



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

June 27, 2014

8:00 a.m.

State Capitol, Room 102

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. STEVE LAVIN
REP. DENNIS LENZ

COMMITTEE MEMBERS EXCUSED

SEN. SCOTT BOULANGER
REP. SARAH LASZLOFFY
SEN. SHANNON AUGARE
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:

- approved a motion to defer the decision to draft a letter requesting the FBI conduct an investigation at the Shelby prison until the next meeting. ([Attachment 4](#))
- approved a motion to reconsider the earlier FBI investigation motion and remove the investigation request from further consideration by the committee.
- authorized staff to draft legislation for the:
 - Office of Public Defender;
 - Judicial Branch;
 - Department of Corrections;
 - Department of Justice;
 - POST Council.

The Committee also:

- approved a motion that LCJ99 not become a committee bill.
- approved a motion that LCJ98 become a committee bill. ([Attachment 5](#))
- approved a motion that LCJ95, LCJ97 and LCJ97b move forward for consideration.
- approved a motion that LCJ96 not become a committee bill. ([Attachment 6](#))
- approved a motion that LCJ03 and LJc04 become committee bills.
- approved a motion that LCJ05 and LCJ06 not become committee bills.
- approved a motion to draft a resolution to conduct a study on the Crossroads Correctional Center in Shelby over the next interim.
- approved a motion to request the Legislative Audit Committee conduct a performance audit of Crossroads Correctional Center in Shelby.

CALL TO ORDER AND ROLL CALL

00:00:56 **Call to Order -- Roll Call** -- Representative Margie MacDonald called the meeting to order. The Secretary took the roll. ([Attachment 3](#)) Chairperson MacDonald reviewed the agenda.

COMMITTEE ISSUE: NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) AND MENTAL HEALTH

00:02:21 Rachel Weiss, Research Analyst, gave an update on three questions from the last meeting posed by Sen. Boulanger and Sen. Driscoll.

00:04:06 Jon Bennion, Deputy Attorney General, Montana Department of Justice, gave an overview of policies from other states concerning NICS reporting laws and the restoration of rights process, particularly in South Dakota.

Questions from the committee

00:06:44 Sen. Driscoll
00:06:52 Mr. Bennion
00:07:08 Sen. Driscoll
00:07:20 Mr. Bennion ([Exhibit 1](#))

Public comment

00:08:43 **Dr. Gary Mihelish**, an advocate for the mentally ill, talked about doing more than just background checks to keep guns out of the hands of unstable people who are mostly young, male, socially disadvantaged and substance abusers. He said that focusing just on background checks will not solve the problem of gun violence. He described what other states are doing by passing laws to address the problem of gun violence. ([Exhibit 2](#))

00:14:27 **Patti Jacques** agreed with Mr. Milhelish's testimony and talked about her severely mentally disabled son who is in prison.

00:17:02 **Judith Heilman** from Bozeman asked the committee to support legislation that will keep guns out of the hands of dangerous people. She submitted written testimony to the committee. ([Exhibit 3](#)) ([Exhibit 4](#))

00:24:59 **Beth Brenneman**, staff attorney for Disability Rights Montana, explained the way federal laws work under the Brady Bill and highlighted its limitations. She talked about the process that people must go through to regain the right to own their guns and their inability, in many cases, to pay for legal counsel.

COMMITTEE ISSUE: RE-ENTRY TASK FORCE UPDATE

00:26:52 Mike Batista, Director, Montana Department of Corrections (DOC), gave an update on the planned teamwork with the Pew Charitable Trusts and the National Governors Association and an overview of the re-entry task force's work. ([Exhibit 5](#)) ([Exhibit 6](#))

00:40:34 Adrienne Slaughter, Director, Government Relations, (DOC), provided an in-depth look at some of the recommendations in its "Report to the Law and Justice Interim Committee." ([Exhibit 6](#))

00:49:27 Donna Huston, Executive Director, Center for Children and Families, and community representative on the task force, spoke about what her organization provides to children and families to help with mitigating and interrupting the cycle of recidivism.

