincts that are being removed from her district. The citizens from her district are very rural and don't have much in common with the city of Belle Fourche.

Senator Rhoden distributed a map of the Rapid City area (**Document #8**) and explained the reasoning for the newly drawn district lines. Some of the reasons include the population growth and the ability to keep the city of Belle Fourche in one district.

The committee recessed at 10:05 a.m. and reconvened at 10:25 a.m.

The following people were connected via teleconference: **Mr. Rick Tobin**, Day County Commissioner; **Mr. Marvin Bury**, Day County Commissioner; **Ms. Linda Walters**, Day County

Commissioner; **Mr. Danny Smeins**, Day County States Attorney; **Mr. Mike Grosek**, Mayor of Webster; **Mr. Kevin Jens**, Mayor of Waubay; **Mr. Nick Fosheim**, Day County Economic Director; **Representative David Sigdestad**; **Mr. George Thompson**, farmer in Day County; **Ms. Sandi Rapp**, Day County Auditor; and **Mr. John Storsteen**, citizen of Day County.

In response to Mr. Rick Tobin's question, Representative Rausch explained the reasoning for the proposed redistricting plan that does not keep District 1 as it is currently.

Mr. Marvin Bury stated his support for Proposed Statewide Map - Option B.

Mr. Mike Grosek said that he would like to keep Day County all in one district and not shift the current representation. He supports Option B.

Representative David Sidgestad informed the committee that the city of Roslyn closed the school and many students will now be going to Webster. The proposed plan would separate Roslyn and Webster. He asked to keep Day County whole.

Ms. Sandi Rapp stated her dissatisfaction for Proposed Statewide Map – Option A. The proposed district is too large. She noted that the area would have more continuity with having a representative near the community.

Ms. Linda Walters informed the committee that Marshall and Day Counties have worked together on many issues. Day County does not have any county service ties to Hamlin or Clark Counties.

Mr. Danny Smeins stated many similarities between Marshall County and Day County. He would like to keep the counties in the same district and add people to the current district.

Mr. Nick Fosheim told the committee that Day County and Roberts County already have a system in place for rural enterprise and economic development. The proposed redistricting map that separates the counties could hinder that progress.

Representative Wismer read a letter from Tribal Chairman Robert Shepherd on behalf of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation. (**Document #9**) He asks that the committee adopt Option B or make an amendment where Day County remains in District 1 and portions of Codington County be included in District 1.

Mr. George Thompson stated his support for redistricting Option B.

**Ms. Julie Johnson**, Absolutely Aberdeen, testified via teleconference. She said that the economy in the northeastern part of the state is not fully understood because trade extends far beyond the city limits. It is unnatural to divide the city of Aberdeen from Brown County. She would like to see in the next redistricting process a subcommittee to address the Aberdeen and Brown County area. In response to committee questions, Ms. Johnson did not support any redistricting map option, but stated that the city of Aberdeen will do its best to live with the decision made by the committee.

Representative Wismer commented that redistricting map Option A would place Aberdeen's precinct 8, which is on the southwest corner of the city by Highway 281, in District 1.

**Ms. Sharon Schorstein**, Brown County Resident, asked the committee to divide Brown County into only two legislative districts and not three. She supports Proposed Statewide Map – Option B.

Mr. Bill Thompson stated that his map (Document #6) ignores the current legislative district lines, incumbents, and includes single member districts.

The committee recessed at 11:10 a.m. and reconvened at 11:35 a.m.

**Mr. Alan Hoerth**, citizen of Aberdeen, SD, stated that it is the natural flow of the maps for Day County to either be left whole or to be connected to Codington County if more people are needed for the district.

**Ms. Mava King**, citizen of Brown County, informed the committee that she does not like any of the redistricting map options for Brown County. The district is too large when it extends from Brown County to Hamlin County.

**Ms. Dorris Heaston**, League of Women Voters of South Dakota, stated her belief that the districts belong to the voters and not the legislative incumbents. She noted that the conurbation subcommittees should have included people outside the area because sometimes people outside the areas provide good input. She encouraged the committee to take public testimony on the adopted map prior to the special session.

The committee recessed at 12:03 p.m. and reconvened at 1:33 p.m.

### **Signing of Special Session Proclamation**

Representative Rausch stated that the LRC has received signed petitions from 2/3 of both Houses of the Legislature.

President Pro Tempore, Senator Bob Gray; and Speaker of the House, Representative Val Rausch signed the proclamation to call for a special session on October 24, 2011.

The committee recessed at 1:35 p.m. and reconvened at 1:50 p.m.

### **Public Testimony (Continued)**

**Mr. Bjorn Nelson**, citizen of Huron, SD, asked that the committee keep counties whole and be concise when drawing the legislative district lines. He supports Proposed Statewide Map – Option A.

