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Judicial Redistricting Commission

64th Montana Legislature

LEGISLATORS

SEN. KRISTIN HANSEN
REP. NATE McCONNELL

PUBLIC MEMBERS

HON. GREG TODD - CHAIR
HON. RAY DAYTON
RICK COOK
DAVE SCHULZ
EMILY JONES

COMMITTEE STAFF

RACHEL WEISS, RESEARCH ANALYST
JULIANNE BURKHARDT, ATTORNEY
LAURA SHERLEY, SECRETARY

MINUTES

April 6, 2016
Room 102, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The 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 Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the "Exhibits" is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

HON. GREG TODD - CHAIR
SEN. KRISTIN HANSEN
REP. NATE McCONNELL
HON. RAY DAYTON
RICK COOK
DAVE SCHULZ
EMILY JONES

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

RACHEL WEISS, Research Analyst
JULIANNE BURKHARDT, Attorney
LAURA SHERLEY, Committee Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTION

The Judicial Redistricting Commission decided not to recommend redistricting proposals to the 2017 Legislature and agreed to meet in the summer to consider a draft of its final report.

CALL TO ORDER and ROLL CALL

00:00:01 Judge Todd called the meeting to order at 9:05 a.m. The commission secretary took roll ([Attachment 3](#)).

UPDATE ON PREVIOUS INFORMATION REQUESTS

Budget Issues and Standing Masters -- Beth McLaughlin, Court Administrator

00:00:58 Ms. McLaughlin ([Exhibit 1](#))

Treatment Courts -- Judge Greg Todd, 13th Judicial District

00:12:50 Judge Todd

DISCUSSION OF COMMISSIONERS' REDISTRICTING PROPOSALS

Review of maps and staff analysis packet for proposals -- Rachel Weiss, Research Analyst, Legislative Services

00:18:40 Judge Todd

00:20:33 Ms. Weiss ([Exhibit 2](#))([Exhibit 3](#))([Exhibit 4](#))([Exhibit 5](#))([Exhibit 6](#))([Exhibit 7](#))([Exhibit 8](#))([Exhibit 9](#))([Exhibit 10](#))

00:28:04 Judge Todd ([Exhibit 11](#))

Proposal 1 -- Rep. Nate McConnell

Overview of the proposal

00:30:01 Rep. McConnell

00:32:20 Sen. Hansen requested all public comment be given prior to questions and comments from the commission.

Public Comment on Proposals

00:33:00 Judge Deborah "Kim" Christopher, 20th Judicial District ([Exhibit 12](#))([Exhibit 13](#)) ([Exhibit 14](#)).

00:51:40 Judge Todd stated that public comments on any proposal should be given at this time before the commission discussion and questions.

00:53:54 Judge Brenda Gilbert, 6th Judicial District ([Exhibit 15](#))

01:01:46 Rep. McConnell asked Hon. Gilbert if she had suggestions for other redistricting options in her district.

01:03:35 Commissioner Schulz asked for clarification of Judge Gilbert's comments.

01:05:35 Judge Randy Spaulding, 14th Judicial District ([Exhibit 16](#))([Exhibit 17](#))

01:20:30 Commissioner Cook commented about the pro se litigants issue within the district courts and how that relates to the caseload study.

01:22:53 Rep. McConnell asked what role technology has had in the workload and caseload for the district judges especially regarding pro se litigant cases.

01:26:40 Judge Todd commented on technology use in his judicial district.

01:28:32 Judge Christopher responded to Judge Todd's comment.

01:33:59 **BREAK** (Reconvened at 10:55 a.m.)

Questions/Comments from the commissioners

- 01:50:25 Commissioner Schulz asked Ms. McLaughlin that if there is statistical information that a larger number of judges are needed statewide, why is the court only requesting five additional judges.
- 01:52:49 Judge Todd added to the response to Commissioner Schulz question.
- 01:53:56 Sen. Hansen commented about the Judicial Branch and Legislative Branch budgeting compared to the state funds.
- 01:55:52 Sen. Hansen recommended that proposals 1 and 5 should be rejected.

Proposal 2 -- Sen. Kristin Hansen

Overview of the proposal

- 01:57:11 Sen. Hansen

Questions/Comments from the commissioners

- 02:00:50 Judge Todd suggested discussion process for the proposals and voting.
- 02:02:29 Commissioner Jones asked Sen. Hansen if she is in support of proposal 2 or if it was just an option she presented.
- 02:03:20 Judge Todd asked Sen. Hansen if proposals 2 and 4 would keep the commission's work considering the public comments given on these proposals.
- 02:05:15 Judge Todd commented on Sen. Hansen's response and how the commission will vote on the proposals.
- 02:07:10 Judge Dayton asked Sen. Hansen that even though both proposals 2 and 4 are being considered, both could not be implemented due to the district overlap.
- 02:10:29 Judge Dayton commented about the groundwork completed by the commission. He also discussed the public and commission comments regarding the current proposals and projected judge workload.
- 02:12:42 Sen. Hansen clarified the process that it will take for a redistricting proposal to be made into a bill draft and then taken through the legislature.
- 02:14:32 Judge Todd responded to Sen. Hansen's comments and the work of the commission going forward with the proposals.

