



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 17, 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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page. You must have Real Player to listen to the audio recording or to view the video.

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:

- did not approve Commissioner Lamson's motion to adopt the Communities Plan for the Hi-Line;
- approved a40_JR_0817 to amend the TCP to add Hi-Line districts;
- approved a22_JB_0816 to amend the TCP to add districts to southeast and central Montana;
- approved a41_JL_0817 to amend the TCP to include southern portion of Blaine County with remainder of county;
- approved a39_JB_0817 to amend the TCP for Yellowstone County and a portion of Musselshell County;
- approved a36_JL_0816 to amend the TCP for Gallatin County;
- approved a motion to segregate five Helena House districts 6, 7, 8, 9, and 10 from amendment a27_JL_0815;
- approved amendment a27_JL_0815 to amend the TCP for southwest Montana districts, including 76, 78, 77, 71, 70, 1, 2, 3 4, and 5;
- approved a42_JR_0817 to amend the TCP for Missoula districts;
- did not approve a19_JB_0816 to amend the TCP for five Helena districts;
- approved amendment a27_JL_0815 Helena House districts 6, 7, 8, 9, and 10;
- did not approve a11-JB_0814 to amend the TCP for central Great Falls districts;
- approved technical amendment s1_0815 to assign currently unassigned voters in Flathead County;
- approved technical amendment s2_0815 to assign currently assigned voters in Lake County;
- tentatively approved the TCP for 100 house districts; and
- approved a motion to vacate the meeting dates of September 17 and 18, 2012.

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.

CALL TO ORDER AND ROLL CALL

- 00:00:01 Commissioner Regnier called the meeting to order at 9:00 a.m. The Secretary took roll, all members were present (Attachment 3).
- 00:01:21 Commissioner Regnier asked how many districts remain to be dealt with. **Joe Kolman, Research Analyst, Legislative Services Division (LSD)**, reported that 51 districts remain. Commissioner Regnier said discussions would begin with central Montana.
- 00:03:07 Commissioner Bennion commented on his concerns about the potential for ripple effects along the Hi-Line, Hill County, Yellowstone County, and several others under the Communities Plan.
- 00:05:04 Commissioner Regnier and Commissioner Bennion discussed Fergus and Judith Basin Counties under the Criteria Plan. Commissioner Bennion also briefly reviewed the Musselshell River corridor counties of Wheatland, Golden Valley, Musselshell, and Meagher.

- 00:07:20 Commissioner Regnier asked how the Communities Plan would apportion Fergus County. Commissioner Lamson said that under the Communities Plan, Fergus County would be much more compact and would have two House districts. He noted that Lewistown would be kept whole, as would Wheatland County. He discussed a key concern of maintaining the Yellowstone River corridor between Billings and Miles City in order to have good representation for those people.
- 00:09:41 Commissioner Regnier said that public discussion would be held on the amendments worked on the previous evening and that no votes would be taken on maps that were not discussed on the record.
- 00:12:11 The Commissioners held a general discussion on how to proceed. After discussing several concerns and suggestions, Commissioner Regnier asked Mr. Kolman to display the Billings/Yellowstone County districts as proposed by various Commissioners the previous day. The discussion continued.
- 00:18:16 Commissioner Lamson discussed a map of the Billings districts as offered by Commissioner Bennion, noting that their appearance resembles that of a wagon wheel, which Commissioner Bennion objected to in Missoula districts.
- 00:21:47 Commissioner Regnier said that the Billings Heights districts are controversial and he discussed several of the issues.
- 00:23:12 Commissioner Bennion explained why the districts were drawn as they were and said that adjustments for compactness could be made, if needed. He said that staff could made adjustments down to the lowest possible population deviation once the process is complete.
- 00:24:57 Commissioner Smith said, in response to Commissioner Bennion's discussion, that he felt concessions have been made to accommodate Commissioner Bennion's concerns about odd-shaped districts. He didn't agree with Commissioner Bennion's suggestion to delegate the final population deviation adjustments to staff.
- 00:28:36 Commissioner Regnier asked for a final explanation of the maps going east of Billings. Commissioner Bennion responded and noted that the Criteria Plan maps would have less of a ripple effect than the Communities Plan. He explained where the ripple effects would occur.
- 00:31:56 Commissioner Regnier recessed the meeting for a short break.
BREAK
- 00:35:38 Commissioner Regnier reminded the commissioners that even though members and staff are getting weary after a long week, he expected the process to remain respectful to all involved.
- 00:38:42 Commissioner Regnier said that the Hill County/Havre districts have been controversial also and that additional discussion would be held on that area. He asked Commissioners Bennion and Vaughey to comment on their proposed

maps. Commissioner Bennion stated that, depending on if Havre is divided into one seat or two, there is the potential for significant ripple effects into other eastern and central Montana districts. He explained what the impacts could be, particularly for Richland, Dawson, and Wibaux Counties.

