



Law and Justice Interim Committee

63rd Montana Legislature

SENATE MEMBERS

TERRY MURPHY--Vice Chair
SHANNON AUGARE
SCOTT BOULANGER
ROBYN DRISCOLL
LARRY JENT
SCOTT SALES

HOUSE MEMBERS

MARGARET (MARGIE) MACDONALD--
JENNY ECK
ELLIE BOLDMAN HILL
SARAH LASZLOFFY
STEVE LAVIN
DENNIS LENZ

COMMITTEE STAFF

RACHEL WEISS, Lead Staff
JULIANNE BURKHARDT, Staff Attorney
JOY LEWIS, Secretary

MINUTES LOG

September 3, 2014
Room 102, State Capitol

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

REP. MARGARET (MARGIE) MACDONALD, Chair
SEN. TERRY MURPHY, Vice Chair

SEN. ROBYN DRISCOLL
SEN. LARRY JENT

REP. JENNY ECK
REP. ELLIE BOLDMAN HILL
REP. SARAH LASZLOFFY
REP. STEVE LAVIN
REP. DENNIS LENZ

COMMITTEE MEMBERS ABSENT

SEN. SHANNON AUGARE
SEN. SCOTT BOULANGER
SEN. SCOTT SALES

STAFF PRESENT

RACHEL WEISS, Lead Staff
JULIANNE BURKHARDT, Staff Attorney
JOY LEWIS, Secretary

AGENDA & VISITORS' LIST

Agenda, [\(Attachment 1\)](#).
Visitors' list, [\(Attachment 2\)](#).

COMMITTEE ACTION

The Law and Justice Interim Committee authorized staff to draft legislation for the Office of Public Defender.

The Committee:

- ! approved a motion that LC1j94 become a committee bill. [\(Attachment 4\)](#)
- ! approved a motion that LC1j90 become a committee bill. [\(Attachment 7\)](#)
- ! approved a motion that LC1j97B, as amended, become a committee bill. [\(Attachment 8\)](#)
- ! approved a motion that LC1j95 become a committee bill. [\(Attachment 9\)](#)
- ! approved a motion that LC1j51, as amended, become a committee bill. [\(Attachment 10\)](#)
- ! approved a motion that LC1j52 become a committee bill. [\(Attachment 11\)](#)
- ! approved a motion that LC1j50 become a committee bill. [\(Attachment 13\)](#)
- ! approved a motion to send a letter to the Legislative Audit Committee requesting a performance audit of Crossroads Correctional Center. [\(Attachment 14\)](#)
- ! approved a motion that LC1j01, as amended, become a committee bill. [\(Attachment 15\)](#)
- ! approved a motion that LC1j02, as amended, become a committee bill

CALL TO ORDER AND ROLL CALL

00:00:01 Representative Margie MacDonald, Presiding Officer, called the meeting to order. The secretary took the roll. [\(Attachment 3\)](#) Rep. MacDonald gave an overview of the day's agenda.

AGENCY OVERSIGHT: AGENCY LEGISLATIVE PROPOSALS

00:02:48 Fritz Gillespie, Presiding Officer of the Public Defender Commission, gave an overview of the commission's three additional bill requests:

- ! Proposal #6 - cost of counsel paid to general fund;
- ! Proposal #8 - revising penalties/eliminating jail time for certain misdemeanor offenses; and

! Proposal #9 - clarifying courts' punitive authority including jail time under contempt provisions. He submitted written testimony to the committee. [\(Exhibit 1\)](#)

Public comment

00:07:40 **Steve Cape**, Montana Coalition for Safety and Justice, explained his group's difficulty with Proposal #8 and asked that the bill be modified.

00:10:52 Rep. MacDonald explained the agency bill process versus the committee bill process.

Questions from the committee

00:11:22 Sen. Driscoll asked that the committee keep in mind the letter from Chief Justice Mike McGrath concerning staff shortages in the Appellate Defender's office and his request for adequate funding during the next legislative session. [\(Exhibit 2\)](#)

00:12:11 Rep. Eck questioned Mr. Gillespie about a judge's ability to hold someone in contempt and jail them for failure to pay fines and if this person would have the ability to get a public defender.

00:12:30 Mr. Gillespie answered yes.

Action Item: Authorize drafting of agency proposal(s)

00:12:52 Rep. MacDonald

00:12:59 Sen. Driscoll moved that the Office of Public Defender be allowed to draft their bills.

