



# Montana Districting and Apportionment Commission

## Commission members:

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## Staff:

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Secretary

## MINUTES

December 6, 2012,

Room 152, 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, via polycom  
Jon Bennion  
Joe Lamson  
Pat Smith, via polycom  
Linda Vaughey

### **STAFF PRESENT**

Rachel Weiss, 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 a Bennion motion to amend the Great Falls districts (a51\_JB\_123);
- did not approve a Bennion motion to amend the Great Falls districts (a52\_JB\_123);
- approved a four part compromise amendment offered by Commissioner Regnier to amend a number of districts and to instruct staff to prepare the final report for presentation to the 2013 Legislature; and
- approved a motion to have Commissioner Bennion write the formal justifications for each district.

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

00:00:20 Commissioner Regnier called the meeting to order at 2:00 p.m. The Secretary took roll, all members were present. Commissioner Regnier and Commissioner Smith participated in the meeting via teleconference (Attachment 3).

#### **WELCOME AND ANNOUNCEMENTS/OVERVIEW OF MEETING PURPOSE AND DISTRICTING CRITERIA**

00:00:28 Commissioner Regnier welcomed everyone to the meeting and explained that the purpose of the meeting is to deal with amendments to house districts.

#### **DISCUSS AND VOTE ON PROPOSALS TO AMEND TCP DISTRICTS**

00:01:22 **Commissioner Bennion moved to approve amendment a51\_JB\_123 (EXHIBIT 1) to revise the Tentative Commission Plan (TCP for Great Falls districts).** He spoke to his amendment as being a reasonable alternative to Great Falls districts to deal with concerns and compliance with mandatory criteria. He discussed his concerns further.

00:03:08 Commissioner Lamson spoke against motion, saying the problem is that it ignores the preponderance of testimony regarding the urban core of Great Falls. He said that he will reluctantly oppose this, with the understanding that other alternatives that deal with the Malmstrom district will be proposed.

00:04:08 Commissioner Smith agreed with Commissioner Lamson, and said that he and Commissioner Lamson do have an alternative amendment to offer that will address the appearance issues.

00:04:37 **Commissioner Bennion's motion failed on a 2-3 voice vote. Commissioner Lamson, Commissioner Smith, and Commissioner Regnier voted no.**

00:05:06 **Commissioner Bennion moved a52\_JB\_123 (EXHIBIT 2) to amend the TCP for Great Falls districts.** He explained that it is similar to the last amendment and attempts to resolve the concerns about noncompact districts and the shape of the odd-shaped district.

00:06:06 Commissioner Lamson said he would reluctantly oppose this amendment as well.

00:06:41 Commissioner Smith concurred with Commissioner Lamson. Commissioner Vaughney concurred with Commissioner Bennion.

- 00:06:51 **Commissioner Bennion's motion failed on a 2-3 voice vote. Commissioner Lamson, Commissioner Smith, and Commissioner Regnier voted no.**
- 00:07:14 Commissioner Regnier said, as presiding officer of the Commission, he would make a compromise motion. He said that he is aware that Commissioner Bennion plans to make a motion to amend the proposed senate pairings, as voted on at the previous meeting. He said that he has promised Commissioner Bennion that the Commission would have a serious discussion on that amendment at some point before the final adoption of the plan.
- 00:09:01 **Commissioner Regnier moved four parts of his compromise motion:**
- 00:10:05 **1. To adopt Commissioner Bennion and Commissioner Vaughey's amendment for Malta and Harlem to unite HDs 32 and 33 (a45\_JB\_1026 - EXHIBIT 3). He explained why he supports that change.**
- 00:11:44 **2. To adopt a hybrid amendment with two parts: include Commissioner Lamson's and Commissioner Smith's amendment for Cascade County regarding the Malmstrom district (a50\_JL\_121 - (EXHIBIT 4) and to also include Commissioner Bennion's and Commissioner Vaughey's amendment to move Cascade and Ulm into a rural district and to move part of the rural district south of Great Falls into the Fox Farm district (a53\_JL\_125) - EXHIBIT 5).**
- 00:13:08 **3. To incorporate the above two amendments and adopt the global amendment proposed by Commissioners Lamson and Smith regarding the population deviations (a49\_JL\_1130 - EXHIBIT 6), which would get the deviations to less than 1%.**
- 00:13:56 **4. Present to plan for a public hearing on December 19, 2012, and accept staff recommendations for technical adjustments that may be needed.** He asked Ms. Weiss to read back the motion.
- 00:13:56 **Rachel Weiss, Research Analyst, Legislative Services Division LSD, read back the motion:**
- move the Bennion-Vaughey amendment for Malta and Harlem from a45\_JB\_1026 (EXHIBIT 3);
  - move the hybrid amendment for Cascade County which includes the Lamson-Smith amendment (a50\_JL\_121 - EXHIBIT 4) and the Bennion-Vaughey amendment (a53\_JL\_125 - EXHIBIT 5);
  - move the Lamson-Smith global amendment to reduce the population deviation to less than 1% (a49\_JL-1130 - EXHIBIT 6) ; and
  - present the plan for public hearing on December 19, 2012.
- 00:15:53 Commissioner Lamson asked Ms. Weiss to display the proposed Great Falls amendment for the Malmstrom district. He discussed how the district will look after being amended.

