



Montana Districting and Apportionment Commission

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MINUTES

November 30, 2012

Room 152, State Capitol
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

Jim Regnier, Presiding Officer
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 House District pairings to create 50 Senate Districts;
- assigned holdover senators to their districts; and
- did not approve proposed amendments to the Tentative Commission Plan.

CALL TO ORDER AND ROLL CALL

- 00:00:01 Commissioner Regnier called the meeting to order at 9:00 a.m. The Secretary noted the roll, all commissioners were present (Attachment 3). Commissioner Regnier welcomed all to the meeting and said that the purpose of meeting is to complete the senate pairing process and assignment of holdover senators. He reviewed public comment guidelines and meeting protocol to be followed.
- 00:03:10 Commissioner Vaughey asked to discuss at what point in the meeting the actual votes on senate pairings would be taken. Commissioner Regnier explained the process he planned to follow and said that the senate pairing vote would likely be the last action item of the day.

Presentation of Suggested Senate Pairings

- 00:09:29 Commissioner Lamson presented the proposed senate pairings as compiled by Commissioner Smith and himself (EXHIBIT 1).
- 00:27:22 Commissioner Bennion presented the proposed senate pairings as compiled by Commissioner Vaughey and himself (EXHIBIT 2).
- 00:39:40 Commissioner Regnier noted that both proposals indicated the potential for ripple effects in certain districts. He asked Commissioner Bennion to explain why he linked districts 29 and 30 in northern Montana. Commissioner Bennion referred to maps to discuss potential ripple effects. Commissioner Lamson said he agreed with Commissioner Bennion's characterization of that area, which was that the ripple effect of pairings in the Hi-Line run all the way to Miles City. Commissioner Regnier asked several additional questions about the proposed districts in eastern Montana.
- 00:42:56 Commissioner Regnier questioned Commissioners Bennion and Lamson about Gallatin County and Park County and the various ripple effects that could occur, depending on Livingston's placement in several different districts.
- 00:45:52 Commissioner Regnier asked the Commissioners to discuss connecting Whitefish and Columbia Falls, as proposed by the Democrats, versus connecting Whitefish with northwestern Kalispell, as proposed by the Republicans. Commissioners Lamson and Bennion responded, respectively.
- 00:49:07 Commissioner Regnier asked the Commissioners to discuss further their proposals regarding Sanders and Lake Counties. Commissioners Bennion and Lamson both responded with their respective opinions.
- 00:52:15 Commissioner Regnier asked the Commissioners to discuss how best to proceed. Commissioner Bennion suggested that the work begin with the most with pivotal areas and work out from there. Commissioner Lamson agreed.

- 00:54:30 Commissioner Regnier said one pivotal area will be the Butte/Silver Bow/Jefferson County/Broadwater County districts. Commissioner Lamson and Commissioner Bennion agreed. Commissioner Bennion said that the ripple effect of the pairing of those districts will particularly affect Helena area districts. He explained further. Commissioner Lamson discussed his perspective of the potential impacts that could affect counties in the southwestern portion of the state.
- 00:56:43 Commissioner Regnier asked Commissioner Vaughey to comment on the proposed pairing of House Districts 29 and 30, which includes Havre. Commissioner Vaughey said that she supports it because it maintains some of the continuity of past districts. She discussed her position further.
- 01:00:12 Commissioner Lamson disagreed with Commissioner Vaughey's position, saying that the energy development in eastern Montana should be more of a consideration in forming districts in this area.
- 01:01:51 Commissioner Regnier suggested that the Commission vote on the Senate Districts and then the holdover senate seat assignments. It was agreed.
- 01:02:25 Commissioner Vaughey responded to Commissioner Lamson comments about northeastern Montana senate pairings and the impact of the oil and gas drilling activity in that region.
- 01:03:20 Commissioner Smith commented on the Democrat's proposed Senate District pairings for the northeast corner of the state. He said they are more compact and represent the residents' interests better. He provided copies of a map of the Bakken Formation (EXHIBIT 3) and discussed the communities of interest that tie the areas together.
- 01:05:14 Commissioner Bennion pointed out that the Democrat plan has the largest House and Senate Districts, covering a geographic area of over 20,000 square miles.
- Public Comment**
- 01:05:48 Commissioner Regnier reminded the members of the public in attendance to please sign the visitor sheet and to properly identify themselves for the record when giving public comment.
- 01:06:09 **Leonard Wortman, Chair, Jefferson County Commission**, thanked the Commission for the opportunity to comment. He reiterated Jefferson County's strong position in support of combining House Districts 74 and 75. He submitted a packet of public comment from Jefferson County residents and a letter from the Jefferson County Commission (EXHIBIT 4).
- 01:11:46 **Tom Lythgoe, Jefferson County Commissioner**, thanked the Commissioners for their work. He discussed his obligation to represent those elected him to office and said that his constituents have overwhelmingly expressed their support for being paired with Broadwater County, rather than with Butte. He said they would accept being paired with Lewis and Clark County as a second choice.

