MINUTES

MONTANA HOUSE OF REPRESENTATIVES
66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JOINT APPROPS SUBCOM ON JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE

Call to Order: Chair Matt Regier, on February 20, 2019 at 9:00 A.M., in Room 317A Capitol

ROLL CALL

Members Present:
 Rep. Matt Regier, Chair (R)
 Sen. David Howard, Vice Chair (R)
 Rep. Kimberly Dudik (D)
 Rep. Carl Glimm (R)
 Rep. Ryan Lynch (D)
 Sen. Nate McConnell (D)
 Sen. Ryan Osmundson (R)

Members Excused: None

Members Absent: None

Staff Present: Robyn Brown, Committee Secretary
 Kris Wilkinson, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action: Section D portion of HB 2 - Judicial Branch, Department of Justice, Public Service Commission, Department of Corrections and Office of State Public Defender Budgets

Committee Business:
09:19:48   Chair Regier

EXECUTIVE ACTION ON PORTIONS OF SECTION D OF HB 2: JUDICIAL BRANCH, DEPARTMENT OF JUSTICE, PUBLIC SERVICE COMMISSION, OFFICE OF STATE PUBLIC DEFENDER AND DEPARTMENT OF CORRECTIONS

EXHIBIT(jch36a01)

09:21:21   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM FEBRUARY 18, 2019 ON SUPREME COURT OPERATIONS DP402**. Motion carried unanimously by voice vote.

09:22:37   **Motion/Vote:** Sen. Osmundson moved that **SUPREME COURT OPERATIONS DP402 BE ADOPTED**. Motion failed unanimously by voice vote.

09:24:03   **Motion/Vote:** Sen. Osmundson moved that **SUPREME COURT OPERATIONS DP211 BE ADOPTED WITH THE FOLLOWING LANGUAGE: "YOUTH PAROLE IS CONTINGENT UPON THE PASSAGE AND APPROVAL OF HB 111"**. Motion carried 4-3 by roll call vote with Rep. Glimm, Sen. Howard and Rep. M. Regier voting no.

09:26:36   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM FEBRUARY 18, 2019 ON WATER COURTS SUPERVISION DP1001**. Motion carried unanimously by voice vote.

09:27:01   **Motion/Vote:** Sen. Osmundson moved that **WATER COURTS SUPERVISION DP1001 BE ADOPTED**. Motion carried unanimously by voice vote.

09:27:23   **Motion/Vote:** Sen. Osmundson moved that **DIVISION OF CRIMINAL INVESTIGATION DP502 BE ADOPTED**. Motion carried unanimously by voice vote.

09:28:10   **Motion/Vote:** Sen. Osmundson moved that **DIVISION OF CRIMINAL INVESTIGATION DP307 BE ADOPTED**. Motion carried unanimously by voice vote.

09:28:52   **Motion/Vote:** Sen. Osmundson moved that **PUBLIC SERVICE COMMISSION DP9 BE ADOPTED WITH THE FOLLOWING LANGUAGE: "ATTORNEY AND ELECTED OFFICIAL SALARY ADJUSTMENT SHALL BE CONTINGENT UPON THE PASSAGE AND APPROVAL OF LC 3266"**. Motion carried 5-2 by voice vote with Rep. Dudik and Sen. Howard voting no.

09:32:11   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM FEBRUARY 18, 2019 ON PUBLIC DEFENDER DIVISION DP1**. Motion carried unanimously by voice vote.

09:32:16   **Motion/Vote:** Sen. Osmundson moved that **PUBLIC DEFENDER DIVISION DP1 BE ADOPTED**. Motion carried unanimously by voice vote.

09:32:51   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM FEBRUARY 18, 2019 ON APPELLATE DEFENDER DIVISION DP1**. Motion carried unanimously by voice vote.

09:32:56   **Motion/Vote:** Sen. Osmundson moved that **APPELLATE DEFENDER DIVISION DP1 BE ADOPTED**. Motion carried unanimously by voice vote.

