

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

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

Call to Order: Chair Bill Mercer, on January 11, 2021 at 10:00 A.M., in Room 317A
Capitol

ROLL CALL

Members Present:

Rep. Bill Mercer, Chair (R)
Sen. David Howard, Vice Chair (R)
Rep. Emma Kerr-Carpenter (D)
Sen. Ryan Lynch (D)
Rep. Fiona Nave (R)
Sen. Ryan Osmundson (R)
Rep. Jimmy Patelis (R)

Members Excused: None

Members Absent: None

Staff Present:

Cristen Friede, Committee Secretary
Marci Lewandowski, Legislative Fiscal Division
Heather Vande-Snadt, Remote Meeting Coordinator

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

Executive Action

10:07:27 Chair Mercer

10:07:40 **Motion:** Sen. Lynch moved that **SUPREME COURT OPERATIONS, LAW LIBRARY, DISTRICT COURT OPERATIONS, WATER COURTS SUPERVISION, AND CLERK OF COURT INCLUDES A ONE-TIME-ONLY REDUCTION IN FY 2022 FOR A TWO-MONTH SUSPENSION OF CONTRIBUTIONS TO THE STATE GROUP BENEFIT PLAN. THE REDUCTION IS CONTINGENT ON THE PASSAGE AND APPROVAL OF SENATE BILL 110 DO PASS.**

[EXHIBIT\(jch37a01\)](#)

[EXHIBIT\(jch37a02\)](#)

Discussion:

10:08:14 Chair Mercer

10:09:15 Sen. Osmundson

10:10:02 **Vote:** Motion carried unanimously by voice vote.

10:10:09 **Motion/Vote:** Sen. Lynch moved that **SUPREME COURT OPERATIONS, DISTRICT COURT OPERATIONS, AND WATER COURTS SUPERVISION INCLUDES A ONE-TIME-ONLY REDUCTION IN FY 2022 AND FY 2023 FOR A SUSPENSION OF EMPLOYER CONTRIBUTIONS TO THE JUDGES 'RETIREMENT CONTRIBUTION PLAN. THE REDUCTION IS CONTINGENT ON THE PASSAGE AND APPROVAL OF SENATE BILL 175 DO PASS.** Motion carried unanimously by voice vote.

10:11:01 Chair Mercer

10:11:15 Sen. Osmundson

10:11:38 Marci Lewandowski, Legislative Fiscal Division (LFD)

10:11:59 **Motion/Vote:** Sen. Lynch moved that **LEGAL SERVICES DIVISION, JUSTICE INFORMATION TECHNOLOGY SERVICES DIVISION, DIVISION OF CRIMINAL INVESTIGATION, FORENSIC SCIENCE DIVISION, MOTOR VEHICLE DIVISION, AND CENTRAL SERVICES DIVISION INCLUDES A ONE-TIME-ONLY REDUCTION IN FY 2022 FOR A TWO-MONTH SUSPENSION OF CONTRIBUTIONS TO THE STATE GROUP BENEFIT PLA. THE REDUCTION IS CONTINGENT ON THE PASSAGE AND APPROVAL OF SENATE BILL 110 DO PASS.** Motion carried unanimously by voice vote.

10:12:54 **Motion/Vote:** Sen. Lynch moved that **"CONTRACT FUNDING FOR HEARING EXAMINER" MAY ONLY BE USED BY THE PUBLIC SERVICE COMMISSION TO CONTACT WITH THE DEPARTMENT OF JUSTICE FOR HEARINGS EXAMINERS." DO PASS.** Motion carried unanimously by voice vote.