- 00:42:37 Commissioner Lamson explained the benefits of the Communities Plan, saying that key advantages are compactness and keeping communities of interest together. Commissioner Regnier and Commission Lamson discussed future growth of certain areas in eastern Montana and how it may affect districts, particularly those districts involving the Bakken oil field activity.
- 00:48:15 Commissioner Regnier asked Commissioner Vaughey, as former resident of Havre, to discuss her views of how the area should be apportioned. Commissioner Vaughey discussed a number of issues, including the relevance of past districting decisions and said that it may be time for a change from the past two districts for Havre to one. She also touched on the impact of the oil and gas activity in eastern Montana and the strong testimony from Richland County and other eastern Montana counties advocating for their districts.
- 00:53:15 Commissioner Lamson and Commissioner Smith commented additionally on their discussion points and in response to several of the issues discussed by Commissioners Bennion and Vaughey.
- 00:59:29 Commissioner Regnier asked to view maps of southeastern counties in reference to a comment by Commissioner Bennion about keeping certain counties in that area whole. He noted the Criteria Plan and the Communities Plan were displayed. He asked Commissioner Bennion to review how Powder River County would have been apportioned under the Criteria Plan, if it prevailed. Commissioner Bennion did so.
- 01:02:03 Commissioner Regnier asked to view the most recent version of the maps of the Bozeman/Gallatin County districts, again noting that both the Criteria Plan and the Communities Plan maps were displayed.
- 01:04:39 Commissioner Lamson reviewed the districts as proposed in the Communities Plan. He said that as a result of the compromises made both maps are now quite similar, with the exception of Belgrade and couple of other areas. He discussed the remaining different areas, noting that Big Sky is not included in the map either.
- 01:07:44 Commissioner Regnier said that Big Sky is still included in the Madison County district. Commissioner Lamson said that was correct but that he brought it up because of the potential ripple effect if it was moved into a Gallatin County district.
- 01:08:57 Commissioner Regnier recessed the meeting for a break, to resume at 10:30 a.m.

BREAK

- 01:27:42 Commissioner Regnier called the meeting back to order at 10:35 a.m. The Commissioners discussed the Bridger Mountain area. Commissioner Lamson said the Democrats' proposal recognizes commonalities between Park and Gallatin Counties in a compact district but that the Republican Plan would create a very large district. He discussed his concerns. Commissioner Smith also discussed his concerns about Gallatin County. Commissioner Lamson pointed out that under the current plan, Broadwater County is left whole and hooked with Meagher County.
- 01:33:11 Commissioner Bennion said there has already been considerable discussion of this area and that there has been give and take on both sides. He discussed several of the issues compromised on and why keeping Gallatin County contained within its county lines is a good thing.
- 01:36:33 Commissioner Smith said he still supports moving Big Sky into the Gallatin County districts. Commissioner Regnier recalled testimony from a Madison County Commissioner to keep the county intact. Commissioner Lamson said it will have to be connected with another county, regardless.
- 01:38:15 Commissioner Regnier said discussion will move on to southwestern Montana. Mr. Kolman noted the most recent maps were displayed, with the Communities Plan on the left and the Criteria Plan on the right.
- 01:40:26 Commissioner Regnier called a short break.
BREAK
- 01:45:04 Commissioner Regnier resumed the meeting at 10:51 a.m. He said discussion would focus on Granite, Deer Lodge, Powell, and Silver Bow Counties. He summarized the strong testimony received from Jefferson County to be left whole and Granite and Powell Counties' request to be paired. He asked Commissioner Lamson to discuss his position.
- 01:46:19 Commissioner Lamson said that the Democrats maintain that there is a very strong and unique community of interest between Butte, Anaconda, and Deer Lodge; and that within that area there are enough people for six districts. He said that testimony supports that and that it would also divide the area nicely for three senate districts. He said that this area is the heartland of the Democratic Party and is important to fight for. He pointed out that the Republican Plan allows only five house seats, which will create enormous conflict in trying to decide where the remainder of those people will be placed.
- 01:48:46 Commissioner Regnier asked how Jefferson County will be dealt with. Commissioner Lamson said that even though Jefferson County will not be left whole, it will dominate its district and will not be deprived of representation. He explained that the southern portion of the county will be hooked with Madison and Silver Bow Counties. He restated the Democrats' concerns that the Republican Plan under-represents the vital communities of interest that exist between Butte, Anaconda, and Deer Lodge.

