



# Montana Districting and Apportionment Commission

PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

## Commission members:

Jim Regnier  
Presiding Officer  
P O Box 299  
Lakeside, MT 59922

Jon Bennion  
89 Whitetail  
Clancy, MT 59634

Joe Lamson  
612 Touchstone Court  
Helena, MT 59601

Pat Smith  
405 South First West  
Missoula, MT 59801

Linda Vaughey  
2505 Southridge Drive  
Helena, MT 59601

## Staff:

Rachel Weiss  
Research Analyst  
Joe Kolman  
Research Analyst  
Julianne Burkhardt  
Attorney  
Dawn Field  
Secretary

## MINUTES

August 13, 2012

Room 172, State Capitol  
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

### **COMMITTEE MEMBERS PRESENT**

Jim Regnier, Presiding Officer  
Jon Bennion  
Joe Lamson  
Pat Smith  
Linda Vaughey

### **STAFF PRESENT**

Rachel Weiss, Research Analyst  
Joe Kolman, Research Analyst  
Julianne Burkhardt, Attorney  
Dawn Field, Secretary

### **AGENDA & VISITORS' LIST**

Agenda, Attachment #1.  
Visitors' list, Attachment #2.

### **COMMITTEE ACTION**

The Districting and Apportionment Commission:

- approved meeting minutes for February 17, 2012, March 13, 2012, March 14, 2012, March 27, 2012, March 28, 2012, April 12, 2012, April 13, 2012, April 18, 2012, April 19, 2012, May 8, 2012, May 9, 2012, May 15, 2012, and May 16, 2012;

- approved a motion to begin proceedings with the Indian majority-minority districts and then onto northwest Montana;
- adopted the Communities Plan for House Districts 1-13, 16, 31, 32, 41, 42, 58, and 100;
- did not approve a motion to adopt the Communities Plan for HD 15;
- approved a motion to deal with the northwest region of the state;
- adopted the Criteria Plan for Toole and Pondera Counties (HDs 17 and 26);
- adopted the Criteria Plan for Livingston (HD 59); and
- adopted an amended Communities Plan for Miles City (HD 39).

**Note: Throughout the meeting, the commissioners viewed maps on a screen in the meeting room and discussed district lines. To view the official record of the meeting (the audio/video recordings) please visit [leg.mt.gov/districting](http://leg.mt.gov/districting).**

### **CALL TO ORDER AND ROLL CALL**

00:00:00 Commissioner Regnier called the meeting to order at 10:02 a.m. The Secretary noted the roll, all members were present (Attachment 3). Commissioner Regnier reviewed the meeting agenda and protocol to be followed.

### **Adoption of Minutes**

00:02:40 **Commissioner Vaughey moved approval of the February 17, 2012, March 13, 2012, March 14, 2012, March 27, 2012, March 28, 2012, April 12, 2012, April 13, 2012, April 18, 2012, April 19, 2012, May 8, 2012, May 9, 2012, May 15, 2012, and May 16, 2012, meeting minutes.** Commissioner Lamson noted that he had several minor changes and additions to make them more complete and said that he would provide his changes to staff. **The motion passed on a unanimous voice vote.**

### **Overview of Meeting Purpose and Districting Criteria**

00:04:06 Commissioner Regnier explained the format of the week-long meeting, saying that the majority of each day would be used as an executive work session with a brief period of time allotted daily for public comment. He said that more public hearings would be scheduled later in the fall and again after the final plan is submitted to the Secretary of State.

00:05:11 Commissioner Regnier thanked the citizens of Montana for their genuine interest in the work of the Commission. He said the comments were well received and would be duly considered. He said that the process would likely involve tentative voting on different regions and that nothing would be final until later in the process. He encouraged all citizens to continue to submit comment.

00:06:30 Commissioner Regnier reviewed the mandatory criteria, as adopted by the Commission on May 28, 2010 (EXHIBIT 1).

00:08:26 Commissioner Smith reviewed the high points of the Federal Voting Rights Act (FVRA), including the lawsuit filed in Montana in 1984 (*Windy Boy v. Big Horn County*) and the creation of Montana's six Indian majority House Districts and three Indian majority Senate Districts (EXHIBIT 2).

