



Law and Justice Interim Committee

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57th Montana Legislature

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HOUSE MEMBERS

TIM CALLAHAN
GILDA CLANCY
GAIL GUTSCHE
JEFF LASZLOFFY
JIM SHOCKLEY
FRANK SMITH

COMMITTEE STAFF

DAVE BOHYER, RESEARCH DIRECTOR
VALENCIA LANE, STAFF ATTORNEY
MIKO OWA, SECRETARY

March 28-29, 2002

MINUTES

Room 102, State Capitol
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.
Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.

COMMITTEE MEMBERS PRESENT

Rep. Gail Gutsche
Sen. Duane Grimes

Sen. Steve Doherty
Sen. Dan Harrington
Sen. Jerry O'Neil
Sen. Gerald Pease

Rep. Tim Callahan
Rep. Gilda Clancy
Rep. Jeff Laszloffy
Rep. Jim Shockley
Rep. Frank Smith

COMMITTEE MEMBERS ABSENT

Sen. Al Bishop

STAFF PRESENT

Dave Bohyer, Research Director
Valencia Lane, Attorney
Miko Owa, Secretary

AGENDA & VISITORS

Agenda (ATTACHMENT #1)
Visitor's (ATTACHMENT #2)

COMMITTEE ACTION

- Approved minutes of the December 6-7, 2001 meeting
- Approved endorsing the research necessary to come up with legislation which will meet the minimum federal requirements of the Pam Lynchner Amendments.
- Approved reimbursing all members of the LJIC who would like to attend the joint HJR 1 Subcommittee on Mental Health and the Children, Families, Public Health and Human Services Interim Committee on May 14, 2002

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:33 a.m. by Rep. Gutsche. Roll call was noted with all members present except for Sen. Bishop who was excused. Rep. Shockley moved that the minutes of the December 6-7, 2001 meeting be adopted. The motion passed unanimously.

MONTANA BOARD OF CRIME CONTROL

Ali Sheppard, Assistant Attorney General, Montana Board of Crime Control, provided an update to the Committee regarding where Montana stands with respect to their sexual and violent offender registration laws in terms of compliance with the federal requirements and receipt of matching federal funds. She said that Montana received notice in November 2001, stating that Montana is not in compliance with the Pam Lynchner Amendments of the Jacob-Waterling Act. Therefore, Montana may face a 10% reduction (\$250,000) in federal funds which helps fund multi-jurisdictional drug task forces. Ms. Sheppard said that Jim Oppendahl, Executive Director, Montana Board of Crime Control, is trying to negotiate an extension with the federal government so Montana can address the issue during the 2003 legislative session. She said that they are also seeking support and assistance from the congressional delegation. Ms. Sheppard said that Mr. Oppendahl would like to be able to tell the U.S. Bureau of Justice that the state is actively reviewing legislation that would address the non-compliance issues.

After much discussion, Sen. Doherty moved that the Committee endorses the research necessary to come up with legislation which will meet the minimum federal requirements recognizing Montana's unique situation both with regard to our laws and the current scourge of methamphetamines which means we have an obligation to look very carefully at withholding any monies for drug task forces. The motion passed 10-1 with Rep. Shockley voting no.

Sen. O'Neil moved to amended Sen. Doherty's motion to include language regarding the preservation of state's rights. The amendment failed 1-10, with Sen. O'Neil voting yes.

HOMELAND SECURITY

Sheri Heffelfinger, Research Analyst, Legislative Services Division, presented to the Committee a document titled *Terrorism and Homeland Security: Information Briefing for the Interim Committee on Law and Justice* (EXHIBIT #1). Specifically, Ms. Heffelfinger reviewed the LJIC areas of responsibility such as reviewing current state criminal codes in context with anti-terrorism efforts as well as considering new crimes and penalties related to acts of terrorism. Ms. Heffelfinger also provided the Committee with documents entitled *Homeland Security*

Issues (EXHIBIT #2) and Homeland Security Task Force Members (EXHIBIT #3).

