



Montana Districting and Apportionment Commission

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MINUTES

August 15, 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.

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.

COMMITTEE ACTION

The Districting and Apportionment Commission approved an amendment to the Communities Plan for Cascade County.

CALL TO ORDER AND ROLL CALL

- 00:00:02 Commissioner Regnier called the meeting to order at 9:07 a.m. The Secretary took roll, all members were present (Attachment 3).
- 00:00:35 Commissioner Regnier briefly reviewed where work left off the day before involving Gallatin and Cascade Counties. He said that Commission would begin with Cascade County and vote on Great Falls districts. He said he would like the remainder of the day be devoted to discussion on the Criteria Plan and Commissioner thoughts on the remaining districts around the state.

Cascade County

- 00:02:05 Commissioner Bennion said that even though Commissioner Regnier indicated a slight preference for Communities Plan for Cascade County, he hoped he would consider the Criteria Plan. He compared the two plans and said that the Communities Plan for Great Falls fails on several levels. He said he could not support anything that does not fit the mandatory criteria. He discussed his position further, addressing topics that included influence districts and Indian voting age population. He said that even though the Communities Plan had great support from Great Falls residents, his opinion is that it will divide people along partisan lines and that he could not vote for districts that look as they do in the Communities Plan.
- 00:06:24 Commissioner Lamson offered an amendment that he said he hoped would address the concerns discussed by Commissioner Bennion (a12_JL_0815 - EXHIBIT 1). Commissioner Lamson explained the amendment, which was to modify the areas along the river (HD 20 in the Communities Plan). He said it very closely resembles the corresponding district in the Criteria Plan.
- 00:10:06 Commissioner Smith discussed the district boundaries as proposed in the amendment. He also responded to Commissioner Bennion's discussion of the strong Native American population in Great Falls and the potential for influence districts.
- 00:12:09 Commissioner Bennion said that his major objection to the Communities Plan is that it creates five districts that reach into the downtown area and that the amendment does not address the fundamental problem. Commissioner Smith discussed his opinion that the districts would be considered compact from a legal and constitutional standpoint.

- 00:15:02 Commissioner Vaughey disagreed with Commissioner Smith and said that the Communities Plan districts fail the compactness and general appearance tests miserably. She said she could not support them as currently drawn.
- 00:15:57 Commissioner Lamson and Commissioner Vaughey continued to discuss the appearance of the districts. Commissioner Vaughey reiterated that the Neighborhood Council maps were used in the Criteria Plan, as well as consideration of communities of interest. Commissioner Lamson reiterated that districts don't have to be square or rectangular to meet criteria.
- 00:19:14 Commissioner Smith discussed a comparison of HD 18 in the Communities Plan and the corresponding district in the Criteria Plan.
- 00:20:04 Commissioner Bennion said that he had an amendment prepared but wasn't certain he would introduce it. He explained it and said that because he thinks the original Criteria Plan is still the best plan, he would like to vote on that before offering the amendment.
- 00:23:00 **Commissioner Lamson moved to approve a12_JL_0815 - Cascade County (EXHIBIT 1).** Commissioner Regnier asked Commissioner Bennion about the number of districts going into the Great Falls downtown area. Commissioner Bennion said that the Criteria Plan has three districts that reach into that area and that the Communities Plan has five districts going into the downtown area. **The motion passed on a 3-2 voice vote. Commissioner Bennion and Commissioner Vaughey voted no.** Commissioner Bennion said that he has concerns about how this vote will ripple into other parts of the state and that he may introduce an amendment later in response to those concerns.
- 00:26:13 Commissioner Regnier asked how many districts have been voted on. **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, said that the Commissioners have approved 49 districts. Commissioner Regnier said that Mr. Kolman has identified several problem areas that have surfaced as the process has gone along. **Joe Kolman, Research Analyst, LSD**, explained that as pieces and parts of plans were adopted, he has identified several areas where plans don't quite fit and said that adjustments will have to be made. He discussed several of the problem areas and explained how the Commission could go about doing that. Ms. Weiss suggested fixing them as the process goes along. She said that staff could draft amendments to fix the minor issues and present them to the Commission as the problem areas arise, rather than waiting until the end of the process. It was agreed.
- 00:34:21 Commissioner Regnier recessed the meeting for a 10-minute break at 9:40 a.m.
BREAK
- 00:45:37 Commissioner Regnier called the meeting back to order at 9:52 a.m. He said that he would like to look more extensively at the Criteria Plan and to see how the Criteria Plan and the Communities Plan interface, as well as have a frank discussion on what the other Commissioners have in mind.

