



# Montana Districting and Apportionment Commission

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## MINUTES

November 15, 2012

Room 303, State Capitol  
Helena, Montana

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

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

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

### **COMMITTEE MEMBERS PRESENT**

Jim Regnier, Presiding Officer  
Jon Bennion  
Joe Lamson  
Pat Smith  
Linda Vaughey

### **STAFF PRESENT**

Rachel Weiss, Research Analyst  
Joe Kolman, Research Analyst  
Julianne Burkhardt, Attorney  
Dawn Field, Secretary

### **AGENDA & VISITORS' LIST**

Agenda, Attachment #1.  
Visitors' list, Attachment #2.

### **COMMITTEE ACTION**

The Districting and Apportionment Commission took no official action.

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

00:00:03 Commissioner Regnier called the meeting to order at 6:31 p.m. The Secretary took roll, all members were present (Attachment 3).

### **WELCOME AND ANNOUNCEMENTS**

00:01:01 Commissioner Regnier introduced the Legislative Services Division staff and Commissioners Bennion, Vaughey, Smith, and Lamson.

### **OVERVIEW OF ADOPTED DISTRICTING CRITERIA, HEARING PURPOSE, THE PROCESS TO COMPLETE THE PLAN, AND PUBLIC COMMENT GUIDELINES**

00:02:07 Commissioner Regnier discussed the purpose of the meeting, which was to take public comment and suggestions for House district pairings to create Senate districts; the ground rules for testimony and submitting comment; and meeting protocol to be followed.

00:05:18 Commissioner Regnier briefly reviewed the mandatory and discretionary criteria adopted by the Commission.

### **PUBLIC COMMENT AND SUGGESTIONS FOR SENATE DISTRICTS**

00:08:16 **Sen. Tom Facey, SD 48, Missoula**, asked to pair House Districts 84 and 95.

00:08:53 **Nichole Brown, Broadwater County Planner**, asked, on behalf of the Broadwater County Commission (EXHIBIT 1), to pair House Districts 75 and 74.

00:09:49 **Sen. Jim Peterson, SD 15, Buffalo**, asked to pair House Districts 40 and 43.

00:11:05 **Sen. David Wanzenried, SD 49, Missoula**, asked to pair House Districts 96 and 97.

00:12:26 **Sen. Terry Murphy, SD 39, Cardwell**, asked that the new senate district be kept as similar as possible to the current one and noted that Jefferson County has traditionally been paired with another district that also lies east of the continental divide.

00:13:08 **JP Pomnichowski, Bozeman**, Representative-elect, HD 66, asked to pair House Districts 59 and 63.

00:14:43 **Rep. Carlie Boland, HD 23, Great Falls**, asked to pair House Districts 24 and 25.

00:15:14 **Rep. Dick Barrett, HD 93, Missoula**, (Senator-elect, SD 47) asked to pair House Districts 82 and 83.

00:16:33 **Rep. Bill McChesney, HD 40, Miles City**, asked to pair House Districts 38 and 39.

- 00:17:23 **Rep. Matt Rosendale, HD 38, Glendive,** (Senator-elect, SD 19) asked to pair House Districts 35 and 36. He listed a number of reasons for his preference.
- 00:18:29 **Sen. John Brenden, SD 18, Scobey,** discussed concerns about pairing House Districts 33 and 34 because those two districts, if combined, would create a very large senate district.
- 00:21:45 **Sen. Eric Moore, SD 20, Miles City,** asked to pair House Districts 37 and 39. He also discussed concerns about the difficulty of representing a very large district.
- 00:23:39 **Rep. Mike Miller, HD 84, Helmville,** asked that House Districts 17 and 84 not be paired in a senate district. He said a better choice would be to pair House Districts 84 and 85.
- 00:24:31 **Sue Malek, Missoula,** Senator-elect, SD 46, asked to pair House Districts 99 and 100.
- 00:25:42 **Rep. Dan Salomon, HD 12, Ronan,** asked to keep Lake County in one Senate district, which would contain House Districts 14 and 18.
- 00:26:56 **Greg Hertz, Polson,** Representative-elect, HD 11, agreed with Rep. Salomon's comments and asked to keep Lake County whole.
- 00:27:19 **Rep. Janna Taylor, HD 11, Dayton,** (Senator-elect, Senate District 6), stated her agreement with Mr. Hertz' and Rep. Salomon's comments and to leave Lake County as whole as possible.
- 00:28:10 **Rep. Bob Mehlhoff, HD 26, Great Falls,** asked to pair House Districts 27 and 28.
- 00:29:05 **Ed Lieser, Whitefish,** Representative-elect, HD 4, asked to pair House Districts 4 and 6.
- 00:29:53 **Greg Jergeson, Chinook,** Senator-elect, SD 17, asked to pair House districts 30 and 33. He said he also shares many of the same concerns discussed previously regarding pairing House Districts 33 and 34 and the difficulty in representing very large districts. He said a better choice would be to pair House Districts 30 and 33.
- 00:33:21 **Scott Sales, Bozeman,** Senator-elect, SD 34, asked to pair House Districts 64 and 74.
- 00:34:50 **Tom Jacobson, Great Falls,** Representative-elect, HD 25, asked to pair House Districts 27 and 28.
- 00:36:00 **Reilly Neill, Livingston,** Representative-elect, HD 62, asked to pair House Districts 59 and 63.

