



## Newsletter

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### Save the Dates!

#### Caucus and Orientation for Session

The 2016 dates related to preparation for the 2017 legislative session are as follows:

- Caucuses — Monday, Nov. 14 (morning).
- Training and orientation — Monday, Nov. 14 (afternoon) through Wednesday, Nov. 16.
- Rules committees — Wednesday, Dec. 7 (morning).
- Presiding officer training — Wednesday, Dec. 7 (afternoon).
- Budget training, 2019 Biennium Budget review, and other topics — Thursday, Dec. 8.

The first day of the 2017 session is Monday, Jan. 2, 2017. The House and the Senate will each convene at noon.

The tentative session calendar may be found online at the [2017 session web page](#).

### Legislative Council Requests Survey About TVMT

At the Legislative Council's request, a survey on TVMT to gather ideas for additional uses of the legislative public access channel is now being conducted. A link to the survey is posted on the Legislature's home page at <http://leg.mt.gov>. Or, [click here](#) to go directly to the survey. Legislators and staff, citizens, executive and judicial branch officials and staff, lobbyists, and others involved in the legislative process and with state government will be given an opportunity to weigh in.

#### Next Meeting

The council will meet on Aug. 24-25 at the Capitol in Helena at a time to be determined. The Rules Subcommittee will meet on the morning of Aug. 24, and the full council meeting will follow. For more information on the council's activities and upcoming meeting, please visit the council's website or contact Susan Byorth Fox, council staff.

Council Website: <http://leg.mt.gov/legcouncil>  
Council Staff: [sfox@mt.gov](mailto:sfox@mt.gov) or 406-444-3066

**REMEMBER  
to take the  
TVMT  
survey!**

>>click here<<

## CFHHS to Wrap Up Interim Work in August

At its final meeting in August, the Children, Families, Health, and Human Services Interim Committee will decide on the final package of bills to put forward after its study of guardianship matters and Alzheimer's disease.

The committee will review changes to three of the bill drafts in the package and hear more information on another bill as it wraps up the Senate Joint Resolution 22 (2015) study during its Aug. 25-26 meeting. It has already approved one bill related to SJR 22 for introduction to the 2017 Legislature.

The committee will also determine its final steps on the House Bill 422 (2015) study of children's mental health outcomes and on the Senate Bill 418 (2015) study of legislative mental health investments. Several reports on health and human services matters are also on the agenda.

### SJR 22 Study: Guardianship/Alzheimer's Disease

During their May and June meetings, committee members worked on several bill drafts to improve protections and services for adults who are unable to make decisions about their own health care or financial matters.

In August, the committee will hear more information about LCCF02, a bill that would beef up financial protections for vulnerable individuals. Representatives of the financial services industry and the State Auditor's Office will discuss the pros and cons of model national legislation that would require financial advisers to report suspected financial abuse.

The committee will review changes to the following bill drafts that members requested in June:

- LCCF6a, which would increase the number of and the payment for some Medicaid-funded waiver slots that allow older adults to remain in their homes or communities instead of being placed in nursing homes.
- LCCF7b, which would create a working interdisciplinary network of guardianship stakeholders to develop standards for guardians and conservators and to review whether existing guardianship services are adequate to meet the needs of older Montanans.

Also, the committee will decide on whether to proceed with the following two bills:

- LCCF4a, which would appropriate \$1.5 million to area agencies on aging over the biennium to provide services to individuals with Alzheimer's disease or other dementias.
- LCCF8a, which would require guardians and conservators to report suspected financial abuse to the Department of Public Health and Human Services.

The committee has already approved a bill draft to establish a grant program for training respite care volunteers.

### SB 418: Legislative Mental Health Investments

The committee will continue monitoring the use of money appropriated by the 2015 Legislature by hearing updates about new or expanded mental health services for both adults and youth.

Glenda Oldenburg, administrator of the DPHHS Addictive and Mental Disorders Division, will discuss the ways in which a variety of new community and crisis services have been used. Zoe Barnard, chief of the DPHHS Children's Mental Health Bureau, and children's mental health providers will talk about how the providers have used \$1.2 million that was appropriated for youth crisis diversion activities.

The committee will also review and act on a final report related to the SB 418 study.

### HB 422: Children's Mental Health Outcomes

HB 422 required the committee to develop legislation for a pilot project to improve and track children's mental health outcomes. The pilot project is to include a pay-for-performance element.

Although the committee identified outcomes to be included in potential legislation, members have been considering the best way to proceed with the study after learning that DPHHS does not have a database to collect or analyze information related to those outcomes.

The committee will hear an update on efforts by providers and some committee members to develop draft legislation.

### Monitoring Activities

Also at the August meeting, the committee will engage in the following monitoring activities:

- Act on a request from DPHHS to authorize its agency legislation for early drafting and introduction in the 2017 session.
- Learn about the work of the new Office of American Indian Health in DPHHS.
- Hear required reports on patient-centered medical homes, suicide prevention and review efforts, and the Medicaid expansion approved by the 2015 Legislature.
- Hear a general agency update from DPHHS Director Richard Opper.

### Next Meeting

The committee will meet at 9 a.m. on Aug. 25 in Room 137 of the Capitol in Helena. The meeting will continue at 8:30 a.m. on Aug. 26. For more information on the committee's

activities and upcoming meeting, please visit the committee's website or contact Sue O'Connell, committee staff.

Committee Website: [www.leg.mt.gov/cfhhs](http://www.leg.mt.gov/cfhhs)

Committee Staff: [soconnell@mt.gov](mailto:soconnell@mt.gov) or 406-444-3597

## Commission on Sentencing Receives Recommendations, Requests Bill Drafts

The Commission on Sentencing moved a step closer to completing its interim task of studying the state's criminal justice system and making recommendations to the 2017 Legislature when it met in June to consider further system analysis performed by the Council of State Governments (CSG) Justice Center and policy options that resulted from that analysis. By the end of the two-day meeting, commissioners had formed a subcommittee, directed CSG and legislative staff to provide additional information, and decided to review draft language for possible commission bills.

The commission will consider the preliminary bill drafts at its September meeting. The drafts will cover several broad issue areas, including the following:

- Presentence investigation reports.
- Treatment courts.
- Licensing behavioral health peer specialists.
- Probation and parole supervision.
- The operation and structure of the parole board.
- Resources for victims.
- A study of tribal resources for supervision of offenders.