00:13:12 Rep. MacDonald called for a voice vote and the motion passed.

AGENCY OVERSIGHT: DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION UPDATE

00:13:44 Matthew Dale, Executive Director, Office Consumer Protection and Victims Services, DOJ, gave a slide presentation of the "Montana Domestic Violence Fatality Review Commission Report, January 2013," and an overview of the office's work. He also summarized the major accomplishments of the office in the past 12 years. [\(Exhibit 3\)](#) [\(Exhibit 4\)](#)

Public comment

00:36:11 **Kelsen Young**, the Montana Coalition Against Domestic and Sexual Violence, supported the Fatality Review Commission's work and commended Matt Dale for his ongoing commitment to the domestic violence issue.

Questions from the committee

There were none.

SJ 3 STUDY: REVIEW OF PRELIMINARY BILL DRAFTS REQUESTED AT JUNE MEETING

The drafts discussed below are located in [\(Exhibit 5\)](#).

00:37:13 LClj94 -- Clarify that the governor may change parole board presiding officer.
Rep. Macdonald postponed the discussion until later to give people traveling to Helena a chance to weigh in on the proposed legislation.

00:37:31 LCIj93 -- Generally revise laws relating to parole board presiding officer.
 Rachel Weiss, staff researcher, gave an overview of the proposed legislation.
 00:42:38 Rep. MacDonald
 00:43:04 Ms. Weiss
 00:43:26 Rep. MacDonald and Ms. Weiss discussed the issue of an appropriation in the
 bill draft.
 00:44:03 Rep. Hill and Ms. Weiss discussed the need for a full-time parole board chair
 and/or executive director to assist with running the parole board.
 00:45:39 Rep. MacDonald

LCIj92/LCIj92B -- Increase the size of the parole board.
 00:45:55 Ms. Weiss gave an overview of the proposed bill drafts.
 00:48:01 Rep. Eck and Ms. Weiss discussed the timing differences between the bills for
 the Governor's appointees.
 00:49:05 Rep. MacDonald

LCIj91 -- Prohibit parole board from requiring treatment or programming if not
 required by the sentencing judge.
 00:49:15 Julianne Burkhardt, staff attorney, gave an overview of the proposed bill draft.

LCIj90 -- Revise executive clemency laws
 00:50:25 Ms. Burkhardt gave an overview of the proposed bill draft.

Questions from the committee

00:52:23 Sen. Driscoll discussed clemency numbers with Ms. Burkhardt.
 00:52:48 Rep. MacDonald and Ms. Burkhardt discussed the distinction between capital
 and noncapital cases in relation to clemency.
 00:54:08 Rep. MacDonald
 00:54:47 Rep. Lenz and Ms. Burkhardt discussed how an investigation under the
 Governor's request would differ from the original parole board investigation.
 00:56:46 Rep. MacDonald
 00:56:50 Sen. Driscoll and Ms. Burkhardt continued the discussion on the clemency
 process.
 00:57:33 Rep. MacDonald
 00:57:44 Ms. Weiss

LCIj94 - Clarify that the governor may change parole board presiding officer.
 00:58:26 Ms. Weiss gave an overview of the proposed bill draft.
 00:59:54 Sen. Murphy, Ms. Weiss, and Ms. Burkhardt discussed who determines what is
 cause for removal. Ms. Burkhardt told Sen. Murphy she would get back to him
 with the information.
 01:00:51 Sen. Murphy stated that he thinks the power to change the officer should lie in
 the hands of the Governor.
 01:01:23 Rep. MacDonald
 01:01:36 Rep. Eck asked for clarification between LCIj93 and 94.
 01:03:06 Rep. MacDonald and Ms. Weiss discussed the differences in the two bills.
 01:03:55 Ms. Burkhardt handed out the most current version of LCIj90, which she
 discussed earlier. **(Exhibit 6)**
 01:04:42 Rep. MacDonald

