



# 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 13, 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:

- approved meeting minutes for February 17, 2012, March 13, 2012, March 14, 2012, March 27, 2012, March 28, 2012, April 12, 2012, April 13, 2012, April 18, 2012, April 19, 2012, May 8, 2012, May 9, 2012, May 15, 2012, and May 16, 2012;

- approved a motion to begin proceedings with the Indian majority-minority districts and then onto northwest Montana;
- adopted the Communities Plan for House Districts 1-13, 16, 31, 32, 41, 42, 58, and 100;
- did not approve a motion to adopt the Communities Plan for HD 15;
- approved a motion to deal with the northwest region of the state;
- adopted the Criteria Plan for Toole and Pondera Counties (HDs 17 and 26);
- adopted the Criteria Plan for Livingston (HD 59); and
- adopted an amended Communities Plan for Miles City (HD 39).

**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](http://leg.mt.gov/districting).**

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

00:00:00 Commissioner Regnier called the meeting to order at 10:02 a.m. The Secretary noted the roll, all members were present (Attachment 3). Commissioner Regnier reviewed the meeting agenda and protocol to be followed.

### **Adoption of Minutes**

00:02:40 **Commissioner Vaughey moved approval of the February 17, 2012, March 13, 2012, March 14, 2012, March 27, 2012, March 28, 2012, April 12, 2012, April 13, 2012, April 18, 2012, April 19, 2012, May 8, 2012, May 9, 2012, May 15, 2012, and May 16, 2012, meeting minutes.** Commissioner Lamson noted that he had several minor changes and additions to make them more complete and said that he would provide his changes to staff. **The motion passed on a unanimous voice vote.**

### **Overview of Meeting Purpose and Districting Criteria**

00:04:06 Commissioner Regnier explained the format of the week-long meeting, saying that the majority of each day would be used as an executive work session with a brief period of time allotted daily for public comment. He said that more public hearings would be scheduled later in the fall and again after the final plan is submitted to the Secretary of State.

00:05:11 Commissioner Regnier thanked the citizens of Montana for their genuine interest in the work of the Commission. He said the comments were well received and would be duly considered. He said that the process would likely involve tentative voting on different regions and that nothing would be final until later in the process. He encouraged all citizens to continue to submit comment.

00:06:30 Commissioner Regnier reviewed the mandatory criteria, as adopted by the Commission on May 28, 2010 (EXHIBIT 1).

00:08:26 Commissioner Smith reviewed the high points of the Federal Voting Rights Act (FVRA), including the lawsuit filed in Montana in 1984 (*Windy Boy v. Big Horn County*) and the creation of Montana's six Indian majority House Districts and three Indian majority Senate Districts (EXHIBIT 2).

- 00:14:29 Commissioner Regnier reviewed the discretionary criteria, as adopted by the Commission on May 28, 2010 (EXHIBIT 1).
- 00:15:32 Commissioner Regnier offered his personal comments on the public hearing process, which included political trends in Montana, the independent nature of Montanans, and the importance of qualified candidates. He said that while partisan members of the Commission need to understand the political landscape of Montana, their primary focus must be to protect the interests of all Montanans. He urged his fellow Commissioners to adopt a plan based on the criteria and said as the Chair, he would encourage compromises. He thanked his colleagues on the Commission for their work and dedication.
- 00:19:26 Commissioner Bennion said that he enjoyed the process very much, particularly hearing from citizens all across the state. He said that there will be opportunities to compromise on a number of issues but that the adopted criteria and Constitutional requirements must never be compromised. He said that the Commission's final product will work if the Commission can adhere to those things.
- 00:20:25 Commissioner Vaughey agreed that the great amount of interest from the public has been much appreciated and said that she appreciates the time citizens took to voice their concerns and opinions. She said she hopes to stay focused on the mandatory and discretionary criteria and that she is looking forward to creating a map that "looks like Montana".
- 00:22:00 Commissioner Lamson echoed the previous comments, saying that it has been a long process with lots of travel but that the opportunity to hear opinions from so many has been valuable.
- 00:22:39 Commissioner Smith said that he applauds all of the citizen involvement of this process and the effort of staff. He said that he really enjoyed working with all the Commissioners and that while he knew there would be disagreements, he knows that all have taken the process very seriously and want to create the best product possible.
- 00:23:20 Commissioner Regnier said that staff would provide a brief summary of each of the five plans submitted so far.
- 00:23:55 **Rachel Weiss, Research Analyst, Legislative Services Division (LSD)**, explained that in July 2011, the Commissioners adopted themes for four maps for consideration and public comment: Existing Plan, Urban Rural Plan, Subdivision Plan, and the Deviation Plan. She briefly described each plan.
- 00:25:26 Commissioner Lamson said that a fifth plan, the Communities Plan, was submitted by Commissioner Smith and himself. He gave a brief summary of the Plan and said that he is glad to hear that there are areas for compromise where adjustments can be made to meet the needs of the citizens.

00:28:06 Commissioner Regnier recessed the meeting for five minutes to allow staff to deal with technical issues.

**BREAK**

00:39:11 Commissioner Regnier called the meeting back to order at 10:42 a.m. He said that Commissioner Bennion would present an additional plan.

00:39:37 Commissioner Bennion said that the Criteria Plan is based on aspects of each of the previous plans, with the exception of the Existing Plan, and suggestions from the public. He thanked Commissioner Vaughey and LSD staff for their assistance in developing the Criteria Plan. He stated that the Plan was not drawn by staff but that staff did assist him when needed. Commissioner Bennion noted that election results were not used in the development of the Plan and that he believes the Criteria Plan would be the best starting point for designing a final map.

00:42:05 Commissioner Bennion discussed the elements of Criteria Map. His discussion points included specific regions of the state as follows:

00:42:39 Missoula and surrounding area

00:43:48 Lake County and Pablo area

00:44:36 Flathead area and Kalispell

00:46:09 Ravalli County

00:46:49 Butte and southwestern Montana

00:48:00 Commissioner Lamson asked for clarification on the Whitehall district boundaries. Commissioner Bennion explained why he placed a portion of Broadwater County in with East Helena and Jefferson County, saying that Broadwater County, Lewis and Clark County, and Jefferson County have many things in common.

00:49:36 Lewis and Clark County

00:50:28 Lewistown and central Montana

00:51:20 Bozeman

00:52:47 Great Falls and Cascade County

05:53:49 Browning and Glacier County

00:55:08 Havre

00:56:54 Glasgow

00:57:47 Eastern Montana

- 00:58:41 Crow Agency
- 00:59:50 Billings and greater Yellowstone County area
- 01:00:32 Livingston
- 01:00:55 Commissioner Bennion provided copies of a summary of the Criteria Map (EXHIBIT 3).
- 01:05:05 Commissioner Vaughey discussed three points regarding the Criteria Plan:
- because the Plan was not drawn until the end of the process, it was possible to incorporate much of the public comment;
  - the Criteria Plan keeps many counties whole, which is important to many Montanans; and
  - at no time was consideration of election results a part of the process in drawing the Criteria Plan.
- 01:07:28 Commissioner Vaughey said that she heard time and again from the public that the new districts should not be a reflection of partisanship but a reflection of the needs of the citizens. She said that the Criteria Plan, to a large extent, does that.
- 01:08:29 Commissioner Lamson commented on the Criteria Plan and said that the Communities Plan better represents the needs of the state.
- 01:11:55 Commissioner Smith asked for additional information on Indian voting age populations in the Criteria Plan. Commissioner Bennion said he would provide it after the next break. In response to a question from Commissioner Smith about the status of HD 15 in the Criteria Plan, Commissioner Bennion said that the Criteria Plan keeps the communities of Pablo and Ronan whole.
- 01:13:20 Commissioner Smith commented that there are areas to agree on in the Criteria Plan but that he also sees areas of major concern. He thanked Commissioners Bennion and Vaughey for their perspective and work.

