

HB 430 JUDICIAL REDISTRICTING COMMISSION
Draft Work Plan for the 2015-2016 Interim

For Discussion on September 3, 2015

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INTRODUCTION AND BACKGROUND

Introduction

The Judicial Redistricting Commission (JRC) is a seven-member commission established for the 2015-2016 interim by House Bill No. 430 (HB 430), Laws of 2015. This work plan outlines the duties assigned to the JRC and proposes a meeting schedule from September 2015 to September 2016. Once revised and adopted by the JRC, the work plan will serve as a general "road map" of the Commission's priorities for the next year.

Commission Duties and Structure

HB 430 requires the JRC to study whether changes should be made to the existing district court boundaries. If the JRC determines redistricting is necessary, it must recommend legislation to the 65th Legislature to enact those changes. The JRC does not have independent authority to make any changes to the current district boundaries.

The JRC members are a state senator chosen by the majority leaders of the Montana House and Senate, a state representative chose by the minority leaders of the House and Senate, two district court judges appointed by the chief justice of the Montana Supreme Court, a district court clerk appointed by the president of the Montana Association of Clerks of District Court, a county commissioner appointed by the Montana Association of Counties, and a member of the State Bar of Montana who is appointed by the president of the bar. HB 430 requires the Legislative Services Division to provide staff assistance to the Commission.

The presiding officer of the JRC must be selected by a majority of the members. Once selected, the presiding officer will preside over meetings, approve meeting agendas, and work with legislative staff to monitor the budget.

HB 430 was effective July 1, 2015, and the legislation terminates June 30, 2017. The JRC members' terms will expire at that time.

Study Process

This work plan proposes a three-stage study process, including the following basic activities during the time periods noted:

- Stage 1: Compile background information: September to December 2015
- Stage 2: Develop initial recommendations: January to June 2016
- Stage 3: Finalize recommendations, if any: June to September 2016

The table starting on page 4 outlines suggested activities for each stage of the study process, as well as a proposed timeline for completing the study.

JUDICIAL REDISTRICTING CRITERIA

HB 430 sets out several factors the commissioners must consider when determining whether to recommend changes to the district court boundaries. Those criteria are:

- the population of the judicial districts as determined by the latest figures prepared and issued by the United States Census Bureau;
- each judicial district's weighted caseload as determined by judicial workload studies;
- the relative proportions of civil, criminal, juvenile, and family law cases in each judicial district;
- the extent to which special masters, alternative dispute resolution techniques, and other measures have been used in the judicial districts;
- the distances in highway miles between county seats in existing judicial districts and any judicial districts that may be proposed by the Commission;
- the impact on counties of any changes proposed in the judicial districts; and
- any other factors the Commission considers significant.

The JRC is also bound by several constitutional provisions, including:

- Article VII, section 6(2), Montana Constitution, providing that the Legislature may change the number and boundaries of judicial districts, including changing the number of judges in the districts, but the changes may not remove a judge from office during the judge's term of office; and
- Article VII, section 9(4), Montana Constitution, providing that a district court judge must reside in the district to which the judge is elected or appointed.

BUDGET AND PROPOSED MEETING SCHEDULE

Budget

HB 430 appropriated \$20,170 to the Legislative Services Division to cover the administrative costs (copies, mailings, etc.) and to pay the salaries, compensation, and travel expenses of the commissioners. Legislators on the JRC are entitled to their regular legislative salary, as well as travel reimbursements. The four commissioners who are state or local government employees are entitled to travel reimbursements. The commissioner who is neither a legislator nor a public employee is entitled to \$50/day compensation when engaged in commission duties, as well as travel reimbursements.

The fiscal note for HB 430 assumes that all meetings will take place in Helena. Although the fiscal note also assumes the JRC will hold five 1-day meetings and one 2-day meeting, the schedule below proposes only five 1-day meetings, including the organizational meeting. If the commissioners wish to alter the meeting numbers or

locations, the presiding officer should determine if the commission's budget is sufficient to cover additional costs (if any) that might occur.

Proposed Meeting Schedule

The following schedule is a proposal to allow the commissioners to complete the HB 430 tasks before the next legislative session. Members may change the dates or number of meetings to reflect their schedules and goals. This schedule anticipates that meetings will last the whole day, although it is possible that several meetings will not take the entire day. It also proposes one less meeting than the fiscal note assumption.

Because the JRC members have busy schedules that fill up quickly and because the Commission shares staff with a legislative interim committee and another criminal justice-related commission, changing meeting dates after this work plan is adopted will be challenging though not impossible.

Suggested Meeting and Study Activities

| Date | Study Activity | Tasks/Policy Decisions |
|--------------------------------|---|--|
| September 2015 (1 day) | <ul style="list-style-type: none"> ▶ Organizational ▶ Study Stage 1 | <ul style="list-style-type: none"> • Review, amend work plan, adopt if possible • Review, adopt meeting dates • Elect officers • Acquire background information, including judicial redistricting history, constitutional and statutory guidelines, case weights and filings, judicial workload data, county budgets, other measures used by courts to adjust to workload • Listen to public comment • Discuss next steps and request additional information, if necessary |
| November/December 2015 (1 day) | <ul style="list-style-type: none"> ▶ Organizational ▶ Study Stage 1 | <ul style="list-style-type: none"> • Adopt work plan, if necessary • Review information requested at previous meeting • Discuss and propose next steps and possible district boundary changes • Listen to public comment • Request additional information, if necessary |

| Date | Activity | Tasks/Policy Decisions |
|---|------------------------|---|
| January/ February 2016 (1 day) | ▶ Study Stage 2 | <ul style="list-style-type: none"> • Review information requested at previous meeting • Discuss and propose next steps and possible district boundary changes • Develop initial recommendations, if any • Listen to public comment • Request additional information, if necessary |
| Spring 2016* *not a proposed meeting | ▶ Study Stage 2 | <ul style="list-style-type: none"> • Commissioners (and staff, if requested) attend stakeholder meetings* to discuss the commission's work and any initial recommendations • Solicit further written feedback from public <p>*Examples: meetings or conferences a commissioner might normally attend, including those held by the Montana Association of Counties, the Montana Judges Association, the Montana Association of Clerks of District Court, and the State Bar of Montana.</p> |
| June 2016 (1 day) | ▶ Study Stages 2 and 3 | <ul style="list-style-type: none"> • Review comments from stakeholder meetings and written public comments • Review information requested at previous meetings, if any • Further refine initial recommendations, if any • Listen to public comment • Request additional information, if necessary • Direct staff to draft recommendations and/or legislation, if necessary |
| August/ September 2016 (1 day) | ▶ Study Stage 3 | <ul style="list-style-type: none"> • Review of draft recommendations, legislation, as needed • Listen to public comment • Finalize recommendations and legislation, if any |

Action Item: The Commission should discuss, revise, and adopt a work plan for the 2015-2016 interim.

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