10:13:08 **Motion:** Sen. Lynch moved that **TRAVEL REIMBURSEMENTS FOR PUBLIC SERVICE COMMISSIONERS INCLUDED WITHIN OPERATING EXPENSES IN**

**THE PUBLIC SERVICE REGULATION PROGRAM ARE LIMITED TO \$7,00
ANNUALLY PER COMMISSIONER DO PASS.**

Discussion:

- 10:13:29 Chair Mercer
- 10:13:53 **Vote:** Motion carried 5-2 by voice vote with Sen. Howard and Rep. Mercer voting no.
- 10:14:08 **Motion/Vote:** Sen. Lynch moved that **IT IS THE INTENT OF THE LEGISLATURE THAT THE ELECTRONIC DATEBASE FOR DOCKET INFORMATION (EDDI SYSTEM) IN THE PUBLIC SERVICE COMMISSION BE RENAMED BASIC INFROMATION LISTIND, LAW INDEX, AND ELETRONIC DOKING, (BILLIE DOCKETING SYSTEM) DO PASS.** Motion carried unanimously by voice vote.
- 10:14:38 **Motion/Vote:** Sen. Lynch moved that **ALL APPROPRIATIONS FOR TH EPUBLIC DEFENDER DIVISION, APPELLATE DEFENDER DIVISION, CONFLICT COORDINATOR DIVISION, AND CENTRAL SERVICES DIVISION ARE BIENNIAL DO PASS.** Motion carried unanimously by voice vote.
- 10:15:00 **Motion/Vote:** Sen. Lynch moved that **PUBLIC DEFENDER DIVISION, APPELLATE DEFENDER DIVISION, CONFLICT COORDINATOR DIVISION, AND CENTRAL SERVICES DIVISION INCLUDES A ONE-TIME-ONLY REDUCTION IN FY 2022 FOR A TWO-MONTH SUSPENSION OF CONTRIBUTIONS TO THE STATE GROUP BENEFIT PLAN. THE REDUCTION IS CONTINGENT ON THE PASSAGE OF SENATE BILL 110 DO PASS.** Motion carried unanimously by voice vote.
- 10:15:53 **Motion/Vote:** Sen. Lynch moved that **ALL APPROPRIATIONS FOR ADULT COMMUNITY CORRECTIONS, SECURE CUSTODY FACILITIES, AND CLINICAL SERVICES ARE BIENNIAL DO PASS.** Motion carried unanimously by voice vote.
- 10:15:58 **Motion:** Sen. Lynch moved that **IT IS THE INTENTION OF THE LEGISLATURE THAT ANY PERFORMANCE AUDITS FOR THE DEPARTMENT OF CORRECTIONS BE PERFORMED BY AN EDUCATIONAL ORGANIZATION WITH WHOM THE DEPARTMENT HAS A PREEXISTING MOU AND THAT HAS DEVELOPED AUDIT TOOLS THAT MEASURE CORRECTIONAL PROGRAMS CONTENT AND CAPACITY DO PASS.**

Discussion:

- 10:16:21 Chair Mercer
- 10:17:43 Rep. Nave
- 10:18:17 Sen. Lynch
- 10:19:17 Vice Chair Howard
- 10:19:31 Rep. Patelis
- 10:20:55 Sen. Osmundson

10:21:20 Sen. Lynch
10:22:50 Christine Hultin, Office of Budget and Program Planning (OBPP)
10:23:27 Sen. Osmundson
10:24:29 Sen. Lynch
10:24:40 Rep. Kerr-Carpenter

10:25:41 **Motion:** Sen. Osmundson moved that **THE LANGUAGE BE AMENDED.**

Discussion:

10:26:15 Chair Mercer
10:27:02 **Motion:** Sen. Lynch moved that **THE LANGUAGE BE AMENDED.**

Discussion:

10:28:14 Vice Chair Howard
10:28:30 Rep. Nave
10:29:37 Sen. Lynch
10:30:38 Christine Hultin, OBPP
10:31:00 Rep. Kerr-Carpenter
10:31:27 Chair Mercer
10:31:39 Rep. Kerr-Carpenter

10:32:33 **Motion/Vote:** Sen. Lynch moved **DO PASS AS AMENDED.** Motion carried 5-2 by voice vote with Sen. Howard and Rep. Nave voting no.