### **Public Comment**

- 01:14:34 **Leonard Wortman, Jefferson County Commissioner**, said that he likes the Criteria Plan but that he still has concerns about Whitehall and Cardwell being paired with Canyon Ferry. He said that Jefferson County residents share huge communities of interest with Madison County through school districts, local fairs, fire districts, and more and that he said he would still prefer being paired with Madison County.
- 01:16:07 **Dan Happel, Madison County Commissioner**, asked to have Madison County and its associated voting districts left whole. He said that he prefers the Criteria Plan over the others and would support it but that he shares many of Commissioner Wortman's concerns about the two counties being chopped up and moved into other districts. He said both counties are very rural with strong agricultural roots, which is a minority interest that is often overlooked.

01:22:00 Commissioner Regnier said that the Commission would recess for lunch and to give the Commissioners an opportunity to study the Criteria Plan. Commissioner Regnier recessed the meeting at 11:25 a.m. and said it would reconvene at 1:00 p.m.

**LUNCH BREAK**

03:00:20 Commissioner Regnier called meeting back to order at 1:04 p.m. He said he would like to discuss the process the Commissioners will follow for the remainder of the week. He said he would prefer to begin by dealing with the majority-minority districts first and then move on to northwest Montana, excepting Missoula. He explained why he thought it best to proceed in that manner.

03:03:25 **Commissioner Smith moved to begin with the Indian majority-minority districts and then onto northwest Montana. The motion passed on a unanimous voice vote.**

03:03:44 Commissioner Regnier emphasized that all votes would be tentative and that none will be considered final until the Plan is filed with the Secretary of State.

**Discussion: Indian majority-minority Voting Districts**

03:04:29 **Commissioner Smith moved adoption of the Communities Plan for all six Indian majority-minority districts.**

03:06:13 Commissioner Bennion opposed the motion, saying that while there are areas of agreement, he would prefer to discuss these districts in pairs so that specific issues and differences can be addressed. The Commissioners discussed how to best proceed.

03:09:10 Commissioner Smith spoke in support of his motion. He reviewed how the Communities Plan best complies with the FVRA, how it would benefit the political cohesiveness of tribal governments because all seven tribal governments testified in favor of the Communities Plan, and how the Plan meets mandatory and discretionary criteria.

03:16:25 Commissioner Regnier requested that the Communities Plan and the Criteria Plan both be displayed on the screen so Commissioner Smith could discuss a comparison. Commissioner Smith discussed HD 41 in the Communities Plan, which includes the Crow and Northern Cheyenne Reservations. He noted that a table listing the statistics for proposed American Indian majority-minority Districts had just been distributed to Commissioner members (EXHIBIT 4).

03:18:36 Commissioner Regnier said Criteria Plan did make some changes in the Indian majority-minority districts. Commissioner Bennion said that he fully agrees that the Native Americans made their case and that the Criteria Plan does nothing to disrupt that. He discussed further how carefully the Criteria Plan was constructed in order to uphold the intent of the FVRA and to incorporate public comment.

03:21:21 Commissioner Regnier said it appears that the two main areas affected are Colstrip and in the Powder River area. He asked Commissioner Smith to comment. Commissioner Smith said the area east of the Cheyenne Reservation

is a strong aboriginal area and that there is quite a bit of anticipated economic activity slated to begin there, which the Northern Cheyenne is very involved in. He said that the Northern Cheyenne identifies strongly with that area and that it is logical to connect them.

- 03:24:06 Commissioner Lamson agreed that the Northern Cheyenne have long-standing cultural ties to the area east of their reservation. He discussed the Otter Creek agreement signed with the State and its significance, saying a key part of the plan includes job training that would greatly benefit the Northern Cheyenne. He also discussed the communities of interest in the Powder River area with the Northern Cheyenne and cautioned against changes that could start a ripple effect.
- 03:26:27 Commissioner Regnier asked how Colstrip could be affected. Commissioner Lamson said that the Commission heard testimony that Colstrip is considered an "anchor" community in its district because of its heavy involvement with energy development and construction, and the associated trade. He said placing Colstrip in with the Northern Cheyenne Reservation would change the traditional character of the area and that other considerations, such as school districts, were also considered in the Communities Plan.
- 03:28:13 Commissioner Bennion said that the intent of the Criteria Plan was follow the criteria and to incorporate the strong testimony from the Powder River citizens to keep it as a community. He said the testimony strongly opposed splitting small counties because it divides communities. He said the Criteria Plan keeps that community and Colstrip mostly whole, while also respecting the FVRA and what the Communities Plan was trying to accomplish.
- 03:29:29 Commissioner Smith discussed HD 31 in the Communities Plan, which includes the Fort Peck Reservation. He explained the district line changes made and said that it was very similar to the current district. He said that the population decline in the region is mainly what necessitated the changes but that the district still includes the communities along the river. His discussion points included Indian voting age statistics for the area and district line changes in each affected county.
- 03:32:29 Commissioner Bennion discussed how the Criteria Plan would affect the area, including the Indian majority-minority districts and Indian voting age populations. He said the Criteria Plan is a better fit for Malta, based on the comment received, while maintaining the intent of the Communities Plan.
- 03:36:07 Commissioner Regnier asked Commissioner Smith to respond to Commissioner Bennion's comments about Malta. Commissioner Smith said one has to look at the whole picture and recalled testimony that certain areas did not want to be included in a reservation district, which they are, in the Criteria Plan. He also recalled not hearing much comment from Malta during the public comment period. Commissioner Smith commented on deviation and his concern about the changes in Indian voting age populations in the area under the Criteria Plan.

03:39:35 Commissioner Lamson commented that the Communities Plan keeps Glasgow whole as well as taking care of on-reservation and off-reservation needs.

03:40:29 Commissioner Bennion responded to Commissioner Smith's concerns about Indian voting age population and the potential for "packing" that district. He said that he, too, is sensitive to that possibility and that his goal was to achieve a balance while incorporating public comment. He said the intent was not to "pack" a district.

03:41:56 Commissioner Lamson said the comments should be construed only as a mild criticism of the Criteria Plan and that the main intent of the Criteria Plan is to deal with the comments of the off-reservation constituents. He said that there was overwhelming public comment in favor of the Communities Plan.

03:42:50 Commissioner Smith and Commissioner Bennion discussed keeping Glasgow intact. Commissioner Smith discussed the public comment received in favor of keeping it whole. Commissioner Bennion discussed the ripple effect of that decision.

03:45:01 Commissioner Regnier recessed the meeting for a short break.  
**BREAK**

03:50:39 Commissioner Regnier called the meeting back to order at 1:49 p.m.

03:51:05 Commissioner Smith made an additional comment regarding the importance of Indian influence in voting districts and noted that under the Criteria Plan, the Indian voting age population in HD 29 of that Plan would decrease from 14% to 7%, which would be a drastic change.

03:52:10 Commissioner Smith discussed HD 16 in the Communities Plan, saying it is fairly similar to the existing district but doesn't extend as far into Toole County and includes the western part of Cut Bank. He referred to public comment from the Browning hearing given in support of that district. He noted that Cut Bank is the Glacier County seat and that there are strong ties between Cut Bank and the native community.

03:53:28 Commissioner Smith discussed the Indian voting age population in HD 16 and HD 15.