- 01:14:18 **Kirk Wagoner, representative-elect from HD 77, Jefferson County**, echoed the comments from the Jefferson County Commissioners and said that in the course of his campaign, the majority of residents he spoke with have expressed strong opposition to being paired with Butte. He said that either Broadwater or Lewis and Clark Counties would be acceptable.
- 01:16:05 **Deborah Hanneman, Whitehall**, spoke in agreement with the testimony from Commissioners Wortman and Lythgoe, and Mr. Wagoner. She said it is in the best interest of the citizens of Jefferson County to be paired with Broadwater, partially because of the lack of interest from the Butte legislative delegation regarding Jefferson County's concerns about eminent domain and how it could impact their rural lifestyle.
- 01:17:57 **Charles Wideman, Whitehall**, read a written statement into the record in support of pairing districts 74 and 75, 76 and 77, and 91 and 92 (EXHIBIT 5). Mr. Wideman's testimony addressed six main points supporting his position.
- 01:24:57 **Niki Zupanic, ACLU**, testified in support of combining House Districts 15 and 16, 31 and 32, and 41 and 42. She thanked the Commission for keeping tribal communities intact.
- 01:25:41 **Dave Kirsch, Jefferson County Commissioner**, spoke in agreement with the testimony from his fellow Jefferson County Commissioners to pair districts 74 and 75.
- 01:26:32 Commissioner Regnier recessed the meeting at 10:25 a.m. for a short break.
BREAK
- 01:47:17 Commissioner Regnier called the meeting back to order at 10:47 a.m. He said that he has reviewed the proposed pairings and that there appears to be consensus on the proposed Senate District 1. He asked that motions identify the House Districts involved.
- 01:48:34 **Commissioner Vaughey moved to combine House Districts (HDs) 1 and 2 for a Senate District. The motion passed on a 4-0 unanimous voice vote.** (Commissioner Regnier did not vote.)
- 01:51:17 **Commissioner Vaughey moved to pair HDs 45 and 58. The motion passed on a 4-0 unanimous voice vote.** (Commissioner Regnier did not vote.)
- 01:52:43 **Commissioner Vaughey moved to pair HDs 85 and 86. The motion passed on a 4-0 unanimous voice vote.** (Commissioner Regnier did not vote.)
- 01:53:08 **Commissioner Vaughey moved to pair HDs 87 and 88. The motion passed on a 4-0 unanimous voice vote.** (Commissioner Regnier did not vote.)
- 01:53:27 **Commissioner Smith moved to pair HDs 15 and 16, 31 and 32, 41 and 42 (Indian majority-minority districts). The motion passed on a 4-0 unanimous voice vote.** (Commissioner Regnier did not vote.)

- 01:54:35 **Commissioner Vaughey moved to pair HDs 17 and 26. The motion passed on a 4-0 unanimous voice vote.** (Commissioner Regnier did not vote.)
- 01:56:25 The Commissioners discussed pairings for northwestern Montana, particularly Flathead County.
- 02:01:54 Commissioner Regnier said he was inclined to vote with Commissioner Bennion and Commissioner Vaughey's suggested pairing of HDs 9 and 10.
Commissioner Bennion moved to pair HDs 9 and 10. The motion passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith voted no. Commissioner Regnier asked that the record reflect that he did not vote in the previous votes that were unanimous. The minutes were adjusted to include that information.
- 02:03:42 Commissioner Lamson discussed the area encompassed by House Districts 12 and 14.
- 02:04:57 Commissioner Bennion responded with his opinion, saying there are other options for this area. He explained how the Republican plan differed from the proposed pairing as discussed by Commission Lamson.
- 02:09:30 **Commissioner Bennion moved to pair HDs 4 and 7 and HDs 5 and 6.**
- 02:10:07 **Commissioner Lamson made a substitute motion to pair HDs 4 and 5.**
- 02:10:57 Ms. Weiss, Commissioner Lamson, and Commissioner Regnier discussed the motion and clarified that Commissioner Lamson's substitute motion was for HDs 4 and 5 only.
- 02:12:37 **Commissioner Lamson's substitute motion to pair HDs 4 and 5 failed on a 2-3 voice vote, Commissioner Regnier, Commissioner Bennion, and Commissioner Vaughey voted no.**
- 02:13:35 **Commissioner Bennion's original motion to pair HDs 4 and 7 and HDs 5 and 6 passed on a 3-2 voice vote. Commissioner Smith and Commissioner Lamson voted no.**
- 02:14:23 **Commissioner Lamson moved to pair HDs 12 and 14.** Commissioners Smith, Regnier, and Bennion discussed the effect of the pairing, including that the motion brings into play the previously discussed issue of House Districts 18 and 98 and the potential there for ripple effects. Commissioner Smith addressed the strong ties between districts 18 and 98 due to the transportation corridor and growth occurring in the area. Commissioner Bennion explained that the Republican plan proposed pairing would create a self-contained Lake County Senate District, which was strongly advocated for by Lake County citizens in the public comment.
- 02:26:34 **Commissioner Lamson's motion to pair HDs 12 and 14 passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