Questions from the committee

00:54:24 Rep. MacDonald - Ms. Huston
00:57:59 Rep. MacDonald
00:58:18 Ms. Slaughter
00:58:39 Rep. MacDonald
00:59:25 Ms. Slaughter
01:00:02 Rep. MacDonald
01:00:47 Mr. Batista
01:01:49 Rep. MacDonald

01:02:19 Mr. Batista

Public comment

- 01:03:26 **Patricia Swan-Smith**, representing Friends and Families Matter, supports the findings and proposals in the final "Report to the Law and Justice Committee." [\(Exhibit 7\)](#)
- 01:04:37 **May Simmons**, recently released from the Montana Women's Prison (MWP), told the committee that she received no re-entry help before or after she was released.
- 01:08:06 **Janna Staton**, steering committee co-chair for Partners for Reintegration, in Missoula, spoke about the group's mission and vision for the community. The group supports the DOC re-entry task force initiative. [\(Exhibit 8\)](#)
- 01:12:41 **Max Corrigan**, Missoula Interfaith Collaborative, said he was studying at the University of Montana to be a social worker specializing in addiction counseling. He gave a brief history of his problems with addiction and his time in prison. [\(Exhibit 9\)](#)
- 01:14:58 **Steve McArthur**, Director of Community Counseling and Correctional Services Inc., (CCCS) headquartered in Butte, said that CCCS provides a variety of correctional services including education and training for both the DOC and the Federal Bureau of Prisons. [\(Exhibit 10\)](#)
- 01:17:15 **Alex Vukovich**, Administrator of the WATCh Program with Corrections and Community Counseling Services, Inc., (CCCS) said that the program is now 12 years old. They have 2,500 program graduates and the savings to DOC totals \$59 million dollars. He also updated the committee on the Knights Program, a program that treats people convicted of negligent vehicular assaults under the influence.
- 01:20:09 **Robert Howe**, former prisoner and soldier, urged the committee to please support the prisoner re-entry initiative and the WATCh Program.
- 01:21:32 **Pat Keim**, Alternatives Inc., a men's and women's pre-release center in Billings, supports the principle of improving the inmate re-entry process in the community, and looks forward to being a part of that process.
- 01:22:36 **Andy Hudak**, legislative chair for the Montana Sex Offender Association and a private practice clinician, said he supports the re-entry task force's work and any collaborative work between the agencies and the different groups in the communities.
- 01:27:45 **Patti Jacques** said she thought the report generally was excellent but she would like to see some coordination with the DOC and the Montana State Hospital to increase aid for inmates who are released back into the communities.
- 01:29:05 **Beth Brenneman**, Disability Rights Montana, wants to see more mental health care access for prisoners with serious mental disabilities who are released to ensure their successful re-entry back into the communities. She explained that pre-release centers are often not the best places for people with mental disabilities and she asked the committee to consider alternative pre-release centers or re-entry programs for treatment. She would also like to see increased support and access to the mental health system in the community for people who need it.
- 01:32:18 **Mike Boston**, clinical supervisor for WATCh Program at the Warm Springs campus, recommended that the committee review a program that the Centers for Disease Control (CDC) developed in the early 90's on HIV and AIDS outreach to see how the CDC organized that and who the players were and what the stakeholders were required to do. He explained that it is critical that there are professionals in each community who know the subject, are responsible, and

understand the criminal mind and substance abuse side of it.
01:34:54 **Sen. MacDonald** submitted written public comment from Patty Grubb.
([Exhibit 11](#))

AGENCY OVERSIGHT: DEPARTMENT OF CORRECTIONS CONTRACT MONITORING

01:36:20 Patrick Smith, Contract Placement Bureau Chief, DOC, gave an overview of his Bureau's work and how contract compliance and monitoring works in the prison facilities.

01:59:46 Ross Johnson, Senior Performance Auditor, Legislative Audit Division, provided an overview of a memorandum dated December 2, 2011, that addressed contract oversight and compliance for a DOC contract with the Crossroads Correctional Center (CCC) in Shelby. ([Exhibit 12](#))

Questions from the committee

02:07:43 Sen. Jent - Mr. Smith
02:09:14 Rep. MacDonald
02:09:23 Mr. Smith
02:09:39 Sen. Murphy - Mr. Smith
02:12:56 Sen. Driscoll
02:13:13 Mr. Smith
02:13:37 Rep. MacDonald

BREAK at 10:15 a.m.