Proposal 3 and 4 -- Judge Greg Todd

Questions/Comments from the commissioners

- 02:18:41 Sen. Hansen commented on the travel concerns with proposal 3.
- 02:19:28 Ms. McLaughlin discussed the travel calculations regarding proposal 3 with reference to Exhibit 4.
- 02:21:38 Judge Todd discussed proposals 3 and 4 and the change in travel associated with them.

Proposal 5 and 6 -- Rep. McConnell

Overview of the proposal

- 02:26:00 Judge Todd discussed the public comments given for proposal 6.
- 02:26:28 Rep. McConnell reviewed why proposals 5 and 6 were studied.

COMMISSION WORK SESSION

- 02:27:50 Commissioner Jones commented on the work involved in the proposals and stated her decision at this time of the proposals.
- 02:29:34 Sen. Hansen commented on the commission's tasked work and clarified that

redistricting was not an either/or idea to replace a budget request for additional district judges.

- 02:30:40 Judge Todd discussed how the commission will move forward with the proposals.
- 02:31:26 Commissioner Schulz commented about the feedback he received and stated his decision at this time of the proposals.
- 02:34:08 Commissioner Cook recommended that a roll call vote be taken for each proposal.
- 02:35:20 Judge Todd asked the commission for further questions or comments prior to voting on the proposals.
- 02:35:50 Sen. Hansen commented on the voting technique for the proposals.
- 02:36:25 Commissioner Jones recommended that if a proposal is not agreed upon then the commission should present other options to the legislature.
- 02:37:19 Judge Todd commented on final report that will be given to the legislature and voting on the proposals.

Motion

- 02:38:22 Sen. Hansen moved to not recommend judicial redistricting proposals 1, 3, 5, and 6.

Vote

- 02:38:37 The motion passed unanimously ([Attachment 4](#)).

Motion

- 02:38:54 Sen. Hansen moved to forward to the legislature as a recommendation judicial redistricting proposal 2.

Vote

- 02:39:03 The motion failed with a 1-6 vote with Sen. Hansen voting 'yes' ([Attachment 5](#)).

Motion

- 02:39:18 Sen. Hansen moved to forward to the legislature as a recommendation judicial redistricting proposal 4.

Vote

- 02:39:26 The motion failed unanimously ([Attachment 6](#)).
- 02:39:43 Judge Todd commented that all 6 proposals be rejected rather than leave proposal 2 with no unanimous vote.
- 02:41:21 Sen. Hansen discussed her vote and how the proposal votes will be presented to the legislature.
- 02:42:46 Judge Todd asked Commissioner Jones to expound on her comments regarding the final report to the legislature.
- 02:43:31 Ms. Weiss discussed the procedure for the final report of the commission.
- 02:45:17 Rep. McConnell discussed the statute establishing the Judicial Redistricting Commission and the final report of the commission.
- 02:46:07 Ms. Weiss presented an additional public comment that was submitted during the meeting ([Exhibit 18](#)).
- 02:47:03 Judge Todd clarified the final report process.

02:49:10 Sen. Hansen recommended that the commission provide staff with all information that is wanted to be incorporated into the final report.

02:50:05 Judge Todd and the commission discussed content of the final report.

02:51:20 Commissioner Jones asked if Judge Todd and Judge Dayton if they will be supporting the proposal that the Court Administrator's Office will be forwarding to the legislature in the next session.

02:52:56 Sen. Hansen commented about the motions and votes and the language regarding the 6 proposals in the final report.

02:55:35 Rep. McConnell made recommendations of what will be in the final report.

02:57:28 Judge Todd asked the commission if there should be any added work or information to the report that the legislature need from the commission.

02:59:29 Commissioner Schulz asked if any of the commissioners can come forward and discuss the final report in front of the legislature.

03:02:04 Ms. Weiss clarified how the report will be givrn to the legislature.

03:03:00 Commissioner Schulz asked for clarification of the procedure of public comment when the final report is given to the legislature.

03:03:27 Judge Todd asked for clarification of staff instruction for the final report.

03:06:25 Judge Todd asked the commission for final comments for the final report. He also asked for the final commission meeting be via conference call and voting on the final report.

03:11:29 Judge Todd discussed the final meeting date for the Judicial Redistricting Commission.

ADJOURNMENT

03:12:15 With no further business before the commission, Judge Todd adjourned the meeting at 12:18 p.m.

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