### Update on Other Studies

The meeting started with an update from sentencing commission members who are also members of other interim criminal justice study entities. Rep. Kimberly Dudik (D-Missoula), who is the presiding officer of the Task Force on State Public Defender Operations, joined another task force member, Sen. Cynthia Wolken (D-Missoula), to describe the task force's study of how the state's public defender system is operating. They also discussed several statutory changes the task force might recommend to the 2017 Legislature.

Sen. Kristin Hansen (R-Havre) provided a similar update on the Judicial Redistricting Commission, which is considering whether to change the current boundaries of the state's judicial districts and has decided not to recommend specific changes to the boundaries to the 2017 Legislature. Sen. Mary Sheehy Moe (D-Great Falls) provided the final update. She is a member of the Law and Justice Interim Committee, which has been studying sexual assault laws and is in the final stages of reviewing draft bill language to respond to concerns raised during the study.

## Behavioral Health

Steve Allen, a behavioral health expert with CSG, then presented the results of his review of the Department of Corrections' behavioral health programming and treatment options for offenders who require that assistance. As part of that review, CSG staff team members visited with several Montana treatment program staff with treatment expertise, visited 11 programs or treatment centers, and spent 35 hours directly observing the provision of care in those facilities.

After reminding the commissioners of evidence-based methods that help ensure behavioral health interventions are effective in reducing recidivism, Allen discussed five broad recommendations, several subrecommendations, and their links to the policy options that the commissioners would consider later in the meeting. Those recommendations were as follows:

- Strengthen existing investments to increase effectiveness.
- Require Medicaid enrollment for offenders.
- Increase community corrections center capacity and improve outcomes.
- Increase community behavioral health capacity by leveraging Medicaid.
- Increase the treatment provider base.

## Parole Decisions

Cathy McVey, a senior policy advisory with CSG who is a former presiding officer of the Pennsylvania Board of Probation and Parole, spoke about evidence-based best practices for parole authorities, her analysis of Montana's parole system, and the policy options the commissioners could consider. Fifteen parole-specific policy options were grouped into the following four broad categories:

- Preparing for release on parole.
- Parole decision-making.
- Parole supervision.
- Parole board.

Details on the policy options offered are available on the commission's website.

## Needs of Offenders

During the study process, CSG and advocates convened several focus groups on offender needs and resources for this population. The commissioners rounded out the first day by learning about the results.

Ann Sherwood, the managing attorney of the Tribal Defenders Office of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, presented on two focus groups held on the Flathead Reservation, including one held with

formerly incarcerated or jailed individuals who are still involved in the criminal justice system and one held with people currently in tribal jail. Two community advocates from Missoula — Jana Staton and Landee Holloway, who cochair the Missoula Partners for Integration — presented on three focus groups conducted there, including two groups of people who were formerly incarcerated or jailed and are still involved in the system and one group of community advocates. Both focus group locations included male and female offenders.

The presenters each discussed themes they encountered during the groups. The following 10 themes were generated from the Flathead Reservation focus groups:

- Customize treatment plans and sentences.
- Increase efficiencies.
- Accept treatment from all facilities.
- Understand that peer services are not treatment but are critical for success.
- Address outstanding warrants.
- Advance housing opportunities.
- Expand employment opportunities.
- Address transportation challenges.
- Be aware that people were treated badly for being Native American.
- Focus on unique needs of the Native community.

The focus groups in Missoula produced the following 11 themes:

- Customize treatment plans and sentences.
- Improve the quality and consistency of the information driving decisions.
- Accept treatment from all facilities.
- Make room for exceptions and success — one size does not fit all.
- Increase opportunities and efficiencies during incarceration and detention.
- Increase access to good treatment.
- Improve access to peer support services.
- Expand employment opportunities.
- Develop skills for reentry.
- Expand case management and transitional support.
- Advance housing opportunities.

## Policy Options and Next Steps

The second meeting day was devoted to discussing next steps for the commission's work. It included presentations by the CSG experts on the initial 25 policy options they suggested as a result of their analysis and also a dialogue among commissioners, CSG staff, and stakeholders on the options.

The commissioners formed a seven-member subcommittee to discuss and make recommendations related to several policy options that centered on crimes, penalties, and sentencing requirements. The subcommittee members are Sen. Wolken, Sen. Hansen, Judge Ingrid Gustafson, Sheriff Donna Whitt, and Commissioners Dan Guzynski, Peter Ohman, and Majel Russell.

The commissioners also agreed by consensus to ask for additional information related to several policy options and to receive draft legislation to implement other options. The draft legislation will be available for review before the commission's September meeting.

The policy options and other detailed information presented during the meeting are available on the commission's web page for the June meeting (at [www.leg.mt.gov/cos](http://www.leg.mt.gov/cos), choose "Meetings and Materials" and then choose "June 22-23, 2016").

## Next Meetings

The Statute Review Subcommittee will meet on Aug. 29 in Room 172 of the Capitol in Helena at a time to be determined. An agenda and other materials will be available in mid-August. For e-mailed notifications of subcommittee activities, sign up at the following link to receive updates: [http://leg.mt.gov/css/Lyris/email\\_logon.asp](http://leg.mt.gov/css/Lyris/email_logon.asp).

The full commission will meet on Sept. 20 and again on Oct. 19. Both meetings will be held at the Capitol in Helena at a time to be determined. For more information on the commission's activities and upcoming meetings, please visit the commission's website or contact Rachel Weiss, commission staff.

Commission Website: [www.leg.mt.gov/cos](http://www.leg.mt.gov/cos)

Commission Staff: [rweiss@mt.gov](mailto:rweiss@mt.gov) or 406-444-5367

## Economic Affairs Committee Weighs Legislation on Air Ambulances, Boards

The Economic Affairs Interim Committee's last meeting will feature a review of possible legislation related to studies on air ambulances and licensing boards plus required reports on a variety of economic development activities.

## Air Ambulance Study

The air ambulance study under House Joint Resolution 29 (2015) has evolved into a discussion primarily between insurers and air ambulance providers, some of which are based at hospitals and others who are freestanding. A main question has been whether the primarily freestanding providers will be within an insurance network. Patients transported by network providers are not subjected to bill balances, which range from \$20,000 to \$120,000 for services.