02:27:34 Rep. MacDonald reconvened the meeting at 10:28 a.m.

COMMITTEE ISSUE: CROSSROADS CORRECTIONAL CENTER (CCC) (SHELBY) -- Should the LJIC proceed with a draft letter requesting an investigation of the prison?

02:28:14 Presiding Officer MacDonald reviewed last meeting's question of whether the committee should consider drafting a letter to the FBI requesting an investigation of the CCC in Shelby.

Public comment

02:31:20 **Patricia Swan-Smith** talked about her resignation from CCC in Shelby as a clinical psychologist because she witnessed unethical treatment of inmates, especially those with mental health issues. She described some of the mistreatment she saw in her 13 months of employment with the CCC. She supports a full investigation of the facility. ([Exhibit 13](#))

02:35:23 **Andrea Evans**, employee of the Correctional Corporation of America (CCA), gave a quick overview of the company and said that CCC began operating in Shelby in 1999. She said that CCC is a safe facility and is receptive to inmate issues.

02:37:53 **May Simmons** urged the committee to look at CCA's track record in other states because many states have filed lawsuits against it.

02:38:33 **Nancy Schwend**, Billings, has a son who has been in the prison system for some years and she described her experience while visiting her son. She supports an

- investigation of the Shelby facility.
- 02:42:18 **Steve Cape**, Montana Coalition for Safety and Justice, said that considering all the complaints about CCC he would support an independent investigation because it will clear away any doubt as to whether the allegations by inmates and others are valid or not.
- 02:43:44 **Patti Jacques**, supports an investigation of the Shelby facility. She also would like to see a forensic hospital at the Montana State Hospital.
- 02:44:34 **Allen Underdal**, Toole County Commissioner, said he was involved in the process of bringing in CCA to operate the prison facility. He thinks that on a whole CCC does an excellent job. He does not want the FBI to investigate.
- 02:53:51 **Lane Blair**, managing director of operations for CCA, talked about the accreditation process and how much review CCC already undergoes.
- 02:57:53 **Michaelynn Hawk**, director for Indian People's Action in Montana, talked about the disproportionate numbers of native people and people of color in the state prisons and the lack of basic prison services. She talked about some key concerns of incarcerated inmates. She said that Indian People's Action supports an FBI investigation. **(Exhibit 14)**
- 03:02:14 **Lita Pepion** has a son at CCC and hears first hand about what happens in the prison. She talked about the CCA's business portfolio and their projections for enhanced company growth. She wants to know where they will find these inmates to fulfill their company growth projections. She recommends the FBI conduct an investigation and that the committee make an unplanned visit to the prison to see the conditions first hand.

Questions from the committee

- 03:08:14 Rep. Hill - Mr. Johnson
- 03:10:05 Sen Driscoll - Ms. Pepion
- 03:11:19 Sen. Jent - Ms. Swan-Smith
- 03:12:04 Rep. McDonald - Mr. Smith
- 03:13:34 Rep. MacDonald
- 03:13:43 Mr. Johnson
- 03:14:18 Rep. McDonald
- 03:14:25 Mr. Smith
- 03:15:17 Rep. Lavin - Mr. Blair
- 03:19:03 Rep. Eck - Mr. Johnson
- 03:24:19 Sen. Jent

Action Item: Does the LJIC wish to proceed with a draft letter for review at its fall meeting?

- 03:24:53 Sen. Murphy moved that the decision on drafting a letter requesting that the FBI conduct an investigation be deferred until the next meeting. He spoke to his motion and said he wants to wait for more information.
- 03:29:21 Sen. Jent
- 03:33:27 Rep. Hill
- 03:34:12 Rep. Eck
- 03:35:37 Sen. Driscoll
- 03:36:05 Rep. MacDonald
- 03:36:54 Ms. Weiss