09:33:50   **Motion/Vote:** Rep. Lynch moved that **THE FOLLOWING LANGUAGE BE ADDED TO DIRECTORS OFFICE DP104 - DIRECTOR'S OFFICE TRAINING POSITIONS: "DIRECTOR'S OFFICE TRAINING POSITIONS MAY BE USED ONLY TO IMPLEMENT TRAINING TO EMPLOYEES ON THE OFFENDER MANAGEMENT INFORMATION SYSTEM"**. Motion carried unanimously by voice vote.

09:35:08   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION LANGUAGE FROM FEBRUARY 18, 2019 ON DIRECTOR'S OFFICE DP102.** Motion carried unanimously by voice vote.

09:35:13   **Motion/Vote:** Sen. Osmundson moved that **DIRECTOR'S OFFICE DP102 BE ADOPTED WITH THE FOLLOWING LANGUAGE: "DP 102 WORKSTUDY AND TRAINING (RESTRICTED): "WORKLOAD STUDY AND TRAINING FUNDING IS CONTINGENT ON THE DEPARTMENT (1) COMPLETING A WORKLOAD STUDY OF PROBATION AND PAROLE OFFICERS THAT INCLUDES AN ORGANIZATIONAL ASSESSMENT OF THE SUPERVISION STRUCTURE AND ALLOCATION OF OFFENDER CASELOADS ACROSS PROBATION AND PAROLE STAFF THAT IS BASED ON OFFENDER RISK LEVELS DETERMINED THROUGH A RISK ASSESSMENT; AND (2) DEVELOPING A PLAN TO IMPLEMENT TRAINING ON THE OFFENDER MANAGEMENT INFORMATION SYSTEM. THE DEPARTMENT SHALL REPORT TO THE LEGISLATIVE FINANCE COMMITTEE BY DECEMBER 31, 2019, ON THE RESULTS OF THE WORKLOAD STUDY AND ALLOCATION OF OFFENDER CASELOADS AND THE PLAN TO IMPLEMENT TRAINING FOR THE OFFENDER MANAGEMENT INFORMATION SYSTEM. FUNDING MAY BE EXPENDED ONLY AFTER THE BUDGET DIRECTOR CERTIFIES THAT THE DEPARTMENT HAS COMPLETED ITS WORKLOAD STUDY ON PROBATION AND PAROLE AND ALLOCATION OF OFFENDER CASELOADS."** Motion carried unanimously by voice vote.

09:36:48   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION LANGUAGE FROM FEBRUARY 18, 2019 ON DIRECTOR'S OFFICE DP103**. Motion carried unanimously by voice vote.

09:37:37   **Motion/Vote:** Sen. Osmundson moved that **DIRECTOR'S OFFICE DP103 BE
ADOPTED WITH THE FOLLOWING LANGUAGE: "DIRECTOR'S OFFICE
CONTINGENCY FUNDING MAY BE EXPENDED IN FISCAL YEAR 2021 ONLY
AFTER THE BUDGET DIRECTOR CERTIFIES THAT COUNTY JAIL HOLDS
ARE MAINTAINED AT A MONTHLY AVERAGE OF 250 OR LESS FOR THE
PREVIOUS 18 MONTHS".** Motion carried unanimously by voice vote.

09:37:56   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM
FEBRUARY 18, 2019 ON PROBATION AND PAROLE DIVISION DP501**.
Motion carried unanimously by voice vote.

09:38:12   **Motion/Vote:** Sen. Osmundson moved that **PROBATION AND PAROLE
DIVISION DP501 BE ADOPTED**. Motion failed unanimously by voice vote.

09:43:33   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM
FEBRUARY 18, 2019 ON PROBATION AND PAROLE DIVISION DP203**.
Motion carried unanimously by voice vote.

09:44:12   **Motion/Vote:** Sen. Osmundson moved that **PROBATION AND PAROLE
DIVISION DP203 BE ADOPTED**. Motion failed unanimously by voice vote.