Northeastern Montana: Liberty, Chouteau, Hill, Judith Basin, and Fergus Counties

- 00:46:45 He said that the next counties to be discussed would be Liberty, Chouteau, Hill, Judith Basin, and Fergus Counties. It was noted that the Criteria Plan and the Communities Plan were both displayed on the screen. Ms. Weiss said that paper copies of the maps would be provided momentarily.
- 00:49:06 Commissioner Lamson spoke in support of the Communities Plan, including a compromise amendment drafted to accommodate Commissioners Bennion and Vaughey's concerns and a postcard campaign to keep Chouteau County whole. He reviewed other changes and said that he may propose an amendment for Fergus County that would provide better representation for Lewistown.
- 00:52:44 Commissioner Lamson discussed Hill County and the arguments for and against splitting Havre into two districts. He said he thought that splitting Havre has served the community well and that he would support that. He provided paper copies of two maps illustrating his proposed changes for central Montana/Fergus County (EXHIBIT 2) and central Montana/Havre (EXHIBIT 3) and discussed each. Commissioners Vaughey and Lamson discussed the origin of the split and the late Jim Pasma's work and influence in past districting cycles.
- 01:01:27 Commissioner Bennion said while Commissioner Lamson's changes were labeled as a compromise, because they didn't actually include any of the Criteria Plan ideas and still use the Communities Plan as the starting point, he could not consider them much of a compromise. He discussed the Criteria Plan's strengths and highlighted a number of the differences between the two plans, particularly regarding Havre and Hill County.
- 01:04:06 Commissioner Regnier asked about the historical pattern of Havre having two representatives and what, if anything, that has done to its community of interest or people's expectations. Commissioner Bennion said that preservation of existing district lines is an important consideration but that because of declining populations, districts along the HiLine will have to be decreased from nine to seven, so the argument for "its always been that way" can't really be used in this situation. He said that if the criteria are consistently applied, problems can be avoided and suggested that Democrats were attempting to engineer seats in order to obtain a specific outcome.
- 01:06:39 Commissioner Lamson responded to Commissioner Bennion's comments and said that said considerations can and should be made for discretionary criteria such as trade area, geography, transportation, social, or cultural factors. He said these are commonalities that do exist and that the Communities Plan addresses them. He said that the notion that there is a political agenda from the Democrats and not the Republicans is disingenuous.
- 01:08:40 Commissioner Regnier asked about Commissioner Bennion's point that, based on census numbers, the number of districts will have to decrease in this area. Commissioner Lamson said that is correct but that efforts to minimize the impact and loss should also be made, which the Communities Plan does. He explained further and said that he feels that the HiLine districts were correctly apportioned in the Communities Plan.