Sen. Doherty spoke to the Committee about the Homeland Security meeting and said that several key areas of concern are communication, border security, and bioterrorism. He said that the issue of the National Guard being used as a law enforcement adjunct should be addressed. He said that there also needs to be an equal legislative consultation with the Governor's Homeland Security Task Force.

Sen. Grimes said that the net result of the tightening up of the Mexican border by President Bush will result in a dramatic increase in security needs at the Canadian borders.

Rep. Gutsche asked who the members were of the Governor's task force.

Ms. Heffelfinger said that she would provide a complete list to the Committee, but that the legislative members were Rep. McGee and Sen. Beck.

Rep. Clancy asked about the water supply issue. Sen. Doherty said that it was discussed, however he has not seen any increased security. He said apparently a notification has gone out to municipal water supplies to be alert.

Sen. Harrington asked about bioterrorism and inoculation programs. Sen. Doherty said that it was commented on by Dr. Spence, but he felt that there were not enough inoculations available to combat a large scale threat. Ms. Heffelfinger said that the issue is being driven federally. There is a full process that has been in place since September 11 and federal authorities are stockpiling certain inoculations.

Rep. Smith asked if a plan is in place to bring emergency crews closer together. Sen. Doherty said that the Attorney General believes there will be increased federal funds to facilitate greater coordination between first responders. Ms. Heffelfinger said that Congress is currently holding hearings to discuss how federal funds can be provided to first responders. She said that one thing that is becoming clear is that emergency response is a local issue and Congress is focusing on the needs of the first responders.

Rep. Smith asked about the fair trade agreement and the inspection of trucks. Ms. Heffelfinger said that the purpose of the task force is just a small piece of the big picture and Congress is working on the national issue of border security.

STAVENJORD V. MONTANA STATE FUND & PRAIRIE NEST RANCH

Valencia Lane, Attorney, Legislative Services Division, presented a Summary of Supreme Court Case No. 01-630 (EXHIBIT #4). Specifically, the case Stavenjord v. Montana State Fund and Prairie Nest Ranch dealt with the differences and constitutionality of the Occupational Disease Act and the Worker's Compensation Act.

BRIEFING ON 46-18-604

A panel discussion was held in relationship to 46-18-604, MCA, requiring the recording, transmittal, and compilation of sentencing data. Panel members were:

- Mr. Michael Keedy, former District Court Judge and legislative sponsor of HB773 (1981)
- The Honorable Ed Smith, Clerk of the Supreme Court
- The Honorable Nancy Sweeney, Lewis and Clark County Clerk of Court
- The Honorable Jean Thompson, Yellowstone County Clerk of Court

Dave Bohyer, Research Director, Legislative Services Division, presented *An Overview of Section 46-18-604, MCA, and The Reporting of Criminal Sentencing Data* (EXHIBIT #5). Mr. Bohyer then introduced the panel members.

Mr. Keedy said that the statute was introduced in the 1981 Legislature to allow the public to know how judicial candidates have ruled. He said that the electorate is left with the ability to figure out the pros and cons of a judicial candidate by allowing information to be made available. Mr. Keedy also provided the Committee with official judgments which outlined information that could be captured in the database (EXHIBIT #7 and #8).

Mr. Smith (EXHIBIT #6) provided a brief history of how the court was affected when the sentencing statute was enacted. He went on to ask the Committee to repeal 46-18-604, MCA, and send a letter to the Montana Supreme Court asking to work with them to develop a new statute. Mr. Smith also provided a copy of two forms used to obtain information regarding criminal case history (EXHIBIT #9 and #10).

Ms. Sweeny asked the Committee to take into consideration the difficulties of providing information to the state from counties with limited staff and budgets. She also asked that the statute be repealed.