- 00:36:59 **Jim Keane, SD 38, Butte**, discussed the significance of the Boulder Batholith and mining as the economic driver of Jefferson and Silver Bow Counties. He asked to pair House Districts 75 and 76.
- 00:38:32 **Ed Walker, SD 29, Billings and Laurel**, opposed pairing Laurel with Red Lodge and said Laurel should be put back in a Yellowstone County Senate district, as it has been in the past.
- 00:39:38 **Sen. Jeff Essmann, SD 28, Billings**, commented on the proposed 14 whole and 2 partial House districts in Yellowstone County and asked the Commission to pair the two partial House districts together, which would allow seven whole senate districts within Yellowstone County. He also asked that the Commission not create open seats in areas that just had senate seat elections because it disenfranchises voters.
- 00:41:50 **Bowen Greenwood, State Republican Party**, submitted written comment on behalf of Republican constituents. He said that, as a resident of Helena, he would like the Commission to reconsider a Helena valley district and he asked that the new district pairings be kept as similar to the current ones as possible.
- 00:42:36 **Jennifer Fielder, Thompson Falls**, Senator-elect, SD 7, asked to pair House Districts 13 and 19 and not to pair 13 and 14.
- 00:43:58 **Rep. Pat Noonan, HD 73, Butte**, asked to pair House Districts 75 and 76. He also expressed disappointment with the sacrifices already made by Butte-Silver Bow in the districting process. He discussed his opinion further.
- 00:45:26 **Rep. Austin Knudsen, HD 36, Culbertson**, asked to pair House Districts 33 and 34. He said he also advocates a Senate pairing for Richland, Dawson, and Wibaux Counties.
- 00:47:39 **Sen. Art Wittich, SD 35, Bozeman and Gallatin County**, discussed his concerns regarding how the urban core of Bozeman was divided into five house districts. He said that such districts divide and disenfranchise voters, and that it seems illogical to divide Bozeman into so many districts. He asked if the Commission's legacy is to reapportion based on population changes and maintaining communities of interest, or if it will be to enhance Democratic partisan power through the redistricting process. He said he hoped it was the former.
- 00:51:16 **Leonard Wortman, Chair, Jefferson County Commission**, asked to pair House Districts 72 and 73 and House Districts 74 and 75. He emphasized that many Jefferson County Commission meetings were held to take public comment and that residents of Jefferson County very strongly support being paired with Broadwater County in a senate district. Mr. Wortman submitted a packet of public comment into the record, as well as a letter from the Jefferson County Commission (EXHIBIT 2).