- 01:10:49 Commissioner Bennion asked Commissioner Vaughey to provide additional comment, considering her personal experience of being a former long-time resident of Havre. Commissioner Vaughey referred to personal conversations she had with the late Mr. Pasma on this issue and said that the Criteria Plan is a far better fit for Havre than is the Communities Plan.
- 01:12:56 Commissioner Regnier, Commissioner Vaughey, and Commissioner Lamson discussed the population of Havre, North Havre, the relationship between those areas and how each was apportioned in the two plans.
- 01:16:21 Commissioner Bennion noted that both plans have very large districts and that because of the population decline, such districts will be unavoidable. He discussed how splitting Havre in the Communities Plan will lead to the splitting of Richland and Sheridan Counties and said that the Criteria Plan does not split these counties. He said he thought that the Criteria Plan could be adjusted to keep 95% of Glasgow whole.
- 01:18:53 Commissioner Regnier asked Commissioner Bennion to explain more fully the effect of splitting Sheridan and Richland Counties. Commissioner Bennion explained that because there are only a certain amount of people in eastern Montana, districts have to reach into population centers in order to meet deviation criteria. He discussed how the Havre split, the use of county lines, and the presence of a majority-minority district influenced the Communities Plan districts. He said that in order to maintain the Havre split and meet the deviation criteria, Richland and Sheridan Counties had to be split. He noted that an enormous amount of testimony was received from Richland County residents asking to be left whole.
- 01:20:54 Commissioner Lamson and Commissioner Bennion continued discussing the proposed districts and the many factors that were considered in designing them.
- 01:27:31 Commissioner Smith offered his views on the Communities Plan for Havre and the surrounding districts, saying that they make sense to him and that there was strong public support at the Havre hearing for the Communities Plan. Regarding northeastern Montana districts, he said that he toured the area recently and was astounded at what he saw. He agreed that the influence from the Bakken Field development will be a factor for many years to come and discussed his opinion that the Communities Plan correctly considered the communities of interest that exist in that area. He agreed that the area's decreasing population makes it difficult to keep counties together.
- 01:32:49 Commissioner Regnier said discussion of the area was complete and that the main differences between the two plans appear to be whether or not to split Havre and how a split will affect the surrounding area. Commissioner Lamson explained how Havre could be drawn as one district in the Communities Plan.
- 01:36:00 The Commissioners discussed what region should be dealt with next. It was agreed that the Billings/southeastern Montana districts would be next. Commissioner Regnier recessed the meeting for a ten-minute break.

BREAK

Southeast Montana

- 01:49:28 Commissioner Regnier called the meeting back to order at 10:56 a.m. He asked Commissioner Lamson to summarize the Communities Plan for southeast Montana. Commissioner Lamson said because of the very small population in a very large geographical area, the reality is that there will have to be big districts. He discussed the impact of energy development in eastern Montana and said that these areas are in need of a great deal of help. He referred to a map and discussed how Richland and Dawson Counties would be apportioned in the Communities Plan. He also discussed Prairie and Fergus Counties, the Yellowstone River corridor and the communities of interest that exist there, and past political representation history of these areas.
- 01:58:51 Commissioner Regnier and Commissioner Lamson discussed the districts encompassing Dawson County, Richland County, and McCone County in the Communities Plan.
- 02:01:40 Commissioner Bennion presented the Criteria Plan for eastern Montana. Commissioner Bennion said that the goal was to respect small counties and to keep as many whole as possible. He referred to the Criteria Plan and Communities Plan maps displayed on the screen in his discussion.
- 02:05:37 Commissioner Regnier and Commissioner Bennion discussed the minority-majority district plan lines as drawn in the Criteria Plan. Commissioner Bennion related factors considered in drawing these districts, which was public comment, ideal population deviation, communities of interest, and trade centers. He said that most of these small counties were left whole in the Criteria Plan.
- 02:10:19 Commissioner Lamson and Commissioner Bennion discussed "donut hole" districts in Miles City and Hamilton.

Billings/Yellowstone County

- 02:14:49 Commissioner Regnier asked Commissioner Bennion to discuss the Criteria Plan for Billings/Yellowstone County. Commissioner Bennion said that the Criteria Plan is largely based on the map produced by City of Billings and Yellowstone County Commissioners.
- 02:15:44 Commissioner Bennion discussed the unique and distinct character of the Billings Heights area and how the Criteria Plan took that into consideration. He explained each of the three districts proposed in the Criteria Plan.
- 02:19:14 Commissioner Bennion discussed a county-side view of the Criteria Plan, specifically for Laurel and the surrounding rural area. His discussion points touched on Laurel and rural areas including Broadview and the Musselshell River Valley district, including the very low population deviations.
- 02:21:19 Commissioner Regnier questioned Commissioner Bennion about the Heights district boundaries in both the Criteria Plan and the Communities Plan. Commissioner Bennion explained the rationale used for the district lines in the

Criteria Plan and said that the Communities Plan district that extends into downtown Billings from the Heights makes no sense to him.

02:26:15 Commissioner Smith discussed his perspective of the Heights area and why the Communities Plan is advantageous to the Heights.

02:30:49 Commissioner Lamson commented on the controversial nature of the City of Billings/Yellowstone County plan and its basis for the Criteria Plan. He discussed a historical context of the area and how strong political interests shape representation there.

02:33:53 Commissioner Lamson also commented on how the rimrock border around Billings and the Heights influence travel patterns and routes. He also addressed the Lockwood and Laurel as areas where adjustments were possible.