- 00:14:29 Commissioner Regnier reviewed the discretionary criteria, as adopted by the Commission on May 28, 2010 (EXHIBIT 1).
- 00:15:32 Commissioner Regnier offered his personal comments on the public hearing process, which included political trends in Montana, the independent nature of Montanans, and the importance of qualified candidates. He said that while partisan members of the Commission need to understand the political landscape of Montana, their primary focus must be to protect the interests of all Montanans. He urged his fellow Commissioners to adopt a plan based on the criteria and said as the Chair, he would encourage compromises. He thanked his colleagues on the Commission for their work and dedication.
- 00:19:26 Commissioner Bennion said that he enjoyed the process very much, particularly hearing from citizens all across the state. He said that there will be opportunities to compromise on a number of issues but that the adopted criteria and Constitutional requirements must never be compromised. He said that the Commission's final product will work if the Commission can adhere to those things.
- 00:20:25 Commissioner Vaughey agreed that the great amount of interest from the public has been much appreciated and said that she appreciates the time citizens took to voice their concerns and opinions. She said she hopes to stay focused on the mandatory and discretionary criteria and that she is looking forward to creating a map that "looks like Montana".
- 00:22:00 Commissioner Lamson echoed the previous comments, saying that it has been a long process with lots of travel but that the opportunity to hear opinions from so many has been valuable.
- 00:22:39 Commissioner Smith said that he applauds all of the citizen involvement of this process and the effort of staff. He said that he really enjoyed working with all the Commissioners and that while he knew there would be disagreements, he knows that all have taken the process very seriously and want to create the best product possible.
- 00:23:20 Commissioner Regnier said that staff would provide a brief summary of each of the five plans submitted so far.
- 00:23:55 **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, explained that in July 2011, the Commissioners adopted themes for four maps for consideration and public comment: Existing Plan, Urban Rural Plan, Subdivision Plan, and the Deviation Plan. She briefly described each plan.
- 00:25:26 Commissioner Lamson said that a fifth plan, the Communities Plan, was submitted by Commissioner Smith and himself. He gave a brief summary of the Plan and said that he is glad to hear that there are areas for compromise where adjustments can be made to meet the needs of the citizens.

00:28:06 Commissioner Regnier recessed the meeting for five minutes to allow staff to deal with technical issues.

**BREAK**

00:39:11 Commissioner Regnier called the meeting back to order at 10:42 a.m. He said that Commissioner Bennion would present an additional plan.

00:39:37 Commissioner Bennion said that the Criteria Plan is based on aspects of each of the previous plans, with the exception of the Existing Plan, and suggestions from the public. He thanked Commissioner Vaughey and LSD staff for their assistance in developing the Criteria Plan. He stated that the Plan was not drawn by staff but that staff did assist him when needed. Commissioner Bennion noted that election results were not used in the development of the Plan and that he believes the Criteria Plan would be the best starting point for designing a final map.

00:42:05 Commissioner Bennion discussed the elements of Criteria Map. His discussion points included specific regions of the state as follows:

00:42:39 Missoula and surrounding area

00:43:48 Lake County and Pablo area

00:44:36 Flathead area and Kalispell

00:46:09 Ravalli County

00:46:49 Butte and southwestern Montana

00:48:00 Commissioner Lamson asked for clarification on the Whitehall district boundaries. Commissioner Bennion explained why he placed a portion of Broadwater County in with East Helena and Jefferson County, saying that Broadwater County, Lewis and Clark County, and Jefferson County have many things in common.

00:49:36 Lewis and Clark County

00:50:28 Lewistown and central Montana

00:51:20 Bozeman

00:52:47 Great Falls and Cascade County

05:53:49 Browning and Glacier County

00:55:08 Havre

00:56:54 Glasgow

00:57:47 Eastern Montana

- 00:58:41 Crow Agency
- 00:59:50 Billings and greater Yellowstone County area
- 01:00:32 Livingston
- 01:00:55 Commissioner Bennion provided copies of a summary of the Criteria Map (EXHIBIT 3).
- 01:05:05 Commissioner Vaughey discussed three points regarding the Criteria Plan:
- because the Plan was not drawn until the end of the process, it was possible to incorporate much of the public comment;
  - the Criteria Plan keeps many counties whole, which is important to many Montanans; and
  - at no time was consideration of election results a part of the process in drawing the Criteria Plan.
- 01:07:28 Commissioner Vaughey said that she heard time and again from the public that the new districts should not be a reflection of partisanship but a reflection of the needs of the citizens. She said that the Criteria Plan, to a large extent, does that.
- 01:08:29 Commissioner Lamson commented on the Criteria Plan and said that the Communities Plan better represents the needs of the state.
- 01:11:55 Commissioner Smith asked for additional information on Indian voting age populations in the Criteria Plan. Commissioner Bennion said he would provide it after the next break. In response to a question from Commissioner Smith about the status of HD 15 in the Criteria Plan, Commissioner Bennion said that the Criteria Plan keeps the communities of Pablo and Ronan whole.
- 01:13:20 Commissioner Smith commented that there are areas to agree on in the Criteria Plan but that he also sees areas of major concern. He thanked Commissioners Bennion and Vaughey for their perspective and work.