Public comment

- 01:05:47 **Tom Bastas**, Great Falls, talked about the problems he sees in the judicial system and appreciated the work the committee is doing to shed light on the issues with the parole board. He submitted written testimony to the committee. Gayla Bastas handed in written testimony as well. [\(Exhibit 7\)](#)
- 01:12:02 **Mark Murphy**, County Attorney's Association, spoke about LC1j91 and how it will significantly change sentencing rules. He is opposed to it.
- 01:18:05 **Fern Johnson**, Executive Director, Montana Board of Pardons and Parole, explained the Board's opposition to LC1j90, LC1j91, LC1j92 and 92b, LC1j93, and LC1j94. She submitted written testimony to the committee. [\(Exhibit 8\)](#)
- 01:22:59 **Steve Cape**, Montana Coalition for Safety and Justice, commented on LC1j94, LC1j92 and 92B, LC1j91 and LC1j90 and said the Coalition supports all of these bills.
- 01:26:45 **Jane Weber**, Friends and Families Matter, spoke about the support they provide to families with incarcerated loved ones. The group supports all the bills except LC1j52. She submitted written testimony to the committee. [\(Exhibit 9\)](#)
- 01:32:08 **Patty Jacques** thanked the committee for its work.

Questions from the committee

- 01:33:09 Rep. MacDonald
- 01:33:20 Sen. Driscoll and Ms. Johnson discussed the difference in duties between the board chair and the board members.
- 01:35:03 Rep. MacDonald
- 01:35:10 Rep. Hill and Ms. Johnson discussed the role the different parole board members play and when they might be called into service.
- 01:36:46 Rep. MacDonald and Ms. Johnson discussed how often 2-member, 3-member, or 5 or 7-member boards are utilized. They also addressed if the board number was increased to nine members how that would effect costs.
- 01:38:40 Rep. Hill and Ms. Johnson discussed board make-up and who sits on the board. There are four retirees and three who still work.
- 01:39:37 Rep. MacDonald
- 01:40:29 Sen. Murphy disputed a an earlier statement by Mark Murphy about adding additional work load on district judges. (LC1j91)
- 01:42:51 Rep. MacDonald recessed the committee for a break at 9:45 p.m.

BREAK

- 02:02:04 Rep. MacDonald reconvened the meeting at 10:05 a.m.

SJ 3 STUDY: PUBLIC COMMENT ON COMMITTEE BILL AND PRELIMINARY BILL DRAFTS FORWARDED FROM JUNE MEETING

The drafts discussed below are located in [\(Exhibit 5\)](#)

- 02:03:45 LC1j98 (LC301) -- Revise MAPA provisions related to the parole board
Ms. Burkhardt gave an overview of the proposed bill draft.
- 02:04:28 Rep. MacDonald and Ms. Burkhardt discussed an example of the kinds of duties it would require of the board of pardons and parole to execute and the impact of a legislative oversight process.

02:06:25 LCIj97 -- Require parole hearings to be recorded.
Ms. Weiss gave an overview of the proposed bill draft

02:07:56 LCIj97B -- Require parole hearings to be video recorded.
Ms. Weiss gave an overview of the proposed bill draft and provided the committee with a cost estimate from Pathways AV Integrations for audio and video installation. ([Exhibit 10](#))
Rep. MacDonald

02:08:09 LCIj95 -- Revise parole criteria.
Ms. Weiss gave an overview.
02:08:58 Rep. MacDonald

Questions from the committee

There was none.

02:09:27 Mark Mountaintes, parole board consultant on video recording parole hearings, Pathway AV Integrations, explained the estimate provided to the Montana Board of Pardons and Parole for audio and video installation. ([Exhibit 10](#))
02:13:41 Rep. MacDonald

Public comment

02:14:26 **Fern Johnson**, Executive Director, Montana Board of Pardons and Parole, said the board supports LCIj97 and LCIj97B and she commented on some of the details and concerns in the implementation of the bills. The board opposes LCIj98.
02:17:21 **Jane Weber**, Friends and Family Matters, said the group supports LCIj98, strongly supports LCIj97B and has some reservations concerning the criteria in LCIj95 but that they support it. She submitted written testimony to the committee. ([Exhibit 9](#))
02:18:45 **Patty Jacques** commented on LCIj97 and LCIj97B and supports them.
02:19:21 **Megan Shone**, Parole Analyst, Montana Board of Pardons and Parole, spoke about LCIj97 and LCIj97B and commented on a retention time of 3-to-5 years. She also questioned the need to compromise privacy issues by placing the information on a web page.
02:22:05 **Steve Cape**, Montana Coalition for Safety and Justice, highly recommended that LCIj98 move forward. He supports the suggested 3-to-5 year retention rate and agreed with Ms. Johnson about only editing copies that are requested. He asked the committee to support both bills.
02:24:56 **Timothy Allred**, Parole Analyst, Montana Board of Pardons and Parole, commented on LCIj91 and opposed it.
02:27:03 **Tom Bastas** spoke about bringing back transparency and accountability in the judicial system.
02:28:28 Rep. MacDonald

**Action Item: Committee discussion, selection of SJ3 committee bills (if any),
assign sponsors (Exhibit 5)**

02:28:34 Rep. MacDonald discussed LC1j98, which was approved as a committee bill in June.