- 01:50:16 Commissioner Bennion said that major compromises have been made for this area, pointing out that the Criteria Plan map originally proposed four house districts for this area, the Communities Plan proposed six, and that his current proposal offers five. He said that public input should matter and that the Criteria Plan map represents almost line for line what Jefferson County proposed. He said that Granite and Powell Counties also create an ideal district and would address concerns that Anaconda exerts too much influence over those two counties. He discussed his concerns further.
- 01:52:53 Commissioner Smith said that while Jefferson County is to be congratulated for its advocacy, strong testimony has also been heard in support of the community of interest between Silver Bow and Jefferson Counties. He said that the Democrats reluctantly let one district go and that he wanted to emphasize that there was strong testimony for the community of interest between Jefferson and Silver Bow, and that Jefferson County should not be unhappy with this result.
- 01:54:39 Commissioner Lamson agreed that this area is of major concern to Democrats and that he had no doubt people will be concerned about the loss of a district.
- 01:56:00 Commissioner Bennion pointed out that the Republicans are also losing a seat along the HiLine so when looking at apportionment, it is important to apply the criteria consistently and apportion correctly, regardless of politics.
- 01:58:52 Commissioner Regnier turned the discussion to Lewis and Clark County and the Helena area districts. He asked Commissioner Lamson to present the Democrats' proposal. Commissioner Lamson explained how geography played into the district lines, as well as factors such as growth in certain areas and communities of interest. He said that some of the districts may look a little funny because of the unusual growth patterns and that certain traditional boundaries were respected, so that a valley district remains in addition to the urban-suburban districts.
- 02:03:07 Commissioner Vaughey asked about the northern county line. Commissioner Regnier asked where HD 7 would be. Commissioner Lamson pointed it out on the map and said it is a good example of how a joint urban-suburban district can work together, allowing competing parties to get their points across.
- 02:04:08 Commissioner Vaughey asked how easily a representative could traverse that district. Commissioner Lamson explained, pointing out the Green Meadow Drive runs almost the entire length of the district.
- 02:06:06 Commissioner Regnier recalled testimony at the Helena hearing about if there should be separate districts for the Helena valley and East Helena. He asked Commissioner Bennion to respond. Commissioner Bennion said it is arguable that people in long skinny districts that stretch from the interior of the city out to the county line will have a great deal in common with one another and that while diversity is important in certain situations, it may actually be the antithesis to good representation. He said that there are appearance and compactness

concerns with the districts as proposed by the Democrats and that there has to be a way to address these concerns.

02:08:40 Commissioner Lamson and Commissioner Bennion continued to discuss their respective positions and the pros and cons of the proposed districts. Commissioner Bennion said districts should be drawn to be representative of their census areas. He said that currently they are all fractured and that there has to be a way to make them better in a manner that will be acceptable to both parties. Commissioner Lamson said he believes they will function very well as drawn.

02:11:43 Commissioner Regnier said that the configuration of the districts does beg the question that Commissioner Bennion asked, which is do the people have enough in common with one another. Commissioner Lamson said that, as a resident of Helena, he is very comfortable with how the districts are drawn.

02:13:36 Commissioner Vaughey asked to see Montana Avenue and discussed her concerns about the interstate exchanges and traffic concerns. She asked for further consideration of those areas. Commissioner Regnier asked to view that area. Commissioner Vaughey pointed out where her community of interest lies and how traffic concerns has impacted the area.

02:21:10 Commissioner Regnier recessed the meeting for a lunch break at 11:30 a.m. He said the meeting would resume at 12:30 p.m. (*The lunch break was later extended to 1:30 p.m.*)

LUNCH BREAK

04:29:37 Commissioner Regnier reconvened the meeting at 1:36 p.m.