Ms. Thompson said that they have a data base with which they have begun using electronic imaging for all criminal case documents. She said that the information is not provided to the public, but it is provided to the Supreme Court. Ms. Thompson said that if the intent of the statute is to provide information to the public, the statute does not accomplish this. Ms. Thompson said that she believes the statute is no longer necessary. Ms. Thompson also showed the Committee the type of information that is gathered (EXHIBIT #11).

Sen. Harrington asked Ms. Thompson about records for matters that do not go to court. Ms. Thompson said that there is no way to remove that information from the system.

Rep. Shockley said that the Montana database is separate from the National Crime Information Center (NCIC). He said that if we remedied the problem in our system, it would not be corrected in the NCIC system.

Sen. O'Neil asked: If the statute was repealed, what information would not be available? Ms. Thompson said that all information gathered would continue to be available. Sen. O'Neil asked about recidivism rates. Mr. Smith responded that that information would have to be analyzed on a county basis.

After much continued discussion, the Committee determined that they will continue to review the issue tomorrow.

MONTANA SUPREME COURT

At 1:45 p.m. the Committee went to observe oral arguments before the Montana Supreme Court in the matter of Stavenjord v. Montana State Fund & Prairie Nest Ranch.

RECESS

The meeting recessed at 4:00 p.m. to reconvene at 8:30 a.m. on Friday, March 29, 2002.

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 8:30 a.m. on March 29, 2002 by Rep. Gutsche. Roll call was noted with all members present, except for Sen. Bishop who was excused.

BENCH REMARKS

Chief Justice Karla Gray, Montana Supreme Court, said that she would like to request that the Committee consider putting in a bill draft request for the court on removing the sunset provision from section 3-1-317 (EXHIBIT #12). She said this \$5 user surcharge for court information technology is the only source of funding for the court's information technology (IT) budget. She said that, historically, the amount generated by these surcharges have been inadequate, and they anticipate requesting a significant amount of money for IT through the budget process in the 2003 session.

Chief Justice Gray also spoke to the Committee about SB 176 and said that it is a much more vast undertaking than anyone realized. However, she does believe that this is a good plan. She also said that a key staffer has resigned without notice. She said that she is spending between 60% and 80% of her time on implementing SB 176. Chief Justice Gray said that the transition will be completed by July 1 as required. She said that even though money will be tight for the next legislative session, she asked that the courts not be underfunded as a result.

Chief Justice Gray said that the case filings for this year have decreased somewhat and she hopes that that will help address some of the backlog issues.

Sen. Grimes asked about the workload issues and if the first quarter reductions in case loads proves an accurate representation, which year does that get you back to? Chief Justice Gray said that in 2000 the filings were 868 which was a 20% increase over 1999. Sen. Grimes then said that the cases per justice is still around 100. Chief Justice Gray said that Sen. Grimes is accurately representing the workload. She said that they do anticipate putting in some significant budget increases because of SB 176.

Sen. Grimes asked Chief Justice Gray to comment on the ramifications of the workload. Chief Justice Gray said that the load is far too high and the concerns are delay without sacrificing the quality of the work product. She is afraid that, in reference to the filings, Montana is at risk of not meeting the constitutional obligations to the citizens. Sen. Grimes said that the issues would be the delay of justice, staff burn out, and the quality of the briefings.

Sen. Harrington asked about the two areas of SB 176 that the court must not comply with immediately. Chief Justice Gray said that the two areas are indigent defense and she could not recall the other provision. Sen. Harrington said that the main point in the bill is that the counties do not have a right to levy any more taxes and so the counties would have to take the money from their own general funds to address the indigent defense issue. Chief Justice Gray said that she is not familiar with funding at the county level.

