MINUTES LOG

June 29, 2021
Capitol Room 137 and Video Conference
Helena, Montana

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the 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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MEMBERS PRESENT:
Sen. John Esp (R)
Sen. Bryce Bennett (D)
Sen. Jen Gross (D)
Sen. Ryan Lynch (D)
Sen. Tom McGillvray (R)
Sen. Keith Regier (R)
Rep. Emma Kerr-Carpenter (D)
Rep. Amy Regier (R)
Rep. Barry Usher (R)
Rep. Laurie Bishop (D)
Rep. Donavon Hawk (D)

MEMBERS EXCUSED:
Rep. Frank Fleming (R)

STAFF PRESENT:
Rachel Weiss, Research Analyst
Julianne Burkhardt, Attorney
Laura Sherley, Secretary
AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION
The committee:
- adopted the Legislative Council's Rules, Procedures, and Guidelines for Interim Committees; and
- tentatively adopted a work plan for the interim.

CALL TO ORDER/ROLL CALL
09:00:08 Sen. Esp called the meeting to order at 9:00 AM. The committee secretary took roll call. Rep. Fleming was excused and left his proxy with Rep. Usher (Attachment 3).

INTRODUCTION OF MEMBERS AND STAFF
09:01:55 Sen. McGillvray
09:02:29 Rep. Hawk
09:03:00 Rep. Usher
09:03:29 Sen. Bennett
09:03:59 Ms. Sherley
09:04:18 Ms. Weiss
09:04:38 Sen. Lynch
09:05:06 Ms. Burkhardt
09:05:38 Sen. Regier
09:06:18 Rep. Bishop
09:07:10 Rep. Regier
09:08:03 Sen. Esp
09:09:00 Sen. Gross

ADMINISTRATIVE MATTERS
09:10:31 Ms. Weiss (Exhibit 1) (Exhibit 2)
Committee questions/discussion
Vote: 09:19:10 Carried unanimously by voice vote.
Presentation continued 09:19:32 Ms. Burkhardt

AGENCY OVERSIGHT
Office of State Public Defender
09:21:03 Rhonda Lindquist, Director, Office of State Public Defender (OPD)
Committee questions/discussion

09:39:46 Sen. Esp asked members of the Legislative Finance Committee's Interim Budget Committee to give insight on the subcommittee's OPD related work.

09:42:02 Sen. Regier asked Director Lindquist how many capital cases are ongoing, if there are further cases anticipated, and how many capital cases go to trial. The question was redirected to Mr. Schandelson.

09:45:15 Sen. Regier asked Director Lindquist if the starting salary for incoming attorneys affects work quality or if it is strictly entry-level salary. The question was redirected to Mr. Tilleman.

09:47:11 Sen. Regier asked how the OPD budget has changed through the last 10 years annually. Director Lindquist responded to the question.

Public comment

09:49:15 Laurie Little Dog, self

09:52:25 Josh Butterfly, Let Them Come Home

09:54:50 May Simmons, self

09:57:17 Clemenre Arciga, Welcome Back Missoula

Department of Justice

10:00:37 Will Selph, Chief of Staff, Department of Justice (DOJ) [Exhibit 3]

Committee questions/discussion

10:05:45 Rep. Usher asked what the starting salary is for incoming attorneys at the DOJ.

10:06:10 Sen. Bennett asked how the DOJ is implementing their own data system.

10:07:49 Sen. Esp asked if there was a timeline to replace MERLIN.

Public comment

10:08:36 Laurie Little Dog, self

10:09:12 Josh Butterfly, Let Them Come Home

10:11:05 May Simmons, self

Board of Crime Control

10:20:51 Sheriff/Coroner Leo Dutton, Chair, Board of Crime Control

Committee questions/discussion

10:22:40 Rep. Usher asked for information regarding duplication of funding for victim services through BOCC to DOC and county attorneys. The question was redirected to Natalia Bowser, Bureau Chief, Crime Control Bureau.

Presentation continued


Committee questions/discussion

10:33:09 Rep. Bishop asked how many years the funding award for the delinquency program covers, if the funding goes to only the programs or if any of the funding goes to administrative needs, and if the board will be creating new programs or only fund current programs.

10:35:21 Sen. Gross asked how many BOCC statistics and data are transferable to other law enforcement agencies.

10:38:36 Sen. McGillvray asked for BOCC data for the last 10 years, and what the BOCC's thoughts are on their crime prevention plan.
Public comment
10:42:12 May Simmons, self

**Department of Corrections**
10:53:04 Cynthia Wolken, Deputy Director, Department of Corrections (DOC)

Committee questions/discussion
10:56:18 Sen. McGillvray asked why the Great Falls prison was closed and if capacity was added to other facilities to compensate.
10:59:50 Rep. Kerr-Carpenter asked if the department has utilized a greater number of bed capacity.
11:01:50 Sen. Esp asked the members of the Legislative Finance Committee's Interim Budget Committee to speak to the presentation.
11:04:16 Sen. Gross asked for information on Pine Hills and how adult/juvenile joint housing is being handled.