04:30:55 Commissioner Vaughey expressed her concerns about the configuration of the Helena area districts and said it is incumbent upon the Commission to be able to defend their plan and be able to describe and maintain that it did its best to comply with all mandatory criteria. She said that the Republican commissioners have been accused of not acknowledging the value of diversity but would like to point out that in the beginning of the process, there was agreement that the Commission would work to create districts that would allow people to elect someone who truly represented them. She said that philosophy should apply to all residents and districts. She also discussed her grave concerns about how the Commission will explain the very odd shaped districts and that her opinion is that certain districts, as currently drawn, may violate the compactness criteria.

04:35:56 Commissioner Lamson responded to Commissioner Vaughey's comments, saying that the votes are still tentative at this point and that work remains to be done. He said that both sides want concessions and that differences of opinion may have to remain.

04:38:19 Commissioner Regnier said that discussion was complete and that he would proceed with votes for Havre and eastern Montana. He asked to view the Criteria Plan map and said that after a great deal of discussion and consideration, he would support the Criteria Plan for eastern Montana.

- 04:41:48 Commissioner Regnier said he also wished to revisit the Missoula area districts. He briefly reviewed the contentious discussions and compromises made by both sides. He said that his compromise amendment motion would keep Seeley separate from the Rattlesnake, deal with the Orchard Homes boundary, and create a rural district in Lolo and southwestern Montana, as well as keep the northwestern district as it was designed in the amended plan offered by the Democrats. **He moved his compromise amendment (a40_JR_0817 - EXHIBIT 1).**
- 04:46:37 Commissioner Bennion said he understood Commissioner Regnier's concerns about Missoula and said that bits of collaboration have taken place. He said the Great Falls districts remain of great concern to him and he would like to see work done there to make them more compact, as well as several districts in the Helena area.
- 04:48:10 **Commissioner Lamson offered a substitute motion for the adoption of the Communities Plan for the Hi-Line.** He spoke in support of his motion.
- 04:52:16 Commissioner Bennion said if Commissioner Lamson's substitute motion is to adopt Communities Plan, he would have to vote no. He said if Commissioner Regnier's amendment is approved, he would like to take a short break to consider several possible reconfigurations that may need to be made.
- 04:53:47 Commissioner Regnier said he realizes that this area of Montana is very important to the Republicans and may require some reconfiguration. He said it would an appropriate time to tweak the motion to deal with those issues, which would allow the Commission to move into central Montana and deal with those districts.
- 04:54:56 **Commissioner Lamson urged the Commissioners to support his substitute motion. The motion failed on a 2-3 voice vote, Commissioner Bennion, Commissioner Vaughey, and Commissioner Regnier voted no.**
- 04:55:44 Commissioner Regnier withdrew his motion, saying he would offer a new one after allowing staff time to redraft a plan. He recessed the meeting to allow staff time to work on his amendment.

BREAK

Hi-Line Districts

- 06:37:31 Commissioner Regnier called the meeting back to order at 3:44 p.m. **Commissioner Regnier moved to adopt amendment a40_JR_0817 (EXHIBIT 1) to amend the temporary commission plan (TCP) to add Hi-Line districts, including a Havre district.** He spoke to his amendment.
- 06:39:22 Ms. Weiss explained the amendment in detail and how it would affect a number of counties.
- 06:41:28 Commissioner Lamson said he could not support the amendment.

06:42:17 **Commissioner Regnier's amendment passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith voted no.**

Southeast and Central Montana

06:42:41 **Commissioner Bennion moved to adopt amendment a22_JB_0816 (EXHIBIT 2) to amend the temporary commission plan to add districts for the southeast and central areas on Montana, excluding Billings and parts of Yellowstone County.** Commissioner Bennion spoke in support of his motion.

06:45:58 Commissioner Lamson discussed concerns about the loss of population in that area and the residents' fear of losing representation. He said a minor amendment may be needed, as requested by the Blaine County Clerk and Recorder. He asked to view the Indian majority-minority district involving Blaine County.

06:48:29 Commissioner Lamson discussed a portion of Blaine County that had been separated from the county. He said it has only 70 residents and asked that it be reunited with the rest of the county so that a separate ballot would not have to be prepared just for these residents.

06:49:32 **Commissioner Bennion's amendment passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith voted no.** Commissioner Regnier recessed the meeting at 3:57 p.m. for a short break.