- 02:26:56 Commissioner Regnier recessed the meeting for a short break.
- BREAK**
- 02:42:56 Commissioner Regnier called the meeting back to order at 11:44 a.m. He said he would entertain motions to join HDs 8 and 11, HDs 13 and 19, and HDs 18 and 98. **Commissioner Smith made a motion to approve the pairings, as stated by Commissioner Regnier. The motion passed on 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**
- 02:44:10 Commissioner Regnier recessed the meeting for a lunch break. He announced that the Commission would reconvene at 1 p.m. and would discuss and vote on the Missoula proper districts.
- LUNCH BREAK**
- 04:09:00 Commissioner Regnier called the meeting back to order at 1:10 p.m. He noted that the Democrat and Republican proposals for Missoula proper districts were displayed on the screen. He asked Commissioner Lamson to review the Democrat proposal. **Commissioner Lamson moved to pair HDs 96 and 97.**
- 04:10:38 Commissioner Bennion stated that he strongly objected to that pairing because it would create an even longer and skinnier district. He said there is no community of interest and links a very rural area with downtown Missoula. He said the Republican alternative is much more compact.
- 04:12:43 Commissioner Smith spoke in support of Commissioner Lamson's motion. He referred to the map and pointed out that the proposal includes a major transportation corridor and high growth, and other commonalities, such as light mixed commercial use in both districts.
- 04:15:23 **Commissioner Lamson's motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**
- 04:15:43 The Commissioners discussed the remaining districts in the region. Commissioner Bennion stated that he did not see many good options for the remaining districts.
- 04:19:24 **Commissioner Bennion moved to pair HDs 83 and 95. The motion passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith no.**
- 04:21:09 **Commissioner Bennion moved to pair HD 99 and 100. The motion passed on a unanimous voice vote.**
- 04:22:34 **Commissioner Lamson moved to pair HD 82 and 93. The motion passed on a unanimous voice vote.**
- 04:26:50 **Commissioner Smith moved to pair HD 84 and 94. The motion passed on a unanimous voice vote.**
- 04:27:36 Commissioner Regnier said the next senate pairing votes would be taken for northeastern Montana. **Commissioner Bennion moved to pair HDs 29 and 30,**

HDs 33 and 34, HDs 35 and 36, and HDs 37 and 39. Commissioner Bennion discussed each proposed pairing.

- 04:29:01 Commissioner Regnier asked to discuss the Democrat plan to pair HDs 30 and 33. Commissioner Lamson said that this area is one in which Democrat candidates have done very well. He spoke in support of pairing districts 30 and 33, including how the proposed pairing would affect surrounding districts.
- 04:32:13 Commissioner Smith discussed Sidney's role as a major economic and medical hub for northeastern Montana, saying that it is a very relevant community in northeastern Montana.
- 04:33:27 Commissioner Bennion pointed out that the Republican plan keeps Glasgow together. He said that the Democrat plan would create much more change and disruption in these districts than would the Republican plan. He referred to comments in the meeting materials from Miles City residents, including the Mayor, County Commissioners, and other officials, requesting that they be kept in a district similar to their current one.
- 04:36:15 Commissioner Vaughney said that testimony from such notable people should be weighed heavily and that she hoped Commissioner Regnier would support the Republican proposal. Commissioner Lamson said that while he appreciated the comment in the meeting packet, testimony has also been received from the Miles City/eastern Montana districts heavily weighted with the opposite argument, so there is strong support for both proposals.
- 04:40:12 **Commissioner Bennion withdrew his motion and made a new motion to pair HDs 29 and 30. The motion passed on a 3-2 voice vote, Commissioner Smith and Commissioner Lamson voted no.**
- 04:41:14 **Commissioner Bennion moved to pair HDs 33 and 34, HDs 35 and 36, HDs 37 and 39, HDs 43 and 40, and HDs 38 and 46. The motion passed on a 3-2 voice vote, Commissioner Lamson and Commissioner Smith voted no.**
- 04:43:14 Commissioner Regnier recessed the meeting for a short break, saying that the Commission would vote next on the senate pairings for the Billings/Yellowstone County districts. Ms. Weiss reported that votes have been taken on 26 Senate Districts.
- BREAK**
- 05:02:32 Commissioner Regnier called the meeting back to order at 2:03 p.m. Commissioner Lamson asked to view both plans proposed for the Billings/Yellowstone County districts. He pointed out the seven districts in the area have already been voted on, including Stillwater County, Carbon County, and a portion of eastern Montana.
- 05:04:42 Commissioner Regnier referred to testimony given by Sen. Jeff Essmann at previous meetings requesting that seven House Districts remain in Billings. He asked if both plans would do that. Commissioners Bennion and Commissioner Lamson each said their plan did so.