Rep. Shockley asked if it would be prudent for the legislature not only to eliminate the sunset on 3-1-317 but also increase the fee from \$5 to \$10 or \$15. Chief Justice Gray said that that is an option and an option that the court has discussed at length. However, the court has rejected the increase in fees as courts should not be funded by user fees. Rep. Shockley said, if the fee was increased, would the court be agreeable to that if the money could be spent in any area where the court needed it. Chief Justice Gray said that it is not a matter that has been thought of. She said that they intentionally asked for the money to be earmarked and she thinks that it would be unwise to un-earmark it when the current funds are inadequate.

Sen. Doherty asked about the pre-SB 176 days and the creative tension between county commissioners and district court judges. He said that, previously, the district court judges could tell the county commissioners that they needed funds. He asked if that corresponding authority is implicitly or explicitly there in SB 176. Chief Justice Gray said that this is a subject that she is uncomfortable with because the question: Could there be a constitutional crisis in Montana? She said that the possibility is there and that would be the worst possible outcome of SB 176.

MATTERS OF JUSTICE

Larry Fasbender, Chief of Staff, Attorney General's Office, reiterated the problem with Montana's sexual and violent offender registration laws being out of compliance with federal regulations. He also said that the forensic lab is eight months behind in their latent print work. He said that they were anticipating that a grant would be available to hire a part-time person to assist with the backlog. However, that did not happen. He hopes that money will be made available in the next legislative session to address the issue. Mr. Fasbender said that Montana has been recently designated as a high intensity drug traffic area which will result in a \$500,000 influx of federal funds. He said that \$250,000 of the funds will be used for a database to analyze and track the drug traffic problem in Montana, as well as hire a new chemist at the state lab.

Rep. Laszloffy asked what the criteria is for Montana to be listed as a high drug traffic area. Mr. Fasbender said that there are different criteria, but Montana acts as a highway for drug traffickers. Rep. Laszloffy asked how many areas are designated as a high drug traffic area. Mr. Fasbender said that he did not know the exact number, but there are numerous areas.

Sen. O'Neil asked about consolidating and sharing offices to receive the federal funds. Mr. Fasbender said that the requirement is that there be a more cooperative effort for everyone dealing with drug trafficking in the United States. Even though there are only four counties that are designated, we will consolidate and coordinate with local and federal agencies. Sen. O'Neil asked about federal authorities needing permission from local authorities to come into the state. Mr. Fasbender said that he does not know if that would have any effect on the current federal funds.

Rep. Gutsche said that the Committee will be looking at legislation to bring the state into compliance with the federal regulations regarding sexual and violent offenders.

CORRECTIONS' CONCERNS

Bill Slaughter, Director, Department of Corrections, said that populations in the prison system continue to rise, except for the adult female population. He said that the pre-release intensive supervision population has grown about 5.8%. He said adult female growth in the same categories is about 10.9%. He said that there is a spike in the adult female population due to drug task forces in Montana and other reasons. Mr. Slaughter said that the Department of Corrections has developed a definition of recidivism for the adult population in Montana, which was adopted from the definition that the federal prison system uses. They have also opened a DUI facility in Warm Springs called the Watch Program. He said that the Watch Program is a therapeutic community which has never been tried in Montana. He said the first participants in the program will graduate in August.

Sen. Grimes asked about the Watch Program and expressed his concern over what happens when participants leave. Mr. Slaughter said that they are as good as their step down programs. He said that in the design they have put in an institutional probation provider (IPP) who works with the inmates to assure there are areas of support in a community. Mr. Slaughter said that the IPP consults with the parole officer in the community as well.

Sen. Harrington asked Director Slaughter about not increasing the number of prison beds. Mr. Slaughter said that he would like assistance in seeking a balance between secure facilities, pre-release beds, and treatment programs.

Rep. Clancy asked about the pilot program in Gallatin County generally and, specifically, if people in the program were held in jail prior to sentencing or if they were tracked with electronic bracelets. Mr. Slaughter said that DOC staff and others are in the beginning phase of discussions to pilot a program of pre-trial supervision which would help county jail space.