03:54:22 Commissioner Smith compared HD 15 boundaries in the Communities versus the Criteria Plan, and his concern about how the Indian voting age population would drop in the Criteria Plan.

03:57:34 Commissioner Regnier recalled public comment in Great Falls or Browning that Heart Butte should be connected to Browning. Commissioner Lamson said that in the Communities Plan, Heart Butte is in HD 15 with Browning. He noted that Browning is split into HD 15 and HD 16.

04:01:02 Commissioner Bennion said that there are the least amount of differences between the Communities and the Criteria Plans in this area. He said that he



thought HD 16 is the Communities Plan line for line in the Criteria Plan and discussed different options that were considered in drafting the Criteria Plan and why the lines were drawn as they were in the Criteria Plan.

04:04:07 Commissioner Regnier asked several questions about the placement of Ronan and Pablo in the Criteria Plan and the Communities Plan, including the population and the overall Indian voting age population in HD 15 and HD 16 under each proposed plan. Staff and other Commissioners responded to his questions.

**Vote: Indian majority-minority Voting Districts**

04:09:47 Commissioner Regnier said the vote would be taken on Commissioner Smith's motion to approve the Communities Plan for the six Indian majority-minority voting districts. **Commissioner Vaughey made a substitute motion to bifurcate the six districts for an individual vote for each.** Commissioner Smith said he would prefer to vote on all six at once, considering it has already been established that the votes are tentative and that changes can be made. He listed several reasons for his preference for a single vote on all six districts.

04:12:17 Commissioner Bennion spoke in support of Commissioner Vaughey's motion.

04:13:43 **Commissioner Vaughey's motion to bifurcate passed on a 3-2 voice vote. Commissioner Lamson and Commissioner Smith voted no.**

04:14:19 **Commissioner Smith moved adoption of the Communities Plan for HD 41. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

04:15:30 **Commissioner Smith moved adoption of the Communities Plan for HD 42. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

04:16:20 **Commissioner Smith moved adoption of the Communities Plan for HD 31. The Commissioners discussed the motion. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

04:18:54 **Commissioner Smith moved adoption of the Communities Plan for HD 32. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

04:19:20 **Commissioner Smith moved adoption of the Communities Plan for HD 16. The motion passed on a unanimous voice vote.**

04:20:12 **Commissioner Smith moved adoption of the Communities Plan for HD 15. The motion failed on a 2-3 voice vote, Commissioner Bennion, Commissioner Vaughey, and Commissioner Regnier voted no.** Commissioner Regnier discussed his concerns about HD 15. Commissioners Bennion and Lamson responded to his questions and concerns. Commissioner

Bennion offered to work with Commissioner Smith and staff to work out the differences and to address Commissioner Regnier's concerns.

04:23:58 After additional discussion, Commissioner Regnier compared the issue to a "puzzle of moving parts" and thought it would be good to take a short break in order to allow further consideration of the discussion points. He recessed the meeting for a 15-minute break.

**BREAK**

04:40:39 Commissioner Regnier called the meeting back to order at 2:43 p.m.  
**Commissioner Regnier moved to address the northwest region of the state. The motion passed on a unanimous voice vote.**

04:42:12 **Joe Kolman, Research Analyst, LSD**, explained the maps being shown on the screen.

04:42:45 **Commissioner Lamson moved adoption of the Communities Plan for the northwest region of the state, which included Flathead, Lincoln, Sanders, Mineral, and Lake Counties, with the exceptions of the House District just voted on.**

04:43:26 Mr. Kolman clarified that the motion included House Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 100. Commissioner Lamson said yes and spoke in support of his motion.

04:46:17 Commissioner Lamson discussed Columbia Falls, the Hungry Horse area, and Whitefish, and why the Communities Plan would be the most beneficial plan.

04:48:23 Commissioner Regnier and Commissioner Bennion discussed how the Criteria Plan would affect Whitefish.

04:50:36 Commissioner Regnier, Commissioner Lamson, and Commissioner Bennion discussed population deviations in both plans.

04:53:39 Commissioner Lamson asked to view the Kalispell area maps. He discussed 0% districts and the difficulties of working with Kalispell because of its many little blocks and non-contiguous areas. He commented on the Criteria Plan, saying it splits the very urban Flathead district and feathers it into parts of Kalispell.

04:56:11 Commissioner Lamson discussed Lake County and said that the Communities Plan lines were drawn as they were in consideration of the strong Indian majority-minority district.

04:58:11 Commissioner Lamson contrasted the lines of the Communities Plan with the Criteria Plan and commented that the Communities Plan creates a much more compact district and recognizes the uniqueness of the community as a strong mixture of American Indian and non Indian citizens.

05:00:08 Commissioner Lamson discussed Lincoln County, as drawn in the Communities Plan.

- 05:01:20 Commissioner Regnier asked about Sanders and Mineral Counties. Commissioner Lamson said that the connection was a little more difficult to make these areas but that they do share many similarities.
- 05:02:45 Commissioner Regnier asked Commissioner Bennion to discuss the Criteria Plan as it would apply to the northwest region. Commissioner Bennion discussed Lincoln County and noted that he used the Communities Plan almost line for line and that only 59 people were moved.
- 05:03:56 Commissioner Bennion discussed Whitefish and Hungry Horse, pointing out differences between the Criteria Plan and Communities Plan. He said common sense changes were made and explained how they improved the districts.
- 05:04:39 Commissioner Bennion discussed Kalispell and noted a number of significant differences between the Criteria Plan and Communities Plan. He said that this area in particular has experienced a significant amount of growth in the last ten years and the Criteria Plan would give Kalispell two majority districts, which differs from the Communities Plan.
- 05:06:13 Commissioner Bennion discussed the greater Flathead region, including Polson and Lakeside. He said that a major deficiency in the Communities Plan is the lack of contiguous districts, which was commented on at the public hearings. He said the Criteria Plan would give Lake County two majority districts and create districts that are more geographically easy to represent than does the Communities Plan.
- 05:07:59 Commissioner Bennion said that he was willing to discuss options regarding Sanders County and that he would be open to incorporating some of the Communities Plan lines.
- 05:08:49 Commissioner Regnier questioned Commissioner Bennion about Kalispell and its communities of interest, as drawn in the Criteria Plan.
- 05:10:16 Commissioner Lamson referred to the Communities Plan map on the screen to explain how the Plan divided up the Kalispell area. He pointed out that Evergreen was included in the Kalispell district and that the districts has an almost 0% deviation. Commissioner Bennion said that the goal of the Criteria Plan is to apportion correctly two districts and that the notion of diversity, which is not a criteria, was not a consideration.
- 05:12:03 Commissioner Regnier asked if the Communities Plan also creates two Kalispell districts. Commissioner Lamson discussed how districts can be shaped by geography and that diversity is a factor because it is a broad part of a category.
- 05:13:53 Commissioner Regnier asked to view both plans again. Commissioner Lamson discussed the differences between the northern part of Lake County and southern Lake County. He noted that the highest American Indian influence district in the state is in southern Lake County and that the Indian voting age population would be decreased significantly in the Criteria Plan, compared to the

Communities Plan. He said it is important to have two Lake County districts, one being a FVRA district.