10:32:51 **Motion/Vote:** Sen. Lynch moved that **DIRECTOR'S OFFICE, PROBATION AND PAROLE DIVISION, SECURE CUSTODY FACILITIES, MONTANA CORRECTIONAL ENTERPRISES, CLINICAL SERVICES DIVISION, AND BOARD OF PARDONS AND PAROLE INCLUDES A ONE-TIME-ONLY REDUCTION IN FY 2022 FOR A TWO-MONTH SUSPENSION OF CONTRIBUTIONS TO THE STATE GROUP BENEFIT PLAN. THE REDUCTION IS CONTINGENT ON THE PASSAGE AND APPROVAL OF SENATE BILL 110 DO PASS.** Motion carried unanimously by voice vote.

10:33:27 **Motion/Vote:** Sen. Lynch moved that **IF SENATE BILL NO. 19 IS PASSED AND APPROVED, MONTANA BOARD OF CRIME CONTROL AND ITS FUNDING IS MOVED FROM DEPARTMENT OF CORRECTIONS TO THE DEPARTMENT OF JUSTICE DO PASS.** Motion carried unanimously by voice vote.

10:33:49 **Motion/Vote:** Sen. Lynch moved that **IT IS THE INTENT OF THE LEGISLATURE THAT OFFENDER PLACEMENT BE BASED UPON A RISK/NEEDS SCORE AND OFFENDER RISK TO THE COMMUNITY. THE DEPARTMENT MAY NOT PLACE OFFENDERS BASED UPON AN ASAM SCORE AND SHALL PRIMARILY RELY ON THE RISK NEEDS ASSESSMENT AND THE UNDERLYING OFFENSE WHEN PLACING OFFENDERS DO PASS.** Motion carried unanimously by voice vote.

- 10:34:36 **Motion/Vote:** Sen. Lynch moved that **IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT 'PRE-SCREEN' OFFENDERS FOR AN APPROPRIATE CORRECTIONAL PLACEMENT. THE DEPARTMENT SHALL PROVIDE A SENTENCING RECOMMENDATION TO THE COURT THAT IS BASED UPON THE RISK NEED EVALUATION OF THE OFFENDER AND CONSIDERS INPUT FROM THE OTHER INTERESTED PARTIES AND THE UNDERLYING OFFENSE. IT IS THE INTENT OF THE LEGISLATURE THAT THESE SENTENCING RECOMMENDATIONS DO NOT BIND THE JUDICIAL BRANCH DO PASS.** Motion carried unanimously by voice vote.
- 10:35:13 **Motion/Vote:** Sen. Lynch moved that **IT IS THE INTENT OF THE LEGISLATURE TO UTILIZE ALL COMMUNITY BASED RESIDENTIAL AND NON-RESIDENTIAL OPTION AND TREATMENT PROGRAM PLACEMENTS. THE DEPARTMENT IS AUTHORIZED TO EXPAND PROGRAM CAPACITY UP TO 10% OVER CONTRACT MAXIMUMS TO FULFILL THIS MANDATE AND MAY USE EXISTING RESOURCES FROM ALL BUREAUS TO FULFILL THIS INTENT DO PASS.** Motion carried unanimously by voice vote.
- 10:35:49 Sen. Lynch
10:36:24 Sen. Osmundson
10:37:12 Marci Lewandowski, LFD
10:37:22 Sen. Lynch
10:38:07 Marci Lewandowski, LFD
10:38:14 Christine Hultin, OBPP
10:38:26 Chair Mercer
10:38:52 Sen. Osmundson
- 10:39:25 **Motion/Vote:** Sen. Lynch moved that **THE DIRECTOR'S OFFICE CONTINGENCY MAY BE EXPENDED 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 DO PASS.** Motion carried unanimously by voice vote.
- 10:40:00 **Motion/Vote:** Sen. Lynch moved **TO CREATE A CONTINGENCY FUND WITHIN THE DIRECTOR'S OFFICE TO BE 10% OF THE TOTAL DIRECTOR'S OFFICE BUDGET IN EACH OF THE FISCAL YEARS DO PASS.** Motion carried unanimously by voice vote.
- 10:40:41 **Motion/Vote:** Sen. Lynch moved that **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 \$69.63 PER DAY IN FISCAL YEAR 2022 & 2023 TO HOUSE INMATES IN COUNTY JAILS DO PASS.** Motion carried unanimously by voice vote.
- 10:41:36 Sen. Lynch
10:42:14 Christine Hultin, OBPP