02:29:48 Ms. Burkhardt

02:29:53 Rep. MacDonald asked for any amendments. There were none.

02:30:20 Rep. Hill agreed to carry the bill.

02:30:29 Rep. MacDonald asked for a motion to move forward with LC1j94.

02:30:55 Rep. Hill moved that the committee recommend LC1j94 as an committee bill.

02:32:13 Rep. MacDonald and Rep. Hill clarified the motion.

02:32:26 Rep. MacDonald

02:33:53 Rep. Hill

02:33:59 Rep. MacDonald called for a roll call vote.

02:34:02 Rep. Hill's motion passed 7-5. **(Attachment 4)**

02:34:09 Rep. Hill agreed to sponsor the bill.

02:34:16 Rep. MacDonald asked Rep. Hill if she'd like to move ahead with LC1j93 and she deferred.

02:35:03 Rep. Eck moved to make LC1j92B a committee bill.

02:35:17 Rep. MacDonald discussed the bill.

02:36:22 Rep. Eck offered an amendment for LC1j92B that requires at least three board members be at each parole board hearing.

02:36:59 Rep. Hill

02:37:26 Rep. MacDonald asked for a voice vote and the amendment passed unanimously.

02:37:43 Rep. MacDonald asked for a roll call vote on LC1j92B as amended.

02:38:20 Rep. Eck's motion to make LC1j92B, as amended, a committee bill failed, 6-6.
(Attachment 5)

02:39:42 Rep. MacDonald opened discussion on LC1j91 and asked for a motion.

02:40:05 Sen. Murphy moved that the committee recommend LC1j91 as a committee bill.

02:40:18 Rep. MacDonald

02:40:22 Sen. Jent talked about his concerns with the bill's language prohibiting the board from assigning an offender prerequisites to release that were not assigned by a sentencing judge. He moved to amend the title of the bill and add "or the Department of Corrections" after "...sentencing judge."

02:41:43 Rep. MacDonald asked for questions and comments on the proposed amendment. She called for a voice vote and it passed unanimously.

02:42:26 Ms. Burkhardt

02:42:36 Rep. MacDonald, Sen Murphy, Rep. Eck, Sen. Jent and Rep. Lavin discussed the bill.

02:51:01 Sen. Murphy's motion, as amended, failed, 5-7. **(Attachment 6)**

02:52:09 Rep. MacDonald opened discussion on LC1j90.

02:52:21 Rep. Hill moved that the committee recommend LC1j90 as a committee bill.

02:53:09 Sen. Jent clarified the intent of the bill.

02:53:36 Ms. Burkhardt

02:53:39 Rep. MacDonald called for a roll call vote.

02:53:56 Rep. Hill's motion passed, 9-3. **(Attachment 7)**

02:55:14 Rep. MacDonald agreed to sponsor the bill.

02:55:48 Rep. MacDonald opened discussion on LC1j97 and LC1j97B.

02:56:04 Sen. Driscoll moved to recommend LC1j97B as a committee bill.

02:56:15 Rep. MacDonald opened discussion and asked for any amendments.
02:57:03 Sen. Jent
02:57:46 Rep. MacDonald discussed removing the words, "on its website" to amend LCJ97B.
02:58:00 Sen. Jent offered changing "shall" to "may"
02:58:17 Rep. McDonald argued for removing the words to make it clear.
02:58:23 Sen Jent moved to amend LCJ97B by striking the words, "on its website," from the bill.
02:58:45 Rep. MacDonald called for a voice vote on the amendment and the motion passed unanimously.
02:58:51 Rep. MacDonald asked for more discussion on LCJ97B
02:59:04 Sen. Jent, Rep. Lenz, Sen. Driscoll, Rep. Lavin, and Rep. MacDonald discussed the bill and associated costs.
03:01:52 Rep. MacDonald asked for a roll call vote on the amended motion.
03:03:30 Sen. Driscoll's motion to recommend LCJ97B, as amended, as a committee bill passed, 10-2. ([Attachment 8](#))
03:03:33 Rep. Eck agreed to sponsor the LCJ97B.
03:03:42 Rep. MacDonald asked for a motion on LCJ95.
03:03:54 Rep. Lazloffy moved to recommend LCJ95 as a committee bill.
03:04:14 Rep. Eck
03:04:25 Ms. Weiss
03:04:57 Rep. MacDonald called for a roll call vote.
03:06:25 Rep. Lazloffy's motion passed 10-0 with Sen. Boulanger and Sen. Sales abstaining. ([Attachment 9](#))
03:06:31 Rep. Lenz agreed to sponsor the bill.
03:07:12 Rep. MacDonald mentioned two bills from the June 2014 meeting: LCJ99 and LCJ96 that the committee did not move forward. She then concluded the work on Senate Joint Resolution 3 (SJ 3).
03:07:24 Sen. Murphy commented on an article in the *Great Falls Tribune* on August 3, 2014. ([Exhibit 11](#) - The article is available on file at the Legislative Services Division)
03:08:47 Rep. MacDonald thanked all who have participated in the parole board hearings and interim committee meetings. She asked them to continue to do so.
03:10:04 Rep. Hill thanked Sen. Murphy for bringing SJ 3 forward.