### **Public Comment**

- 01:14:34 **Leonard Wortman, Jefferson County Commissioner**, said that he likes the Criteria Plan but that he still has concerns about Whitehall and Cardwell being paired with Canyon Ferry. He said that Jefferson County residents share huge communities of interest with Madison County through school districts, local fairs, fire districts, and more and that he said he would still prefer being paired with Madison County.
- 01:16:07 **Dan Happel, Madison County Commissioner**, asked to have Madison County and its associated voting districts left whole. He said that he prefers the Criteria Plan over the others and would support it but that he shares many of Commissioner Wortman's concerns about the two counties being chopped up and moved into other districts. He said both counties are very rural with strong agricultural roots, which is a minority interest that is often overlooked.

01:22:00 Commissioner Regnier said that the Commission would recess for lunch and to give the Commissioners an opportunity to study the Criteria Plan. Commissioner Regnier recessed the meeting at 11:25 a.m. and said it would reconvene at 1:00 p.m.

**LUNCH BREAK**

03:00:20 Commissioner Regnier called meeting back to order at 1:04 p.m. He said he would like to discuss the process the Commissioners will follow for the remainder of the week. He said he would prefer to begin by dealing with the majority-minority districts first and then move on to northwest Montana, excepting Missoula. He explained why he thought it best to proceed in that manner.

03:03:25 **Commissioner Smith moved to begin with the Indian majority-minority districts and then onto northwest Montana. The motion passed on a unanimous voice vote.**

03:03:44 Commissioner Regnier emphasized that all votes would be tentative and that none will be considered final until the Plan is filed with the Secretary of State.

**Discussion: Indian majority-minority Voting Districts**

03:04:29 **Commissioner Smith moved adoption of the Communities Plan for all six Indian majority-minority districts.**

03:06:13 Commissioner Bennion opposed the motion, saying that while there are areas of agreement, he would prefer to discuss these districts in pairs so that specific issues and differences can be addressed. The Commissioners discussed how to best proceed.

03:09:10 Commissioner Smith spoke in support of his motion. He reviewed how the Communities Plan best complies with the FVRA, how it would benefit the political cohesiveness of tribal governments because all seven tribal governments testified in favor of the Communities Plan, and how the Plan meets mandatory and discretionary criteria.

03:16:25 Commissioner Regnier requested that the Communities Plan and the Criteria Plan both be displayed on the screen so Commissioner Smith could discuss a comparison. Commissioner Smith discussed HD 41 in the Communities Plan, which includes the Crow and Northern Cheyenne Reservations. He noted that a table listing the statistics for proposed American Indian majority-minority Districts had just been distributed to Commissioner members (EXHIBIT 4).

03:18:36 Commissioner Regnier said Criteria Plan did make some changes in the Indian majority-minority districts. Commissioner Bennion said that he fully agrees that the Native Americans made their case and that the Criteria Plan does nothing to disrupt that. He discussed further how carefully the Criteria Plan was constructed in order to uphold the intent of the FVRA and to incorporate public comment.

03:21:21 Commissioner Regnier said it appears that the two main areas affected are Colstrip and in the Powder River area. He asked Commissioner Smith to comment. Commissioner Smith said the area east of the Cheyenne Reservation

is a strong aboriginal area and that there is quite a bit of anticipated economic activity slated to begin there, which the Northern Cheyenne is very involved in. He said that the Northern Cheyenne identifies strongly with that area and that it is logical to connect them.