An email was distributed stating that Mr. Lonnie Vander Linden, citizen of Webster, supports Proposed Statewide Map – Option B. (**Document #10**)

## Consideration of Legislative Redistricting Maps

**SENATOR OLSON MOVED, SECONDED BY SENATOR BROWN, TO ADOPT PROPOSED STATEWIDE MAP – OPTION A AS THE STATEWIDE LEGISLATIVE REDISTRICTING MAP FOR SOUTH DAKOTA TO BE PRESENTED TO THE LEGISLATURE.**

**REPRESENTATIVE FARGEN MOVED, SECONDED BY REPRESENTATIVE WISMER, AN AMENDMENT TO OPTION A (DOCUMENT #11) FOR THE NORTHEASTERN PART OF THE STATE.**

The committee discussed the motion to amend.

**REPRESENTATIVE GOSCH MOVED A SUBSTITUTE MOTION TO AMEND, SECONDED BY SENATOR RHODEN, TO OPTION A (DOCUMENT #12) FOR THE NORTHEASTERN PART OF THE STATE.**

The committee discussed the substitute motion to amend.

**The substitute motion to amend passed on a voice vote.**

**REPRESENTATIVE FARGEN MOVED, SECONDED BY SENATOR RHODEN, AN AMENDMENT TO OPTION A (DOCUMENT #13) FOR THE SOUTH CENTRAL PART OF THE STATE. The motion passed on a voice vote.**

The committee discussed the motion to adopt Option A as amended as the statewide legislative redistricting map.

**The amended motion passed on a roll call vote with 10 AYES, 3 NAYS, and 2 EXCUSED. Those members voting AYE include: Bolin, Gosch, Juhnke, Kirkeby, Brown, Peters, Rhoden, Schlekeway, Olson, and Rausch. Those members voting NAY include: Fargen, Wismer, and Bradford. Those members EXCUSED include: Lust and Cutler.**

**SENATOR PETERS MOVED, SECONDED BY SENATOR BROWN TO CHANGE THE FOLLOWING DISTRICT NUMBERS ON THE ADOPTED LEGISLATIVE REDISTRICTING MAP:**

- District 24 to District 23;
- District 25 to District 24;
- District 2 to District 3;
- District 3 to District 2;
- District 23 to District 22;
- District 22 to District 20;
- District 6 to District 7;
- District 7 to District 8;
- District 20 to District 19;
- District 19 to District 18;
- District 18 to District 17;
- District 17 to District 16;

- **District 8 to District 25;and**
- **The new district in the Sioux Falls Conurbation area will be District 6.**

**The motion prevailed on a voice vote.**

**REPRESENTATIVE WISMER MOVED, SECONDED BY REPRESENTATIVE FARGEN, THAT THE COMMITTEE MAY ESTABLISH SINGLE MEMBER DISTRICTS FOR ANY DISTRICT THAT EXPANDS OVER 100 MILES IN ANY DIRECTION.**

The motion was changed to read as follows:

**REPRESENTATIVE WISMER MOVED, SECONDED BY REPRESENTATIVE FARGEN, THAT THE COMMITTEE SHALL CONSIDER SINGLE MEMBER DISTRICTS FOR ANY DISTRICT THAT EXPANDS OVER 100 MILES IN ANY DIRECTION AS LONG AS THE SINGLE MEMBER DISTRICT DOES NOT VIOLATE FEDERAL LAW. The motion failed on a roll call vote with 4 AYE, 9 NAY, and 2 EXCUSED. Those members voting AYE include: Fargen, Kirkeby, Wismer, and Bradford. Those members voting NAY include: Bolin, Gosch, Juhnke, Brown, Peters, Rhoden, Schlekeway, Olson, and Rausch. Those members EXCUSED: Lust and Cutler.**

#### **Additional Information**

Representative Rausch stated that the map options that were adopted today will be compiled and presented in bill form to be addressed at the Special Session on October 24. There will not be another committee hearing prior to special session. Any person wanting to comment on the statewide legislative redistricting map can either contact a legislator or written comment can also be sent to the LRC staff and they will ensure the legislators will receive them.

**REPRESENTATIVE KIRKEBY MOVED, SECONDED BY REPRESENTATIVE GOSCH, TO ALLOW THE LEGISLATIVE RESEARCH COUNCIL TO PLACE THE SOUTH DAKOTA SUPREME COURT APPOINTMENT REDISTRICTING MAP IN BILL FORM FOR PRESENTATION TO THE LEGISLATURE. The motion passed on a roll call vote with 13 AYES and 2 EXCUSED. Those members voting AYE include: Bolin, Fargen, Gosch, Juhnke, Kirkeby, Wismer, Bradford, Brown, Peters, Rhoden, Schlekeway, Olson, and Rausch. Those members EXCUSED include: Lust and Cutler.**

#### **Special Session**

The Special Session will commence at 10:00 a.m. on October 24, 2011, in both chambers of the State Capitol.

#### **Adjourn**

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

The committee adjourned at 3:09 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>).