- 05:05:59 Commissioner Bennion summarized the Republican-proposed senate pairings as follows: HDs 49 and 56, HDs 47 and 53, HDs 54 and 48, HDs 50 and 52, HDs 55 and 57, HDs 60 and 62, and HDs 51 and 61.
- 05:10:14 Commissioner Lamson summarized the Democrat-proposed senate pairings, saying that his plan would pair two Heights districts, districts near the rimrocks and the north part of town, two in the heart and core of Billings, a Lockwood and Laurel pairing, and a pairing of districts in the west end of Yellowstone County districts. Commissioner Smith also commented on the proposed pairings.
- 05:16:56 Commissioner Regnier asked to see the Democrat-proposed districts for the Billings Heights districts and the west end districts. Commissioners Smith and Lamson discussed their proposal further. Commissioner Vaughey commented that it seemed a bit awkward to pair Lockwood and Laurel, noting that three different Senate Districts lie between the two towns. Commissioner Bennion commented that the pairing proposed by Commissioner Lamson were very odd-shaped and inconsistent with the criteria.
- 05:24:32 **Commissioner Lamson moved to pair HDs 54 and 47, HDs 48 and 49, HDs 55 and 56, HDs 57 and 60, HDs 62 and 61, HDs 53 and 52, and HDs 50 and 51.**
- 05:26:05 Commissioner Bennion strongly opposed voting on that many districts in a single vote and said he would prefer to vote on them in smaller chunks or individually.
- 05:27:06 **Commissioner Vaughey offered a substitute motion to pair HDs 50 and 52.** She said that Laurel is a population center and would like its have own voice. Commissioner Bennion said that the Republican plan offers a more natural geographic fit for Laurel. Commissioner Lamson said that he respectfully disagreed and that he made the motion to approve the seven districts in one vote simply to move the process along.
- 05:31:19 Commissioner Regnier said that the Billings Heights districts would be dealt with first. He said he realized that there are differences of opinion and asked if there are any areas where compromise could be reached. Commissioner Bennion discussed areas where he was willing to compromise but said doing so would have ripple effects elsewhere. Commissioner Regnier said he is inclined to vote with the Democrat plan for the Billings Heights districts.
- 05:33:03 **Commissioner Lamson withdrew his previous motion, saying he would like to amend his plan.** Commissioner Vaughey said that there were motions already on the floor that had to be voted on before Commissioner Lamson could proceed.
- 05:33:28 **Commissioner Vaughey withdrew her substitute motion. Commissioner Lamson moved to pair HDs 48 and 49 and HDs 47 and 54.**
- 05:34:26 Commissioner Bennion said if that is done, the pairing options for the remaining districts will be very limited.

- 05:35:00 **Commissioner Lamson's motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**
- 05:35:40 Commissioner Regnier recessed the meeting for a short break to look at the remaining Billings districts.
- BREAK**
- 05:43:32 Commissioner Regnier reconvened the meeting at 2:45 p.m. He said that it appeared that no compromise or other agreements were possible, so a motion was in order.
- 05:44:56 **Commissioner Lamson moved to pair HDs 55 and 56, HDs 57 and 60, HDs 62 and 61, HDs 50 and 51, and HDs 53 and 52. He spoke to his motion.**
- 05:46:22 **Commissioner Lamson's vote passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**
- 05:46:51 Commissioner Regnier said that Gallatin County districts would be voted on next. He noted that both plans were displayed on the screen.
- 05:47:26 **Commissioner Bennion moved to pair HDs 59 and 44. He spoke to his motion, saying that both Democrats and Republicans have asked to keep Livingston in a Park County district. He compared the Republican plan to the Democrat plan and said that the Democrat plan would create three districts that cross in and out of Gallatin County, while the Republican plan would have only one district that crosses a county line.**
- 05:49:53 Commissioner Lamson responded that a similar amount of testimony was received from citizens in support of the Democrat plan. He said that Gallatin County is one of the fastest growing urban counties in the state, which is why he proposed the district pairings as he did.
- 05:52:12 Commissioner Vaughey said that even though a transportation corridor exists between Livingston and Bozeman, the Bozeman Pass can act more as a barrier than a connector; and that it didn't make sense to her to take the most populated area of one county and move it into a district in another county.
- 05:54:39 Commissioner Smith said that the Democrat plan is more compact and urban suburban. He said that the Bozeman Pass does connect the two communities and that the sometimes formidable driving conditions don't stop people from doing what they need to do.
- 05:55:31 Commissioner Regnier asked to discuss potential ripple effects due to pairings for Gallatin County. Commissioner Lamson said it would depend on how the pairings go and said it would probably be best to deal with Livingston before moving on to other districts.
- 05:56:50 Commissioner Bennion said that if the Republican plan is not adopted for Livingston, almost none of their other pairings would work. Commissioner

Vaughey asked to view both plans' proposed pairings for House District 63. She discussed both plans and said that the Democrat pairing doesn't make sense.