- 03:24:06 Commissioner Lamson agreed that the Northern Cheyenne have long-standing cultural ties to the area east of their reservation. He discussed the Otter Creek agreement signed with the State and its significance, saying a key part of the plan includes job training that would greatly benefit the Northern Cheyenne. He also discussed the communities of interest in the Powder River area with the Northern Cheyenne and cautioned against changes that could start a ripple effect.
- 03:26:27 Commissioner Regnier asked how Colstrip could be affected. Commissioner Lamson said that the Commission heard testimony that Colstrip is considered an "anchor" community in its district because of its heavy involvement with energy development and construction, and the associated trade. He said placing Colstrip in with the Northern Cheyenne Reservation would change the traditional character of the area and that other considerations, such as school districts, were also considered in the Communities Plan.
- 03:28:13 Commissioner Bennion said that the intent of the Criteria Plan was follow the criteria and to incorporate the strong testimony from the Powder River citizens to keep it as a community. He said the testimony strongly opposed splitting small counties because it divides communities. He said the Criteria Plan keeps that community and Colstrip mostly whole, while also respecting the FVRA and what the Communities Plan was trying to accomplish.
- 03:29:29 Commissioner Smith discussed HD 31 in the Communities Plan, which includes the Fort Peck Reservation. He explained the district line changes made and said that it was very similar to the current district. He said that the population decline in the region is mainly what necessitated the changes but that the district still includes the communities along the river. His discussion points included Indian voting age statistics for the area and district line changes in each affected county.
- 03:32:29 Commissioner Bennion discussed how the Criteria Plan would affect the area, including the Indian majority-minority districts and Indian voting age populations. He said the Criteria Plan is a better fit for Malta, based on the comment received, while maintaining the intent of the Communities Plan.
- 03:36:07 Commissioner Regnier asked Commissioner Smith to respond to Commissioner Bennion's comments about Malta. Commissioner Smith said one has to look at the whole picture and recalled testimony that certain areas did not want to be included in a reservation district, which they are, in the Criteria Plan. He also recalled not hearing much comment from Malta during the public comment period. Commissioner Smith commented on deviation and his concern about the changes in Indian voting age populations in the area under the Criteria Plan.

03:39:35 Commissioner Lamson commented that the Communities Plan keeps Glasgow whole as well as taking care of on-reservation and off-reservation needs.

03:40:29 Commissioner Bennion responded to Commissioner Smith's concerns about Indian voting age population and the potential for "packing" that district. He said that he, too, is sensitive to that possibility and that his goal was to achieve a balance while incorporating public comment. He said the intent was not to "pack" a district.

03:41:56 Commissioner Lamson said the comments should be construed only as a mild criticism of the Criteria Plan and that the main intent of the Criteria Plan is to deal with the comments of the off-reservation constituents. He said that there was overwhelming public comment in favor of the Communities Plan.

03:42:50 Commissioner Smith and Commissioner Bennion discussed keeping Glasgow intact. Commissioner Smith discussed the public comment received in favor of keeping it whole. Commissioner Bennion discussed the ripple effect of that decision.

03:45:01 Commissioner Regnier recessed the meeting for a short break.  
**BREAK**

03:50:39 Commissioner Regnier called the meeting back to order at 1:49 p.m.

03:51:05 Commissioner Smith made an additional comment regarding the importance of Indian influence in voting districts and noted that under the Criteria Plan, the Indian voting age population in HD 29 of that Plan would decrease from 14% to 7%, which would be a drastic change.

03:52:10 Commissioner Smith discussed HD 16 in the Communities Plan, saying it is fairly similar to the existing district but doesn't extend as far into Toole County and includes the western part of Cut Bank. He referred to public comment from the Browning hearing given in support of that district. He noted that Cut Bank is the Glacier County seat and that there are strong ties between Cut Bank and the native community.

03:53:28 Commissioner Smith discussed the Indian voting age population in HD 16 and HD 15.

03:54:22 Commissioner Smith compared HD 15 boundaries in the Communities versus the Criteria Plan, and his concern about how the Indian voting age population would drop in the Criteria Plan.

03:57:34 Commissioner Regnier recalled public comment in Great Falls or Browning that Heart Butte should be connected to Browning. Commissioner Lamson said that in the Communities Plan, Heart Butte is in HD 15 with Browning. He noted that Browning is split into HD 15 and HD 16.

04:01:02 Commissioner Bennion said that there are the least amount of differences between the Communities and the Criteria Plans in this area. He said that he

thought HD 16 is the Communities Plan line for line in the Criteria Plan and discussed different options that were considered in drafting the Criteria Plan and why the lines were drawn as they were in the Criteria Plan.