The State Auditor's Office, which regulates insurance companies, was asked by the committee to work with the insurers and air ambulance providers. Options being considered by work groups convened by the office include the following:

- Providing a binding arbitration process between insurers and air ambulance providers to take the patient out of the payment dispute process.
- Revising membership provisions to allow review by the State Auditor's Office.
- Listing on the State Auditor's website information related to air ambulances and insurers with the intention that a better-informed patient or patient's family will be more aware of the potential for hefty bills and possibly enabled to have a say in which provider performs a transport.

A final work group meeting is planned for Aug. 8. Any draft legislation suggested by that group will be posted on the committee's website by the middle of August for review and comment prior to or at the committee's last meeting.

## Licensing Board Study

The other study undertaken by the committee relates to licensing board costs and fees but also includes a look at the relationship between boards and the Department of Labor and Industry with respect to the 2015 U.S. Supreme Court decision in *North Carolina Dental Board v. the Federal Trade Commission*. The decision and ensuing guidelines from the Federal Trade Commission mean that licensing board members may face direct liability for their actions on behalf of their professions and that state immunity may not apply in certain anticompetitive situations.

Legislation being considered by the committee provides the commissioner of labor and industry with active supervision authority that extends liability protection to board members in exchange for review and possible veto or amendment of the proposed board action. Currently, the department provides advice and has notified board members that they may be liable in anticompetitive situations if they ignore the advice and proceed with the potentially anticompetitive activities.

## Reviews and Presentations

Other agenda items for the August meeting include the following:

- A review of proposed legislation from the following agencies: the State Auditor's Office, the Department of Agriculture, the Department of Labor and Industry, and the Department of Livestock. (The Department of Commerce's legislation was reviewed and forwarded at the committee's June meeting.)
- Presentations of various reports required by the Legislature. These include updates on the Montana Heritage Commission, the veterans' home loan program, distressed wood industry grants and loans, livestock losses, apprenticeships, unemployment benefits for victims of domestic abuse, loans for economic development from the Board of Investments, and loans and grants from the Board of Research and Commercialization Technology.
- A report from the Board of Livestock on the Department of Livestock's efforts to address structural balance in its budget moving into the next biennium.
- Updates from the Banking and Financial Institutions Division of the Department of Administration on the status of state-chartered banks and credit unions.

The committee also will do final reviews of proposed committee legislation and the committee's final report. Committee legislation includes a bill draft (LC 173) proposing that the committee monitor activities in the beer, wine, and liquor industry in line with its other industry-related monitoring. Another proposed committee bill would allow rather than require biennial reviews of advisory councils. A third proposed committee bill would enable reporting on business industrial development companies on an as-needed basis.

## Next Meeting

The committee will meet on Aug. 30-31 in Room 137 of the Capitol in Helena, starting at 8:30 a.m. on Aug. 30 and at 8 a.m. on Aug. 31. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Pat Murdo, committee staff.

Committee Website: [www.leg.mt.gov/eaic](http://www.leg.mt.gov/eaic)

Committee Staff: [pmurdo@mt.gov](mailto:pmurdo@mt.gov) or 406-444-3594

## ETIC Requests Draft Legislation on Colstrip

The Energy and Telecommunications Interim Committee requested that legislation be drafted and posted for public comment that addresses the needs of Montana, as plans to close

two coal-fired generating units in Colstrip move forward. The four-unit Colstrip Generating Station is a coal-fired generating facility with a combined peak output of 2,094 megawatts.

In July, the owners of the Colstrip units reached a settlement with environmental groups agreeing that Colstrip's oldest units, Units 1 and 2, will shut down by 2022 at the latest. The settlement also requires changes in operations at Units 3 and 4.

During a meeting on July 14-15, the committee requested legislation to help the state of Montana plan for the pending partial closure of the facilities. The legislation is also intended to address the owner's responsibility to help displaced workers and to outline remediation plans and requirements for the area.

The first day of the July meeting focused on the future of the coal-fired Colstrip generating units. Representatives of Talen Energy (now Riverstone Holdings) and Puget Sound Energy (PSE) discussed the operation of Units 1 and 2. The committee learned about Talen's ongoing efforts to exit Montana. Committee members also learned more about PSE's development of a rate case outlining the company's path forward at Units 1 and 2 — particularly in light of passage of Senate Bill 6248 (2016) by the Washington Legislature. The legislation authorizes Puget Sound Energy to create a fund to pay for the closure of Units 1 and 2. The rate case will be submitted to the Washington Utilities and Transportation Commission in January 2017 and will outline the retirement of Units 1 and 2, including closure dates.

The Colstrip legislation will be posted on the committee's website in early August for public comment. The committee will determine at their Sept. 9 meeting whether to bring the legislation before the 2017 Legislature.

### Net Metering Legislation Advances

The committee also agreed to review five bill drafts related to updating portions of Montana's framework for net metering. Three of the drafts will focus on interconnection requirements and metering technology. Two of the drafts will focus on broader net metering policy issues.

Throughout the interim, the committee has been examining net metering based on its assignment as outlined in Senate Joint Resolution 12 (2015). The committee tasked Northwestern Energy, Montana-Dakota Utilities, and the Montana Renewable Energy Association with defining areas of agreement on net metering. The entities reached agreement on three issues, which the committee has requested as preliminary bill drafts for further consideration:

- Require the Public Service Commission (PSC) to review and update (if necessary) utility agreements and requirements pertaining to interconnection standards on a regular basis.

- Clarify that the homeowner electrical permit exemption does not apply to electrical work on grid-tied generators.
- Require the PSC to evaluate alternative metering technologies for customers based on grid operability, reliability, and billing considerations.

The committee also requested that the following two additional net metering bill drafts be prepared and posted for public comment:

- Require the PSC to conduct a cost-benefit analysis of net metering in Montana when net metering hits a 1 percent penetration level.
- Increase the cap on net metering to 250 kilowatts for churches, schools, nonprofits, and other publicly owned buildings and facilities.

### Next-Generation 9-1-1

Committee members also reviewed public comment on draft legislation and a report concerning next-generation 9-1-1 (NG911) and agreed to move forward with draft legislation to update and revise Montana's 9-1-1 laws and a related draft report.

The committee is reviewing NG911 as requested by the Legislature under House Joint Resolution 7 (2015). Early in the interim, the committee asked stakeholders to work on NG911 and to provide recommendations on planning for and implementing NG911. Stakeholders, along with an advisory council formed by the governor, provided recommendations on how to update Montana's 9-1-1 laws and use NG911 to enhance public safety in Montana.