COMMITTEE ISSUE: REVIEW OF RE-ENTRY PRELIMINARY BILL DRAFTS

The drafts discussed below are located in ([Exhibit 12](#))

LCJ51 -- revise laws relating to housing for offenders
03:10:45 Ms Weiss gave an overview of the bill.
03:12:55 Rep. MacDonald asked if the committee should assign a monetary value to the bill.
03:13:02 Ms. Weiss answered yes or remove the appropriation section.
03:13:45 Rep. MacDonald said she was inclined to take the appropriation out.

LCJ52 -- revise laws relating to inmate workers and reentry costs
03:14:29 Ms Weiss gave an overview of the bill.
03:15:22 Rep. MacDonald

Questions from the committee

There were none.

Public comment

- 03:15:49 **Patty Jacques** would like to see language added to include forensic inmates under the Director of Department of Public Health and Human Services (DPHHS) amended.
- 03:16:55 Rep. MacDonald
- 03:17:00 **Pastor Rob Nedbalek**, Freedom and Christ Ministry, said he deals with housing and inmates in re-entry. Many of them are seniors and cannot find housing. He asked the committee to endorse LCij51.
- 03:18:40 **Steve Cape**, Montana Coalition for Safety and Justice, spoke about the importance of providing housing and strongly supports LCij51. He also supported LCij52, but he cautioned as to how much money the inmate can ultimately save on the wages they are payed.
- 03:21:58 **Sharri Rigg**, Friends and Family Matter, said the group is opposed LCij52 because it will place a heavy financial burden on inmates. She said that what the inmates do earn is required by law to pay restitution and court imposed fees and any remaining money barely covers personal expenses.
- 03:23:34 **Jana Staton**, Partners for Reintegration, considers housing for released inmates the biggest hurdle and the group strongly supports housing vouchers to aid in the reintegration process.

Action item: Committee discussion, selection of committee bills, assign sponsors

- 03:24:53 Rep. MacDonald and Pastor Nedbalek discussed reentry costs and making saving mandatory versus encouraging inmates to take a responsible part in their reentry.
- 03:26:45 Rep. Eck and Pastor Nedbalek discussed inmates saving programs but he didn't know if there were targeted accounts for reentry for the inmates.
- 03:27:49 Rep. Eck asked Adrienne Slaughter, Government Relations Director, Department of Corrections (DOC), if there were saving accounts established for the inmates and earmarked for certain causes. She said she would provide that information to Rep. Eck
- 03:29:07 Rep. MacDonald confirmed with Ms. Slaughter that there is subset of inmates who earn significantly more than other prisoners and the LCij52 would be applicable to them.
- 03:30:14 Rep. MacDonald asked for a motion on LCij51.
- 03:30:23 Rep. Eck moved to recommend LCij51 as a committee bill.
- 03:30:42 Rep. MacDonald proposed to remove the appropriation language from the bill.
- 03:31:21 Sen. Murphy moved to remove the appropriation language from LCij51.
- 03:31:41 Rep. MacDonald opened the discussion on the amendment. She called for a voice vote and amendment passed unanimously.
- 03:32:36 Rep. MacDonald opened discussion on LCij51 as amended.
- 03:32:44 Rep. Eck
- 03:33:01 Rep. MacDonald called for a roll call vote.
- 03:33:14 Rep. Eck's motion to recommend LCij51, as amended, passed, 8-4.
(Attachment 10)
- 03:34:21 Rep. MacDonald agreed to sponsor the bill.
- 03:34:37 Rep. MacDonald asked for a motion on LCij52.