04:04:07 Commissioner Regnier asked several questions about the placement of Ronan and Pablo in the Criteria Plan and the Communities Plan, including the population and the overall Indian voting age population in HD 15 and HD 16 under each proposed plan. Staff and other Commissioners responded to his questions.

**Vote: Indian majority-minority Voting Districts**

04:09:47 Commissioner Regnier said the vote would be taken on Commissioner Smith's motion to approve the Communities Plan for the six Indian majority-minority voting districts. **Commissioner Vaughey made a substitute motion to bifurcate the six districts for an individual vote for each.** Commissioner Smith said he would prefer to vote on all six at once, considering it has already been established that the votes are tentative and that changes can be made. He listed several reasons for his preference for a single vote on all six districts.

04:12:17 Commissioner Bennion spoke in support of Commissioner Vaughey's motion.

04:13:43 **Commissioner Vaughey's motion to bifurcate passed on a 3-2 voice vote. Commissioner Lamson and Commissioner Smith voted no.**

04:14:19 **Commissioner Smith moved adoption of the Communities Plan for HD 41. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

04:15:30 **Commissioner Smith moved adoption of the Communities Plan for HD 42. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

04:16:20 **Commissioner Smith moved adoption of the Communities Plan for HD 31. The Commissioners discussed the motion. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

04:18:54 **Commissioner Smith moved adoption of the Communities Plan for HD 32. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

04:19:20 **Commissioner Smith moved adoption of the Communities Plan for HD 16. The motion passed on a unanimous voice vote.**

04:20:12 **Commissioner Smith moved adoption of the Communities Plan for HD 15. The motion failed on a 2-3 voice vote, Commissioner Bennion, Commissioner Vaughey, and Commissioner Regnier voted no.** Commissioner Regnier discussed his concerns about HD 15. Commissioners Bennion and Lamson responded to his questions and concerns. Commissioner

Bennion offered to work with Commissioner Smith and staff to work out the differences and to address Commissioner Regnier's concerns.

04:23:58 After additional discussion, Commissioner Regnier compared the issue to a "puzzle of moving parts" and thought it would be good to take a short break in order to allow further consideration of the discussion points. He recessed the meeting for a 15-minute break.

**BREAK**

04:40:39 Commissioner Regnier called the meeting back to order at 2:43 p.m.  
**Commissioner Regnier moved to address the northwest region of the state. The motion passed on a unanimous voice vote.**

04:42:12 **Joe Kolman, Research Analyst, LSD**, explained the maps being shown on the screen.

04:42:45 **Commissioner Lamson moved adoption of the Communities Plan for the northwest region of the state, which included Flathead, Lincoln, Sanders, Mineral, and Lake Counties, with the exceptions of the House District just voted on.**

04:43:26 Mr. Kolman clarified that the motion included House Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 100. Commissioner Lamson said yes and spoke in support of his motion.

04:46:17 Commissioner Lamson discussed Columbia Falls, the Hungry Horse area, and Whitefish, and why the Communities Plan would be the most beneficial plan.

04:48:23 Commissioner Regnier and Commissioner Bennion discussed how the Criteria Plan would affect Whitefish.

04:50:36 Commissioner Regnier, Commissioner Lamson, and Commissioner Bennion discussed population deviations in both plans.

04:53:39 Commissioner Lamson asked to view the Kalispell area maps. He discussed 0% districts and the difficulties of working with Kalispell because of its many little blocks and non-contiguous areas. He commented on the Criteria Plan, saying it splits the very urban Flathead district and feathers it into parts of Kalispell.

04:56:11 Commissioner Lamson discussed Lake County and said that the Communities Plan lines were drawn as they were in consideration of the strong Indian majority-minority district.

04:58:11 Commissioner Lamson contrasted the lines of the Communities Plan with the Criteria Plan and commented that the Communities Plan creates a much more compact district and recognizes the uniqueness of the community as a strong mixture of American Indian and non Indian citizens.

05:00:08 Commissioner Lamson discussed Lincoln County, as drawn in the Communities Plan.