- 05:16:27 Commissioner Smith said that he strongly agrees with Commissioner Lamson's point about the importance of having a FVRA district in Lake County. He said the impact of the Criteria Plan would be drastic. Commissioner Bennion and Commissioner Smith discussed placement of Arlee and its importance in an Indian influence district, and different options and trade-offs for placement.
- 05:23:02 Commissioner Regnier recessed the meeting for a 10-minute break at 3:25 p.m.  
**BREAK**
- 05:36:58 Commissioner Regnier called the meeting back to order at 3:40 p.m.  
**Commissioner Lamson restated his motion to adopt the Communities Plan for districts in Flathead, Lincoln, Sanders, Mineral, and Lake Counties, excepting the district already voted on in Lake County.**
- 05:37:35 Ms. Weiss clarified that the motion would be for house districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 100.
- 05:37:52 Commissioner Smith asked to explain why Arlee was placed as it was in the Communities Plan (HD 15), saying that it is more contiguous and compact and that the Indian voting age population stays strong.
- 05:38:35 **The motion failed on a 2-3 voice vote. Commissioner Bennion, Commissioner Vaughey, and Commissioner Regnier voted no.**  
Commissioner Regnier asked Commissioner Lamson to work on revisions to the Communities Plan to address some of the issues discussed. He said that the Commissioners would revisit this area the next morning for further consideration.
- 05:39:49 Commissioner Regnier said that the Commissioners would deal next with Carbon County. The Commissioners viewed maps showing the current districts, the Communities Plan, and the Criteria Plan. Commissioner Regnier commented that the proposed plans appear to be identical. Mr. Kolman said it was because both plans keep Carbon County whole.
- 05:41:36 **Commissioner Vaughey moved adoption of HD 58 in the Communities Plan, noting that it is identical to HD 57 in the Criteria Plan. The motion passed on a unanimous voice vote.**
- 05:42:34 Commissioner Regnier said that Toole and Pondera Counties would be dealt with next. He noted that the corresponding maps were displayed on the screen. Commissioner Bennion said that the Communities Plan lines were used in the Criteria Plan.
- 05:44:45 **Commissioner Vaughey moved approval of the Criteria Plan for Toole and Pondera Counties (HDs 17 and 26).** Commissioner Lamson asked to add for the record that both districts had good bipartisan support and show the value of complying with the FVRA. **The motion passed on a unanimous voice vote.**

- 05:46:35 Commissioner Regnier said that Miles City and Livingston would be addressed next. Mr. Kolman displayed maps of Livingston on the screen, noting that the Criteria Plan map has green lines and the Communities Plan map has blue lines.
- 05:47:58 Commissioner Bennion said that the deviation rates are almost the same in both plans.
- 05:48:50 Commissioner Lamson said that because of strong public support from Park County, he would move the Communities Plan.
- 05:49:53 Commissioner Bennion said that the Criteria Plan reduces the deviation even further. He stated that he is noticing a troubling trend that the Communities Plan is being pushed line for line for each district, even though Commissioners Lamson and Smith have repeatedly stated that the final map won't resemble the Communities Plan. He said he is curious when that might happen. Commissioner Regnier said, that as Chair, he could assure Commissioner Bennion that the final map would not look like the Communities Plan.
- 05:51:11 Commissioner Regnier asked about the differences in deviation between the Criteria Plan and the Communities Plan. Commissioner Bennion said it is less than 1% and said that adhering to small deviations early in the process will allow the Commission more freedom later, when having to make needed adjustments to the maps. He said he is not totally wedded to the Criteria Plan but is troubled because of the lack of movement from Commissioners Lamson and Smith.
- 05:52:10 Commissioner Lamson disagreed, saying that many changes have been agreed to. He discussed his opinion further.
- 05:52:55 Commissioner Vaughey said this particular adjustment would follow the highway and make a more compact and ideal district, which is a criteria.
- 05:54:00 **Commissioner Lamson moved adoption of the Communities Plan for Livingston (HD 60). The motion failed on a 2-3 voice vote, Commissioner Bennion, Commissioner Vaughey, and Commissioner Regnier voted no.**
- 05:54:50 **Commissioner Bennion moved adoption of the Criteria Plan for Livingston (HD 59). The motion passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith voted no.**
- 05:55:44 **Commissioner Bennion moved adoption of the Criteria Plan for Miles City (HD 38).** Commissioner Regnier asked to see a comparison of the Communities Plan and the Criteria Plan. Mr. Kolman displayed both maps and said the Communities Plan has green lines and the Criteria Plan has blue lines. He pointed to where the two plans deviated from one another.
- 05:57:09 Commissioner Vaughey asked Mr. Kolman to explain each map's deviation percentage. Mr. Kolman said that the Communities Plan has a -.34% deviation and the Criteria Plan has a +.58% deviation.

- 05:57:50 **Commissioner Lamson made a substitute motion for Miles City and submitted a map outlining the changes he wished to make (EXHIBIT 5).** He explained how the map creates a more compact district and that the deviation is -.27%.
- 05:59:02 Commissioner Regnier asked Commissioner Bennion to discuss the rationale for the Criteria Plan lines. Commissioner Bennion said the intent was to achieve a balance in deviation, particularly from a statewide approach. He said that he did not have a great deal of concern about the amendment offered by Commissioner Lamson but stated that he would prefer that future amendments be created by legislative staff.
- 06:01:34 Commissioner Lamson restated his motion, calling it a "compromise plan" offered by the Democrats for Miles City (HD 39 in the Communities Plan and HD1 in the offered amendment) and that it creates a more compact district.
- 06:02:17 Mr. Kolman expressed concern about having only a paper copy of an amendment. Commissioner Lamson explained why he offered his amendment on paper and said he would provide an electronic copy later. Ms. Weiss said that staff is simply trying to clarify what will be voted on and what it is to draw. Commissioner Lamson and staff discussed the amendment and its effect. Commissioner Lamson corrected his statement and said he would provide an electronic copy, should the amendment be approved.
- 06:05:10 Ms. Weiss said the pending motion is for adoption of the Criteria Plan for HD 38. The substitute motion is for the amended Communities Plan.
- 06:06:01 Commissioner Regnier said the substitute motion vote would be taken first. **The motion passed on a unanimous voice vote.**
- 06:06:27 Commissioner Regnier briefly discussed how he envisioned the next day's meeting to progress. It was agreed that the remaining district in the northwestern part of the state would be dealt with, then work would proceed to Ravalli County and then Missoula.
- 06:08:45 Commissioner Regnier recessed the meeting at 4:10 p.m. He said that the Commission would reconvene the next morning (August 14, 2012) at 9:00 a.m.

CI0429 2293dfxa.



# 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

August 14, 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:

- approved amendment a1\_PS\_0813 - HD 15 compromise;
- adopted the Framework Plan, as proposed by Commissioner Regnier, for northwest Montana;
- approved amendment a2\_JL\_0813 - Whitefish/Columbia Falls/Hungry Horse adjustments;
- approved amendment a4\_JL\_0814 - Ravalli County/Pinesdale adjustment;
- approved amendment a5\_LV\_0814 - Orchard Homes and central Missoula; and
- approved amendment a6\_JL\_0814 - Missoula compromise.