- 00:53:41 **David Halvorson, Sidney**, Representative-elect, HD 37, asked to pair House Districts 35 and 36, as requested by Rep. Rosendale and Rep. Knudsen.
- 00:54:34 **Alan Doane, Bloomfield**, Representative-elect, HD 38, asked to pair House Districts 35 and 36.
- 00:55:14 **Sen. Debby Barrett, SD 36, Dillon**, asked to pair House Districts 72 and 73, and House Districts 74 and 75.
- 00:55:59 **Rep. Jean Price, HD 21, Great Falls**, asked to pair House Districts 22 and 23.
- 00:56:41 **Sen. Ron Arthun, SD 31, Park and Sweetgrass Counties**, asked to pair House Districts 44 and 59.
- 00:57:21 **Daniel Zolnikov, Billings Heights**, Representative-elect, HD 47, asked to pair House Districts 47 and 54 and House Districts 48 and 49.
- 00:58:00 **Sen. Brad Hamlett, SD 10, Cascade County**, said that he likes the current pairings because they make sense and are a good fit for the area. He discussed how the districts have been carved up in the proposed Commission plan and asked that the Commission reconsider the district boundaries. He discussed a number of specific concerns, particularly the "guitar" shaped district (HD 24). He suggested pairing House Districts 20 with House District 22, 23, 24, or 25; and pairing House District 21 with House District 22 or 28.
- 01:01:40 **Sen. Ed Buttrey, SD 13, Great Falls**, agreed with Sen. Hamlett's concerns and questioned how the Commission came up with the Great Falls districts. He said he joins with others in asking that the Commission reconsider the Great Falls district boundaries. He suggested pairing House Districts 27 and 28, should no changes be made.
- 01:03:23 **Rep. Edie McClafferty, HD 75, Butte**, asked to pair House Districts 75 and 76.
- 01:04:09 **Amanda Curtis, Butte**, Representative-elect, HD 76, asked to pair House Districts 75 and 76.
- 01:05:01 **Rep. Brian Hoven, HD 24, Great Falls**, agreed with Sen. Hamlett's and Sen. Buttrey's concerns about the boundaries of the proposed Great Falls house districts. He discussed several of his own concerns and proposed that House Districts 25 and 27 be paired in a Senate district.
- 01:06:41 **Roger Hagan, Great Falls**, Representative-elect, HD 19, Cascade County, agreed with Sen. Hamlett's concerns and discussed several of his own regarding south Cascade County. He said that residents of Belt and Cascade are very concerned about the proposed pairings and encouraged the Commission to restore and pair current House Districts 19 and 20.
- 01:10:05 **Kelly McCarthy, Yellowstone County**, Representative-elect, HD 51, asked to pair House Districts 53 and 54.

- 01:10:50 **Rep. Ryan Lynch, HD 74, Butte**, agreed with comments made by Rep. Noonan and Sen. Keane and said he shares their concern. He asked to pair House Districts 75 and 76 and House Districts 77 and 78.
- 01:11:28 **Sen. Taylor Brown, SD 22, Huntley**, submitted written comment into the record regarding the proposed Yellowstone County districts (EXHIBIT 3). He asked to pair House Districts 38 and 46.
- 01:13:06 **Kimberly Dudik, Missoula**, Representative-elect, HD 99, asked to pair House Districts 18 and 98.
- 01:14:40 **Douglas Coffin, Missoula**, Representative-elect, HD 93, discussed his current district and how it will be divided up in the proposed plan, which he opposes. He made several suggestions for boundary changes. Mr. Coffin submitted written comment into the record (EXHIBIT 4).
- 01:18:11 **Rep. Wendy Warburton, HD 34, Hill County**, asked to pair House Districts 33 and 34.
- 01:20:24 **Rep. Roy Hollandsworth, HD 28, Brady**, discussed his concerns about the proposed House district pairings, particularly how the "Golden Triangle" area is currently paired.
- 01:21:49 **Rep. Kris Hanson, HD 33, Havre**, commended the Commission for putting Havre into a single district. She asked to pair House Districts 29 and 30.
- 01:23:32 **Ray Shaw, Sheridan**, Representative-elect, HD 71, discussed why his district should be left as is (paired with Madison County). He suggested pairing northern Jefferson County with Broadwater County.
- 01:24:36 **Rep. Virginia Court, HD 52, Billings**, asked to pair House Districts 55 and 56, House Districts 57 and 60, and House Districts 61 and 62.
- 01:25:15 **Rep. Jon Sesso, HD 76, Butte**, (Senator-elect, SD 37), said that it makes the most sense to pair Butte-Silver Bow with Jefferson County and spoke in support of pairing House Districts 75 and 76.
- 01:27:56 **Fred Thomas, Stevensville**, Senator-elect, SD 45, said he was very critical of the 2000 redistricting plan and while this one is much better, there are improvements to be made. He discussed several improvements that could be made to the Hamilton district, saying that the map submitted by locals was much better than the plan drawn by the Democrats.
- 01:30:05 **Tom Lythgoe, Jefferson County Commissioner**, complimented the Commissioners on their work and said it is a tough job. He agreed with Chairman Wortman's comments in support of pairing House Districts 74 and 75. He said that the Jefferson County Commissioners listen to their constituents and that there is very strong support for being paired with Broadwater County and very

strong opposition to being paired with Butte-Silver Bow. He said he supports pairing House Districts 74 and 75.

