



Montana Districting and Apportionment Commission

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MINUTES

March 27, 2012
7:00 p.m.

Butte-Silver Bow County Courthouse
Butte, 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 Vaughay

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.

CALL TO ORDER AND ROLL CALL

00:00:00 Commissioner Regnier called the meeting to order at 7:03 p.m. The Secretary took roll, all members were present (Attachment)

#3). The Commission members introduced themselves. Commissioner Regnier reviewed meeting protocol and the ground rules for giving public comment.

OVERVIEW OF ADOPTED CRITERIA

00:04:17 Commissioner Regnier reviewed the mandatory and discretionary criteria. Commissioner Regnier explained that four of the five maps were prepared by Legislative Services Division (LSD) staff, and the fifth map proposal was prepared by Commissioners Lamson and Smith (Communities Plan).

PUBLIC COMMENT

00:10:35 **Rep. Jon Sesso, HD 76, Butte**, welcomed the Commissioners to his district and thanked them for their service. He said that while he understands the challenges of working with Butte's population loss, he would like it if Butte's four legislative districts could be left as is. He said that he realizes that won't be possible so, after review of all of the proposed plans, he supports the Communities Plan. Rep. Sesso discussed elements of the Communities Plan and said that it is the most fair in trying to maintain community identity while allowing for competitive districts.

00:16:03 **Leslie Thomas, Boulder**, read a statement in support of the Communities Plan. She said it would keep small towns intact and would also provide three representatives in Jefferson County while maintaining the Jefferson County majority house seat. Ms. Thomas discussed reasons why she supports the Communities Plan.

00:17:08 **Cele Pohle, Powell County Commissioner**, read a letter of support for the Subdivision Plan, which would combine Powell and Granite Counties into one legislative district (EXHIBIT 1). Ms. Pohle's testimony also included a copy of joint resolution 2011-1 between Powell County and Granite Counties (EXHIBIT 2).

00:18:16 **Ed Lord, Granite County**, spoke in support of the Subdivision Plan. He said that it perfectly fits the mandated criteria.

00:18:58 **Connie Lord, Granite County, Philipsburg**, spoke in support of the Subdivision Plan to combine Granite and Powell Counties into one district. She said that both political parties are in support and that it fits the criteria and needs of the people.

00:19:45 **Sen. Gene Vuckovich, Butte, SD 43**, spoke in support of the Communities Plan, saying it keeps small towns like Deer Lodge and Drummond intact and keeps Anaconda, Deer Lodge, Granite and Powell Counties wholly intact. He said it also recognizes the economic, social, and cultural commonalities of the area and has the lowest deviation factor of any of the plans.

- 00:21:50 **Amanda Curtis**, math teacher and candidate for HD 76, spoke in support of the Communities Plan, saying that she likes it because it has the lowest deviation and also keeps communities intact.
- 00:23:13 **Leonard Wortman, Chair, Jefferson County Commission**, thanked the Commissioners for the opportunity to give public comment on the proposed maps. Mr. Wortman distributed a packet of maps prepared by the Jefferson County Commissioners (EXHIBIT 3) and an envelope of public comments from Jefferson County citizens. He said he is dismayed by all five proposals because all of them split Jefferson County. He said it is essential that Jefferson County maintain its own identity as a rural county and that the maps proposed by the Jefferson County Commissioners meet the county's needs and follows the criteria adopted by the Districting and Apportionment Commission. Mr. Wortman said that four public hearings have been held in his county and that there has been overwhelming support from the citizens for the Jefferson County plan.
- 00:28:34 **Tammy Johnson, Jefferson County, north of Whitehall**, said that she opposes all five plans because all five split up Jefferson County. She agreed with Mr. Wortman that it is very important that Jefferson County retain its own identity. She asked the Commissioners to go back to drawing board and redraw district lines to keep Jefferson County more intact and said that she would strongly oppose any attempt to dismantle Jefferson County.
- 00:32:25 **Kevin Curtis, citizen of Butte-Silver Bow**, spoke in support of the Communities Plan.
- 00:33:00 **Rep. Mike Miller, HD 84**, spoke in opposition to the Communities Plan. He also submitted written comments (EXHIBIT 4).
- 00:34:34 **Ed Zempel, legislative candidate, Silver Bow County**, spoke in support of the Communities Plan.
- 00:35:33 **Rep. Pat Noonan HD 73, Ramsay**, stated that the Urban Rural Plan would create havoc in his current district. He spoke in support of the Communities Plan and submitted into the record a letter from Rep. Edie McClafferty, HD 75, stating her support for the Communities Plan (EXHIBIT 5).
- 00:38:23 **Sen. Jim Keane, SD 38, Butte**, submitted into the record a map displaying the geological characteristics of Butte-Silver Bow, Jefferson, and several other surrounding counties of (EXHIBIT 6) and said it is the mining and natural resource history that is the true community of interest in that region. He said that he is trying to represent the "mining district" because it is the economic driver of the region and that the Communities Plan is the only plan would accomplish that.
- 00:40:51 **Mary McLaughlin, Butte-Silver Bow**, support in support of the Subdivision Plan.