03:34:49 Rep. Lazloffy moved to recommend LC1j52 as a committee bill.
03:35:47 Rep. MacDonald opened discussion on the bill and strongly endorsed its passage.
03:36:01 Rep. Lazloffy expressed her support for the bill.
03:36:12 Rep. Lenz expressed his support for the bill.
03:36:25 Rep. MacDonald called for a roll call vote.
03:36:32 Rep. Lazloffy's motion to recommend LC1j52 as a committee bill passed, 8-4.
[\(Attachment 11\)](#)
03:37:39 Rep. MacDonald
03:37:46 Rep. Lenz agreed to sponsor the bill.

AGENCY OVERSIGHT: DEPARTMENT OF CORRECTIONS (DOC) UPDATE

03:38:32 Adrienne Slaughter, Government Relations Director, DOC, gave an agency update of the Statewide Reentry Task Force. She also discussed the work of the National Governors Association and Pew Charitable Trusts, including work on an upcoming report due in October.

Public comment

There was none.

Questions from the committee

There was none.

03:40:29 Rep. MacDonald

AGENCY OVERSIGHT: ADMINISTRATIVE RULE REVIEW AND REVIEW OF ADVISORY COUNCILS AND REQUIRED REPORTS

03:41:08 Ms. Burkhardt reviewed three rules and gave a brief overview. [\(Exhibit 13\)](#)
03:41:15 Rep. MacDonald

Questions from the committee

There was none.

Public comment

There was none.

Action item: Committee discussion, recommendations (if any) on required reports and advisory councils

03:42:22 Ms. Weiss gave a brief overview of the agency oversight work that is required of the committee. [\(Exhibit 14\)](#)
03:44:40 Rep. MacDonald asked for recommendation or any changes. She asked for a motion to retain the current parameters of advisory councils and required reports.
03:45:01 Rep. Lenz moved to retain the current parameters of advisory councils and required reports.
03:45:17 Rep. MacDonald called for a voice vote. It passed unanimously. She recessed the meeting for lunch at 11:45 p.m.

LUNCH

05:02:31 Rep. MacDonald reconvened the meeting at 1:04 p.m.

COMMITTEE ISSUE: REVIEW OF STUDY BILL AND REQUEST FOR LEGISLATIVE AUDIT RELATED TO DOC OVERSIGHT OF SHELBY PRISON

05:02:50 LCIj50 -- study resolution
Ms. Weiss gave an overview of the proposed bill. **(Exhibit 15)**

05:06:49 LJIC draft letter to Legislative Audit Committee
Ms Weiss gave an overview of the draft letter.

05:07:53 Rep. MacDonald asked for clarity in the types of audits for the benefit of the public.

05:08:27 Ms. Weiss clarified the descriptions.

05:09:27 Rep. MacDonald

Questions from the committee

There was none.

Public comment

05:10:18 Andrea Evans, Crossroads Corporation of America, said they are comfortable with the draft letter and the draft legislation with the exception of the "whereas" clauses. She asked the committee to consider removing them because of the potential for creating a bias for people conducting the study. She also asked the committee to consider broadening the scope of the study to include other contracted facilities within the state. She submitted written testimony to the committee. **(Exhibit 16)**

05:12:44 Sheena Rice, Montana Organizing Project, Billings, expressed concerns about the use of private-for-profit prisons in Montana. The group supports the letter and proposed legislation to study the Crossroads Correctional Center.

05:14:35 Sharri Rigg, Friends and Family Matter, expressed support for the letter and the study resolution. She submitted written testimony to the committee. **(Exhibit 17)**

Action item: Committee discussion and action on study and letter, assign sponsor

05:18:22 Rep. MacDonald

05:18:41 Sen. Driscoll moved to recommend LCIj50 as a committee bill.

05:19:00 Rep. Lavin discussed expanding the scope of study.

05:20:09 Rep. Hill, Sen Driscoll, Ms. Weiss, Rep. Eck, Rep. Lavin, Rep. MacDonald, and Rep. Lenz discussed broadening the scope of the bill and adding a clause that allows for consideration and review at a threshold level of the contracted services with the DOC.

05:29:59 Rep. MacDonald asked for motion

05:30:08 Rep. Lavin moved to amend LCIj50 to include and broaden the scope of the resolution to look at other DOC contracted services that would include detention centers in Dawson and Cascade Counties, and community corrections and prerelease centers.