- 01:32:54 **Rose Hanser, Mayor, Colstrip**, asked to pair House Districts 38 and 46. She discussed her opposition to dividing Colstrip into two house districts.
- 01:34:43 Commissioner Regnier recessed the meeting for a short break.
- BREAK**
- 01:46:41 Commissioner Regnier called the meeting back to order.
- 01:46:51 **Rep. Duane Ankney, HD 43, Colstrip**, discussed his opposition to splitting Colstrip into two districts and his support for pairing House Districts 38 and 47.
- 01:49:03 **Dave Kirsch, Jefferson County Commissioner**, asked to pair House Districts 74 and 75 and discussed his concerns about Jefferson County being paired with Butte-Silver Bow. He noted that no legislators or citizens from Butte-Silver Bow attended any of the public hearings held in Jefferson County.
- 01:50:53 **Kerry White, Bozeman**, Representative-elect, HD 70, discussed the proposed pairings for Gallatin County and his concerns that rural residents will lose their voice as a result, particularly in House District 71. He said he agreed with the pairings suggested by Senator-elect Scott Sales.
- 01:54:56 **Rep. Joanne Blyton, HD 59, Carbon County**, thanked the Commissioners for their hard work and for keeping Carbon County intact. She said that she supports the proposed pairing of her district.
- 01:56:12 **Charles Wideman, Jefferson County**, said that the Jefferson County Commission was very proactive in working on behalf of its citizens. He discussed the proposed pairings and agreed with previous testimony that Butte-Silver Bow did not attend public hearings but that Broadwater County Commissioners and residents did. He asked that House Districts 74 and 75 be paired.
- 01:58:11 **Colleen Teeling, Jefferson County**, said that she supports the position of the Jefferson County Commissioners and strongly supports a Jefferson-Broadwater County pairing.
- 01:59:21 **Tom Woods, Bozeman**, Representative-elect, HD 64, said that he could give only "lukewarm support" for pairing House Districts 59 and 63.
- 02:00:39 **Rep. Chuck Hunter, HD 79, Helena**, spoke in support of the proposed pairings for the Helena/Lewis and Clark County districts. He said there are certain concerns, but that overall, he would support the districts as proposed.

#### **General Public Comment**

- 02:02:30 **Jennifer Fielder, Missoula**, Senator-elect, SD 7, discussed the geographical barriers in proposed HD 14. She said it would make more sense to adjust the district boundaries in order to allow easier access to the district.

- 02:04:18 **Richard Dunbar, Phillips County Commissioner**, asked the Commission to consider moving Malta into HD 33 and discussed why it would be a good move. He submitted into the record a packet of public comment from Malta citizens in favor of the move.
- 02:05:15 **Mike Lang, Malta**, Representative-elect, HD 35, discussed his concern about Malta's placement and asked that it be moved into a district similar to the one proposed in the Criteria Plan.
- 02:06:11 **Rep. Wayne Stahl, HD 35, Malta**, discussed several concerns about the proposed house districts in his area and how the boundaries could impact the Native American vote. He said that districts should be more balanced and that he also agreed with previous comments about certain districts being too large to provide adequate representation.
- 02:10:36 **Sen Taylor Brown, SD 22, Huntley**, discussed his displeasure and disappointment with the boundaries drawn for his district, pointing out that his home had been moved just out of his traditional district and placed in a district lying mostly in Big Horn County. He stated that the move "smacks of gerrymandering" and that such moves will force Republican legislators to run in predominantly Democratic districts. He said that the decision completely defies the goals of the Commission, is highly political, and will fragment a compact little community. Sen. Brown submitted a letter listing his objections into the record (EXHIBIT 5).
- 02:14:33 **Jennifer Fielder, Missoula**, Senator-elect, SD 7, asked that Frenchtown be left as is.
- 02:15:08 **Rep. Dan Salomon, HD 12, Ronan**, said that the proposed district to replace his current one places his home 100 feet outside of the current HD 12, where he has lived his entire life. He asked the Commission to review the proposed district and change it back because he would like to remain in his current district.
- 02:16:30 Commissioner Regnier concluded the public testimony.
- 02:16:41 Commissioner Regnier asked the commissioners if they had any remarks to add. They did not.
- 02:16:59 Commissioner Regnier thanked everyone for attending the meeting and submitting their comments. He reminded the Commissioners that November 23, 2012, is the deadline for submitting senate pairings and that all submissions would be posted after the deadline. He also reminded the Commission of upcoming meeting dates, scheduled for November 30, 2012, and December 19, 2012.

#### **ADJOURN**

- 02:18:02 Commissioner Regnier adjourned the hearing at 8:49 p.m. The Districting and Apportionment Commission will meet next on December 19, 2012, in Helena.

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