



Law and Justice Interim Committee

65th Montana Legislature

SENATE MEMBERS

JEN GROSS
MARGARET (MARGIE) MACDONALD
KEITH REGIER
SCOTT SALES
DIANE SANDS
NELS SWANDAL

HOUSE MEMBERS

JESSICA KARJALA
GEORGE KIPP III
RYAN LYNCH
JIMMY PATELIS
LOLA SHELDON-GALLOWAY
BARRY USHER

COMMITTEE STAFF

RACHEL WEISS, Lead Staff
JULIANNE BURKHARDT, Staff Attorney
LAURA SHERLEY, Secretary

MINUTES LOG

June 28, 2017
Room 137, 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.

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

COMMITTEE MEMBERS PRESENT

SEN. JEN GROSS
SEN. MARGARET (MARGIE) MACDONALD
SEN. KEITH REGIER
SEN. SCOTT SALES
SEN. DIANE SANDS
SEN. NELSON SWANDAL

REP. JESSICA KARJALA
REP. GEORGE KIPP III
REP. RYAN LYNCH
REP. JIMMY PATELIS
REP. LOLA SHELDON-GALLOWAY
REP. BARRY USHER

COMMITTEE MEMBERS EXCUSED

NONE

STAFF PRESENT

RACHEL WEISS, Lead Staff
JULIANNE BURKHARDT, Staff Attorney
LAURA SHERLEY, Secretary

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

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

The 2017-2018 Law & Justice Interim Committee:

- approved a motion to elect Sen. Sands as presiding officer;
- approved a motion to elect Rep. Patelis as vice presiding officer; and
- informally agreed upon study options for the draft interim work plan.

CALL TO ORDER AND ROLL CALL

00:00:02 Sen. Sales called the meeting to order at 10:00 a.m. The committee secretary took roll ([Attachment 3](#)).

COMMITTEE MEMBER INTRODUCTIONS

00:00:55 Rep. Usher
00:01:29 Rep. Sheldon-Galloway
00:02:05 Sen. Swandal
00:02:24 Rep. Lynch
00:02:44 Rep. Karjala
00:03:22 Julianne Burkhardt, staff attorney
00:03:39 Sen. Sands
00:04:17 Sen. Sales
00:04:32 Rachel Weiss, lead staff
00:05:01 Laura Sherley, secretary
00:05:19 Sen. Regier
00:05:48 Sen. MacDonald
00:06:47 Rep. Kipp
00:07:04 Rep. Patelis
00:07:36 Sen. Gross

ADMINISTRATIVE MATTERS -- Rachel Weiss, Research Analyst

Review of committee duties and staff responsibilities

00:08:24 Ms. Weiss reviewed the statutory duties of the committee and the responsibilities of the committee staff ([Exhibit 1](#)).

Interim committee guidelines from Legislative Council

00:12:20 Ms. Weiss reviewed the rules and guidelines set by Legislative Council for all interim committees ([Exhibit 2](#)).

Committee travel/budget claims

00:14:28 Ms. Weiss reviewed the committee's budget and how the members should fill out the reimbursement form provided at each committee meeting ([Exhibit 3](#)).

Previous LJIC legislation review and other law/justice commissions, task forces, and bills

00:15:55 Ms. Weiss reviewed the interim work of the 2015-2016 Law & Justice Interim Committee, the Commission on Sentencing, and the Task Force on State Public Defender Operations ([Exhibit 4](#)), ([Exhibit 5](#)), ([Exhibit 6](#)), and ([Exhibit 7](#)).

Questions from the committee

None

AGENCY OVERSIGHT

Department of Justice -- Liz Bangerter and Eric Sell

00:19:09 Ms. Bangerter discussed the 2017 Session legislation involving the Department of Justice (DOJ) and reviewed the department's budget for the new legislation.

00:26:17 Mr. Sell discussed the DOJ's work on substance abuse in the state ([Exhibit 8](#)).

Questions from the committee

00:34:12 Sen. Sands stressed that the committee should collaborate with DOJ on their work regarding substance abuse.

00:36:43 Rep. Kipp asked Mr. Sell if any of DOJ's listening sessions have been scheduled on the state reservations.

00:37:32 Sen. Regier asked Ms. Bangerter how the information on the Real ID cards differ from the information on the state's current driver's licenses. Sen. Regier also asked what kind of information the federal government requires on the Real ID cards. Ms. Bangerter will follow-up with this information after the meeting.

00:39:11 Sen. Sands asked the committee staff to provide a legislative history on the Real ID Act for the committee members.

00:39:39 Rep. Patelis asked Ms. Bangerter if there is DOJ grant money for the Board of Crime Control that would be in jeopardy if it were moved under the Department of Corrections. Rep. Patelis also asked if all the grant request deadlines for this year and previous years have been met.

00:41:57 Sen. MacDonald asked Ms. Bangerter if DOJ's website is kept up to date regarding the Real ID Act.