- 00:16:40 At Commissioner Bennion's request, Ms. Weiss displayed the Bennion-Vaughey amendment for Malta and Harlem (a45\_JB\_1026 -EXHIBIT 3) Commissioner Bennion explained the changes that would move Malta and Harlem.
- 00:18:16 Commissioner Lamson asked to view the Bennion-Vaughey amendment for Cascade County (a53\_JL\_125 - EXHIBIT 5). Commissioner Bennion explained the changes that will move Cascade and Ulm, and adjust the Fox Farm district lines.
- 00:20:00 Commissioner Lamson and Commissioner Smith stated their support for Commissioner Regnier's compromise amendment. Commissioner Bennion and Commissioner Lamson discussed Broadus, and if it would be dealt with in the global amendment (a\_JL\_1130 - EXHIBIT 6). Commissioner Bennion said he would like it on record that Broadus will be dealt with. Commissioner Regnier said so noted.
- 00:21:43 Commissioner Bennion said that he appreciated the Commission's responsiveness to Malta. He said he also liked that the deviations were going to be adjusted down even further and that this Commission was setting the bar high for future Commission. He said that he is still extremely disappointed with the Great Falls districts because he doesn't feel like any Republican ideas were incorporated and that the decisions made for Great Falls were purely political.
- 00:22:52 The Commissioners discussed the statewide deviations. All agreed that substantial progress has been made in this area and that improvements in technology and census data allowed this Commission to achieve the low deviations.
- 00:24:50 Commissioner Vaughey commented that she was having difficulty in wholeheartedly supporting or rejecting the compromise motion because it has three parts that are not closely related. She discussed her concerns further.
- 00:28:42 **Commissioner Regnier's compromise motion passed on a unanimous voice vote.** Commissioner Regnier said the plan, as amended, will be presented at the December 19 hearing for public comment. The Commissioners discussed when a final vote would be taken, in order to submit its final plan to the 2013 Legislature. Ms. Weiss said that a final vote would have to be taken on December 19 in order to submit it to the Legislature.

#### **REVIEW/DISCUSS PROCESS TO CREATE AND ADOPT WRITTEN JUSTIFICATIONS FOR ANY POPULATION DEVIATIONS**

- 00:31:36 The Commission discussed its requirement to have written justifications for all districts with a deviation from the ideal population.

#### **OTHER ITEMS**

- 00:34:08 Commissioner Regnier asked if staff needed additional information or direction. Ms. Weiss said no. Commissioner Regnier reviewed the December 19 meeting agenda. Ms. Weiss said staff will work in revised versions of maps so the public can view and comment on them.

**ADJOURN**

00:35:58

Commissioner Regnier adjourned the meeting at 2:38 p.m. The Districting and Apportionment Commission will meet next on December 19, 2012, at 2:00 p.m., in Helena, Montana.

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