05:31:09 Ms. Weiss

05:31:23 Rep. Lavin

05:31:45 Sen. Murphy wanted more clarification on what they would be voting on. He's not in favor of treating public and for-profit facilities as equal or the same in the study.

05:32:36 Sen. Jent commented on diluting the focus of the original resolution and supported staying with the original bill.

05:33:50 Rep. Lavin

05:34:25 Rep. Eck

05:35:02 Rep. MacDonald clarified the vote on the "amended motion."

05:35:23 Rep. Lavin's amended motion failed 6-6. **(Attachment 12)**

05:36:36 Rep. MacDonald

05:36:41 Rep. Eck

05:37:05 Sen. Driscoll's motion passed, 8-4. **(Attachment 13)**

05:38:20 Rep. MacDonald confirmed that Sen. Driscoll will sponsor the bill.

05:39:09 Sen. Driscoll moved that the letter requesting a performance audit be sent to the legislative audit committee.

05:39:20 Sen. Driscoll's motion passed, 7-5. **(Attachment 14)**

SJ 22: REVIEW OF COMMITTEE BILLS AND PRELIMINARY DRAFTS

The drafts discussed below are located in **(Exhibit 18)**

LCIj04 (LC0227) -- Allow husband to restore original name as part of dissolution filing

05:41:51 Ms. Weiss gave an overview of the proposed legislation.

LCIj03 (LC0228) -- Clarify who must move to amend parenting plan when one parent relocates

05:42:36 Ms. Burkhardt gave an overview of the proposed legislation.

05:43:14 Rep. MacDonald asked for sponsors.

05:43:31 Rep. Hill agreed to sponsor both of them.

Review of preliminary drafts on which no decision was made in June

05:44:08 Ms. Weiss gave an overview of SJ 22 bill drafts and previously considered drafts:
! LCIj01 Adjust debt limit allowed for an uncontested divorce; and
! LCIj02--Eliminate requirement for a hearing before a judge enters final dissolution decree in certain cases.

05:45:04 Rep. MacDonald asked for any motion on LCIj01.

05:45:21 Sen. Jent asked what debt limits were decided on.

05:45:41 Ms. Weiss clarified the debt limits in the current statute.

05:46:33 Sen. Jent suggested changing the \$8,000 in unsecured debt to \$20,000 and the total asset amount of \$25,000 to \$50,000.

05:47:27 Rep. MacDonald

05:47:40 Sen. Jent moved to recommend LCIj01 as a committee bill and he moved to recommend the amendment, too.

05:48:36 Rep. MacDonald took a voice vote for the amendment and it passed, 11-1. Rep. Lenz voted no.

05:49:31 Sen. Jent's motion to recommend LCIj01, as amended, passed, 11-1.
(Attachment 15)

05:51:06 Rep. MacDonald agreed to carry the bill.

Public comment

05:51:50 **Linda Gryczan**, President of the Montana Mediation Association, spoke about LC1j05, which would require district courts to adopt local rules and requiring mediation. The mediation association has been working with the different groups to figure out a consensus. She asked the committee to consider passing something to get all the parties on board and assured the committee they would have a consensus bill by January 2015.

Action item: Committee discussion, selection of any additional committee bills, assign sponsors

05:53:27 Rep. MacDonald opened discussion on LC1j02.
05:53:54 Sen. Jent moved to recommend LC1j02 as a committee bill.
05:54:45 Rep. Lenz commented on his concern for the 10-day requirement to voice objections.
05:55:17 Sen. Jent spoke about Rep. Lenz's concern and said this is something that could be addressed during session.
05:56:26 Rep. MacDonald
05:56:45 Ms. Burkhardt addressed his issue.
05:57:19 Rep. Hill commented on her support for the bill.
05:58:22 Rep. Lenz said he could not support speeding up the process and he would oppose the bill.
05:59:12 Rep. MacDonald asked for an amendment to change the ten days to 30 days.
05:59:27 Sen. Jent moved to recommend an amendment that reflected the change to 30 days.
05:59:39 Rep. MacDonald took a voice vote on Sen. Jent's amended motion. It passed unanimously.
06:00:09 Sen. Jent moved the bill as amended.
06:00:15 Rep. Lenz
06:00:36 Rep. MacDonald called for a voice vote. LC1j02, as amended, passed unanimously.
06:00:58 Rep. Hill agreed to sponsor bill.
06:01:15 Rep. Hill spoke about the Uniform Collaborative Law Act and moved to make it a committee bill. **(Exhibit 19)**
06:03:21 Rep. MacDonald opened the discussion on the Uniform Collaborative Law Act. She gave an overview of the vetting process behind the bill.
06:05:25 Sen. Jent expressed his support for it.
06:05:55 Rep. MacDonald
06:06:34 Ms. Weiss explained that there may be some slight wording changes as it goes through the editing and legal process.
06:08:08 Rep. Hill's motion failed, 6-6. **(Attachment 16)**