BREAK

07:00:19 Commissioner Regnier called the meeting back to order at 4:07 p.m. **Commissioner Lamson moved to adopt amendment a41_JL_0817 (EXHIBIT 3) to amend the tentative commission plan to include the southern portion of Blaine County (72 people) into HD 32. The motion passed on a unanimous voice vote.**

Billings and Yellowstone County

07:04:09 Commissioner Bennion discussed an amendment that would amend the temporary commission plan to add Billings districts. He noted that the amendment will cause a slight overlap with Musselshell County but that the overlap could be easily fixed. Commissioner Bennion discussed his amendment in detail. Commissioner Regnier said he did not want to have a vote on the amendment until an electronic version was available for viewing and discussion.

07:09:45 Commissioner Regnier recessed the meeting at 4:18 p.m. to allow the amendment to be produced electronically.

BREAK

07:39:36 The Commission reconvened briefly at 4:45 p.m in order to Commissioner Regnier to announce that the Commission would stand in recess until 6:30 p.m. to allow for staff preparation of amendments.

BREAK

09:40:22 Commissioner Regnier reconvened the meeting at 6:47 p.m. **Commissioner Bennion moved adoption of amendment a39_JB_0817 (EXHIBIT 4) for Yellowstone County and the affected Musselshell district.** He explained the changes that would be made by the amendment.

09:43:08 Commissioner Lamson and Commissioner Smith both spoke in favor of the amendment.

09:45:29 **Commissioner Bennion's motion passed on a unanimous voice vote.**

Bozeman and Gallatin County

09:46:42 Commissioner Lamson discussed a proposed amendment to add Bozeman districts, saying that Gallatin County is a dynamic area with a robust political atmosphere. He said his amendment incorporates parts of both plans and should take care of many of the concerns discussed previously. He noted that Big Sky remains in the Madison County district, which he regrets, but that the amendment does follow the Gallatin County Clerk and Recorder's map and keeps boundaries intact.

09:50:55 **Commissioner Lamson moved to adopt a36_JL_0816 (EXHIBIT 5) to amend the TCP for Gallatin County. The motion passed on a unanimous voice vote.**

Southwest Montana

09:51:38 **Commissioner Bennion moved to adopt a27__JL_0815 (EXHIBIT 6) for southwest Montana. A subsequent motion was made to segregate the five Helena districts (House districts 6, 7, 8, 9, and 10), which passed on a unanimous voice vote.**

09:52:33 Commissioner Bennion said this area has had a great deal of discussion and both parties likely feel they have made concessions. He said that while he would like to keep Granite and Powell Counties together, he feels the proposed plan apportions correctly.

09:53:37 Commissioner Regnier said it was a difficult pill for Butte to swallow in losing one House seat but that the proposal is a compromise in offering five House seats. He said it also respects the tremendous amount of public comment received from Jefferson County residents to keep that county intact and that he would like to personally commend Commissioner Bennion for his tenacity in defending the views of Jefferson County.

09:55:04 Commissioner Lamson said he did not think there was a legitimate apportionment issue here because the proposed area has over 60,000 people, which is more than enough for six districts. He said that denying it a representative is unacceptable to Democrats and that he could not vote for the amendment.

09:56:39 Commissioner Smith agreed that there are enough residents for six districts. He said that while he understands there must be give and take, this was too bitter a pill to swallow and that he would not vote the amendment either.

09:59:33 Commissioner Vaughey said that both sides agreed to concessions and that she was particularly sad for the Granite and Powell County residents, and that while she wasn't completely happy with the amendment, she would support it.

- 10:00:44 Mr. Kolman said, for the record, that the motion would not include House Districts 6, 7, 8, 9, and 10.
- 10:02:32 **Commissioner Bennion moved to approve amendment a27_JL_0815 amendment (EXHIBIT 6) for House districts 76, 78, 77, 4, 5, 71, 1, 70, 3, and 2.**
- 10:03:28 **The motion passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith voted no.**