- 10:42:35 **Motion/Vote:** Sen. Lynch moved **TO CREATE A CONTINGENCY FUND WITHIN THE DIRECTOR'S OFFICE TO BE 10% OF THE TOTAL DIRECTOR'S OFFICE BUDGET IN EACH OF THE FISCAL YEARS DO PASS**. Motion carried unanimously by voice vote.
- 10:43:49 Chair Mercer
- 10:44:56 **Motion/Vote:** Sen. Osmundson moved that **STAFF BE ALLOWED TO ADD ANY ADDITIONAL LANGUAGE THAT DOES NOT FIT IN HOUSE BILL NO. 2 INTO A COMPANION BILL DO PASS** . Motion carried unanimously.
- 10:45:12 Chair Mercer
- 10:46:31 Marci Lewandowski, LFD
- 10:46:51 Christine Hultin, OBPP
- 10:47:13 Chair Mercer
- 10:47:34 Christine Hultin, OBPP
- 10:48:31 Chair Mercer
- 10:48:50 **Motion/Vote:** Sen. Lynch moved **TO CLARIFY THAT THE MOTION MADE FOR THE 10% CONTINGENCY FUND IN THE DEPARTMENT OF CORRECTIONS IN THE DIRECTOR'S OFFICE WOULD ONLY APPLY TO THE GENERAL FUND BUDGET IN THE DIRECTOR'S OFFICE DO PASS**. Motion carried unanimously by voice vote.
- 10:50:04 **Motion:** Rep. Mercer moved that **THIS LANGUAGE BE IN CORPORATED IN A COMPANION BILL THAT WOULD ACCOMANY THE SECTION'S WORK ON HOUSE BILL 2 DO PASS**.
- Discussion:**
- 10:50:27 Sen. Lynch left the meeting
- 11:00:27 **Substitute Motion:** Rep. Kerr-Carpenter made a substitute motion that **THE NEW LANGUAGE WOULD READ: "IF, THROUGH THE LEGISLATIVE AUDIT DIVISION PROCESS FOR ESTABLISHING PERFORMANCE AUDITS, A PERFORMANCE AUDIT FOR THE DEPARTMENT OF CORRECTIONS IS PRIORITIZED, THE LEGISLATIVE AUDIT DIVISION SHALL CONTRACT WITH AN EDUCATION ORGANIZATION THAT HAS DEVELOPED AUDIT TOOLS THAT MEASURE CORRECTIONAL PROGRAMS CONTENT AND CAPACITY AND THAT WORKS WITH THE DEPARTMENT OF CORRECTIONS DO PASS**.
- Discussion:**
- 11:01:20 Chair Mercer
- 11:01:26 Rep. Nave
- 11:01:56 Chair Mercer
- 11:03:26 **Vote:** Motion carried unanimously by voice vote.
- 11:03:42 Rep. Kerr-Carpenter

11:04:36 Sen. Osmundson

11:05:44 **Motion/Vote:** Rep. Kerr-Carpenter moved **TO REMOVE THE LANGUAGE WE APPROVED TO THIS EFFECT IN HOUSE BILL 2 AND OFFER THIS NEW AMENDMENT (LANGUAGE FROM ABOVE MOTION) IN ITS REPLACEMENT DO PASS.** Motion carried unanimously by voice vote.

11:06:20 Marci Lewandowski, LFD

11:06:34 Christine Hultin, OBPP

11:07:13 Chair Mercer

ADJOURNMENT

Adjournment: 11:08:13

Cristen Friede, Secretary

cf

Additional Documents:

EXHIBIT([jch37aad.pdf](#))