- 05:58:42 **Commissioner Bennion repeated his motion to pair HDs 59 and 44. Commissioner Bennion's motion passed on a 3-2 voice vote, Commissioner Smith and Commissioner Lamson voted no.**
- 05:59:23 Commissioner Regnier recessed the meeting for a short break to allow the Commissioners an opportunity to review the remaining districts.
- BREAK**
- 06:15:29 Commissioner Regnier called the meeting back to order at 3:18 p.m.
- 06:15:51 **Commissioner Lamson moved to pair HDs 69 and 71, HDs 70 and 63, HDs 67 and 68, and HDs 65 and 66.** He said he could broaden his motion to include HDs 64 and 74 also, if the rest of the Commission felt the time was right to deal with those districts. Commissioner Bennion said that while he appreciated Commissioners Lamson and Smith proposing this configuration, it still was not among his first or second choice. He explained what he would like to have.
- 06:18:45 Commissioner Regnier asked if Commissioner Bennion objected to pairing districts 64 and 74. Commissioner Bennion said he did not, even though he knew it wouldn't make Jefferson County very happy. **Commissioner Lamson amended his motion to include the pairing of HDs 64 and 74.**
- 06:19:37 **Commissioner Lamson's motion passed on a 3-2 voice vote. Commissioner Bennion and Commissioner Vaughey voted no.** Ms. Weiss reported that votes have been taken on 39 Senate Districts
- 06:20:10 Commissioner Regnier said that the Commissioners would vote on Great Falls districts next. **Joe Kolman, Research Analyst, LSD,** said that the white areas on the maps indicate unassigned districts.
- 06:21:20 Commissioner Lamson said that this area involves four main districts. He discussed the Democrat proposal and several areas of agreement between the Democrat and Republican proposals. Commissioner Lamson said his proposal would pair House Districts 20 and 21, 27 and 28, 25 and 24, 23 and 22.
- 06:24:45 Commissioner Bennion said that he intends to offer amendments to resolve some of the problems with the Great Falls House Districts, which he characterized as "weird, skinny, and long". He discussed the Fox Farm district and rebutted comments made by Commissioner Lamson that Democrats in Cascade County/Great Falls lost a House seat. He said that Democrats will actually pick up seats in the House, thanks to the bizarre districts offered by Commissioners Lamson and Smith.
- 06:27:41 Commissioner Lamson stated that Cascade County legislators testified in support of the House Districts and that Commissioners Bennion and Vaughey used similar patterns to draw districts in Billings and Gallatin County to hook up core urban areas with heavily Republican areas. Commissioner Smith said that

he distinctly recalled that the Great Falls hearing had the most unanimous support for the Democrat plans of all the hearings. He said that in spite of the odd shape of the Malmstrom district, the testimony was there to support it. He also commented on the community of interest between the proposed senate pairings.

- 06:31:00 Commissioner Regnier asked Commissioner Bennion to discuss the House District amendments he was considering. Commissioner Bennion said his amendment would address the compactness issue because the districts, as currently drawn, would be a fiasco as the Missoula districts were in the last districting cycle. He said that if they were not adjusted, people would be talking for years to come about the “crazy Great Falls district”.
- 06:31:46 Commissioner Lamson said that he has explained a number of times why an odd-shaped district is sometimes necessary. He said in this instance, the Great Falls district includes a military installation which dictates the lines of the district. Commissioner Bennion said depending on this vote, he may request to revisit several other pairings also.
- 06:33:35 **Commissioner Lamson moved to pair HDs 27 and 28 and HDs 24 and 25, HDs 23 and 22, and HDs 21 and 20.**
- 06:34:10 Commissioner Regnier said that there is agreement on two Great Falls districts. Commissioner Bennion said that was true, but that may change, depending on his amendment. He explained further. Commissioner Regnier asked Commissioner Lamson to his withdraw motion and make a motion for the agreed-upon districts only. **Commissioner Lamson withdrew his motion and moved to pair HDs 27 and 28 and HDs 24 and 25.** Commissioner Bennion said this may be revisited after debate of his amendments. **Commissioner Lamson’s motion passed on a unanimous voice vote.**
- 06:36:16 The Commissioners debated the proposed pairings for House Districts 20, 21, 22, and 23. Both Commissioner Bennion and Commissioner Lamson referred to public comment in support of their respective proposals.
- 06:38:52 **Commissioner Lamson moved to pair HDs 20 and 21 and HDs 22 and 23. The motion passed on a 3-2 voice vote. Commissioner Bennion and Commissioner Vaughey voted no.**
- 06:39:39 Commissioner Regnier recessed the meeting for a short break to allow the Commissioners to consider the ripple effects of the pairings just approved.
- BREAK**
- 06:58:31 Commissioner Regnier called the meeting back to order at 3:59 p.m. He said the Commissioners would deal next with southwestern Montana districts, including Lewis and Clark and Jefferson Counties. He asked Commissioner Bennion to begin discussion with the Republican proposal.
- 06:59:17 Commissioner Bennion reviewed his proposed pairings, beginning with Jefferson County. He emphasized Jefferson County’s opposition to being paired with Butte and said that even though he realized it could not be paired with Broadwater

County, pairing it with East Helena/Lewis and Clark County would be acceptable to Jefferson County. He suggested pairing districts 90 and 91 and districts 3 and 89. He then explained how the Republican proposal would deal with Butte, Anaconda, and Deer Lodge; and Granite, Powell, and Lewis and Clark Counties.

