



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

Montana Districting and Apportionment Commission

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

December 19, 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.

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 directed staff to prepare the Commission's Final Report for submission to the 2013 Legislature on January 8, 2013.

CALL TO ORDER AND ROLL CALL

00:00:01 Commissioner Regnier called the meeting to order at 2:00 p.m. The Secretary took roll, all commissioners were present (Attachment 3).

WELCOME AND ANNOUNCEMENTS

00:00:30 Commissioner Regnier welcomed everyone to the hearing, saying the purpose of the meeting was to invite comment on the Tentative Commission Plan (TCP), as approved at the November 30, 2012, meeting. He briefly reviewed the criteria adopted by the Commission and meeting protocol to be followed when giving comment.

PUBLIC COMMENT ON ANY PART OF THE TENTATIVE COMMISSION PLAN

00:04:09 Commissioner Lamson thanked the public for its active participation in the districting process. He said that this is the last public hearing before the Commissioners submit their plan to the 2013 Legislature and, regardless of political persuasion, the citizens are to be commended for their good citizenship.

00:05:05 **Terry Minow, Jefferson County**, spoke in support of the pairing of Jefferson County with Butte in a senate district.

00:07:48 **Mike Lang, Representative-elect, HD 35**, spoke in support of the amended TCP that kept Malta in its current district.

00:08:17 **Jake Troyer** thanked the Commissioners for their work. He said he is a member of the Montana Conservation Voters and is in support of the TCP.

00:09:42 **Greg Jergeson, Senator-elect, SD 17**, said that he will be a senator without a seat in two years and is struggling with the Commission's decision on that district. He said he is very concerned about how anyone could adequately represent such a large district and if the pairing had been different, the large districts could have been avoided. He said it borders on becoming a voting rights issue and has other issues also, such as the high cost to a legislator who has to travel such a large area. He said it will incur a great deal of expense for a legislator, which can't be reimbursed, which could result in a decrease in representation for citizens. He said that people deserve to see and hear from the person who represents them, and that will be very difficult to do in a district this size.

00:13:23 **Ann Kuntzweiler, Clancy, Jefferson County**, spoke in support of the pairing of Jefferson County and Silver Bow Counties.

00:14:38 **Leslie Thomas, Jefferson County, Boulder**, spoke in support of the Jefferson County house seat and the pairing with Butte for a senate seat. She said that Jefferson County will have better and more representation.

- 00:16:10 **Leonard Wortman, Chair, Jefferson County Commissioner**, compared the decision of the Districting Commission to that of a bad referee call in a football game and stated that the Commission “made the wrong call” when it voted to pair Jefferson County with Butte for a senate district. Commissioner Wortman said that the senate pairings decisions made at the November 30 meeting were questionable and didn’t meet the criteria adopted by the Commission. He said the Commissioners and citizens invested a great deal of their personal time and money in attending the hearings but feel like they were ignored and not listened to. He said that when the public is ignored, the process is damaged and that the gerrymandering legacy of the 2000 Commission will live on.
- 00:24:39 Commissioner Wortman distributed copies of his comments, which included a compromise solution (EXHIBIT 1) that he said would solve a problem that shouldn't have been a problem. He explained how districts pairings would be adjusted in the proposal. Commissioner Wortman also distributed copies of a Dilbert cartoon strip and a folder of public comment from Jefferson County citizens (EXHIBIT 2).
- 00:28:13 **Angela Tacey, Jefferson County**, thanked the Commissioners for their work. She said that she is a Jefferson County resident from a founding family in the Boulder Valley, is a state employee, and supports Commissioner Wortman’s comments and proposal submitted to Commission. She opposed the pairing of Jefferson County with Butte in a senate district and read aloud from the Commission draft report regarding malapportioned districts (page 6). She said it would make much more sense to place Butte and Jefferson County with citizens who share their respective issues and concerns.
- 00:30:41 **Roger Steerman, Jefferson County**, spoke in support of Commissioner Wortman's comments and the Jefferson County Commission proposal.
- 00:31:01 **Marjorie McCaffery, Butte**, said that she would like Butte representatives to represent the interests of Butte citizens and to not have to split their time with the needs of Jefferson County citizens. She said that there are totally different lifestyles and needs. Ms. McCaffrey also discussed the criteria adopted by the Commission and why it was not applied to the Butte-Jefferson County senate pairing. She said it would be better to pair Butte with Anaconda, and asked the Commission to make the right decision, in the interest of fairness and integrity. Ms. McCaffery submitted a copy of her comments into the record (EXHIBIT 3)
- 00:35:36 **Dan O'Neill, Butte**, read a letter into the record from Rep. Max Yates, HD 74 (EXHIBIT 4). The letter outlined Rep. Yates' opposition to the house and senate districts as drawn in the Tentative Commission Plan and his objection to the elimination of his house seat. Mr. Yates' letter also discussed the population losses in the area and offered a number of suggestions on how the districts could be better paired.
- 00:43:35 **Sen. Jim Keane**, said that he will be proud to represent Jefferson County citizens. He discussed the importance of numbers in the districting process, Butte’s population decrease, and difficult job of the Commission in making the

tough decisions. He said that he has had phone calls from Jefferson County residents supporting the Commission's decision to pair them with Butte. Sen. Keane also said that he has unofficially been representing Jefferson County interests for years and not getting thanked or recognized for his service, but that he has been happy to do it. He said that the Districting Commission made the right decision and he assured the Commissioners that he will continue to serve the citizens of Jefferson County.