**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](http://leg.mt.gov/districting).**

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

- 00:00:00 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 recapped the work done at the previous day's meeting, saying that tentative votes were approved for five of the six majority-minority districts. He said that Commissioner Bennion wanted to work on a compromise to keep Ronan intact and off of the Flathead Reservation and Pablo intact and a part of the Reservation. He said that Commissioner Bennion and Commissioner Smith worked on a compromise proposal for HD 15.
- 00:02:31 Commissioner Smith explained the compromise he and Commissioner Bennion were able to reach for Pablo and Ronan, which focused on keeping the population deviation as small as possible and not reducing the Indian voting age population, while keeping them in their own districts.
- 00:04:45 **Commissioner Smith moved to approve the compromise adjustment to HD 15.** Commissioner Bennion said that he thought the compromise accomplishes the goals of both plans because it will keep communities together, will protect voting rights, and is not based solely on race. He said he will support the motion.
- 00:05:30 **Rachel Weiss, Research Analyst, Legislative Services Division (LSD),** asked to discuss a procedural issue of how to formalize the amendment process in order to maintain an orderly process and a clear record. She said that she and Mr. Kolman created an amendment form and naming process and explained how the process would work. She said that suggestions from the Commissioners are welcome. After a brief discussion it was agreed that the naming process would be used.
- 00:10:06 **Commissioner Smith restated his motion to approve his amendment, renamed as a1\_PS\_0813 (EXHIBIT 1), to HD 15 in Communities Plan, as described.** He spoke to the motion, saying that it would keep Pablo whole in HD 15 and Ronan whole in HD 13. **The motion passed on a unanimous voice vote.**



00:11:05 Commissioner Regnier reviewed the Commission's discussion the previous day on northwest Montana. He presented what he referred to as "The Framework Plan" for northwest Montana, involving mainly Lincoln, Flathead, Sanders, Mineral, and Lake Counties. He went to the podium to discuss his proposal and referred to a map displayed on the screen during his presentation.

00:13:01 Commissioner Regnier discussed plans for the following areas:

00:13:15 Kalispell, Evergreen, and southwest Kalispell;

00:14:24 Whitefish, Columbia Falls, and Hungry Horse;

00:15:49 HD 10/Big Fork and the Swan Lake area;

00:16:15 HD 11/Lakeside, Somers, Lakeside, western Kalispell;

00:17:47 HD 12/Sanders County, including Marion and Kila;

00:18:49 HD 13/Polson, Rollins, remaining west shore communities;

00:19:38 HD 14/Arlee, Ronan, Charlo, Ravalli, and would enjoin HD15; and

00:20:08 HD 17/Mineral County/Plains and several other towns.

00:20:34 **Commissioner Regnier moved to consider the Framework Plan as discussed for this portion of northwest Montana.**

00:21:04 Commissioner Lamson discussed his position on the proposal and his concerns about the Hungry Horse/Columbia Falls/Whitefish area. He explained an amendment that would take care of his concerns without making major changes. **He moved to approve his amendment a2\_JL\_0813 (EXHIBIT 2).**

00:23:13 Commissioner Bennion discussed his position on the Framework Plan and Commissioner Lamson's amendment. He said that agreement probably could be reached but that he is concerned about the fact that the majority of tentative votes taken so far have been adopted straight from the Communities Plan. He said that as the process moves forward, he wants to incorporate concepts and models in the Criteria Plan.

00:27:24 Commissioner Regnier said that he presented his plan because he has lived in this area and this proposal makes sense for the area. He assured Commissioner Bennion that the Criteria Plan would be considered as the process continues.

00:29:54 **Commissioner Regnier made a substitute motion to incorporate Commissioner Lamson's changes into his Framework Plan motion.**

00:30:11 After discussion, it was agreed that Commissioner Lamson would withdraw his motion and would then move to amend Commissioner Regnier's motion, if approved. **Commissioner Lamson withdrew his motion.**

- 00:30:29 **Commissioner Regnier restated his motion to adopt the Framework Plan for northwest Montana (districts 1-14, and 17).**
- 00:31:03 Commissioner Bennion noted that he may propose modifications at a later date for two districts in Sanders County, which may affect Missoula districts.
- 00:32:16 **Commissioner Regnier's motion passed on a unanimous voice vote.**
- 00:32:38 **Commissioner Lamson moved to approve amendment a2\_JL\_0813 amending house districts 3, 4, 5, 6 (Whitefish, Columbia Falls, and Hungry Horse). (EXHIBIT 2). The motion passed on a unanimous voice vote.**
- 00:33:44 Commissioner Regnier said that the Commission would deal with Missoula after a short break. He recessed the meeting at 9:35 a.m for a 10-minute break.
- BREAK**
- 00:41:38 Commissioner Regnier called the meeting back to order at 9:45 a.m. He asked to begin discussion of Ravalli County and then Missoula. He noted that the Communities Plan map and Criteria Plan map for that area were displayed on the screen.
- 00:42:29 Commissioner Bennion discussed the Criteria Plan districts for that area and pointed out that the districts were based on a map submitted by citizens in Ravalli County. He said that the Criteria Plan places Pinesdale with Hamilton and said that there aren't major differences between the two plans.
- 00:44:11 Commissioner Lamson said that a plan was also submitted by local residents in that area. He said, based on public comment from that area, that Pinesdale was placed in a district with Corvallis and that the Communities Plan also recognizes that because Hamilton is more urban and defined than other districts in that area, combining it with Pinesdale would dilute Hamilton's voice. He said that would be his amendment to the Framework Plan.
- 00:46:31 Commissioner Regnier asked to view Corvallis in the Communities Plan. Commissioner Regnier and Commissioner Lamson discussed the proposals and referred to maps displayed on the screen in their discussion on how district lines would be changed.
- 00:48:12 Commissioner Bennion said that Hamilton remains intact in the Criteria Plan and that he thought Pinesdale residents use the Hamilton post office. He questioned Commissioner Lamson's statement that Pinesdale would dilute Hamilton's voice, considering Pinesdale's small population.
- 00:49:03 Commissioner Regnier asked if the revised amendment had been received by Legislative Services. Ms. Weiss said that staff did receive the amendment and would display it as quickly as possible.
- 00:49:30 Commissioner Regnier recessed the meeting for a 5-minute break to allow staff time to load and display the proposal.
- BREAK**

- 01:00:28 Commissioner Regnier called the meeting back to order at 10:02 a.m. Mr. Kolman reviewed the amendment and said the green dashes on the map indicate the amended lines. Commissioner Lamson said that the amendment would preserve Hamilton's community of interest and correctly place Pinesdale in a district with Corvallis. He said that he hoped Commissioner Regnier would accept this compromise to the Framework Plan. Commissioner Regnier clarified that the amendment would affect house districts 85, 86, 87, and 88. Commissioner Lamson said yes.
- 01:03:01 **Commissioner Lamson moved approval of amendment a4\_JL\_0814 - Ravalli County/Pinesdale (EXHIBIT 3). The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**
- 01:03:31 Commissioner Regnier said that the Commission would next address the Missoula area. He said that he wanted to have an in-depth discussion on both the Community Plan and the Criteria Plan before any motions were made.
- 01:06:46 Mr. Kolman stated that he was experiencing technical difficulties and needed a short break to take care of the problem. Commissioner Regnier recessed the meeting, saying that Mr. Kolman will advise the Commissioners when the computer is back in service and that the meeting will resume at that point. Commissioner Regnier recessed the meeting.
- BREAK**
- 01:17:07 Commissioner Regnier called the meeting back to order at 10:18 a.m. Commissioner Regnier noted that both plans were displayed on the screen and that discussion would begin with the Criteria Plan.
- 01:19:55 Commissioner Bennion presented the Criteria Plan for the Missoula area, beginning with the downtown districts and extending outward.
- 01:22:12 Commissioner Regnier asked Commission Bennion to confirm that the University district would be in HD 94 in the Criteria Plan. Commissioner Bennion said that was correct. Commissioner Bennion discussed HD 95 and pointed out that in the Criteria Plan, population deviations were kept very low, districts are very compact, communities of interest were kept together, and traditional neighborhood boundaries were respected.
- 01:23:36 Commissioner Regnier referred to a violet-colored district and asked if it lies north of Broadway. Commissioner Bennion explained that the area has two central districts and that adjustments could be made, if needed.
- 01:24:43 Commissioner Regnier asked about the Target Range area. Commissioner Bennion said because it is a census district, it should remain intact. He discussed using Reserve Street as the boundary line, saying that it makes sense, particularly for Clerks and Records. He classified it as a very suburban district with the lowest deviation of all districts in the area.
- 01:25:52 Commissioner Regnier asked about the Frenchtown/Evaro area. Commissioner Bennion said some small changes may be needed in this district to lower the

population deviation but that it otherwise fits the adopted criteria fairly well. He said this is where he would make the modifications to the two Sanders County districts in order to adjust the population deviation rates. He discussed the changes that would have to be made.