00:43:52 Sen. Gross asked Mr. Sell if DOJ plans to work with the State-Tribal Relations Interim Committee regarding SJ 3: *Interim study of tribal resources for mbrs involved in criminal justice system*.

00:45:41 Rep. Lynch asked Ms. Bangerter to clarify DOJ's funding issues regarding the implementation of the Real ID Act.

Department of Corrections -- Adrienne Cotton

00:49:15 Ms. Cotton reviewed the Department of Corrections collaborative work with CenturyLink regarding the inmate notification system, access to Adobe tablets, and prepaid credit cards for release assistance; implementing 2017 Session legislation involving the department; implementing Marsy's Law, CI-116 (2016); transitioning the Board of Crime Control; implementing Commission on Sentencing legislation; work with the study of solitary confinement; and new staff introductions.

Questions from the committee

00:57:56 Sen. Sands asked Ms. Cotton to alert the committee on the administrative rules adoption of Marsy's Law.

- 00:59:23 Rep. Patelis asked if the Council of State Governments (CSG) is in Phase 2.
Rep. Patelis also asked for clarification of the grant amount and deadline.
- 01:01:45 Sen. Gross asked if the deadline for Marsy's Law will be met.
- 01:03:29 Rep. Sheldon-Galloway asked if the Adobe tablets will be available at all prison facilities across the state.

OVERVIEW OF DRAFT WORK PLAN, HJ 6 STUDY PLAN ADMINISTRATIVE RULE EXPLANATION AND REVIEW

- 01:04:45 Ms. Weiss presented on the committee's draft interim work plan matrix (see Exhibit 1) and ([Exhibit 9](#)).
- 01:13:22 Ms. Burkhardt reviewed the history of the administrative rule review and updated the members on the committee's current rule review ([Exhibit 10](#)).
- 01:20:00 Sen. Gross asked Ms. Burkhardt if requesting records from agencies must be voted on by the committee.
- 01:20:54 Sen. Sands commented on the importance of the administrative rule review.
- 01:23:35 Sen. MacDonald asked Ms. Burkhardt for clarification of which agencies and departments would report rules to the committee.
- 01:25:07 Ms. Weiss continued her presentation on the committee's draft interim work plan matrix (see Exhibit 9).

HJR 6 assigned study

- 01:31:41 Ms. Weiss reviewed the assigned study HJR 6: *Interim study on the effects of methamphetamine use on state and local services* ([Exhibit 11](#)).

Questions/comments from the committee

- 01:35:19 Sen. Sands recommended the committee work jointly with the Children, Families, Health, and Human Services Interim Committee (CFHHS) since the study topic also falls under its jurisdiction.
- 01:35:56 Sen. Regier asked for clarification on the assignment of HJR 6.
- 01:37:35 Sen. Sands commented on the committee's ability to request a reassignment of an assigned study to another interim committee.
- 01:38:30 Rep. Lynch commented on the work of the 2015-2016 Economic Affairs Interim Committee and his interest to study the prescription drug registry.
- 01:40:08 Sen. MacDonald asked if there will be a work session to determine the committee's interim work.

SJ 25 assigned study

- 01:40:30 Ms. Weiss reviewed the assigned study SJ 25: *Interim study of use of solitary confinement* ([Exhibit 12](#)).

Questions from the committee

- 01:48:58 Sen. Sands asked if the Department of Corrections would already have studies pertaining to solitary confinement and if they would present to the committee.

Public comment

- 01:51:21 Beth Brenneman, Disability Rights of Montana
- 01:53:25 Abigail St. Lawrence, Montana Association of Christians
- 01:55:28 Caitlin Borgmann, ACLU

01:57:30 Patti Jacques
02:00:13 May Simmons, Polson
02:04:45 Candida Quinn, Helena
02:07:23 Jean Branscom, Montana Medical Association
02:12:01 Sarah Kahn
02:15:21 Heidi Nuttall, Ravalli County

Questions from the committee

02:16:43 Rep. Patelis asked Ms. Borgmann if she will be the ACLU representative for future meetings. Rep. Patelis also asked Ms. Borgmann how the ACLU handles a denied inmate's request to be placed in solitary confinement. Ms. Borgmann will follow-up with information after the meeting.

ELECTION OF OFFICERS

02:19:04 Sen. MacDonald nominated Sen. Sands to chair the committee.

VOTE

02:19:31 The committee elected Sen. Sands as Presiding Officer of the 2017-2018 Law & Justice Interim Committee on a unanimous voice vote
02:19:43 Sen. Sands commented on her election.
02:20:50 Sen. Gross nominated Rep. Lynch to vice chair the committee but the nomination was withdrawn.
02:21:06 Sen. Sales nominated Rep. Patelis to vice chair the committee.
02:21:41 Sen. Gross commented on her support on Rep. Patelis's nomination.

VOTE

02:22:08 The committee elected Rep. Patelis as Vice Presiding Officer of the 2017-2018 Law & Justice Interim Committee on a unanimous voice vote
02:22:19 Rep. Patelis commented on his election.