The bill draft requested by the committee incorporates the recommendations and deals specifically with NG911. It also updates Montana's statutes to address evolving technology. The committee also agreed to adjust a proposed 9-1-1 funding formula to be more equitable to larger public safety answering points.

### Statutory Duties

Much of the July meeting was dedicated to the committee's statutory duties. The committee reviewed Universal System Benefits Program reports, renewable energy credit reports, PSC legislative proposals, a hydroelectric report, and a geothermal research update. The committee agreed to continue with most duties into the future, but members requested draft legislation to eliminate renewable energy credit reporting.

The 2011 Legislature passed and approved Senate Bill 7, which created a new form of reporting on renewable energy credits (RECs) in Montana. The law requires public utilities, electric cooperatives, competitive electricity suppliers, and owners of a renewable electrical generation facility to file

a report with the committee each interim concerning the purchase or sale of RECs in Montana. The committee is required to review the reports and, if necessary, submit recommendations to the Legislature regarding the use of RECs in Montana.

Although intended to generate useful information, the REC reports have not been fully utilized by renewable generators or by utilities in Montana. To date they have provided little useful information to the committee. The committee agreed to draft legislation eliminating the reporting requirement. The members also requested a study resolution requesting a future interim legislative study of RECs in Montana.

### Next Meeting

The committee will meet on Sept. 8-9 in Room 172 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Sonja Nowakowski, committee staff.

Committee Website: [www.leg.mt.gov/etic](http://www.leg.mt.gov/etic)

Committee Staff: [snowakowski@mt.gov](mailto:snowakowski@mt.gov) or 406-444-3078

## EQC Supports Audit of West Shore State Park Parcel

The Environmental Quality Council voted in July to send a letter supporting a request by Sen. Bradley Hamlett (D-Cascade) that the Legislative Audit Committee look into a land issue at West Shore State Park.

Hamlett told the council on July 20 that a performance audit should be conducted to determine whether a 73-acre parcel at West Shore is encumbered by the requirements of the Federal Aid in Wildlife Restoration Act of 1937, also known as the Pittman-Robertson (P-R) Act.

The parcel was added to West Shore in the 1960s in exchange for 285 acres at the Blackfoot-Clearwater Wildlife Management Area and \$14,000. The Blackfoot-Clearwater property was purchased with P-R funds, which requires that the property be used for fish and wildlife purposes and remain under Department of Fish, Wildlife and Parks control. If the property is disposed of or used for other purposes, the P-R investment must be repaid at current market value.

FWP contends that the P-R encumbrance on the Blackfoot-Clearwater property was transferred to the West Shore parcel and that a financial reconciliation is now needed because the West Shore parcel is not used for fish and wildlife purposes. Sen. Hamlett testified that the West Shore parcel is, in fact, currently used by wildlife and that the U.S. Fish and Wildlife Service signed off on the land deal in 1966. The council asked the LAC to determine whether reconciliation, which could

amount to as much as \$7.5 million in current value, is still due before FWP commits further resources.

### Budget Issues

The council also heard about the budget crunch caused at three state agencies by the drop in Montana's natural resource revenues. This biennium, the Department of Environmental Quality has a \$1.2 million shortfall, the Department of Natural Resources and Conservation has a \$374,000 deficit, and the Bureau of Mines and Geology has seen a revenue drop of \$69,000. All three agencies have reconfigured spending and staff to absorb the shortfalls as much as possible.

### Agency Legislative Proposals

DNRC presented four legislative proposals for bill drafting authorization. The proposals would do the following:

- Increase to 2 million board feet the amount of timber that DNRC can harvest on state land with limited access when permission is granted by an adjacent landowner and there is only one potential buyer with legal access.
- Clean up moot conservation district statutes.
- Clarify conservation district supervisor terms and when an oath of office must be signed.
- Modify commercial leasing rental provisions to clarify valuation processes and allow for extended option to lease periods.

The council will decide at its final meeting in September whether to approve the proposals for early drafting for the 2017 legislative session.

### Next Meeting

The council will meet on Sept. 14-15 in Room 317 of the Capitol in Helena at a time to be determined. For more information on the council's activities and upcoming meeting, please visit the council's website or contact Joe Kolman, council staff.

Committee Website: [www.leg.mt.gov/eqc](http://www.leg.mt.gov/eqc)

Committee Staff: [jkolman@mt.gov](mailto:jkolman@mt.gov) or 406-444-3747

## Judicial Redistricting Commission Nears Finish Line

The Judicial Redistricting Commission is nearing the finish line in its interim study of whether judicial redistricting is necessary. The study began in September 2015, as required by House Bill 430 (2015), and continued into early 2016 as the seven commissioners considered various geographic, workload, caseload, and demographic factors related to the current judicial districts. They also reviewed six proposals for

district changes in April but decided at that meeting against recommending any of the proposals to the 2017 Legislature.

The commission will wrap up its study at a final August meeting when it reviews, revises, and adopts a final report. A draft of the report is now available at the commission's website.

Written comments on the report can be provided to the commissioners as follows:

By mail:

Judicial Redistricting Commission  
Legislative Services Division  
PO Box 201706  
Helena, MT 59620-1706

By e-mail:

[rweiss@mt.gov](mailto:rweiss@mt.gov)

By FAX:

406-444-3036  
Attn: Rachel Weiss

Written comments submitted to the commission are considered a public record pursuant to Montana law and may be subject to public disclosure under the right-to-know provisions of the Montana Constitution.

## Next Meeting

The commission will meet at 12 p.m. on Aug. 16 by teleconference to revise and adopt a final report. Members of the public who wish to listen or give public comment may attend by coming to Room 137 of the Capitol in Helena. For more information on the commission's activities and upcoming meeting, please visit the commission's website or contact Rachel Weiss, commission staff.

Commission Website: [www.leg.mt.gov/jrc](http://www.leg.mt.gov/jrc)

Commission Staff: [rweiss@mt.gov](mailto:rweiss@mt.gov) or 406-444-5367

## Law and Justice Interim Committee Begins to Finalize Work

The Law and Justice Interim Committee began to finalize its interim work when it met in Helena on June 28. In addition to tackling several issues raised by committee members at previous meetings, the committee reviewed possible legislation resulting from its study of sexual assault in Montana and conducted two agency oversight duties assigned by law.