- 07:01:58 Commissioner Lamson discussed the Democrat proposal for the same area, saying that public comment has been taken into consideration from both sides. He pointed out that Jefferson County House Districts were drawn as requested by the citizens but that there was also testimony in support of pairing that county with Butte. He said there are many commonalities between the two, which is why the Democrats strongly support a Senate District pairing. He listed a number of the commonalities and said pairing Jefferson County with Butte would be a natural fit. Commissioner Regnier asked him to identify the districts specifically by number. Commissioner Lamson said his plan would pair HDs 75 and 76, HDs 77 and 78, and HDs 79 and 80. He discussed the implications of the population decrease in Silver Bow County and said he thought there could still have been six House Districts but that it was decreased to five. He said because of that, the Democrat proposal makes the most sense.
- 07:06:12 Commissioner Lamson continued on to Helena senate pairings and said that he is proposing to pair HDs 91 and 92, HDs 89 and 90, and HDs 81 and 83. Commissioner Smith commented that the Democrat interest in restoring Anaconda to a whole district is the same as the Republican interest in reuniting Glasgow.
- 07:08:41 Commissioner Vaughney said that the map would have looked very different if the Republicans had prevailed and been able to pair Powell and Granite Counties in a district, but that didn't happen. She said that public comment and testimony about concerns about Butte taking over Jefferson County was very compelling. She said that because the people in Jefferson County have been the most engaged in this process from the very beginning, she thought it would be detrimental to the process and to the faith and trust of the people to ignore those comments. She said that she hoped that the Commissioners would support that comment and pair Jefferson County with East Helena, as opposed to Butte. Commissioner Bennion noted that at one time, the Republican plan did have a proposed House District that would have kept Anaconda whole but that proposal was not approved, so the House Districts lines are what they are. He asked Commissioner Regnier to support the Republican proposal, based on the overwhelming testimony from Jefferson County.
- 07:11:54 Commissioner Lamson said that for record, the Democrats took an extremely hard hit in this area. He discussed the loss of a House seat in Butte. He agreed that the decision to not pair Granite and Powell Counties was a difficult one but said he would argue that the Democrats have taken more substantive hits in this area than the Republicans, and that he would appreciate a bit of consideration for these districts. He said that not all of the Jefferson County testimony was against pairing it with Butte.

Commissioner Vaughey said that it wasn't Republicans, but Jefferson County citizens who drew their own districts and presented them to the Districting Commission via their county commissioners. She said the county banded together to fight for their best interests, much as Powell and Granite Counties did. She asked that the Commission not dismiss and ignore Jefferson County, as it did Powell and Granite Counties.

07:15:47 Commissioner Regnier asked to discuss the ripple effects of pairing HDs 75 and 76. Commissioner Lamson said the ripple effect could go both ways. Commissioner Bennion referred to the maps and said that the Republican plan would be much less disruptive to the area and that the Democrat proposal would entail an almost complete realignment of Senate Districts. Commissioner Lamson disagreed with that statement. Commissioner Lamson said that it is an issue of political numbers and balance for him and that the Republican proposal would give them a shot at another solid seat, with little chance for a Democrat to win. He said the ripple effect of approving the Republican proposal would be more significant than the Democrat proposal.

Commissioner Regnier said this decision will be his most difficult decision in the entire process. He recalled that the debate about creating House Districts in this region was hotly contested and that public testimony from Jefferson County did prevail because it did get its own House District. He said his view is that as the Commission Chair, he must do what is fair on a statewide basis and go with at least some of each side's proposals. He said he planned to support the Democrat proposal for senate pairing to join Jefferson County with Butte-Silver Bow.

07:22:21 **Commissioner Lamson moved to pair HDs 75 and 76.** Commissioner Bennion said that fairness was not a criteria and said that the Republicans very strongly feel that the Great Falls districts are very unfair. He said the Commissioner's duty, as public members, is to listen to the public. He said his opinion is that Butte is simply "looking for warm bodies" in another county to make Butte-Silver Bow whole. He said that there are lots of great people in Butte but that Jefferson County loses out with this proposed pairing and that he is extremely disappointed.

07:24:29 **Commissioner Lamson's motion passed on 3-2 voice vote. Commissioner Bennion and Commissioner Vaughey voted no.**

07:26:27 Commissioner Lamson said that he understands that this is not the fun part of the job and that he respects the work done in Jefferson County but that the process must move forward. **Commissioner Lamson moved to pair HDs 72 and 73, HDs 77 and 78, HDs 79 and 80, HDs 81 and 3, HDs 89 and 90, and HDs 91 and 92. The motion passed on 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**

07:28:10 Commissioner Regnier said that assignment of holdover senators would be discussed next. He said that Commissioners Bennion and Lamson both planned to offer amendments to several House Districts. He said that the meeting would

recess in order to give the Commissioners time to review the amendments. Commissioner Regnier recessed the meeting until 4:50 p.m.