- 05:01:20 Commissioner Regnier asked about Sanders and Mineral Counties. Commissioner Lamson said that the connection was a little more difficult to make these areas but that they do share many similarities.
- 05:02:45 Commissioner Regnier asked Commissioner Bennion to discuss the Criteria Plan as it would apply to the northwest region. Commissioner Bennion discussed Lincoln County and noted that he used the Communities Plan almost line for line and that only 59 people were moved.
- 05:03:56 Commissioner Bennion discussed Whitefish and Hungry Horse, pointing out differences between the Criteria Plan and Communities Plan. He said common sense changes were made and explained how they improved the districts.
- 05:04:39 Commissioner Bennion discussed Kalispell and noted a number of significant differences between the Criteria Plan and Communities Plan. He said that this area in particular has experienced a significant amount of growth in the last ten years and the Criteria Plan would give Kalispell two majority districts, which differs from the Communities Plan.
- 05:06:13 Commissioner Bennion discussed the greater Flathead region, including Polson and Lakeside. He said that a major deficiency in the Communities Plan is the lack of contiguous districts, which was commented on at the public hearings. He said the Criteria Plan would give Lake County two majority districts and create districts that are more geographically easy to represent than does the Communities Plan.
- 05:07:59 Commissioner Bennion said that he was willing to discuss options regarding Sanders County and that he would be open to incorporating some of the Communities Plan lines.
- 05:08:49 Commissioner Regnier questioned Commissioner Bennion about Kalispell and its communities of interest, as drawn in the Criteria Plan.
- 05:10:16 Commissioner Lamson referred to the Communities Plan map on the screen to explain how the Plan divided up the Kalispell area. He pointed out that Evergreen was included in the Kalispell district and that the districts has an almost 0% deviation. Commissioner Bennion said that the goal of the Criteria Plan is to apportion correctly two districts and that the notion of diversity, which is not a criteria, was not a consideration.
- 05:12:03 Commissioner Regnier asked if the Communities Plan also creates two Kalispell districts. Commissioner Lamson discussed how districts can be shaped by geography and that diversity is a factor because it is a broad part of a category.
- 05:13:53 Commissioner Regnier asked to view both plans again. Commissioner Lamson discussed the differences between the northern part of Lake County and southern Lake County. He noted that the highest American Indian influence district in the state is in southern Lake County and that the Indian voting age population would be decreased significantly in the Criteria Plan, compared to the

Communities Plan. He said it is important to have two Lake County districts, one being a FVRA district.

05:16:27 Commissioner Smith said that he strongly agrees with Commissioner Lamson's point about the importance of having a FVRA district in Lake County. He said the impact of the Criteria Plan would be drastic. Commissioner Bennion and Commissioner Smith discussed placement of Arlee and its importance in an Indian influence district, and different options and trade-offs for placement.

05:23:02 Commissioner Regnier recessed the meeting for a 10-minute break at 3:25 p.m.

**BREAK**

05:36:58 Commissioner Regnier called the meeting back to order at 3:40 p.m.  
**Commissioner Lamson restated his motion to adopt the Communities Plan for districts in Flathead, Lincoln, Sanders, Mineral, and Lake Counties, excepting the district already voted on in Lake County.**

05:37:35 Ms. Weiss clarified that the motion would be for house districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 100.

05:37:52 Commissioner Smith asked to explain why Arlee was placed as it was in the Communities Plan (HD 15), saying that it is more contiguous and compact and that the Indian voting age population stays strong.

05:38:35 **The motion failed on a 2-3 voice vote. Commissioner Bennion, Commissioner Vaughey, and Commissioner Regnier voted no.**  
Commissioner Regnier asked Commissioner Lamson to work on revisions to the Communities Plan to address some of the issues discussed. He said that the Commissioners would revisit this area the next morning for further consideration.

05:39:49 Commissioner Regnier said that the Commissioners would deal next with Carbon County. The Commissioners viewed maps showing the current districts, the Communities Plan, and the Criteria Plan. Commissioner Regnier commented that the proposed plans appear to be identical. Mr. Kolman said it was because both plans keep Carbon County whole.

05:41:36 **Commissioner Vaughey moved adoption of HD 58 in the Communities Plan, noting that it is identical to HD 57 in the Criteria Plan. The motion passed on a unanimous voice vote.**

05:42:34 Commissioner Regnier said that Toole and Pondera Counties would be dealt with next. He noted that the corresponding maps were displayed on the screen. Commissioner Bennion said that the Communities Plan lines were used in the Criteria Plan.