### Committee Issues

First, the committee heard updates on the work of two other study entities operating during the 2015-2016 interim. Sen. Cynthia Wolken (D-Missoula), who is the presiding officer of the Commission on Sentencing, told the committee about

the sentencing commission's work, including its meeting the previous week. Committee members received copies of the policy options being considered by the commissioners and learned about the commission's possible next steps. Next, Rep. Kimberly Dudik (D-Missoula) spoke about the Task Force on State Public Defender Operations, for which she is the presiding officer. She outlined the task force study and highlighted several bill drafts the task force members are considering to make structural and policy changes to the state's public defender system.

Gayle Lambert, the administrator of Montana Correctional Enterprises, which is headquartered in Deer Lodge, and Warden Douglas Fender, of the Crossroads Correctional Center (CCC) in Shelby, spoke about programs offered to offenders at the Montana State Prison in Deer Lodge, the Women's Prison in Billings, and the CCC. They discussed available educational and vocational programming, waiting lists for certain programs, and programs they do not offer right now but hope to in the future.

Chris Manos, the executive director of the State Bar of Montana, provided an overview of attorney fees and court costs for civil litigation. He explained the differences between court costs and attorney fees—terms that are sometimes used interchangeably but that mean different things. Court costs are costs incurred by a party during litigation. Attorney fees are charges for attorney time and are generally governed by what Manos described as the "American rule." This "rule" means that a party to litigation is generally not entitled to fees unless there is a contract that specifies otherwise or a statute that provides specifically for attorney fees to be awarded.

During the afternoon, the committee also heard a final update on a survey of local law enforcement agencies about the adoption of eyewitness identification policies and best practices for suspect lineups. The survey was conducted by the POST Council. The committee had expressed interest in an update on the survey after hearing the survey's initial results in April.

### Sexual Assault Study

The committee then resumed its consideration of draft legislation it could forward to the 2017 Legislature as the result of the Senate Joint Resolution 24 (2015) study of sexual assault in Montana. After committee staff reviewed the bill drafts and the changes requested for those drafts by the committee at its April meeting, committee members asked questions and took public comment on the drafts. At a later work session, the committee deferred final decisions on what legislation, if any, it would request but did direct staff to make several additional changes to the draft language. The committee will review those drafts and take final comments on them at its August meeting before voting on whether it will request official bill drafts for the 2017 session.

## Agency Oversight

As is required of all interim committees, the committee has specific agency oversight duties that it conducts between sessions. One of those is to review legislative concepts from the agencies for which the committee has oversight that the agencies could propose to the 2017 Legislature. The committee can then choose to authorize legislative staff to draft bills to implement those concepts. The authorization is administrative only, meaning that a committee vote to authorize drafting doesn't mean the committee endorses the proposals.

In June, the committee authorized staff to draft legislative concepts presented by the Judicial Branch, the Department of Justice, the Department of Corrections, the Board of Crime Control, and the POST Council. Two other agencies — the Office of the State Public Defender and the Board of Pardons and Parole— did not have proposals they planned to submit.

## Next Meeting

The committee's next, and last, meeting of the interim will be on Aug. 22 in Room 102 of the Capitol in Helena at a time to be determined. For more information on the committee's activities or upcoming meeting, please visit the committee's website or contact Rachel Weiss, committee staff.

Committee Website: [www.leg.mt.gov/ljic](http://www.leg.mt.gov/ljic)

Committee Staff: [rweiss@mt.gov](mailto:rweiss@mt.gov) or 406-444-5367

## School Funding Interim Commission Wrapping Up

The commission tasked with conducting "the decennial study" of Montana's K-12 school funding formula has scheduled its final meeting for Monday, Aug. 29. At the meeting, the School Funding Interim Commission plans to review a draft final report and determine bill drafts to recommend to the 2017 Legislature. The draft final report and bill drafts will be posted to the commission's website in early August.

The commission has focused its attention on four main topics during the interim:

- Recruitment and retention.
- School facilities.
- Special needs (including special education and gifted and talented).
- District structure and equity.

Look for a write-up of the commission's final meeting in the October issue of *The Interim*.

## Next Meeting

The commission will meet at 1 p.m. on Aug. 29 in Room 102 of the Capitol in Helena. For more information on the commission's activities and upcoming meeting, please visit the commission's website or contact Pad McCracken, commission staff.

Commission Website: [www.leg.mt.gov/sfc](http://www.leg.mt.gov/sfc)

Commission Staff: [padmccracken@mt.gov](mailto:padmccracken@mt.gov) or 406-444-3595

## SAVA Examines Veteran Suicide Rate, Votes Down Privacy Policies

At its June 8 meeting, the State Administration and Veterans' Affairs Interim Committee heard briefings and held a panel discussion on the high rate of veteran suicides in Montana. Committee members also voted not to move forward with a preliminary committee bill draft that would have required commercial websites collecting personal information on Montana residents to post privacy policies.

The committee also received updates on campaign finance litigation and a reporter's request for detailed information by name about retirees and their benefit amounts under the Public Employees' Retirement System and the Teachers' Retirement System. The committee also gave final approval to a committee bill draft eliminating a redundant statutory reporting requirement for the Information Technology Board.

## Veteran Suicide Prevention

Juliana Hallows, the Veterans Administration's suicide prevention coordinator in Montana, presented data and other information about veteran suicides and prevention efforts.

### Data About the General Population

Hallows presented the following data about suicide among the total population (i.e., not just veterans):

- Suicide is the 10th leading cause of death in the United States.
- Most victims had received health care services in the year prior to their deaths.
- Montana has been among the states with the highest suicide rates per capita for the past 30 years.
- An estimated 2.7 million people (1.1 percent of the total population in the United States) had made a suicide plan within the past year.

### Data About Veterans

- 20 to 25 percent of suicides in the United States are by veterans.

- About 97,267 veterans reside in Montana.
- About 48,000 of these veterans are enrolled in Montana VA services.
- About 37,000 of these veterans are seen by the VA health care system annually.
- Between Jan. 1, 2014, and March 1, 2016, there were 121 identified suicides by Montana veterans.

Hallows's full presentation is posted on the committee's website (click "June 8" and then click the first link under the "Veterans – Suicide Prevention" heading).