03:38:10 Rep. MacDonald
03:39:19 Sen. Murphy restated his motion that the committee defer action on drafting a letter to the FBI to request an investigation of the CCC's Shelby facility until the next committee's meeting on September 3, 2014.
03:39:47 Rep. Lavin
03:40:01 Rep. MacDonald
03:40:14 Ms. Weiss
03:40:57 Sen. Murphy's motion passed 7- 3. Sen. Boulanger and Sen. Sales voted "No" by proxy. [\(Attachment 4\)](#)
03:42:14 Rep. MacDonald
03:42:41 Sen. Driscoll
03:42:49 Rep. MacDonald

SJ 22 STUDY: COLLABORATIVE LAW MODEL

03:44:17 Tal Goldin, Attorney, Missoula, and President of the Western Montana Bar Association, gave an overview of the collaborative law process and how it relates to the SJ22 study. He asked that the committee recommend adoption of the Uniform Collaborative Law Act.
[\(Exhibit 15\)](#) [\(Exhibit 16\)](#)
03:58:25 Audrey Cromwell, Attorney, Bozeman, spoke about collaborative law and compared it with the other alternative dispute resolution options available in the legal process.
[\(Exhibit 15\)](#)
04:06:17 Hilary Oitzinger, Attorney and Mediator, Great Falls, discussed the levels of client support available in the various options, including collaborative law. She referred to Figure 1 in [\(Exhibit 15\)](#).
04:11:26 Kathryn Mazurek, Attorney, Bozeman, spoke about the personal cost and long term impact of contested family law matters.

Questions from the committee

There were none.

Public comment

04:17:29 **Stephan Edwards**, Executive Director of the Community Dispute Resolution Center, a small nonprofit from Missoula that offers low or no-cost mediation services for the citizens of Missoula County, talked about his experience as a mediator and how beneficial the collaborative process is.
04:22:28 **Mark Parker**, Attorney and President-elect of the Montana State Bar Association, said that the State Bar is not ready to endorse the Uniform Collaborative Law Act because it sees a series of problems, including some constitutional issues. He suggested that the State Bar and the Western Montana Bar Association collaborate on a bill.
04:24:46 Sen. MacDonald
04:24:50 Rep. Hill - Mr. Parker
04:32:44 Rep. MacDonald

LUNCH at 12:35 p.m.

05:11:03 Rep. MacDonald reconvened the meeting at 1:12 p.m.

SJ 22 STUDY: FAMILY LAW DISCUSSION BY THE BOARD OF TRUSTEES OF THE STATE BAR OF MONTANA

05:11:27 Mark Parker, Attorney and President-elect of the Montana State Bar Association, talked about coordinating the efforts of the State Bar with whatever was on the upcoming legislative agenda. He summarized a meeting that took place earlier in the year in Billings, with the State Board and various constituencies and reviewed two suggestions they made as a group.

05:19:51 Rep. MacDonald

Public comment

05:20:34 **Sarah Rossi**, Coalition Against Domestic and Sexual Violence, talked about HB555 (2013) and urged the committee to change the wording from "may" to "must" in 40-4-301(2), to clarify language that requires a mediator be trained in mediating domestic violence cases.

Questions from the committee

05:22:21 Rep. Hill - Mr. Goldin
05:33:04 Ms. Oitzinger
05:33:58 Rep. MacDonald - Mr. Goldin
05:36:13 Rep. MacDonald
05:36:16 Mr. Parker
05:38:16 Rep. MacDonald

AGENCY OVERSIGHT: AGENCY LEGISLATIVE PROPOSALS

05:38:29 Rachel Weiss, gave an overview of a memo on interim committee duties regarding agency bill draft requests. [\(Exhibit 17\)](#)

Judicial Branch

05:42:48 Beth McLaughlin, Supreme Court Administrator, gave a brief overview of the Judicial Branch's IT Report and two legislative bill requests. [\(Exhibit 18\)](#)
[\(Exhibit 19\)](#)

Committee Questions

05:45:52 Rep. Hill - Ms. McLaughlin
05:47:21 Sen. Jent - Ms. McLaughlin

Office of the Public Defender

05:52:00 Fritz Gillespie, Chairman, Public Defender's Commission, gave an overview of the agency's bill proposals. [\(Exhibit 20\)](#)

Public comment

There was none.