LUNCH (reconvened at 12:59 p.m.)

PUBLIC COMMENT ON ANY ITEM WITHIN THE COMMITTEE'S JURISDICTION BUT NOT ON THIS AGENDA

03:00:23 Patty Jacques
03:04:49 May Simmons ([Exhibit 13](#))
03:10:20 Heidi Nuttall, Ravalli County
03:14:03 Jon Metropoulis, Missoula Correctional Services

COMMITTEE WORK SESSION

03:15:56 Ms. Weiss reviewed the committee's interim work plan matrix and explained the process of selection for the study topics (see Exhibit 9).

HJ 6 assigned study topic

03:17:21 Sen. Sands opened the committee discussion for the HJ 6 Study on Meth and Opioid Abuse topic.
03:18:02 Sen. Regier asked Ms. Weiss for clarification of the draft work plan matrix and for clarification of the committee staff work versus agency work on the study.

03:21:43 Sen. MacDonald asked Ms. Weiss for clarification of the total staff time required for the study. Sen. MacDonald also commented on the importance of the study.

03:23:52 Rep. Sheldon-Galloway asked if CFHHS will also study HJ 6.

03:25:05 Rep. Sheldon-Galloway asked for clarification on the committee's jurisdiction over the Department of Corrections.

03:26:15 Rep. Patelis asked Ms. Weiss how much jurisdiction the committee has over the Department of Justice regarding the study's implementation. Rep. Patelis also commented on the committee's different options for the study.

03:28:23 Rep. Karjala recommended collaboration and discussion with the Attorney General (AG) at the October summit.

03:29:19 Sen. Sands commented on the committee's interim work schedule and the AG's work schedule.

03:30:03 Sen. Gross asked Ms. Weiss how the FTE on the draft interim work plan would be affected if stakeholder presentations were added to the study plan.

03:32:58 Rep. Kipp recommended leaving the study options open until after collaboration with the AG.

03:33:52 Sen. Sands directed the members and they informally agreed upon Option B of the draft interim work plan (see Exhibit 9).

03:34:35 Sen. Sands asked Ms. Weiss when the AG could present to the committee.

03:36:05 Sen. Sales asked for the AG Summit dates.

03:37:14 Sen. Sands commented on the committee member's planned attendance to the AG summit.

03:37:48 Rep. Karjala commented on the importance of setting out study parameters with the CFHHS Interim Committee to avoid overlapping work.

SJ 25 assigned study topic

03:38:37 Sen. Sands opened the committee discussion on SJ 25 Study on Use of Solitary Confinement topic.

03:38:49 Ms. Weiss clarified the study topic on the committee's draft work plan matrix (see Exhibit 9).

03:40:45 Sen. Sands asked Ms. Weiss if the Department of Corrections would conduct the study.

03:41:30 Committee discussion on SJ 25.

03:44:54 Sen. Sands directed the members and they informally agreed upon Option B of the draft interim work plan (see Exhibit 9).

03:45:19 Ms. Weiss commented on the study's FTE and responded to Rep. Lynch's study request on county detention centers.

Agency Monitoring topic

03:46:23 Sen. Sands opened the committee discussion on the Agency Monitoring topic and asked Ms. Weiss to clarify the topic.

03:47:45 Committee discussion on the agency monitoring duties.

03:51:06 Ms. Weiss reminded the members that the agency reports to the committee are required by statute.

03:52:15 Sen. Sands commented on the study options and asked Ms. Weiss to clarify the FTE for this study.

03:54:02 Rep. Sheldon-Galloway stressed the importance of agency monitoring.

03:54:27 Sen. Sands directed the members and they informally agreed upon Option B of the draft interim work plan for all agency monitoring (see Exhibit 9).

Other studies

- 03:54:40 Sen. Sands opened the committee discussion on all other study topics on the draft interim work plan (see Exhibit 9).
- 03:55:11 Rep. Usher commented on the *Child Protective Services authority to remove a child/training/timing of court paperwork* topic (see Exhibit 9, bottom of page 3).
- 03:56:41 Sen. Sales requested the committee study the transition of the parole board and study the board's work.
- 03:57:51 Sen. Gross requested the committee watch the implementation of Marsy's Law.
- 03:58:25 Rep. Patelis also recommended the committee study the parole board's work.
- 03:59:17 Rep. Sheldon-Galloway requested the committee study the vacant mental health facilities in the state.
- 03:59:35 Sen. MacDonald commented on foster care laws and parental right laws.
- 04:01:20 Sen. Sands commented on the FTE available for other topics and recommended the members review the draft interim work plan for the next committee meeting.

Revise/adopt meeting dates

- 04:01:39 Ms. Weiss reviewed the draft meeting dates (see Exhibit 1, last page).
- 04:02:50 Rep. Sheldon-Galloway commented that she is not available during November 2017.

ADJOURNMENT

- 04:03:15 With no more work before the committee, Sen. Sands adjourned the meeting at 2:03 p.m.

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