- 00:48:43 **Deborah Hanneman, Whitehall, Jefferson County**, spoke in support of the Jefferson County Commission compromise proposal.
- 00:49:34 **Cort Freeman, Butte**, discussed a number of his concerns regarding the house district pairings for the Butte-Silver Bow and Jefferson County. He submitted a letter (EXHIBIT 5) listing his concerns, most of which dealt with the communities of interest within Butte-Silver Bow. Mr. Freeman asked the Commissioners to rethink the Butte-Jefferson County senate district.
- 00:59:14 **Matt Egloff** discussed his concerns about combining Butte and Jefferson County and a senator being able to properly represent all interests. He said that there could be conflicts of interest.
- 01:01:02 **Rep. Ryan Lynch, HD 64, Butte**, spoke on behalf of Rep. Pat Noonan and Representative-elect Amanda Curtis (EXHIBIT 6), both of whom favor the pairing of HDs 73 and 74 and HDs 75 and 76. Rep. Lynch said that he has spoken with Rep. Jon Sesso, Butte, who also supports the pairing of Jefferson County and Butte. He said that Jefferson County got its own house seat, as it wanted, and that they will get great representation from Sen. Jim Keane. He noted that Butte-Silver Bow has three sitting senators and that one of them would be without a district, should the Jefferson County plan have been adopted.
- 01:05:56 **Roberta Coppinger, Jefferson County**, said that she is a strong Democrat but feels strongly that it was the wrong decision to pair Jefferson County with Butte. She said that Jefferson County needs its own representation.
- 01:07:07 Commissioner Regnier closed the public comment period of the meeting and said that all public comment would become a part of the official record. He said that the Commission will submit the TCP to the 2013 Legislature on January 8, 2013; and that the Legislature would have 30 days to review and offer comment and recommendations before final adoption by the Commission.
- 01:08:44 Commissioner Regnier recessed the meeting for a short break.
- BREAK**
- 01:26:42 Commissioner Regnier called the meeting back to order at 3:30 p.m.

ACTION ITEMS: Adopt Written Justifications and Plan for Submission to Legislature

- **Adopt written justifications**

- 01:26:57 Commissioner Regnier said that the Commission will vote on motions to adopt written deviation justifications, if possible.

- 01:27:10 Commissioner Bennion said that he has found that it is not possible to go lower in deviations in some of the districts, for a number of different reasons. He said that he is very close to getting final numbers available but that he is not there yet, so there is nothing to vote on at this time.
- 01:28:09 Commissioner Lamson thanked Commissioner Bennion and Commissioner Smith for their work on the written justifications, saying that he knows that it is a very time-consuming task.
- 01:28:38 Commissioner Regnier asked if another meeting will be needed to adopt the justifications. **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, said so long as justifications were complete at the time the final plan is submitted to the Secretary of State's Office, there would not be a problem.
- **Direct staff to prepare plan for January 8, 2013, submission to Legislature**
- 01:29:36 Commissioner Regnier gave background on the districting process, beginning in the spring of 2009 through the present. He said that the Commission's next responsibility is to submit the plan to the 2013 Legislature, allow for comment and recommendations by the Legislature, and then schedule a final vote of the Commission to adopt the plan before submitting it to the Secretary of State. **Commissioner Regnier moved to direct LSD staff to prepare the plan, as it presently exists, for submission to the 2013 Legislature on January 8, 2013. The motion passed on a unanimous voice vote.**

OTHER BUSINESS

- **Review of draft commission report**
- 01:32:39 Ms. Weiss said that the Commissioners received a paper copy of the draft report in their meeting folder (EXHIBIT 7) and noted that the "draft" watermark would remain until the final vote, right before submission to the Secretary of State.
- **Discuss presentation of plan to Legislature (if necessary) -- staff and commissioners**
- 01:34:32 Commissioner Regnier said that the Commission Plan will be officially delivered to the Legislature on January 8, 2013. He said the Legislature has 30 calendar days to provide its response, making that deadline around February 7, 2013. He said he would like to schedule the Commission's final meeting soon after that in order to complete the Commission's business by February 11 or 12. Commissioner Lamson said the work could be done in a day, with delivery of the final report to the Secretary of State in the afternoon. Ms. Weiss said she would make the arrangements for the final meeting and keep the Commissioners informed. Commissioner Regnier suggested a final meeting date of February 12, 2013, at 10:00 a.m. It was agreed.
- 01:39:04 Commissioner Regnier said that he has received an invitation from Senate President Jeff Essmann to give a formal overview of the Commission plan to a joint session of the Legislature on January 11, 2013. He said that he will be working with staff on a presentation and that he would like the Commissioners to be present, if possible. He said he would follow up with additional details.

- 01:41:55 Commissioner Lamson said that it was a gracious offer by Sen. Essmann and a good overture to get such an important issue out of the way. He said that this has been done in prior cycles but wasn't in the last one. He complimented Sen. Essmann for making the gesture.
- 01:42:37 Commissioner Vaughney asked how the report will be delivered. Ms. Weiss explained that she would submit a cover letter signed by the Commissioners and would also submit a number of documents, including maps, reports, block equivalency files, and more. She said that President Essmann and Speaker Blasdel would receive paper copies and that CD versions would be provided to each member of the House and Senate.
- 01:43:52 Commissioner Regnier asked if the letter was available for the Commissioners to sign. Ms. Weiss distributed copies of a draft letter to Speaker Blasdel and President Essmann (EXHIBIT 8). The Commissioners read the draft letter and agreed that it was appropriate. Commissioner Regnier asked the Commissioners to sign the letter after adjourning the meeting.

ADJOURNMENT

With no further business before the Commission, Commissioner Regnier adjourned the meeting. The final meeting of the Districting and Apportionment Commission is tentatively scheduled for February 12, 2013.

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