- 05:56:19 Rep. MacDonald
05:58:25 Rep. Hill moved to authorize staff to process the Office of Public Defender's proposed legislation.
05:58:51 Rep. McDonald called for a voice vote and the motion passed unanimously.
05:59:12 Rep. Hill moved to authorize staff to process the Judicial Branch's proposed legislation.
05:59:12 Rep. MacDonald called for a voice vote and the motion passed unanimously.

Department of Corrections (DOC)

- 05:59:27 Adrienne Slaughter presented the DOC's proposed legislation. **(Exhibit 21)**
06:02:06 Rep. MacDonald

Public Comment

- 06:02:10 **May Simmons** was concerned about the draft concerning victim notification and urged the committee to closely review the draft legislation.

Questions from committee

- 06:03:14 Rep. MacDonald
06:03:27 Sen. Murphy - Jon Bennion
06:04:49 Rep. MacDonald
06:04:54 Rep. Hill moved to authorize staff to process the DOC's proposed legislation.
06:05:01 Rep. MacDonald called for a voice vote and the motion passed unanimously.

Department of Justice (DOJ)

- 06:05:11 Jon Bennion gave an overview of the DOJ's bill proposals **(Exhibit 1)**
06:18:00 Rep. MacDonald

Public comment

There was none.

- 06:18:08 Rep. MacDonald
06:18:15 Rep. Eck moved to authorize staff to process the DOJ's proposed legislation.
06:18:29 Rep. MacDonald called for a voice vote and the motion passed unanimously.

POST Council

- 06:18:54 Perry Johnson, Executive Director, POST Council, gave an overview of the POST Council's proposed legislation. **(Exhibit 22)**

Public comment - there was none.

Questions from the committee

- 06:23:45 Rep. MacDonald
06:23:51 Rep. Hill moved to authorize staff to process the POST Council's proposed legislation.
06:23:55 Rep. MacDonald called for a voice vote and the motion passed unanimously.

Board of Pardons and Parole - There was no legislation proposed.

Board of Crime Control - There was no legislation proposed.

PUBLIC COMMENT ON SJ 3 AND SJ 22 PRELIMINARY DRAFT LEGISLATION

- 06:25:23 **Patricia Swan-Smith**, Friends and Families Matter, spoke about her group's recommendations for SJ 3 and offered their support for the upcoming Pew study of corrections policy. **(Exhibit 23)**
- 06:28:19 **Beth McLaughlin**, Administrator, Supreme Court, reiterated the concerns that the Montana Judges' Association has with LCj96. She thanked the committee for all the time they have dedicated to SJ 22 and learning about family law. She requested that the committee not move forward with LCj05 or 06. She also said the Court supports the other four bill drafts.
- 06:30:27 **Fern Osler-Johnson**, Executive Director, BOPP, commented on LCj95 and she said the BOPP opposes going forward with LCj96. She said the Board is fine with LCj97, LCj98 and LCj99.
- 06:33:45 **Robert Kolar**, Helena, spoke about LCj96 and feels that (4) in Section 3 needs to be clarified.
- 06:35:14 **Casey Rudd**, representing Connections and the Montana Criminal Justice Reform Network, provided the committee with written testimony on SJ 3. **(Exhibit 24)**
- 06:36:21 **Shari Rigg**, Volunteer, Partners For Re-Entry, and a licensed addictions counselor in private practice, Missoula, addressed LCj95. She spoke about her concerns with the criteria laid out in New Section 1 subsections (4) (O),(P),(Q).
- 06:40:10 **Andy Hudak**, Legislative Chair for the Montana Sex Offender Treatment Association, supports the BOPP being able to add conditions to an inmate's sentence.
- 06:43:16 **May Simmons** said she recently appeared before the BOPP and believes it was unfair that the county attorney could appear via Visionnet and her people had to travel from the western side of the state, creating a financial hardship for them. She would like to see some changes made that would help financially disadvantaged people in these situations.

Questions from the committee

- 06:45:26 Rep. Hill - Ms. Johnson
06:47:59 Rep. MacDonald

PUBLIC COMMENT on any other item within the committee's jurisdiction but not on this agenda (4:15 p.m.)