COMMITTEE ISSUE: HJ 16 FINAL UPDATE

06:08:47 Rachel Weiss, Research Analyst, gave an overview of the HJ 16 resolution on work done by the Children and Families Committee.
06:11:57 Rep. MacDonald
06:12:06 Sen. Murphy talked about his experience working on both committees and shared his concerns about the issue of housing mentally ill inmates in the prisons.

- 06:14:26 Rep. Eck talked about her experience working on both committees and the important bills that came from the work they did. She also agreed with Sen. Murphy's summary of the mental health issues that still need to be addressed.
- 06:16:09 Rep. MacDonald

Public comment

- 06:16:23 **Mark Murphy**, County Attorneys Association, talked about the distinction between the guilty but mentally ill (GBMI) prerelease or GBMI group homes.
- 06:18:40 **Patty Jacques** spoke about HJ 16 and she asked that the committee support the bill for group homes.

Questions from the committee

- 06:21:02 Rep. MacDonald asked Ms. Weiss about the committee's support for prerelease or group homes.
- 06:21:25 Ms. Weiss said there is a bill for a prerelease for GBMI inmates and the proposal that the committee is still working on is funding for DPHHS's group homes proposal for the GBMI and not guilty but mentally ill.
- 06:22:01 Rep. MacDonald
- 06:22:17 Sue O'Connell, Research Analyst, LSD, clarified the bills' differences. She said the prerelease center is a correctional facility and can only serve people who are in the correctional system. The group home approach allows the noncorrectional facility to treat people who have been charged with a crime but found to be not guilty because of their mental state at the time. The Director of the DPHHS could then decide the appropriate placement of that person.
- 06:23:53 Rep. MacDonald and Ms. O'Connell discussed and clarified prerelease and group home placements.
- 06:26:03 Rep. MacDonald recessed the meeting for a break at 2:27 p.m.

Break

- 06:46:15 Rep. MacDonald reconvened the meeting at 2:48 p.m.

HJR 30 UPDATE (VETERANS BENEFITS)

- 06:47:35 Casey Barrs, Research Analyst, LSD, gave an overview of the preliminary findings about the benefits for military personnel and veterans from HJ 30. [\(Exhibit 20\)](#)
- 06:50:15 Rep. MacDonald

Public comment

There was none.

Questions from the committee

- 06:51:06 Rep. MacDonald
- 06:51:14 Sen. Murphy and Mr. Barrs discussed the hiring preference numbers for veterans and disabled veterans.
- 06:53:40 Rep. MacDonald

PUBLIC COMMENT ON ANY ITEM WITHIN LJIC JURISDICTION BUT NOT ON THIS AGENDA

06:54:09 **Mark Murphy**, County Attorneys Association, talked about increasing the longevity of deputy county attorneys by increasing their salaries to aid in retaining them. He discussed a bill to amend longevity pay and increase the amounts in 7-4-2503 MCA. He submitted written testimony to the committee. **(Exhibit 21)**

07:02:32 **Patty Jacques** spoke about her mentally ill son who is in prison. She talked about the use of word "defective" in the statute and how it continues to bring shame to people with mental illness. She asked one of the committee members to sponsor a bill to remove this language and replace it with "serious mental illness or illnesses."

07:05:30 **Ms. Jessica Cole-Hodgkinson**, Deputy Attorney, Lake County, spoke about her work in Lake County for the past eight years and why she will have to look for another job. She described the pay as woefully inadequate and that she was unable to pay her school loans that total \$217,000, or \$3000/month. She talked about how she will be taking all her training and work experience with her and Lake County will lose those collective skills and experience.

Adjourn

07:10:20 Rep. MacDonald thanked the committee for its hard work and thanked Sen. Murphy for his leadership and Sen. Jent for his legal experience and adjourned the meeting at 3:13 p.m.