Missoula

- 10:03:46 Commissioner Regnier asked to view his proposed amendment for Missoula. He asked to also view the original Communities and Criteria Plans.
- 10:07:56 Commissioner Regnier said that there has been a great deal of heated discussion regarding various Missoula area districts, including connecting the Rattlesnake area in Missoula to Seeley Lake, the Orchard Homes district extending into interior Missoula, southwest districts extending from central Missoula out into Lolo, and comments about the “wagon wheel” effect of the current Missoula districts. Commissioner Regnier reviewed the amendment offered by the Democrats and the amended Criteria Plan ultimately adopted by the Commission on Wednesday (a5_LV_0814) and said that he wished to offer another amendment to the Missoula districts that better address his concerns. He explained how his amendment would change those districts, mainly districts 8 and 9.
- 10:14:55 Commissioner Bennion said that while it is an improvement over the current plan, the original Criteria Plan better apportioned the districts. He said it represents a small step backwards and he could not support the amendment.
- 10:16:55 Commissioner Lamson thanked for Commissioner Regnier for the amendment and acknowledged that Missoula does provide a big core of Democrats. He said that difficult decisions were made and that there was give and take on both sides, and that the amendment represents an improvement.
- 10:18:47 Commissioner Smith said that there has been a lot of collaboration and give and take; he wasn't completely happy with the plan as shaped but could support the amendment.
- 10:19:42 Commissioner Vaughey agreed with Commissioner Bennion that the amendment is a step back, in spite of the improved appearance. She said she would have difficulty supporting it in its present form.
- 10:21:14 **Commissioner Regnier moved to adopt amendment a42_JR_0817 (EXHIBIT 7) to amend Missoula districts in the TCP. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

Helena and Great Falls

10:22:52 Commissioner Regnier recessed the meeting for 30 minutes to allow staff time to update the maps. He said the meeting would resume at 7:30 p.m.

BREAK

11:47:34 Commissioner Regnier called the meeting back to order at 8:54 p.m.
Commissioner Bennion moved to adopt amendment a19_JB_0816 (EXHIBIT 8) to amend the TCP for Helena area districts. He explained the adjustments it would make and said it improves the appearance of the districts and is consistent with public testimony.

11:54:05 Commissioner Lamson said that he appreciates the changes the Republicans made but that there was also a great deal of public testimony in support of the Communities Plan. He discussed the history of competitive districts in Helena and said he would oppose Commissioner Bennion's motion.

11:57:35 Commissioner Smith said he would not support the motion either.

11:58:21 Commissioner Vaughey said that the Communities Plan would once again dilute the vote of certain areas in Helena and that voters should be able to elect a representative who will best represent their district. She said it is really a stretch to do that in the Democrat-proposed districts and that while Commissioner Bennion's proposal may not be perfect, it is better than the alternative.

12:05:07 The Commissioners discussed the proposed amendment. Commissioner Bennion said that he could continue to mitigate and improve the odd-shaped districts. He also said in his opinion, the seats favor Democrats and that if competitive seats is the goal, the districts should be designed to allow either party to win.

12:08:01 Commissioner Vaughey said her strongest criticism is that the Democrat plan districts are not compact and look too much like the current districts. She said they don't pass the appearance test.

12:09:19 Commissioner Regnier and Ms. Weiss discussed the importance of allowing public comment on Commissioner Bennion's amendment. Ms. Weiss said that the website is updated nightly so the public will have the opportunity to view and comment on the proposal.

12:12:47 **Commissioner Bennion's motion failed on a 2-3 voice vote. Commissioner Lamson, Commissioner Smith, and Commissioner Regnier voted no.**

12:13:21 **Commissioner Lamson moved to adopt a27_JL_0815 (EXHIBIT 9) for Helena House districts 6, 7, 8, 9, and 10. The motion passed on 3-2 voice vote. Commissioner Bennion and Commissioner Vaughey voted no.**

Great Falls

12:14:20 **Commissioner Bennion moved to adopt amendment a11_JB_0814 (EXHIBIT 10) to amend the tentative commission plan for central Great Falls districts.** He noted that no ideas from the Criteria Plan have been adopted and that the districts in his amendment come almost line for line from the Communities Plan.

He said they adhere more closely to the mandatory criteria while taking into account the public comment. He said that he strongly feels that the Great Falls districts likely violate criteria and definitely fail the appearance test.