- 01:27:16 Commissioner Lamson presented the Communities Plan and how it would apportion Missoula districts.
- 01:29:29 Commissioner Lamson said that he has a compromise plan for the Missoula framework to address concerns about the Target Range and Orchard Homes districts, as expressed by Commissioners Bennion and Vaughey, and Missoula citizens.
- 01:30:20 Mr. Kolman pointed out that Commissioner Lamson's amendment is displayed on the right side of the screen. Commissioner Lamson discussed his amendment and said it reflects a good understanding of how Missoula functions and where people live.
- 01:35:09 Commissioner Vaughey referred to public testimony given by former Representative Dan Kemmis about the importance of a person's place and his clear belief that a person's sense of place has little to do with where they shop or recreate, but rather, where they live. She said Mr. Kemmis implored the Commission to keep that in mind when drawing the new districts. She also recalled testimony from a young man at the Missoula hearing who cautioned the Commission to pay attention to the appearance of districts. She said that while Commissioner Lamson's amendment modified the current districts somewhat, she could not support another "wagon wheel" map when there is an opportunity to draw districts that are much more compact and better reflect how Missoula residents live.
- 01:38:40 Commissioner Lamson said he, too, was touched by Mr. Kemmis' comments but would beg to differ on this issue. He discussed his position further and said, that with a few exceptions that have been addressed, the Communities Plan properly reflects Missoula citizens' lives and that the people of Missoula are proud of their districts and don't have a problem with how districts are drawn.
- 01:43:06 Commissioner Regnier commented that he also noted Mr. Kemmis' testimony and the young man's testimony about the appearance of districts. He discussed his recollection of their comments and his own opinion that the appearance of a district is an important factor. He referred to the Seeley Lake district and said it was difficult for him to imagine a community of interest between the Rattlesnake area and Seeley Lake.
- 01:44:58 Commissioner Lamson responded to Commissioner Regnier's concerns and listed a number of commonalities between those two areas.
- 01:48:14 Commissioner Bennion stated that the amendment is not a compromise but a slightly modified version of the Communities Plan, and that if this was an example of a compromise, the Commissioners faced a very long week. He said

that the Criteria Plan is a much better starting point because this particular area has been very divided in testimony and he thinks it is because politics, not the best interests of the citizens, have been considered.

- 01:50:56 Commissioner Regnier asked to view the Orchard Homes district in the compromise amendment and in the Criteria Plan. He briefly discussed each map and asked if there would be a way to reach an agreement. Commissioner Lamson responded, saying that Republicans have blatant advantages in Ravalli County and Kalispell, yet the Missoula districts are being criticized for being politically motivated. He discussed Missoula's population as having a lot of people in a small area and the effect of being a major regional trade center.
- 01:55:55 Commissioner Smith discussed his opinion on the relevance of geography and a community's history of growth in the districting process, and how Missoula's unique geographical confluence of mountains, valleys, and rivers has shaped its transportation system and neighborhoods. He said it would be a mistake to apply a block-like template to Missoula's natural spoke-like pattern. He also discussed Missoula's strong support of the Communities Plan, saying that the few concerns expressed were addressed in Commissioner Lamson's amendment.
- 01:59:21 Commissioner Bennion said it is clear that the compromise offered by Commissioner Lamson is simply a modified version of the Communities Plan and that he intends to fight hard for his ideas. He said he would like to prepare an amendment to the Criteria Plan in response to Commissioner Lamson's amendment and that he did not foresee many unanimous votes if the process continues as it has.
- 02:00:43 Commissioner Regnier listed the areas of major disagreement as previously discussed:
1. Target Range area;
  2. Seeley Lake and the Rattlesnake;
  3. rural district stretching from Florence to Frenchtown; and
  4. northwest Missoula district stretching to the Bitterroot.
- Commissioner Regnier asked Commissioners Lamson and Smith if they could accommodate any of the requests to create a plan for the Missoula area that all of the Commissioners could live with.
- 02:02:22 Commissioner Lamson rebutted Commissioner Bennion's statements and said he thought there had been plenty of compromise.
- 02:06:09 Commissioner Regnier said the Commissioners must take into consideration citizens who don't align with either party and that districts must make sense to them too. He said while he recognizes the importance of the testimony given and the political arguments, he can see why people have issues with certain district lines.
- 02:06:56 Commissioner Bennion said his position is that he does not want to use the Communities Plan as the starting point for every district. He said that he wants his and Commissioner Vaughey's ideas heard, as well as others who provided

testimony at the hearings. He said that while there are fundamental differences, the Commission must follow the criteria and not political preferences.

02:09:05 Commissioner Regnier said he would have difficulty voting for either plan as currently constructed. He suggested that both sides continue to work toward compromises over the lunch hour. The Commissioners discussed how best to proceed.

02:16:47 Commissioner Regnier recessed the meeting at 11:18 a.m. for the lunch break and said the meeting would reconvene at 1:00 p.m.

#### **LUNCH BREAK**

04:30:29 Commissioner Regnier called the meeting back to order at 1:31 p.m. He said work would resume with a discussion of compromise amendments for the Missoula districts.

04:31:10 **Commissioner Bennion moved approval of revisions to the Criteria Plan a5\_LV\_0814 - amend Orchard Homes district and adjust central Missoula districts for deviation (EXHIBIT 4).** He discussed the changes that would affect the Orchard Homes district and revisions to adjust for deviation in other districts.

04:33:38 **Commissioner Lamson moved approval of an amendment to the Communities Plan that would address the issues of concern a6\_JL\_0814 - Missoula compromise districts 2 - adjust boundaries, deviations (EXHIBIT 5).** He explained the changes that would mainly affect the Seeley Lake district but would ripple through surrounding districts to a lesser degree.

04:38:51 Commissioner Lamson said that he sincerely appreciated the movement on the Orchard Homes area but referred to his amendment (EXHIBIT 5) and said that the "spokes" were gone and that changes were made in every district in the urban core and surrounding districts.

04:40:57 Commissioner Smith commented that the Missoula compromise amendment (EXHIBIT 5) keeps Bonner and East Missoula together and that the Criteria Plan amendment (EXHIBIT 4) does not.

04:41:24 Commissioner Vaughey and Commissioner Lamson discussed how the "spokes" were reduced in the Missoula compromise amendment (EXHIBIT 5).

04:42:46 Commissioner Regnier asked Commissioners Bennion and Lamson to each comment on the other's proposed amendment. Commissioner Bennion discussed the importance of using Reserve Street as a boundary line and the difference in the neighborhoods on either side. He said he could probably live with Commissioner Lamson's amendment but that it is not ideal and that he is still digesting some of the changes proposed for the Seeley-Swan districts. He discussed the neighborhoods kept intact in the amended Criteria Plan and said that those neighborhoods are fractured in the Communities Plan amendment.

04:46:14 Commissioner Smith recalled testimony from Sen. Cliff Larsen regarding Missoula's north side districts and significant Native American population.