05:44:45 **Commissioner Vaughey moved approval of the Criteria Plan for Toole and Pondera Counties (HDs 17 and 26).** Commissioner Lamson asked to add for the record that both districts had good bipartisan support and show the value of complying with the FVRA. **The motion passed on a unanimous voice vote.**

- 05:46:35 Commissioner Regnier said that Miles City and Livingston would be addressed next. Mr. Kolman displayed maps of Livingston on the screen, noting that the Criteria Plan map has green lines and the Communities Plan map has blue lines.
- 05:47:58 Commissioner Bennion said that the deviation rates are almost the same in both plans.
- 05:48:50 Commissioner Lamson said that because of strong public support from Park County, he would move the Communities Plan.
- 05:49:53 Commissioner Bennion said that the Criteria Plan reduces the deviation even further. He stated that he is noticing a troubling trend that the Communities Plan is being pushed line for line for each district, even though Commissioners Lamson and Smith have repeatedly stated that the final map won't resemble the Communities Plan. He said he is curious when that might happen. Commissioner Regnier said, that as Chair, he could assure Commissioner Bennion that the final map would not look like the Communities Plan.
- 05:51:11 Commissioner Regnier asked about the differences in deviation between the Criteria Plan and the Communities Plan. Commissioner Bennion said it is less than 1% and said that adhering to small deviations early in the process will allow the Commission more freedom later, when having to make needed adjustments to the maps. He said he is not totally wedded to the Criteria Plan but is troubled because of the lack of movement from Commissioners Lamson and Smith.
- 05:52:10 Commissioner Lamson disagreed, saying that many changes have been agreed to. He discussed his opinion further.
- 05:52:55 Commissioner Vaughey said this particular adjustment would follow the highway and make a more compact and ideal district, which is a criteria.
- 05:54:00 **Commissioner Lamson moved adoption of the Communities Plan for Livingston (HD 60). The motion failed on a 2-3 voice vote, Commissioner Bennion, Commissioner Vaughey, and Commissioner Regnier voted no.**
- 05:54:50 **Commissioner Bennion moved adoption of the Criteria Plan for Livingston (HD 59). The motion passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith voted no.**
- 05:55:44 **Commissioner Bennion moved adoption of the Criteria Plan for Miles City (HD 38).** Commissioner Regnier asked to see a comparison of the Communities Plan and the Criteria Plan. Mr. Kolman displayed both maps and said the Communities Plan has green lines and the Criteria Plan has blue lines. He pointed to where the two plans deviated from one another.
- 05:57:09 Commissioner Vaughey asked Mr. Kolman to explain each map's deviation percentage. Mr. Kolman said that the Communities Plan has a -.34% deviation and the Criteria Plan has a +.58% deviation.

- 05:57:50 **Commissioner Lamson made a substitute motion for Miles City and submitted a map outlining the changes he wished to make (EXHIBIT 5).** He explained how the map creates a more compact district and that the deviation is -.27%.
- 05:59:02 Commissioner Regnier asked Commissioner Bennion to discuss the rationale for the Criteria Plan lines. Commissioner Bennion said the intent was to achieve a balance in deviation, particularly from a statewide approach. He said that he did not have a great deal of concern about the amendment offered by Commissioner Lamson but stated that he would prefer that future amendments be created by legislative staff.
- 06:01:34 Commissioner Lamson restated his motion, calling it a "compromise plan" offered by the Democrats for Miles City (HD 39 in the Communities Plan and HD1 in the offered amendment) and that it creates a more compact district.
- 06:02:17 Mr. Kolman expressed concern about having only a paper copy of an amendment. Commissioner Lamson explained why he offered his amendment on paper and said he would provide an electronic copy later. Ms. Weiss said that staff is simply trying to clarify what will be voted on and what it is to draw. Commissioner Lamson and staff discussed the amendment and its effect. Commissioner Lamson corrected his statement and said he would provide an electronic copy, should the amendment be approved.
- 06:05:10 Ms. Weiss said the pending motion is for adoption of the Criteria Plan for HD 38. The substitute motion is for the amended Communities Plan.
- 06:06:01 Commissioner Regnier said the substitute motion vote would be taken first. **The motion passed on a unanimous voice vote.**
- 06:06:27 Commissioner Regnier briefly discussed how he envisioned the next day's meeting to progress. It was agreed that the remaining district in the northwestern part of the state would be dealt with, then work would proceed to Ravalli County and then Missoula.
- 06:08:45 Commissioner Regnier recessed the meeting at 4:10 p.m. He said that the Commission would reconvene the next morning (August 14, 2012) at 9:00 a.m.

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