- 00:41:12 **Steve Flynn, Deer Lodge**, submitted into the record a letter stating his support for the Subdivision Plan (EXHIBIT 7). He said that he agrees with Mr. Wortman's and Ms. Pohle's comments.
- 00:41:59 **Josh Peck, Butte-Silver Bow County**, spoke in support of the Communities Plan and said that he agrees with comments made by Representatives Sesso and Noonan.
- 00:42:17 **Bob Sims, Boulder Valley, Jefferson County**, said that as a rancher, he needs a representative who will represent the needs of ranchers in the issues that are important to them, such as water rights and wolves. He said that the Jefferson County Commissioners' plan will best serve Jefferson County's economic, rural, and cultural interests. If that can't be done, Mr. Sims suggested that the county be cut in half and that the additional population needed be borrowed from Butte-Silver Bow.
- 00:44:15 **Rich Day, Montana Conservation Voters**, said that he supports the Communities Plan for the many reasons already stated. He said it is fair and equitable for all.
- 00:45:07 **Christene Wagner, on behalf of Bob Wagner, HD 71**, said that Rep. Wagner has received many phone calls from citizens who are concerned about splitting up Jefferson County. She said that if the county must be divided, it would be important to maintain good representation for the rural areas.
- 00:46:12 **Joy De Rosier, Jefferson County**, spoke in support of the Jefferson County Commissioners' plan, saying it would keep the county intact and protect rural interests.
- 00:46:42 **Ryan Lynch, Butte-Silver Bow**, HD 74 candidate, thanked the Commissioners for their work and spoke in support of the Communities Plan.
- 00:47:11 **Ron Fick** spoke in support of the Communities Plan.
- 00:47:47 **Kathy Swanson, Anaconda-Deer Lodge County**, said that she strongly supports the Communities Plan.
- 00:48:30 **John Paull, Butte**, spoke in support of the Communities Plan, saying that it keeps small towns together and has a small deviation factor.
- 00:49:19 **Dan Harrington, Butte**, former legislator, said that he believes the Communities Plan is the best plan for Montana and that he agrees with the statements made by Rep. Jon Sesso.
- 00:50:33 **Charles Wideman**, said that he strongly opposes the Communities Plan. He discussed the definition of "community" and said the Plan doesn't fit with the definition. He said that Butte residents and elected officials have no connection to the small communities in Jefferson County and that the small communities have totally different needs than Butte.

- 00:51:46 **Tom Harrington, Jefferson County**, said that he agrees with Mr. Wortman's comments about the needs of Jefferson County and said that he supports the Jefferson County Commissioners' plan. He said that Jefferson County is one of fastest growing counties in the state and that it concerns him that it is being chopped up. He discussed how the needs of rural voters get diluted when they become the minority in their voting district. He said voter patterns would reveal big differences between Jefferson County and Butte-Silver Bow County and he urged the Commissioners to look at the Jefferson County plan.
- 00:54:28 **Dan Miles, President, Butte-Silver Bow Burros Club**, thanked the Commissioners for their service and spoke in support of the Communities Plan.
- 00:55:11 **Debra Hanneman, Whitehall**, spoke in support of the Jefferson County Commissioners' plan. She said that it is imperative that Jefferson County is kept as much as a single entity as possible.
- 00:55:43 **Rep. Jeff Welborn, HD 72, Beaverhead County**, thanked the Commissioners for their service. He discussed Beaverhead County and said that the Communities Plan would further drive a wedge between rural and urban voters and that he supports the Subdivision Plan.
- 00:56:56 **Janet Chapman, Whitehall**, spoke in support of the Jefferson County Commissioners' plan.
- 00:57:17 **Joan VanDuynhoven, Basin**, spoke in support of the Communities Plan, saying it would allow Jefferson County to have a seat in the Legislature that would represent a majority of Jefferson County.
- 00:58:02 **Rep. Max Yates, HD 74, Butte**, said that he supports the Subdivision Plan. He said it would be good for Butte and that he would oppose any plan that would use past voting history to achieve a partisan outcome. He thanked the Commissioners for their service.
- 00:59:01 **Sen. Debbie Barrett, SD 36, Dillon**, agreed with Rep. Welborn's comments about the needs of Beaverhead County and said that while she does not have a preferred plan yet, she opposes the Communities Plan and what it would do.
- 00:59:51 **Cort Freeman, Butte**, thanked the Commissioners for their service. He said that he supports the Subdivision Plan for the same reasons as stated by Rep. Yates. He encouraged the Commissioners to consider Mr. Wortman's comments about the past history of Jefferson County.
- 01:00:52 **Marty Johnson, Whitehall, Jefferson County**, said that there are enough residents in Jefferson County for a fully contained House district, that he strongly opposes the Communities Plan, and that he supports the Jefferson County Commissioners' plan. He said that he wouldn't mind being in with other rural counties if a division is necessary.