- 06:48:14 **Moe Wosepka**, representing himself and a group of others, said he would like to see legislation to modify MCA 46-23-301 in cases of executive clemency. He referenced Barry Beach's most recent parole denial. He said that attorney Bill Mercer will be submitting language for a bill draft to address this issue.
- 06:53:49 **Dr. Kedric Cecil**, psychologist, claimed that the parole board made a statement that says that the first step for inmates toward true rehabilitation is the need to be accountable for their crime or to admit their guilt. He asked whether that means if the innocent need to lie in order to be a candidate for rehabilitation?

06:58:46 **May Simmons** talked about her experience in prison and urged the committee to get the FBI involved in an investigation of the CCC facility in Shelby.

07:04:30 **Nancy Schwend** thanked the committee for their work and aired some of her concerns about the BOPP. She recommended some changes to the Board. She spoke about the issue of retaliation in an instance with her incarcerated son. She also commented on the issue of family law.

07:13:13 **Andy Hudak**, Legislative Chair for the Montana Sex Offender Treatment Association, Northwest Family Recovery Program, spoke about the latest research on sex offender recidivism. He encouraged the committee to consider changes to the law concerning the sexual offender registry. He said that offending youths should not be treated like adults. He submitted written testimony to the committee. **(Exhibit 25)**

07:21:58 **Dr. Gary Mihelish** spoke about HJ 16 (Interim study of state-operated public institutions) and reducing recidivism with the mentally ill by strengthening community supervision and support. He said that the state needs to build services in the community to help mentally ill individuals including creating transitional living facilities. He said that these community support services will help reduce recidivism rates.

07:27:49 **Patti Jacques** handed out HB 536 (2013) and talked about MCA 46-14-312. She wants the committee to look at and change the prison transfer law. She proposed making a second forensic hospital unit at Warm Springs. She submitted written testimony to the committee. **(Exhibit 26)**

07:32:56 **Robert Kolar**, Helena, is concerned about the BOPP. In other states there is citizen oversight of parole boards. He said the Montana parole board is not accountable to anyone. He is involved in Living Inside Out, Up to Me, and First Step, a division of the Good Samaritan store, and is a spokesman for Montanans for Justice. All of these groups work to help inmates in prison and those who get released.

07:38:37 **Sen. Jent** introduced a letter from Annette Lilly Russ and gave a brief summary of the letter. **(Exhibit 27)**

07:41:04 **Casey Rudd** submitted a 2013 BOPP survey of over 300 prisoners conducted in 2013 and gave an overview of the survey results. She talked about her group, Connections. Her group is in support of the re-entry initiative. The group also supports a letter from the committee requesting an FBI investigation of the prison in Shelby, and she would like the committee to take a look at facilities in Glendive and Great Falls, as well. **(Exhibit 28)**

BOPP Surveys:

- ! **(Exhibit 28a)** Montana State part 1
- ! **(Exhibit 28b)** Montana State part 2
- ! **(Exhibit 28c)** Shelby
- ! **(Exhibit 28d)** Glendive Regional
- ! **(Exhibit 28e)** Montana Women's Prison
- ! **(Exhibit 28f)** Great Falls Regional

07:46:25 Rep. MacDonald - Ms. Rudd

07:47:11 Sen. Driscoll - Ms. Rudd

07:48:58 Ms. Rudd

07:49:10 Rep. MacDonald

07:49:15 **Joyce Ranum**, asked the committee to consider implementing oversight for the BOPP by people who are elected by the public.

07:50:02 **John Hartsoe** attempted to bring the issue of corruption and impeachment before the committee.
07:52:26 Rep. MacDonald
07:52:36 **Mr. Hartsoe** said he supports a law that would establish oversight on the BOPP and the Judicial Standards Commission.

BREAK at 3:54 p.m.

08:08:04 Rep. MacDonald reconvened the meeting at 4:09 p.m.