02:36:16 Commissioner Lamson discussed the region east of Yellowstone County and said that there is considerable room for adjustments in Yellowstone County because of the 15 surrounding districts.

02:39:01 Commissioner Regnier recessed the Commission for a short lunch break.

LUNCH BREAK

03:53:16 Commissioner Regnier called the meeting back to order at 1:00 p.m. He said that the Commission would move on to central Montana.

Central Montana and Rural Districts

03:55:07 Commissioner Lamson gave a brief description of Garfield, Golden Valley, Musselshell, Petroleum, McCone, Rosebud, Fergus, and Judith Basin Counties, as apportioned in the Communities Plan.

04:01:27 Commissioner Bennion discussed the Criteria Plan for those counties and also for Broadwater and Meagher Counties.

04:04:07 Commissioner Lamson said the current long district stretching from Musselshell to Broadwater County was the basis for a great deal of comment and demonstrates the problem of a few people in a big area. Commissioner Regnier and Commissioner Lamson discussed Broadwater County in the Communities Plan.

04:06:25 Commissioner Bennion discussed the Musselshell River Valley house district and his concern about the current senate district that extends from the edge of Yellowstone County to the edge of Missoula County. He pointed out that this district crosses the Continental Divide and that he would strongly discourage that. Commissioner Lamson explained why that district was drawn as it was in the current plan.

South-central Montana: Sweet Grass, Stillwater, and Park County

04:09:28 Commissioner Bennion discussed several districts between Billings and Bozeman and pointed out that under the Criteria Plan, Stillwater County was kept whole and that the Yellowstone River Valley area will stay intact. Commissioner

Lamson discussed the Communities Plan for the same counties. He said that both plans may have to change, depending on what is done in Gallatin and several other neighboring counties.

Southwest Counties: Powell, Jefferson, Granite, Silver Bow, Lewis and Clark

- 04:13:28 Commissioner Lamson reviewed testimony provided at the Butte hearing regarding the loss of population in Silver Bow County. He said that the Communities Plan provides for six house seats and reviewed the districts as apportioned in the Communities Plan.
- 04:16:30 Commissioner Lamson discussed the two Boulder Batholith districts as traditional mining districts in Jefferson County, and testimony about the loss of population in Silver Bow County. He said that census data reveals a decline in population in Jefferson County also. He discussed the strong communities of interest between these areas and the Jefferson County seat that would be elected from this district.
- 04:19:36 Commissioner Lamson said that all six districts share lots of commonalities, including mining, transportation, Superfund concerns, agricultural, and cultural and social connections. Commissioner Regnier discussed the makeup of the Powell, Granite, and Deer Lodge districts. Commissioner Regnier asked about the large amount of testimony for keeping Jefferson County whole. Commissioner Lamson said there is a district for Jefferson County which accounts for about 70% of the county. He discussed why the county was not kept whole in the Communities Plan.
- 04:27:39 Commissioner Regnier recessed the meeting for a short break at 1:35 p.m.
- BREAK**
- 04:35:08 Commissioner Regnier called the meeting back to order at 1:41 p.m.

Helena

- 04:37:26 Commissioner Lamson discussed the Communities Plan for Helena and Lewis and Clark County. He referred to several specific districts in his discussion, including a commuter district coming out of Jefferson County and a north valley district, saying that the remaining districts match Helena's growth patterns nicely and recognize the commonalities between the urban and suburban areas.
- 04:40:46 Commissioner Regnier asked about Helena proper districts. Commissioner Lamson pointed out existing district seats held by current legislators from Helena. He said the bulk of Helena's population reside in these areas and that the residents share many commonalities.
- 04:42:57 Commissioner Bennion discussed the Criteria Plan for Granite and Powell Counties. He compared the Communities Plan with the Criteria Plan and said that the Criteria Plan more correctly apportions these districts. He also discussed Deer Lodge County, Anaconda, Butte-Silver Bow, Beaverhead County, and Madison County, saying that the goal was true apportionment, based on the population.