#### Veteran Crisis Hotline

Hallows explained that the Veterans Crisis Line (1-800-273-8255), which is part of a national crisis hotline, now not only handles phone calls but also offers live chat and responds to text messages. When a person calls the crisis line, the person is asked by a recording to press 1 if the person is a veteran. If the person presses 1, the veteran's call is directed to a veteran crisis response center and is answered by a person who is professionally trained in veteran suicide prevention and intervention. Hallows also explained how a call from a Montana veteran is referred for follow-up by a local provider in Montana's VA health care system. Hallows said that in 2016 through March, 178 calls had been referred to Montana's Fort Harrison suicide prevention office.

#### Joining Community Forces

The committee also heard from Brandy Keely, cochair of the Lewis and Clark County Joining Community Forces Initiative, a coalition of public and private community service providers who form a continuum of care for service members, veterans, and their families. These providers offer services for service members, veterans, and their families in the following key areas:

- Behavioral and physical health
- Education
- Family and youth
- Legal
- Housing
- Faith
- Financial wellness

#### Panel Discussion

The committee also heard from a panel of speakers who discussed the state's suicide prevention program under the Department of Public Health and Human Services, the role of hospital emergency rooms, a Montana peer-to-peer hotline

called Voices of Hope, and an organization headquartered in Missoula called the Rural Institute for Veterans Education and Research (RIVER), which emphasizes therapeutic outdoor programs for veterans.

After questions and discussion, committee members requested that the conversation be continued at the committee's next meeting in August with more information about veteran suicide prevention in Indian country and suggestions about how the Legislature could help promote veteran suicide prevention efforts in Montana.

### **HJR 21: Study on Personal Information Ownership**

The committee reviewed LC0074, a committee bill requested at its April meeting to require commercial websites collecting personal information on Montana residents to post privacy policies explaining what personal information is collected, how it is used, and whether it will be shared with third parties and for what purposes.

A panel of speakers representing retailers and Internet-based companies spoke against the proposal, saying that it would be expensive to implement, that privacy policies often cannot address developing technologies, that "just-in-time" pop-up notices are better at providing consumers with notice about the collection of personal information, that the California law on which LC0074 is based had not really been enforced, and that it was best to rely on voluntarily self-regulation because companies have a self-interest in being consumer oriented and taking personal information privacy seriously.

After discussion, the committee voted 6-2 to not move forward with LC0074.

### **Next Meeting**

The committee will meet on Aug. 23 in Room 137 of the Capitol in Helena at a time to be determined. The agenda will cover the following topics:

- Veteran suicide prevention.
- Election law cleanup and committee bill LC0030.
- Possible action to clean up language concerning local firefighter pension funding.
- A review of net cash flow for public pension investment funds.
- A review of agency bill draft proposals from the Department of Administration, the Secretary of State, the Commissioner of Political Practices, the Public Employees' Retirement Board, and the Teachers' Retirement Board.

For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Sheri Scurr, committee staff.

Committee Website: <http://leg.mt.gov/sava>

Committee Staff: [sscurr@mt.gov](mailto:sscurr@mt.gov) or 406-444-3596

## State-Tribal Relations Committee to Consider Two Proposals

At its final meeting in August, the State-Tribal Relations Committee will consider language for a potential bill draft affecting tribal colleges and the state's Indian language immersion programs. The committee will also learn about options for supplemental state funding of tribally controlled Bureau of Indian Education grant schools.

### Tribal Colleges

The committee voted unanimously at its July 13 meeting to draft a bill to clean up a redundancy in statutes governing state reimbursement of tribal colleges for the education of resident nonbeneficiary students. Nonbeneficiary students are those who are not tribal members or their descendants. The committee will take a final vote on the bill draft in August. The "Back Page" article at the end of this newsletter features an in-depth look at the economic impacts of and funding for tribal colleges.

### Language Immersion

The committee also agreed to consider language for a potential bill that would increase funding for the state's Indian language immersion programs and allow school districts that offer less than 50 percent instruction time in an Indian language to qualify. However, the committee did not commit to drafting a bill.

The increased funding would encourage creation of an immersion program on each reservation. Funding would also be provided for an annual language immersion conference to promote the sharing of language preservation and immersion best practices between tribes. The committee will decide in August whether to move any of the concepts forward.

The committee will also learn about potential options for using charter programs, cooperative agreements, and other tools to channel supplemental state funding to Montana's two tribally controlled Bureau of Indian Education schools: the Northern Cheyenne Tribal School in Busby and the Two Eagle River School in Pablo. Administrators for the schools made the case for state funding at the committee's October 2015 and July 2016 meetings.

## Next Meeting

The committee will meet on Aug. 30 or 31, or on both days, in Room 152 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Hope Stockwell, committee staff.

Committee Website: <http://leg.mt.gov/tribal>

Committee Staff: [hstockwell@mt.gov](mailto:hstockwell@mt.gov) or 444-9280

## Next Meeting Dates

- Children, Families, Health, and Human Services Interim Committee — Aug. 25-26
- Commission on Sentencing — Aug. 29 (Statute Review Subcommittee) / Sept. 20 (full commission)
- Economic Affairs Interim Committee — Aug. 30-31
- Education and Local Government Interim Committee — Sept. 8-9
- Energy and Telecommunications Interim Committee — Sept. 8-9
- Environmental Quality Council — Sept. 14-15
- Judicial Redistricting Commission — Aug. 16
- Law and Justice Interim Committee — Aug. 22
- Legislative Audit Committee — TBD
- Legislative Council — Aug. 24-25
- Legislative Finance Committee — Sept. 29-30
- Revenue and Transportation Interim Committee — Sept. 7-8
- School Funding Interim Commission — Aug. 29
- State Administration and Veterans' Affairs Interim Committee — Aug. 23
- State-Tribal Relations Interim Committee — Aug. 30-31
- Task Force on State Public Defender Operations — Sept. 12
- Water Policy Interim Committee — Aug. 29-30

*These dates are current as of August 1, 2016. For the most up-to-date meeting dates and information, please see the individual committee websites.*

## The Back Page

### Tribal Colleges in Montana: Funding and Economic Impacts

by Hope Stockwell, Research Analyst, Montana Legislative Environmental Policy Office



There are 37 tribal colleges and universities (TCUs) in the United States. Seven are in Montana, the most of any state. In academic year (AY) 2013-2014, TCUs served 22,797 credit students and 8,697 noncredit students across the country.<sup>1</sup> In Montana, tribal colleges served 2,401 full-time students that same year.<sup>2</sup>

In 2013-2014, 80 percent of TCU students were American Indian or Alaska Native. In Montana, it was 87 percent. Chief Dull Knife College in Lame Deer had the highest percentage of American Indian or Alaska Native students, at 96.9 percent, while Salish Kootenai College (SKC) in Pablo had the lowest, at 74 percent.<sup>3</sup>

Montana's seven tribal colleges were established between 1974 and 1984 to help tribes address their workforce needs, maintain their culture, and provide a postsecondary educational opportunity for tribal members on the reservations.<sup>4</sup> In addition, the colleges are open to "nonbeneficiary" students who are not members of a federally recognized tribe.