COMMITTEE WORK SESSION

SJ 3 study:

**review of possible committee bills discussed at previous meetings;
request additional drafts for review in fall;
request formal committee bill(s)?**

08:09:12 Rep. MacDonald asked for questions from the committee. There were none.
08:09:33 Julianne Burkhardt, staff attorney, gave an overview of LC1j98 and 99 (**Exhibit 29**)
08:12:17 Rep. Eck moved that the committee not go forward with LC1j99.
08:12:39 Rep. MacDonald called for a voice vote on Rep. Eck's motion. It passed unanimously.
08:13:27 Sen. Murphy moved to proceed forward with the draft of LC1j98.
08:13:45 Ms. Weiss
08:14:16 Sen. Murphy moved that LC1j98 become a committee bill.
08:14:38 Rep MacDonald
08:14:45 Sen. Murphy
08:15:15 Rep. Eck
08:15:29 Ms. Weiss
08:16:39 Rep. MacDonald
08:19:23 Sen. Murphy's motion passed unanimously. (**Attachment 5**)
08:19:35 Rep. MacDonald
08:19:42 Ms. Weiss gave an overview of LC1j97 and 97b.
08:20:35 Rep. Lenz
08:21:13 Sen. Jent
08:22:49 Rep. MacDonald
08:23:01 Ms. Weiss
08:23:19 Rep. MacDonald - Ms. Weiss
08:23:31 Sen. Jent moved that the committee recommend LC1j97 and LC1j97b as committee bills.
08:24:08 Rep. MacDonald asked for a voice vote on moving both bills forward. The motion passed unanimously.
08:24:31 Rep. MacDonald opened discussion on LC1j96.
08:24:46 Ms. Burkhardt gave an overview of LC1j96.
08:25:38 Rep. Hill made a point of clarification.
08:26:21 Ms. Burkhardt
08:26:42 Rep MacDonald
08:27:02 Rep. Hill suggested that she work with Julianne to refine the bill and have the bill

stay on the agenda for the next meeting.
08:27:10 Rep. MacDonald
08:27:27 Sen. Driscoll clarified the language of the bill's intention.
08:28:04 Rep. MacDonald
08:28:11 Ms. Burkhardt
08:28:22 Rep. Eck moved that the committee not move forward with LCJ96.
08:28:40 Rep. MacDonald
08:29:19 Sen. Murphy
08:32:38 Rep. Hill supported Rep. Eck's motion.
08:33:45 Rep. Lavin supported the motion.
08:34:40 Sen. Jent opposed the motion and clarified his explanation.
08:36:23 Ms. Burkhardt
08:36:54 Rep. MacDonald asked for a roll call vote to not move forward on LCJ96.
08:37:09 Rep. Eck's motion passed 7-2. **(Attachment 6)**
08:37:45 Rep. MacDonald
08:38:56 Rep. Hill
08:39:24 Rep. MacDonald
08:39:31 Ms. Weiss gave an overview of LCJ95
08:41:17 Rep. Eck
08:41:28 Ms. Weiss
08:43:43 Sen. Murphy
08:44:02 Ms. Weiss
08:44:38 Rep. Lenz
08:44:48 Ms. Weiss
08:45:28 Rep. Lenz
08:45:48 Ms. Weiss
08:46:57 Rep. Lenz supported moving forward LCJ95.
08:47:16 Rep. Eck
08:47:38 Ms. Weiss
08:49:23 Rep. Lenz moved that the committee recommend LCJ95 as a committee bill.
08:49:40 Rep. MacDonald called for a voice vote. The motion passed unanimously.
08:50:11 Rep Hill requested staff draft a new bill to address and remedy the issues identified regarding LCJ96.
08:51:03 Rep. MacDonald
08:51:35 Rep. Hill requested 2 bill drafts.
08:53:32 Rep. MacDonald
08:54:20 Rep. Eck requested 2 bill drafts.
08:55:33 Rep. MacDonald
08:55:51 Rep. Hill requested 2 more bill drafts.
09:00:49 Rep. MacDonald
09:01:21 Ms. Weiss
09:01:54 Rep. Hill

SJ 22 study:

**review of possible committee bills discussed at previous meetings;
request additional drafts for review in fall;
request formal committee bill(s)?
Other requests for draft legislation?
Member issues for fall meeting?
Next meeting: Fall 2014**