Rep. Clancy asked about the women who are convicted on methamphetamine drug charges. She asked what the average age of the women are. Mr. Slaughter said that the women are probably in the 35-40 age range, with children, and poor health. Women come in at about the same rate as men. He said that if women are not given the skills to make more than minimum wage, they tend to sell and use methamphetamines after they leave the prison system.

Sen. O'Neil asked about the bed cost for the Watch Program. Mr. Slaughter said that the Watch Program is \$52 compared to \$60 for a prison bed. Mr. Slaughter said that other populations can use the Watch Program as well.

Rep. Laszloffy asked about the fourth offense DUI program and if the idea of building in incentives for the provider has been considered. Mr. Slaughter said that in the pre-release arena, that is done informally. Rep. Laszloffy encouraged Mr. Slaughter to look at targeting success on an individual level.

Rep. Smith asked about how many beds are taken up in the county jails by people who are

waiting to go to prison. Mr. Slaughter said 125. Rep. Smith asked about the length of stay in a county jail. **Mr. Joe Williams, Administrator**, said that it is between one and five weeks.

HJR 39(6) Justice Related Data Compilation

Mr. Bohyer introduced a presentation panel to discuss justice-related data compilation, data sharing, and data integration among state agencies and other entities. He also presented to the Committee, *Data Base and System Integration Issues Affecting the Execution, Assessment, and Development of Public Policy in Justice-Related Administrative Units* (EXHIBIT #14). Panel members included:

- Wilbur Rehmann, Manager, Criminal Justice Information Services Project, Department of Justice
- Karen Nelson, Chief, Criminal Justice Information Services Bureau, Department of Justice
- Jeff Rosky, Chief, Statistics Bureau, Department of Corrections
- Margaret Jennings, CAPS, Department of Public Health and Human Services
- Dana Corson, Montana Supreme Court

Mr. Rehmann presented to the Committee the Montana Criminal Justice Information System Project (EXHIBIT #13). He said the mission of the CJISP is to:

- Protect the privacy rights of citizens
- Maintain the security of the information
- Allow cost effective information sharing among law enforcement, courts, and other governmental agencies and the public as provided in law
- Avoid unnecessary duplication

He said that the next steps are to:

- Continue work on an MCJISP Strategic Plan
- Organize a state-wide conference in Fall 2002 (funds available)
- Further work between the DOC and DOJ to provide more complete on-line correctional status information
- Continue work between DOC, DOJ, Court Administrator, Court Clerks, and local government representatives on electronic disposition reporting

Mr. Rehmann also provided the following supporting documents:

- Mission Statement of the Montana Criminal Justice Information System (EXHIBIT #15)
- Committee members (EXHIBIT #16)
- Memorandum of Understanding (EXHIBIT #17)

Rep. Clancy asked about the Supreme Court presentation and asked if CJIS is doing what is required in 3-1-317. Mr. Corson said that that he has not been assigned to look at that information, but the system is designed to look at the key items that the supreme court is looking

at.

Ms. Jennings presented to the Committee the Child and Adult Protective Services System (CAPS) used by the Department of Public Health and Human Services (EXHIBIT #18).

Rep. Laszloffy asked Ms. Jennings where the information in the CAPS system comes from. Ms. Jennings said that the information is compiled by each probation officer and parole officer. Rep. Laszloffy asked if the information can be input directly at the court level. Ms. Jennings said no. Rep. Laszloffy asked about people who never go through the probation system. Ms. Jennings said that a youth court officer will enter the information. Mr. Rehmann clarified that the CAPS program maintains the probation and parole records of juveniles as their records cannot be placed in the adult criminal system. Rep. Laszloffy asked if the information is purged when a juvenile becomes an adult. Ms. Jennings said no.

Ms. Nelson provided to the Committee a brief history of the various information gathering systems (EXHIBIT #19).