- 01:03:23 **Marion Jensen, Chair of Butte-Silver Bow Democrats**, spoke in support of the Communities Plan, saying that it keeps small cities together. She said that while the focus of comments appear to be on the differences between the needs of Butte-Silver Bow and Jefferson County, she believes that there is much in common.
- 01:04:59 **Melba Freeman**, said Butte-Silver Bow has unique needs and that she wants Butte legislators to reflect Butte's interests and to not have to think about outside needs. She said that she opposes the Communities Plan and would prefer the Deviation Plan, Urban Rural Plan, or Subdivision Plan over the Communities Plan. She said she would be opposed to any plan created to achieve a partisan outcome.
- 01:06:51 Commissioner Regnier recessed the hearing for a break at 8:10 p.m.
BREAK
- 01:23:46 Commissioner Regnier called the hearing back to order at 8:25 p.m.
- 01:24:09 **Nancy Wheeler, Whitehall, Jefferson County**, said that she strongly agrees with the statements made by Mr. Wortman, Tammy Johnson, and Tom Harrington. She said that she supports the Jefferson County Commission plan.
- 01:25:15 **John Davis, Powell County**, said that he agrees with the statements made by Ms. Pohle and Rep. Miller for keeping Powell and Granite Counties together. He said that he supports the Subdivision Plan.
- 01:25:41 **Maxine Samuelson, Whitehall, Jefferson County**, said that she strongly supports the Jefferson County plan.
- 01:26:03 **Tom Wheeler, Jefferson County**, said that he agrees with statements made by Tom Erickson regarding the ripple effect, that he supports the Jefferson County Commissioners' plan, and that he appreciates the transparency of the districting process so far.
- 01:26:52 **Sandra Hunt, Whitehall**, thanked the Commissioners for their work and asked that they consider fully the strong support expressed for the Jefferson County Commissioners' plan. She said that she supports the plan because it keeps the county whole.
- 01:27:50 **Rick Saunders, Whitehall, business owner**, spoke in support of the Jefferson County plan and asked that the Commission keep their minds open and not be swayed by politicians running for office.
- 01:28:46 **Michael Kello, Butte-Silver Bow**, said that he supports the Communities Plan because it would most equitably represent the area and that he agrees with comments made by Rep. Jon Sesso and Marion Jensen.

COMMISSIONER COMMENTS AND OTHER BUSINESS

- 01:30:24 Commissioner Regnier thanked everyone for their participation and comments. He said that districting is a complicated and difficult process and that he was

impressed by the people who have taken the time to study the issue and give helpful comments. He encouraged the public to continue to submit comment and to participate in the process.

- 01:32:33 Commissioner Bennion thanked everyone for their comments and said it is a good thing when so many choose to speak out for their community's needs. He said the more people are involved, the more likely it is that the final maps will reflect the people's needs.
- 01:33:31 Commissioner Lamson agreed that the hearings held have yielded helpful comments. He said he appreciated the comments regarding the transparency of the Commission's work and emphasized that all of the meetings are open meetings and usually streamed live. He said that the Commissioners would take the comments to heart as it tries to put together a plan that is balanced to fit the needs of all citizens.
- 01:34:44 Commissioner Vaughay said she also was very appreciative of the public participation. She encouraged people to stay in touch with the Commission and to submit additional comment or new ideas.
- 01:35:31 Commissioner Smith thanked everyone for taking the time to participate. He said that strong turnouts for the hearings are much appreciated by the Commissioners.
- 01:36:00 **Rachel Weiss, Research Analyst, Legislative Services Division**, requested that the Commissioners not wait until the August working session to submit ideas for amending the proposed maps. She said she would like them to get started on the thought process of how to move the process forward after initial public hearings are concluded. She said her goal is to have maps prepared for consideration on the first day of the August hearings. Commissioner Lamson and Commissioner Regnier commented on how the process should proceed.

ADJOURNMENT

- 01:41:13 With no further business before the Commission, a motion was made to adjourn the meeting at 8:43 p.m. The Districting and Apportionment Commission will meet next on March 28, 2012, in Helena, Montana.

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