Public comment
11:08:11 Laurie Little Dog, self *(Exhibit 5)*
11:10:23 Josh Butterfly, Let Them Come Home
11:12:32 May Simmons, self
11:15:05 Clemenre Arciga, Welcome Home Missoula

**INTERIM BUDGET SUBCOMMITTEES**
11:30:04 Amy Carlson, Legislative Fiscal Analyst, Legislative Fiscal Division (LFD)

Committee questions/discussion
11:30:54 Rep. Kerr-Carpenter asked if the legislature has the ability to split out the funding given to victim services to be examined.

Motion:
11:32:24 Rep. Usher moved that HJ 29: *Study of victim services and funding in Montana* be reassigned to the Interim Budget Committee.

Discussion on the motion:
11:33:23 Ms. Weiss commented on how studies are assigned to interim committees by Legislative Council.

Substitute motion:
11:33:53 Rep. Usher made a substitute motion that a letter be drafted to Legislative Council requesting it reassign HJ 29: *Study of victim services and funding in Montana* to the Interim Budget Committee.

Vote:
11:33:59 Carried unanimously by voice vote.

Public comment
11:34:14 Ben Halverson, Domestic Violence Prosecutor, City of Billings
11:37:55 Laurie Little Dog, self
11:38:54 Josh Butterfly, Let Them Come Home

**OVERVIEW OF DRAFT WORK PLAN, INTERIM STUDIES, AND ADMINISTRATIVE RULE REVIEW**
11:40:51 Ms. Weiss (see Exhibit 2) *(Exhibit 6)*
Committee questions/discussion

Presentation continued
11:48:00 Ms. Weiss
11:58:23 Ms. Burkhardt (Exhibit 7) (Exhibit 8)

Public comment
12:10:11 Matt Kuntz, NAMI Montana
12:14:18 Henry Kriegel, Americans for Prosperity - Montana
12:17:31 Laurie Little Dog, self (Exhibit 9) (Exhibit 10)
12:19:42 Josh Butterfly, Let Them Come Home
12:20:54 SK Rossi, Montana Innocence Project
12:22:49 Andrea Fenster, Prison Policy Initiative (Exhibit 11)
12:26:02 May Simmons, self
12:28:00 Sen. Lynch left the meeting and left his proxy with Sen. Bennett (Attachment 4).

Presentation continued
12:28:37 Ms. Weiss (see Exhibit 6)

Committee questions/discussion
12:31:18 Sen. Regier asked Ms. Weiss if there is a minimum of FTE to designate to statutory duties.
12:31:55 Rep. Usher asked Ms. Weiss what FTE allocation was given in the committee in the last two interims.

ELECTION OF OFFICERS
Motion:

Motion:

Vote:
12:34:28 Senator Bennett's motion failed 6 - 6 by roll call vote

Vote:
12:36:03 Senator Regier's motion failed 6 - 6 by roll call vote
12:37:14 Sen. Esp informed the committee that they will revisit the election of officers at the committee's September meeting agenda. He'll administer the meetings, and Sen. Bennett will help with planning the next meeting agenda.
12:37:19 Sen. Bennett asked if there was a written proxy for Rep. Fleming.

PUBLIC COMMENT ON ANY ITEM WITHIN THE COMMITTEE'S JURISDICTION BUT NOT ON THIS AGENDA
13:35:05 Marguerite Gaillard, Bozeman United for Racial Justice (Exhibit 12) (Exhibit 13)
13:37:27 Laurie Little Dog, self (Exhibit 14)
13:41:41 Josh Butterfly, Let Them Come Home
13:45:36 Mark Murphy, self
13:49:09 Henry Kriegel, Americans for Prosperity - Montana
13:49:52 May Simmons, self
COMMITTEE WORK SESSION
13:55:10   Ms. Weiss (see Exhibit 6)
13:57:45   Committee discussion on the work plan.
14:05:14   Committee discussion on the work plan.
14:18:21   Committee discussion on the work plan.

Motion:  
14:29:10   Sen. Regier moved to adopt the committee work plan with the recommendations from the members and allocate the remaining FTE at the next meeting.

Discussion on the motion:  
14:30:10   Ms. Weiss summarized the motion and recommendations to the committee work plan.
14:34:31   Sen. Gross
14:35:40   Sen. Regier

Vote:  
14:36:02   Carried unanimously by voice vote.
14:36:25   Sen. Esp asked Ms. Weiss what would be first priority tasks on the work plan for the committee.
14:38:23   Sen. Esp commented on public comment testimony deadlines. The deadline to sign up to provide Zoom testimony and also to submit written comments is 5 pm the day before the meeting.
14:39:24   Committee discussion on meeting dates

ADJOURNMENT  
Adjournment: 14:45:00

Committee information request follow ups:  
DOC follow-up
DOJ follow-up
MBCC follow-up
OPD follow-up

Public comment received 6/29 and 6/30