- 04:46:53 Commissioner Regnier asked to see the southwest section of the Communities Plan compromise amendment. Commissioner Lamson discussed the old district lines as compared to the amended lines and said that adjustments had to be made for population equality purposes.
- 04:48:32 Commissioner Lamson discussed HD 10 as it encompasses the university district in the Communities compromise plan.
- 04:49:54 Commissioner Regnier asked to view the Criteria Plan amendment and asked to view rural district HD 100 encompassing Lolo. Commissioner Bennion discussed the district boundaries and rationale for its design, saying that he wanted to keep certain neighborhoods together.
- 04:51:21 Commissioner Bennion pointed out that both the original and amended Criteria Plans are more compact than the original or amended Communities Plan.
- 04:52:33 Commissioner Smith commented on Frenchtown and the major growth occurring along I-90 and the river between Missoula and Frenchtown.
- 04:53:18 Commissioner Regnier said that he would recess the meeting to allow both sides to study and discuss the revisions further. He recessed the meeting at 1:55 p.m.
- BREAK**
- 05:00:39 Commissioner Regnier called the meeting back to order at 2:03 p.m.
- 05:00:42 Commissioner Vaughey said that the amended Criteria Plan (EXHIBIT 4) is far more compact than the original or amended Communities Plan. She said that there is a marked difference in deviation almost all of the districts and discussed several specific examples. She said that the mandatory criteria on population deviation is first and foremost consideration. Commissioner Lamson responded to her comments, saying that the courts have addressed this issue. He discussed several of the districts and said the key issue to keep the deviation within the legal limits, which the Communities Plan does.
- 05:04:51 Commissioner Smith commented that he and Commission Lamson have made many changes to accommodate Commissioner Bennion's and Commissioner Vaughey's concerns.
- 05:05:15 Commissioner Vaughey said that one of the reasons the Criteria Plan keeps deviations so low is because voting results were not considered when drawing the district lines. She said certain lines were moved to reflect neighborhoods while taking into account public comments about the growth area.
- 05:06:35 Commissioner Lamson questioned Commissioner Vaughey's statement that no voting results were used in drawing district lines. He discussed his opinion that a primary GOP goal for Montana is to design strong Republican districts by pushing as many Democrats as possible into the smallest areas possible. He discussed several specific districts and the strong testimony from Missoula residents in favor of the Communities Plan. He said that the amendment offered Commissioner Smith and himself was very accommodating to the concerns

discussed by Commissioners Vaughey and Bennion. Commissioner Vaughey objected to Commissioner Lamson's statements that attributed motives or the use of voter patterns to draw district lines in the Criteria Plan and that she considered neighborhoods and deviation only.

- 05:11:03 **Commissioner Bennion restated his motion to approve a5\_LV\_0814 - amended Criteria Map for Missoula (EXHIBIT 4). The motion passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith voted no.**
- 05:12:30 Commissioner Regnier said that the Great Falls districts would be next, rather than the Bozeman/Gallatin County districts. He recessed the meeting at 2:15 p.m. to allow reconfiguration of the computer and map files.
- BREAK**
- 05:24:12 Commissioner Regnier called the meeting back to order at 2:26 p.m. He said that the Commission would use much the same process as it did for the Missoula area, using both the Criteria Plan and the Communities Plan for the basis of discussion, before moving onto voting.
- 05:25:12 Commissioner Lamson said that the Communities Plan in Cascade County received overwhelming support at the Great Falls hearing and that testimony was strong because the Communities Plan recognizes the character of Great Falls' neighborhoods and trade centers. He said he has concern about the plan submitted by the Chamber of Commerce in particular and said his goal in the Communities Plan was to minimize the loss of one house seat in Great Falls/Cascade County.
- 05:27:25 Commissioner Lamson discussed the Fox Farm Road area, as designed in the Communities Plan.
- 05:28:22 Commissioner Regnier recalled testimony at the Great Falls hearing from Black Eagle residents who were very supportive of the Communities Plan. Commissioner Lamson reviewed the Black Eagle district and noted that Commissioners Bennion and Vaughey redrew their district lines to reflect those concerns.
- 05:29:33 Commissioner Lamson reviewed the Malmstrom military base as part of the Great Falls community, including the urban area around it where many employees of the base reside.
- 05:30:30 Commissioner Regnier noted that there is a glaring difference between the two plans in the configurations of the downtown districts. Commissioner Lamson discussed the long and narrow design of the district as drawn in the Communities Plan and said that the lines create a competitive district and that there is support from Great Falls legislators, residents, and business people for the districts as drawn. He said that the Great Falls/Cascade County districts have a long history of mixed community that includes the air base, the refinery, organized workers, transportation, and regional trade for the surrounding area.



- 05:34:46 Commissioner Lamson and Commissioner Regnier discussed the Fox Farm area and where Malmstrom is connected with the central Great Falls district.
- 05:36:48 Commissioner Vaughney discussed access in the Black Eagle district. Commissioner Lamson said that most neighborhoods along the river have ample opportunities to move back and forth, so the river is not a dividing factor.
- 05:38:42 Commissioner Regnier asked Commissioner Bennion to speak to the Criteria Plan for Great Falls. Commissioner Bennion said that there are some similarities between the Communities Plan and Criteria Plan but that the big difference between the plans is in the northwest part of Cascade County. He said that what is done in that part of Cascade County could have drastic effects on Choteau County and into central Montana. He explained how the Criteria Plan was drawn and said that it is more compact than the Communities Plan and uses extremely low population deviations, which would allow for greater freedom for adjustments needed later in the process. He noted that Neighborhood Council maps were consulted as part of the process.
- 05:44:11 Commissioner Lamson said that many of the Neighborhood Council districts were drawn in the 1970s and 1980s, and that populations have changed dramatically since then. He questioned the value of the information as being relevant to the districting process.
- 05:45:42 Commissioner Bennion said one of the adopted discretionary criteria is neighborhood commissions in following the lines of political units and that they provide good information. He said, in response to Commissioner Lamson's comments about strangely configured districts in the Criteria Plan, that HD 24 in the Communities Plan has very bizarre lines and characterized it as guitar-shaped.
- 05:46:59 Commissioner Regnier said that while he would agree that HD 24 is an unusual-looking district, it is so because of its unusual demographic population. He discussed HD 24 further and stated that from his perspective, he did not have a problem with it because it connects Malmstrom with a Great Falls urban district.
- 05:49:54 Commissioner Vaughney noted that the Great Falls Neighborhood Councils were created by a 1997 ordinance and that they are still in use.
- 05:50:12 Commissioner Regnier asked if the Fox Farm district is the same in the Criteria Plan as it is in the Communities Plan. Commissioner Bennion said it is not and explained how it differs. He said he is open to changes on the Criteria Map and would give serious considerations to the suggestions made, but wanted to see a "less goofy" looking HD 24. He said he thought there is a better way to incorporate Malmstrom into a Great Falls districts than as currently drawn in the Communities Plan.
- 05:51:49 Commissioner Smith recalled the very strong support for the Communities Plan at the Great Falls hearing and the discussion of the east-west growth patterns in the city.