In general, Montana's tribal colleges offer courses of study resulting in certificates and associate degrees. SKC also offers baccalaureate programs.

<sup>1</sup>Emsi, "The Economic Value of American Indian and Alaska Native Tribal Colleges and Universities Executive Summary," August 2015, page 3.

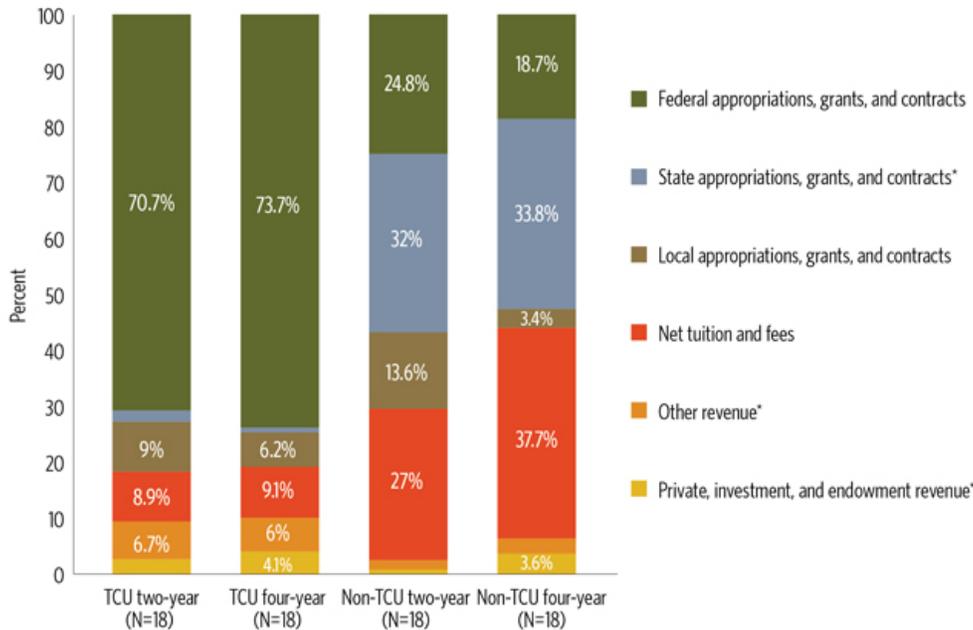
<sup>2</sup>Integrated Postsecondary Education Data System (IPEDS), based on the reported 12-month full-time equivalent undergraduate and graduate student enrollment.

<sup>3</sup>IPEDS, based on the reported number of students enrolled for credit in a 12-month period.

<sup>4</sup>Joe McDonald, president, Salish Kootenai College, testimony to the Montana House Appropriations Committee, March 20, 1995, page 1.

## Funding

The accompanying chart provides a snapshot of funding sources for TCUs and other public institutions. TCUs receive more than two-thirds of their funding from federal sources compared to other public institutions, which receive less than a quarter.



Source: Integrated Postsecondary Education Data System (IPEDS)  
\*Data below 3% is not marked.

*Average Revenue Snapshot at TCUs and Public Non-TCUs Nationwide, Academic Year 2013-2014<sup>5</sup>*

## Federal

Montana’s tribal colleges are reimbursed by the federal government for a portion of their costs for Indian “beneficiary”<sup>6</sup> students but not for nonbeneficiary students. Although federal law authorizes \$8,000 in federal funding per Indian student, the actual disbursement is subject to appropriation.<sup>7</sup> Currently, tribal colleges receive \$6,718 per student.<sup>8</sup>

Carrie Billy, president and CEO of the American Indian Higher Education Consortium, says the funding formula is arbitrary.<sup>9</sup> Her organization is working with the U.S. Congress to include language in the fiscal year 2017 appropriation to direct the Bureau of Indian Education to develop a needs-based formula that considers the individual programs provided by TCUs and the characteristics of the reservations and students they serve.

## State

Montana is one of the few states that provides funding to TCUs, and it does so in the form of a reimbursement for the education of resident nonbeneficiary students. Until 1996, tuition and fees were the only source of income to Montana’s tribal colleges for these students; no federal funding is provided.

In 1995, the Legislature passed House Bill 544 (Rep. Carley Tuss, D-Black Eagle), which appropriated \$1.4 million in general fund money for the 1996-1997 biennium. The Board of Regents distributed the funds to tribal colleges on a prorated basis (up to \$1,500 per full-time student per year) according to their nonbeneficiary enrollment in the previous year.

HB 544 also directed tribal colleges to grant fee waivers to a percentage of their resident nonbeneficiary

students that is equal to the percentage of Montana University System (MUS) students who are Indian and receive fee waivers from the state.

Speaker of the House John Mercer, whose district included SKC, testified in favor of the bill, saying that it was the desire of the people of Montana to educate all students. He said HB 544 was a matter of mutual respect.<sup>10</sup>

<sup>5</sup>Christine A. Nelson and Joanna R. Frye, “Tribal College and University Funding: Tribal Sovereignty at the Intersection of Federal, State, and Local Funding,” American Council on Education, Center for Policy Research and Strategy, Issue Brief, May 2016, page 3.

<sup>6</sup>Beneficiary students are those who are enrolled in a federally recognized tribe or are the immediate descendent of an enrolled member.

<sup>7</sup>25 U.S.C. 1808(a)(1)(B).

<sup>8</sup>Carrie Billy, president and CEO, American Indian Higher Education Consortium, personal communication, June 10, 2016.

<sup>9</sup>Tbid.

<sup>10</sup>House Appropriations Committee Minutes, March 20, 1995, page 5.

SKC President Joe McDonald said the bill would provide college access for students living in isolated areas who did not have the money or opportunity to drive to other colleges.

Ultimately, HB 544 helped fund 589 resident nonbeneficiary students during that biennium. The unused appropriation reverted to the general fund.