- 12:17:12 Commissioner Bennion explained how his amendment would fix the “guitar” district involving Malmstrom Air Force Base.
- 12:18:36 Commissioner Bennion said the districts have ridiculously low deviations and that they are a much better alternative for Great Falls. Commissioner Lamson responded to Commissioner Bennion’s comments, saying that many Republican ideas have been considered and that the plan has been modified to incorporate Republican ideas. He said he also is trying to make sure representatives accurately reflect their community.
- 12:22:59 Commissioner Regnier asked to view the Malmstrom district in Commissioner Bennion’s amendment.
- 12:24:29 Commissioner Vaughney said she thinks the amendment captures the neighborhoods very accurately and that the districts pass the general appearance test.
- 12:25:45 Commissioner Smith commented that the public testimony in Great Falls was very strongly in support of the Communities Plan. He said that accommodations have been made for the Republicans and that he will not support Commissioner Bennion’s amendment.
- 12:27:03 Commissioner Vaughney and Commissioner Bennion both commented further on their position that while other areas of the state have been revisited and adjusted, Great Falls and Helena have not been. They expressed their strong opinion that their ideas have been ignored for these two areas. Commissioner Bennion said that his amendment took as many ideas from both sides as possible, while maintaining the objectives of each side. Commissioner Lamson said that Great Falls has traditionally been a Democratic stronghold. He rebutted statements that the Republican ideas have been ignored.
- 12:31:00 **Commissioner Bennion’s motion failed on a 2-3 voice vote. Commissioner Lamson, Commissioner Smith, and Commissioner Regnier voted no.**
- 12:31:17 Commissioner Regnier said that 100 districts have been approved. He thanked the staff for their work over the past week and for the duration of the process. Ms. Weiss said that a public hearing will be held in December for the entire plan but that a public hearing on Senate pairings must be held in November. She said that other hearings may be scheduled as well.
- 12:33:15 Commissioner Regnier said that it has been an arduous process but that he thought the work of the Commission has been outstanding in creating the 100 districts. He thanked the Commissioners for their hard work and dedication.
- 12:34:21 Ms. Weiss noted that some districts would need minor adjustments and/or clean up work.

- 12:34:51 **Commissioner Smith moved to adopt technical amendment s1_0815 to amend the tentative commission plan to assign currently unassigned block in Flathead County (EXHIBIT 11).**
- 12:35:57 Mr. Kolman explained how the amendment would take care of unassigned people in HD 18 and HD 15.
- 12:37:52 **Commissioner Smith's motion passed on a unanimous voice vote.**
- 12:38:26 **Commissioner Smith moved to adopt technical amendment s2_0815 (EXHIBIT 12) to amend the tentative commission plan to assign currently unassigned blocks in Lake County.** Ms. Weiss explained why the amendment was needed to deal with unassigned residents in HD 15 and HD 18.
- 12:39:44 **Commissioner Smith's motion passed on a unanimous voice vote.**
- 12:40:15 Commissioner Regnier said that he recognizes that there are many objections on the record, but that it is important that the Commissioners have on the record an official vote for the entire plan. He said that staff could then begin the process of identifying areas where adjustments may be needed.
- 12:41:22 Commissioner Bennion said he would vote yes with the understanding that he will continue to pursue additional changes in the Helena and Great Falls districts. He said he still wants more ideas from the Republicans to be incorporated and that they currently favor the other party.
- 12:42:08 Commissioner Lamson said that the Democrats have problems with certain areas as well and may also ask to revisit them. He commended Commissioner Regnier for his skill and effort in mediating and guiding the entire process. He suggested that the Commission "just call it good for now" and not take an official vote.
- 12:44:33 Commissioner Smith said that it has been a tough process and that everyone is exhausted. He recalled statements made at the beginning of the process stating that the finished product would not look like any of the original plans, which he said, is the case "in spades". He said that both sides gave on tough issues and that it truly was a collaborative process. He thanked his colleagues and staff for their work.
- 12:46:40 Commissioner Vaughey thanked Commissioner Regnier for his leadership and her colleagues and staff for their good humor through out a difficult week.
- 12:47:58 **Commissioner Regnier moved to adopt the Tentative Commission Plan for 100 districts. The motion passed on a unanimous voice vote, with the caveat that certain districts may be revisited.**
- 12:48:33 At the request of Commissioner Regnier, **Commissioner Lamson moved to vacate the meeting dates of September 17 and 18, 2012, due to staff and commissioner conflicts. The motion passed on a unanimous voice vote.**

ADJOURNMENT

12:50:04 Commissioner Regnier adjourned the meeting at 9:57 p.m.

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