09:44:57   **Motion:** Sen. Osmundson moved that **PROBATION AND PAROLE DIVISION
DP205 BE AMENDED TO ADD THE LANGUAGE AS FOLLOWS: "IT IS THE
INTENT OF THE LEGISLATURE THAT OFFENDER PLACEMENT SHALL BE
BASED UPON A RISK/NEEDS SCORE, OFFENDER RISK TO THE
COMMUNITY, AND A CHEMICAL DEPENDENCY EVALUATION CONDUCTED
BY THE DEPARTMENT OF CORRECTIONS".**

09:45:53   **Substitute Motion/Vote:** Rep. Lynch made a substitute motion to strike **"AND
A CHEMICAL DEPENDENCY EVALUATION"** from the previous motion.
Substitute Motion carried unanimously by voice vote.

09:48:34   **Motion/Vote:** Sen. Osmundson moved that **PROBATION AND PAROLE
DIVISION DP205 BE ADOPTED AS AMENDED**. Motion carried unanimously by
voice vote.

09:50:05   **Motion/Vote:** Sen. Osmundson moved that **PROBATION AND PAROLE
DIVISION DP201 BE ADOPTED**. Motion carried unanimously by voice vote.

09:50:29   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM
FEBRUARY 18, 2019 ON PROBATION AND PAROLE DIVISION DP301**.
Motion carried unanimously by voice vote.

09:51:29   **Motion/Vote:** Sen. Osmundson moved that **PROBATION AND PAROLE
DIVISION DP301 BE ADOPTED**. Motion failed unanimously by voice vote.

09:52:05 **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION LANGUAGE FROM FEBRUARY 18, 2019 ON PROBATION AND PAROLE DIVISION DP204**. Motion carried unanimously by voice vote.

09:52:35 **Motion/Vote:** Sen. Osmundson moved that **PROBATION AND PAROLE DIVISION DP204 BE ADOPTED WITH THE FOLLOWING LANGUAGE: "PROBATION AND PAROLE CAREER LADDER IS CONTINGENT ON THE DEPARTMENT: (1) REVIEWING THE FILES OF ALL PROBATIONERS AND PAROLEES UNDER ITS SUPERVISION TO DETERMINE IF THEY ARE ELIGIBLE FOR CONDITIONAL DISCHARGE FROM SUPERVISION; AND (2) NOTIFYING ALL ELIGIBLE PROBATIONERS AND PAROLEES IN WRITING OF THEIR ELIGIBILITY FOR CONDITIONAL DISCHARGE FROM SUPERVISION. THE DEPARTMENT SHALL REPORT TO THE LEGISLATIVE FINANCE COMMITTEE BY DECEMBER 31, 2019, ON THE NUMBER OF FILES REVIEWED AND THE NUMBER OF PROBATIONERS AND PAROLEES ELIGIBLE FOR CONDITIONAL DISCHARGE FROM SUPERVISION. FUNDING MAY BE EXPENDED ONLY AFTER THE BUDGET DIRECTOR CERTIFIES THAT THE DEPARTMENT HAS COMPLETED THE EVALUATION OF ALL PAROLE FILES AND HAS NOTIFIED ALL ELIGIBLE PROBATIONERS AND PAROLEES"**. Motion carried unanimously by voice vote.

09:54:15 **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION LANGUAGE FROM FEBRUARY 18, 2019 ON SECURE CUSTODY FACILITIES DP303**. Motion carried unanimously by voice vote.

09:55:06 **Motion/Vote:** Sen. Osmundson moved that **SECURE CUSTODY FACILITIES DP303 BE ADOPTED WITH THE FOLLOWING LANGUAGE: "JAIL HOLD RATES INCLUDES FUNDING TO HOUSE INMATES IN COUNTY JAILS. IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT OF CORRECTIONS PAY NO MORE THAN $69.31 PER DAY IN FISCAL YEAR 2020 AND $69.63 PER DAY IN FISCAL YEAR 2021 TO HOUSE INMATES IN COUNTY JAILS."** Motion carried unanimously by voice vote.