09:02:31 Rep. MacDonald
09:02:46 Ms. Weiss gave an overview of the bill draft LClj01. **(Exhibit 30)**
09:04:09 Rep. MacDonald asked for questions or a motion. No motion was made
09:04:36 Rep. MacDonald
09:04:48 Ms. Burkhardt gave an overview of LClj02.
09:05:20 Rep. MacDonald
09:05:25 Sen. Murphy
09:05:45 Ms. Burkhardt
09:06:21 Rep. MacDonald asked for a motion. No motion was made.
09:06:43 Ms. Burkhardt gave an overview of LClj03.
09:07:00 Rep. MacDonald
09:07:07 Rep. Lenz moved that the committee recommend LClj03 as a committee bill.
09:07:48 Rep. MacDonald - Rep. Lenz
09:07:58 Rep MacDonald called for a voice vote on LClj03.The motion passed unanimously.
09:08:09 Rep. MacDonald
09:08:18 Ms. Weiss gave an overview of LClj04.
09:08:47 Rep. Hill moved that the committee recommend LClj04 as a committee bill.
09:08:50 Rep. MacDonald called for a voice vote. The motion passed unanimously.
09:09:27 Ms. Weiss gave an overview of LClj05 and LClj06.
09:09:59 Rep. MacDonald
09:10:05 Sen. Jent recommended not to move them forward.
09:10:50 Rep. MacDonald
09:11:13 Sen. Jent moved that the committee not move LClj05 or LClj06 forward.
09:11:50 Rep. MacDonald called for a voice vote and the motion passed unanimously.

Other Requests for Draft Legislation:

09:12:08 Sen. Driscoll moved that the committee prepare and recommend a bill draft to conduct a study on the Crossroads Correctional Center in Shelby over the next interim.
09:12:35 Rep. MacDonald
09:13:06 Rep. Lavin
09:13:19 Sen. Driscoll
09:13:44 Sen. Jent made a substitute motion to request that the Legislative Auditor conduct a performance audit on CCC in Shelby.
09:14:52 Rep. MacDonald
09:15:18 Sen. Jent
09:15:52 Rep. MacDonald supported both motions.
09:17:07 Rep. Eck agreed to support both motions.
09:17:46 Rep. MacDonald

09:17:52 Sen. Jent agreed to make his motion separately from Sen. Driscoll's.
09:18:02 Sen. Murphy stated that both can and should move forward.
09:18:59 Rep. MacDonald called a for a voice vote on the motion made by Sen Driscoll. The motion passed with Rep. Lenz voting no.
09:19:55 Sen. Jent moved that the committee request that the Legislative Audit Committee request a performance audit at Crossroads Correctional Center in Shelby.
09:20:09 Rep. MacDonald
09:20:14 Rep. Hill
09:21:04 Rep. MacDonald
09:21:09 Angus MacIver, Legislative Audit Division, LAD
09:21:55 Rep. MacDonald
09:22:00 Rep. Lavin suggested taking the FBI letter off the table.
09:22:42 Rep. Lenz
09:22:58 Rep. MacDonald asked for a voice vote on Sen. Jent's motion to ask the Audit Committee to request a performance audit of CCC in Shelby. The motion passed unanimously.
09:23:22 Rep. Lavin moved to reconsider the earlier FBI investigation request motion made by Sen. Murphy which delayed consideration of the investigation request until Fall 2014.
09:23:53 Rep. MacDonald
09:24:13 Sen. Murphy
09:24:32 Rep. MacDonald called for a voice vote on Rep. Lavin's motion. The motion passed unanimously.
09:25:06 Ms. Weiss summarized the tasks asked of the staff.
09:26:08 Rep. MacDonald spoke to LCj95.
09:26:16 Ms. Weiss continued her summary.
09:28:33 Ms. Burkhardt
09:29:00 Ms. Weiss
09:29:58 Rep. Eck
09:30:04 Ms. Weiss summarized and clarified the bill drafts in SJ 22.
09:31:04 Rep. MacDonald asked the staff to schedule a tour of CCC in Shelby.

Adjourn

09:32:00 Rep. MacDonald adjourned the meeting at 5:33 pm. The next LJIC meeting is Wednesday, September 3, 2014.