BREAK

- 08:40:42 Commissioner Regnier called the meeting back to order at 5:42 p.m. and said work would begin with the issue of holdover senators (EXHIBIT 6). He said that after comparing notes during the break, all but four assignments had been agreed upon. Commissioner Regnier said two of the disputed senators are from Billings: Senator-elect Roger Webb and Senator-elect Elsie Arntzen. He asked to view their respective districts on the maps. Mr. Kolman said that their residences have been plotted and were displayed on the screen. The Commissioners discussed the issue.
- 08:44:17 Commissioner Bennion proposed to assign Senator-elect Arntzen to SD 31, saying that she was just elected by an overwhelming margin in that district. He said that to assign her to the district proposed by Commissioner Lamson made no sense.
- 08:45:07 Commissioner Lamson proposed to assign Senator-elect Arntzen to SD 32, made up of HDs 50 and 51. He discussed the rationale for the assignment.
- 08:46:22 Commissioner Lamson proposed to assign Senator-elect Roger Webb to SD 28. Commissioner Bennion discussed his strong opposition to that assignment.
- 08:48:17 Commissioner Regnier said he would support the Republicans for Senator Arntzen (SD 31) and the Democrats for Senator-elect Webb (SD 28).
- 08:48:49 **Commissioner Lamson moved to assign Senator-elect Webb to SD 28. The motion passed on a 3-2 voice vote, Commissioner Bennion and Commissioner Vaughey voted no.**
- 08:49:25 **Commissioner Bennion moved to assign Senator Arntzen to SD 31. The motion passed on a 3-2 voice vote, Commissioner Smith and Commissioner Lamson voted no.**
- 08:50:05 The Commissioners discussed the assignment of Senator Bruce Tutvedt from Kalispell. Commissioner Lamson proposed assigning him to SD 9. Commissioner Regnier said that Commissioner Bennion's proposal to assign Sen. Tutvedt to SD 10 makes more sense.
- 08:52:17 **Commissioner Lamson moved to assign Sen. Tutvedt to SD 9. The motion failed on a 2-3 voice vote. Commissioner Bennion, Commissioner Vaughey, and Commissioner Regnier voted no.**
- 08:52:46 **Commissioner Bennion moved to assign Sen. Tutvedt to SD 10. The motion passed on a 3-2 voice vote. Commissioner Lamson and Commissioner Smith voted no.**

- 08:53:18 The Commissioners discussed the assignment of Sen. Christine Kaufmann, Helena. Commissioner Lamson said he would assign her to SD 48, her current district.
- 08:55:11 Commissioner Bennion said he would assign her to SD 49, which would still give her the majority of voters. He said that even though Sen. Kaufmann is a great lady, she is very urban and the residents would not feel well-represented. Commissioner Lamson said that while SD 48 does extend into rural areas, it has half of her current district. He said that the best course of action would be to allow her to serve out her term, since she will be termed out.
- 08:57:10 **Commissioner Lamson moved to assign Sen. Christine Kaufmann to SD 48. Commissioner Bennion made a substitute motion to assign Sen. Kaufmann to SD 49. Commissioner Bennion's substitute motion failed on a 2-3 on a voice vote, Commissioner Lamson, Commissioner Smith, and Commissioner Regnier voted no.**
- 08:58:15 **Commissioner Lamson's original motion to assign Sen. Kaufmann to SD 48 passed on a 3-2 voice vote. Commissioner Bennion and Commissioner Vaughey voted no.**
- 08:58:42 Commissioner Regnier asked for a motion to approve the list for the other 21 holdover senators. Commissioner Lamson read the list of agreed-upon Senate District assignments (EXHIBIT 7).
- 09:03:03 **Commissioner Lamson moved to approve the proposed assignments. The motion passed on a unanimous voice vote.**
- 09:03:28 Commissioner Regnier said the Commission would consider Commissioner Bennion's global amendment to House Districts (a46_JB_1126 - EXHIBIT 8). Commissioner Bennion explained his amendment to amend numerous districts in the Tentative Commission Plan (TCP), referring to maps displayed on the screen. He said that while there a number of changes, they were not of great consequence and that the goal of the amendment is to move closer to the adopted criteria. He said the amendment also includes amendments requested by county clerks and recorders and to resolve a couple of boundary line issues. He noted that he directed the work through LSD staff. Commissioner Regnier said that the population deviation of the current TCP is at 1.22%. He asked how the amendment would change that number. Commissioner Bennion said the number would be reduced to 0.78%.
- 09:06:48 Commissioner Bennion said that he has amendments to offer for Helena and Great Falls districts also. The Commissioners discussed the amendment. Commissioner Lamson said that while he could support certain portions of the amendment, he said it was a misnomer to say that it was intended as a purely criteria deviation exercise because it would also protect certain incumbents. He said he will offer an alternative amendment. He briefly listed some of the adjustments that would be made in his proposal. Commissioner Regnier asked

what the deviation adjustment would be in his amendment. Commissioner Lamson said it would be about 0.92%.