The 1997 Legislature made the funding formula permanent with the passage of Senate Bill 84 (Sen. Greg Jergeson, D-Chinook), though the distribution remains contingent on a line item appropriation.

In the preamble of SB 84, the Legislature said that tribal colleges provide a quality, low-cost, and accessible program for all students and that, without continuing state support, the colleges would not be able to serve resident nonbeneficiary students without increasing fees, which could lead students to drop out.

To be eligible for state funding, a tribal college's student body must be at least 51 percent Indian and the college must be accredited or be a candidate for accreditation by the Northwest Commission on Colleges and Universities.<sup>11</sup> The college also must enter a contract or agreement to provide the Regents with information about the eligibility of its nonbeneficiary students and to ensure that the content and quality of its courses are consistent with MUS standards.

The Legislature has since limited state funding to resident nonbeneficiary students who are enrolled in courses for which credit is transferable to another Montana college or university (House Bill 16 [2005], Rep. Rick Ripley, R-Wolf Creek) and those who are not a member of an Indian tribe and not a biological child of a tribal member (House Bill 196 [2015], Rep. Susan Webber, D-Browning).

The Legislature also increased the maximum funding level per student to \$3,024 in 2005 and to \$3,280 in 2015.

As shown in the accompanying chart, the state reimbursed tribal colleges for 239.75 resident nonbeneficiary students in FY 2016 at a cost of \$786,380. SKC has long had the highest number of nonbeneficiary students.

According to the Integrated Postsecondary Education Data System (IPEDS), state funding accounted for less than 1 to 2 percent of all revenue received by Montana's tribal colleges in 2013-2014.

<b>FY 2016 Nonbeneficiary Student Distribution for Montana Tribal Colleges</b>		
<b>College</b>	<b>Nonbeneficiary FTE Reported</b>	<b>Prorated Amount @ \$3,280/FTE</b>
Aaniiih Nakoda College	16.13	\$52,906
Blackfeet Community College	8.85	\$29,028
Chief Dull Knife College	10.00	\$32,800
Fort Peck Community College	35.57	\$116,670
Little Big Horn College	7.67	\$25,158
Salish Kootenai College	148.00	\$485,440
Stone Child College	13.53	\$44,378
<b>Total</b>	<b>239.75</b>	<b>\$786,380</b>

### **Tuition**

Tuition accounted for 2 to 7 percent of total revenue at Montana's tribal colleges in 2013-2014, according to IPEDS. The American Council on Education says TCUs are constrained in their ability to raise tuition because the majority of their students face significant economic barriers and federal student loans are not practical for most.<sup>12</sup>

### **Economic Impacts**

A recent study conducted for the American Indian Higher Education Consortium (AIHEC) measured the economic value of all TCUs from three perspectives: those of students, society, and taxpayers.

### **Students**

The study calculated that, nationwide, TCU students invested \$194.1 million in AY 2013-2014 between out-of-pocket expenses, such as tuition and fees, and forgone time and earnings. Students, in turn, expect to receive higher future wages amounting to approximately \$794.3 million over their working lifetime. This represents an average annual rate of return on investment (ROI) of 16.6 percent for students.<sup>13</sup>

<sup>11</sup>All of the tribal colleges in Montana are accredited.

<sup>12</sup>Ibid.

<sup>13</sup>Emsi, "The Economic Value of American Indian and Alaska Native Tribal Colleges and Universities," page 4.

<sup>14</sup>Ibid.

**Society**

The study says that the nation as a whole benefits from added income, increased business output, and social savings generated by the improved lifestyles of students (health, crime, unemployment). Added income and increased business output amount to a present value of \$2.7 billion over the working lifetime of the students; social savings amount to \$196.6 million.<sup>14</sup>

**Taxpayers**

Benefits to taxpayers primarily come from the federal, state, and tribal taxes collected from income added by the students and the businesses for which they work. The study estimates the present value of the added taxes over the students' working careers at \$715.1 million. Social savings to taxpayers are estimated at an additional \$46 million in present value. This provides an average annual rate of return on taxpayer investment in TCUs of 6.2 percent.<sup>15</sup>

**Montana**

The State Tribal Economic Development Commission at the Department of Commerce periodically commissions the Bureau of Business and Economic Research at the University of Montana to study the monetary contributions of the seven reservations in Montana and the Little Shell Band to the state's economy.

Data collected for the most recent analysis show that the reservations and tribal communities spent nearly \$1.1 billion in 2009. Of that, Montana's tribal colleges spent almost \$76.2 million, or 7 percent.

The Moscow, Idaho, company that conducted the nationwide TCU study for AIHEC subsequently analyzed the economic impacts of individual TCUs at their request. In Montana, such analyses were commissioned by all but Chief Dull Knife College in Lame Deer. The reports assessed the impact of each tribal college on the local economy and the benefits generated for students, society, and taxpayers.

A summary of the results provided to the State-Tribal Relations Committee appears in the accompanying sidebar. However, the study authors caution that the results "do not necessarily indicate that one institution is doing a better job than another. Results are a reflection of location, student body profile, and other factors that have little or nothing to do with the relative efficiency of the institutions."

<sup>15</sup>Ibid., page 5.

Economic Impacts of Tribal Colleges

CONTRIBUTION TO GROSS REGIONAL PRODUCT (GRP)

Aaniiih Nakoda = 13.3%

Fort Peck = 8.9%

Little Big Horn = 0.4%

Salish Kootenai = 7.4%

STUDENT RETURN ON INVESTMENT (ROI)

TCUs Nationwide = 16.6%

Aaniiih Nakoda = 20.2%

Fort Peck = 16.2%

Little Big Horn = 19.5%

Salish Kootenai = 12.1%

TAXPAYER ROI

TCUs Nationwide = 6.2%

Aaniiih Nakoda = 6%

Fort Peck = 7.9%

Little Big Horn = 15.7%

Salish Kootenai = 7.4%

As an example, Little Big Horn College's (LBHC) contribution to gross regional product (GRP) looks smaller than that of the other institutions. This is because the economic region in which LBHC was included (Big Horn and Yellowstone County) was larger than the others' economic regions.

For this reason, comparing results between institutions or using the data to rank institutions is strongly discouraged.<sup>16</sup>

Also, the authors state that "the benefits TCUs provide in enriching society by preserving tribal languages, cultures, traditions, lands, and sovereignty cannot be measured in economic terms. These are, indeed, priceless."

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<sup>16</sup>Ibid., page 8.