09:55:58 **Motion/Vote:** Sen. Osmundson moved that **SECURE CUSTODY FACILITIES DP310 BE ADOPTED**. Motion carried unanimously by voice vote.

09:57:39 **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION LANGUAGE FROM FEBRUARY 18, 2019 ON SECURE CUSTODY FACILITIES DP301**. Motion carried unanimously by voice vote.

09:57:59   **Motion/Vote:** Sen. Osmundson moved that **SECURE CUSTODY FACILITIES
DP301 BE ADOPTED WITH THE FOLLOWING LANGUAGE: "PROVIDER
RATE INCREASES FOR REGIONAL FACILITIES IS CONTINGENT ON THE
PASSAGE AND APPROVAL OF HOUSE BILL 111. FURTHERMORE, IT IS
THE INTENT OF THE LEGISLATURE THAT RATES FOR THE DAWSON
COUNTY CORRECTIONAL FACILITY AND CASCADE COUNTY REGIONAL
PRISON BE CAPPED AT THE FISCAL YEAR 2019 RATE PLUS INFLATION."**
Motion carried 4-3 by roll call vote with Rep. Glimm, Sen. Howard and Rep. M.
Regier voting no.

10:01:22   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION
LANGUAGE FROM FEBRUARY 18, 2019 ON SECURE CUSTODY FACILITIES
DP307**. Motion carried unanimously by voice vote.

10:01:36   **Motion/Vote:** Sen. Osmundson moved that **SECURE CUSTODY FACILITIES
DP307 BE ADOPTED WITH THE FOLLOWING LANGUAGE: "MSCTC AND
OBLIGATED TREATMENT - IT IS THE INTENT OF THE LEGISLATURE THAT
THE MONTANA STATE CORRECTIONAL TREATMENT CENTER BE CLOSED
AND THAT THE FACILITY BE UTILIZED AS AN OPERATING HOUSING UNIT
OF THE MONTANA STATE PRISON. THE MONTANA STATE PRISON
WARDEN MAY PRIORITIZE PLACEMENT OF OFFENDERS IN THIS
FACILITY. FURTHERMORE, IT IS THE INTENT OF THE LEGISLATURE THAT
THE DEPARTMENT OF CORRECTIONS AND THE BOARD OF PARDONS
AND PAROLE PRIORITIZE AND UTILIZE EXISTING CAPACITY."** Motion
carried unanimously by voice vote.

10:02:06   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM
FEBRUARY 18, 2019 ON YOUTH SERVICES DP501**. Motion carried
unanimously by voice vote.

10:02:26   **Motion/Vote:** Sen. Osmundson moved that **YOUTH SERVICES DP501 BE
ADOPTED**. Motion carried unanimously by voice vote.

10:02:38   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION FROM
FEBRUARY 18, 2019 ON CLINICAL SERVICES DP602**. Motion carried
unanimously by voice vote.

10:02:45   **Motion/Vote:** Sen. Osmundson moved that **CLINICAL SERVICES DP602 BE
ADOPTED**. Motion carried unanimously by voice vote.

10:03:16   **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION ON
CLINICAL SERVICES DP602**. Motion carried 6-1 by voice vote with Sen.
McConnell voting no.

10:03:31   **Motion/Vote:** Sen. Osmundson moved that **CLINICAL SERVICES DP602 BE
ADOPTED**. Motion failed unanimously by voice vote.

Comments from the Committee:
10:04:07   Sen. McConnell
10:07:31   Rep. Lynch
10:08:44   Sen. McConnell
10:10:10   Rep. Lynch
10:11:02   Rep. Dudik

Public comment:
10:11:57   Mark Murphy, Association of Police Chiefs
10:13:47   Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)
10:15:04   Sen. McConnell
10:15:49   Rep. Lynch
10:16:46   Chair Regier

ADJOURNMENT

Adjournment: 10:17:33

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Robyn Brown, Secretary

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Additional Documents:

EXHIBIT(jch36aad.pdf)