- 05:53:23 Commissioner Lamson discussed a comparison of the two plans and said that the Criteria Plan would dilute the urban vote by tying urban areas to rural districts. He said that he also is concerned about a ripple effect and that the Communities Plan will honor county lines and has distinct advantages for dealing with regions outside Cascade County. Commissioner Bennion responded to Commissioner Lamson's comments by saying that he was glad that county lines would be respected but that the process is getting to the point where moving lines will have huge ripple effects, which will be difficult to deal with in districts with little or no wiggle room.
- 05:57:38 Commissioner Regnier said that he, too, recalled the very strong testimony for the Communities Plan at the Great Falls hearing and because of that, would likely support the Communities Plan or some version of it in a tentative vote. He said he would hold off a vote until the next day to give Commissioner Bennion time to draft an amendment, if he wished.
- 05:59:04 Commissioner Lamson discussed compactness in the Communities Plan and said that for the most part, all of the districts are very compact. He said that the population losses in Cascade County were taken into consideration when drawing the district lines.
- 06:00:00 Commissioner Regnier said that a vote would be delayed until the next day in order to allow Commissioner Bennion and Commissioner Vaughey to work on an amendment. He said the Commission would recess for a short break and begin work on Gallatin County and Bozeman when it reconvenes. The meeting was recessed at 3:02 p.m.
- BREAK**
- 06:19:01 Commissioner Regnier reconvened the meeting at 3:20 p.m. He pointed out that the Communities Plan and the Criteria Plan were both displayed on the screen. Commissioner Lamson said he had a compromise amendment to offer based on the original Communities Plan and testimony given at the Bozeman hearing.
- 06:22:15 Ms. Weiss noted that the proposed amendment does not include the northern part of Gallatin County and that it would be assigned as needed in order to deal with ripple effects occurring elsewhere in the County.
- 06:22:45 Commissioner Lamson discussed a compromise plan for Gallatin County, beginning with the Big Sky area (a7\_JL\_0814 - EXHIBIT 6). He discussed several particulars relating to Big Sky and said that it is a large and fast-growing area, and has more in common with Gallatin County than it does with Madison County.
- 06:26:08 Commissioner Lamson discussed the compromise plan for the Bozeman-Belgrade area. Commissioner Regnier asked how Belgrade and Four Corners fit into the compromise plan. He recalled testimony from residents that Four Corners wants to be out of the Belgrade district. Commissioner Lamson indicated they were not separated.

- 06:28:26 Commissioner Lamson said that there was very strong Republican testimony in favor of the Option 1 plan submitted by the Gallatin County Clerk and Recorder Plan but that the Criteria Plan appears to have incorporated more of the Option 2 Plan submitted by the Gallatin County Clerks and Recorders. He discussed his concerns about the Plan, saying it would create very strong Republican districts because it also includes rural parts of Park County also.
- 06:30:56 Commissioner Regnier asked to view the districts in downtown Bozeman as drawn in the amendment. Commissioner Lamson explained the downtown districts and that the intent was to stretch out to connect urban and suburban neighborhoods. He discussed several specific districts of importance to the Democrats.
- 06:32:11 Commissioner Regnier asked about 19th Street and HD 5. Commissioner Lamson responded to his questions, saying that both are fast growing urban-suburban districts. He noted that the growth and economy in Gallatin County is very robust.
- 06:36:56 Commissioner Regnier asked to view the university district. Mr. Kolman displayed the map. There were no comments or questions.
- 06:37:32 Commissioner Bennion discussed the Criteria Plan for Gallatin County and Bozeman. He said that the Gallatin County Clerk and Recorder submitted two options and that Option 1 did receive very strong support. He said while the Option 1 map was his preference also, the Option 2 map ended up fitting into the statewide plan much better. He noted that the only difference between the two was that the Option 2 map included a rural part of Park County. Commissioner Bennion discussed additional details of the Criteria Plan.
- 06:41:19 Commissioner Bennion discussed the Criteria Plan for Big Sky, saying that the local maps submitted kept neighborhoods and communities of interest in tact, and that he relied heavily on that when drawing the district lines.
- 06:42:31 Commissioner Regnier asked about Bridger Canyon and Bridger Bowl areas. Commissioner Bennion reviewed the district lines.
- 06:44:01 Commissioner Regnier asked about the area lying in the western boundary of the district that includes Bridger Bowl and the relationship between the two. Commissioner Bennion said the boundary line was drawn based on the mountain range and that the goal was to keep communities together. Commissioner Lamson commented on the notion of there being a community of interest among the communities in that district and his opinion that the main purpose of that district is to create a political advantage for Republicans.
- 06:46:16 Commissioner Vaughey commented on the area in question, saying that while the areas are isolated and rural and each has its own unique flavor and interests, they do share commonalities with one another.

- 06:48:35 Commissioner Lamson asked to view the map showing the Bridger area and said he would argue that the Bridger area has much more in common with Gallatin County than it does with Park County or other rural districts.
- 06:50:19 Commissioner Regnier and Commissioner Lamson discussed several areas and how they would be placed within the districts, specifically Willow Creek, Three Forks, Jefferson County, Madison County and Big Sky.
- 06:52:18 Commissioner Regnier asked about the county line between Bozeman and Bridger Bowl. Commissioner Lamson noted that the district is much more compact in the Communities Plan than it is in the Criteria Plan and recognizes the county line. He said that the Criteria Plan does not do that.
- 06:55:17 Commissioner Bennion said that the Criteria Plan makes sense for the area because it is based on a locally produced map and that it respects county lines, geographical boundaries, and communities of interest.
- 06:56:46 Commissioner Regnier said staff needs time to make adjustments to the maps so the meeting would be adjourned until the next morning. He said that the Commission would finish dealing with Gallatin County and then would resume discussion of Cascade County. Commissioner Lamson suggested moving onto Toole, Liberty, Hill, and Fergus Counties after that.
- 06:58:00 Commissioner Bennion suggested beginning the next day's work with Cascade County and moving into the HiLine area and eastern Montana before going back to Gallatin County. He said that decisions made about Havre in particular, would affect Richland, Dawson, and Wibaux Counties. Commissioner Lamson did not support Commissioner Bennion's suggestion.
- 07:00:46 Commissioner Regnier adjourned the meeting at 4:01 p.m. He said the Commission will resume its work at 9:00 a.m on Wednesday, August 15, 2012.

CI0429 2304dfxb.



# 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 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.

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.

**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](http://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.

CI0429 2307dfxa.



# 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 16, 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 took no official action on August 16, 2012.

**CALL TO ORDER AND ROLL CALL**

- 00:00:01 Commissioner Regnier called the meeting to order at 9:05 a.m. The Secretary noted the roll, all members were present (Attachment 3). Commissioner Regnier said that as the redistricting process enters its fourth day, he has asked both sides for further amendments to proposed maps and that the bulk of the day would be devoted to that. He said that before recessing the meeting public comment would be taken.
- 00:01:42 **Leonard Wortman, Jefferson County Commissioner**, said that after watching the Commission's proceedings on the internet the previous day, he felt he had to clarify some of the topics discussed. Commissioner Wortman then commented on a range of topics, including a response to the Commission's discussion about the census reduction in population in Jefferson County, specifically in Boulder; statements made by the Mayor of Whitehall in support of being paired with Butte-Silver Bow in the Communities Plan; issues of concern about Jefferson County being paired in a district with Butte-Silver Bow; a response to Commissioner Lamson's comments regarding his (Wortman's) own work as a Jefferson County Commissioner; and a plea for the Commission to consider the enormous number of public comments made by the citizens of Jefferson County stating their opposition to being paired with Lewis and Clark and Butte-Silver Bow. Commissioner Wortman also discussed the strong community of interest shared by southern Jefferson County and Madison County. He said if that pairing could not be made, a good compromise would be to move a portion of northern Jefferson County into the Broadwater County district and to keep southern Jefferson County in a Jefferson County district.
- 00:10:25 Commissioner Regnier recessed the meeting at 9:15 a.m.
- BREAK**
- 08:03:52 Commissioner Regnier reconvened the meeting at approximately 5:10 p.m. to adjourn it for the evening, saying that the Commission would resume the meeting at 9:00 a.m., on Friday, August 17, 2012.

CI0429 2293dfxb.





# 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](http://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.

CI0429 3023dfxa.