09:11:47 Commissioner Lamson expressed concern that Commissioner Bennion's global amendment would tinker with too many districts.

09:12:14 Commissioner Bennion said that his amendment was made available to the Commissioners over two weeks ago and that the first he heard about Commissioner Lamson's amendment was a half-hour ago. He said his amendment was a good faith effort, with no "mischief" intended. Commissioner Lamson said that the claim that there was no political effect was not true. He discussed several reasons why he would not support Commissioner Bennion's amendment.

09:14:31 Commissioner Regnier said that he had a problem with the timing of Commissioner Lamson's amendment. He asked Commissioner Lamson why he could not support Commissioner Bennion's amendment since both amendments treat legislators the same and result in minor deviation differences. Commissioner Lamson said that he had problems with other aspects of the amendment and explained further.

09:16:15 Commissioner Bennion stated his opinion that Commissioner Lamson's proposal was not a good faith effort because it was submitted at such a late date in the process. He said that in the end, it is the criteria that matters most. Commissioners Bennion and Lamson continued to discuss their respective positions.

09:19:06 **Commissioner Bennion moved to approve his global amendment (a46_JB_1126, EXHIBIT 8) and said that he hoped for the support of the Chair.**

09:19:28 Commissioner Lamson asked for a short recess. Commissioner Regnier recessed the meeting for a five-minute break.

BREAK

09:25:00 Commissioner Regnier called back to order, saying that he was not happy about the situation. He said the Republican amendment has been on the table but that he has concerns about some of the substantive issues involving moving of lines. He said that he is not inclined to support either amendment at this time. He suggested scheduling a telephone conference meeting to deal with it in order to give more time to study the amendments.

09:26:19 Commissioner Lamson apologized for not presenting his amendment in a more timely manner. He asked if a teleconference call could be scheduled for the next week. Ms. Weiss said that the Commission must abide by public notice requirements, which typically include email and press release notifications to the public, as well as posting the information on the Commission's web page. Commissioner Lamson said that because the process is in the executive session phase, notice requirements could be condensed. After discussion, it was agreed that a teleconference meeting would be held on December 6, 2012, at 2 p.m.

- 09:30:40 Commissioner Regnier asked Commissioner Bennion to explain his amendments for the Great Falls and Helena House Districts. Commissioner Bennion explained his amendment (a44_JB_1026 - EXHIBIT 9) to revise certain Helena districts, saying it mainly deals with compactness and community of interest concerns in the Helena Valley House Districts.
- 09:35:52 Commissioner Lamson disagreed with the amendment and said that his opinion is that it is a blatant effort to pack more Democrats into a district and leave more Republicans in the Helena Valley districts.
- 09:38:20 Commissioner Bennion discussed his amendment for the Great Falls districts (a43_JB_1026 - EXHIBIT 10), saying it would adjust the infamous guitar-shaped district, as well make adjustment to other districts. He said that with his amendment, it still looks goofy, but less so than the current district. He said that his changes are mainly in two districts and that he tried to make the least change possible, while addressing compactness concerns.
- 09:40:56 Commissioner Lamson said that his opinion of the Great Falls amendments is the same as the Helena amendments; that it is an attempt to pack Democrat districts. He said he has an alternative proposal to reduce Republican concerns about the "guitar" district.
- 09:41:55 Commissioner Regnier said that he is not inclined to revisit the Helena districts but that he also doesn't like the "guitar" district in Great Falls. He said that no votes would be taken on the amendments proposed for the Great Falls districts until Commissioners Bennion and Vaughey had time to study the amendment proposed by Commissioner Lamson.
- 09:43:16 Commissioner Regnier asked Commissioner Lamson to provide copies of the amendment immediately and that it be posted on the Commission's web page. He said it would be on the teleconference meeting agenda scheduled for December 6.
- 09:43:40 **Commissioner Bennion moved to approve amendment a44_JB_1026 (EXHIBIT 9) for the Helena House Districts. The motion failed on a 2-3 voice vote.** Commissioner Lamson, Commissioner Smith, and Commissioner Regnier voted no. Commissioner Regnier reviewed agenda topics for the Thursday, December 6 teleconference call. Commissioner Bennion said he would offer an amendment for the Malta House District at that time and would get copies out immediately.

PUBLIC COMMENT

- 09:46:04 **Cort Freeman, Butte**, discussed a technical amendment for the Butte districts which he felt would be beneficial to maintaining responsibility for clean up sites in and around Butte, including the Superfund clean up site at the Berkeley Pit.
- 09:50:53 **Rose Hanser, Mayor, Colstrip**, asked the Commission to consider reuniting Colstrip because it is such a small community. She said that dividing the

community virtually assures that Colstrip residents will not have a voice. She said that she respectfully requests that Colstrip be united in HD 38.

ADJOURNMENT

09:52:34 Commissioner Lamson thanked the members of the public for staying at the long meeting. Commissioner Regnier adjourned the meeting at 6:55 p.m. The next meeting of the Districting and Apportionment Commission will be held on Thursday, December 6, 2012.

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