- 04:46:46 Commissioner Bennion said that he could not imagine that Jefferson County would be satisfied with the Communities Plan, considering the enormous amount of bipartisan testimony to be kept whole. He said that the Criteria Plan does keep Jefferson County whole but that he could not pair it with Madison County. He explained the district lines and how a portion of Broadwater County and Canyon Ferry was linked to the southern part of Jefferson County. He also explained how Madison County was apportioned with portions of Silver Bow.
- 04:49:02 Commissioner Smith asked to view HD 77 in the Criteria Plan. Commissioner Bennion said that district includes all of Jefferson County. Commissioner Smith asked to view HD 78.
- 04:50:28 Commissioner Bennion discussed the Criteria Plan for Helena, saying that the three districts were apportioned based on population. He explained how the seats were designed to follow neighborhoods, in contrast to the Communities Plan that pulls very different areas into districts. He noted that the population deviations are very low and that public comment was strongly considered in the process, as was consistent application of the criteria.
- 04:53:20 Commissioner Regnier asked that the four original four plans be displayed. He asked if any of them kept Jefferson County whole. Commissioners Bennion said that Jefferson County didn't like any of the original four plans and submitted its own plan. Commissioner Lamson said that it was kept whole in the original plans but was also connected to Butte in some way. Mr. Kolman briefly displayed each of the original four plans on the screen:
- 04:54:58 Existing Plan;
- 04:56:56 Urban Rural Plan;
- 04:57:22 Subdivision Plan; and
- 04:57:42 Deviation Plan.
- 04:58:20 Commissioner Smith commented that this is a tough issue to deal with and that looking at the discretionary criteria may be helpful in this instance. He said that counties should be kept intact when possible but that it isn't always the best plan. He discussed the ongoing population shift from Helena to northern Jefferson County and the changing demographics of the area. He recalled testimony from the Mayor of Whitehall to be paired with Butte-Silver Bow and discussed concerns about Beaverhead County and Madison County votes diluting Butte votes. He said the reality is that Montana is changing, particularly around urban centers.
- 05:04:19 Commissioner Regnier discussed the use of discretionary criteria in the districting and apportionment process and the danger of elevating the use of one over another. He said that the Criteria Plan did a good job of carefully considering the criteria and that the Communities Plan favored communities of

interest over some of the other criteria, and that it will be a real challenge to meld the two.

05:07:22 Commissioner Bennion responded, saying that sometimes the lines that are objective do define a community and that Jefferson County is a good example of a unique identity that does not want to be absorbed into the surrounding urban centers. He said there is a reason that residents have chosen to live there, rather than in the urban centers and that out of any community in the state, Jefferson County very strongly and clearly stated its preference. He said the Criteria Plan does try to objectively meet the criteria as much as possible and in many cases, it does blend with what people consider their community.

05:08:54 Commissioner Lamson agreed that Jefferson County did a laudable job of participating and communicating its wishes, and he attributed it mostly to the efforts of one individual. He said that while he applauded the effort, the Commissioners must balance that with the formation of single member districts as addressed by the 1972 Constitutional Convention. He discussed the intent of the Convention to minimize that particular influence.

05:13:44 Commissioner Regnier directed the Commissioners back to Gallatin County and asked that the Communities Plan and the Criteria Plan for Gallatin County be displayed. He asked Commissioners Lamson and Bennion to each discuss their thoughts on how the Gallatin County districts could affect districts in Lewis and Clark, Jefferson, and Silver Bow Counties.

05:14:53 Commissioner Bennion said that Gallatin County should have almost exactly 9 districts. He referred to discussion about the area east of the Bridger Mountains and how that area was apportioned in each of the two plans. He said that the Criteria Plans keeps Gallatin County nicely contained within county borders.

05:16:36 Commissioner Bennion referred to the Gallatin County Clerk and Recorder maps and noted that while the Criteria Plan originally used the Option 2 map, he may offer an amendment to the Criteria Plan using Option 1. He briefly explained what the amendment would do and said that it might resolve Commissioner Lamson's concerns about the area east of the Bridger Mountains.

05:18:22 Commissioner Regnier said that the a great deal of information was discussed throughout the day and that time was needed to digest it.

ADJOURN

05:19:09 Commissioner Regnier recessed the meeting for the day at 2:25 p.m. The Districting and Apportionment Commission will reconvene at 9 a.m. on Thursday, August 16, 2012.

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