Mr. Rosky said that their (DOC) system has purchased 13 servers that will be installed by June. He said that Phase II of PRO Files will be completed by the end of the month with Phase III currently being planned. He said that there is a tentative April release date for access to a public web page used for searches. Mr. Rosky also provided to the Committee the Statistical Update provided to the DOC Advisory Council (EXHIBIT #25).

Rep. Gutsche asked when the other system is going to phase out. Mr. Rosky said that it will never phase out because of the historical information in the data base. Rep. Gutsche asked about the different information available between phases. Mr. Rosky said that in Phase I the basic infrastructure was created and details basic demographic and physical characteristics. Phase II includes addresses and offender assessment. Phase III will include legals and movements.

Mr. Corson described the systems used by the Montana Supreme Court. He said that a number of court systems have no automation. He said that a number of challenges are errors in recording and statute changes. He said that the court has recently received some grant money to install laptops in police vehicles and that will present some challenges regarding vendors, data, and interfaces. He also described the JCMS system and its data and imaging capabilities.

Sen. O'Neil asked if the court is currently set-up to provide sentencing documents electronically. Mr. Corson said yes. Sen. O'Neil asked if there was a copy of the judgment on the system. Mr. Corson said a copy is scanned, however, not all counties have a scanner yet.

Rep. Gutsche asked how many counties have scanners. Mr. Corson said approximately 12.

Rep. Laszloffy asked about the accuracy of creating a text file from a scan. Mr. Corson said that there are some imperfections due to handwritten notations on the page.

Sen. O'Neil asked if the documents are saved in a digital format. Mr. Corson said yes.

Mr. Rehmann said that the efforts that have been made so far have been made by agencies. He

said that the authority comes through memorandums of understanding. He said that at some point the legislature needs to review the programs and determine whether or not funding for maintenance will be provided.

Rep. Gutsche asked if any legislation requests are being developed. Mr. Rehmann said no. Rep. Gutsche asked what is missing from the interface between the Department of Justice and the Department of Corrections. Mr. Rehmann said that there is a new feature available from the FBI that the DOJ is currently trying to make available to the DOC.

Rep. Shockley asked about the court clerk entering information into the system and how information is obtained. Mr. Rehmann said that that is part of the problem they are trying to solve. Mr. Rehmann said that they are looking at having the prosecutor entering that data. Mr. Corson added that they are trying to avoid any duplication of effort.

Sen. O'Neil asked if the new technology will save money. Mr. Rehmann said that they did not know. However, he said that it will give more accurate records in a more timely fashion. Ms. Nelson said that a number of efficiencies will be gained. Mr. Rosky said that it is measured more in human costs as well. He said that they are trying to increase public safety.

Mr. Bohyer asked how valuable it would be if there was a standard form in all of the district courts. Mr. Corson said that in terms of form management that has not always been successful. He said that on-line access would probably be more successful.

MONTANA LAW ON CORRECTIONAL AND SENTENCING POLICY

Mr. Bohyer reviewed for the Committee, *Montana Law on Correctional and Sentencing Policy: Article II, Section 28, Montana Constitution and Section 46-18-101, MCA (EXHIBIT #20)*. After much discussion, the Committee determined to postpone the discussion and have any motions presented at the next meeting.

MENTAL HEALTH ISSUES

Mr. Bohyer informed the Committee that there will be a joint meeting of the HJR1 Subcommittee on Mental Health Managed Care and the Children, Families, Public Health and Human Services Interim Committee on May 14, 2002. He said that the purpose of this meeting is to hear what, if any, statutory or programmatic changes the Department of Public Health and Human Services will be proposing with respect to mental health. Mr. Bohyer said that he would provide an agenda to Committee members as soon as one is available.

Sen. Doherty moved that all members who are interested in attending the meeting should be authorized to go and reimbursed. The motion passed unanimously.

MEMBER ISSUES

Rep. Gutsche briefed the Committee on the Florida mental health issues in relationship to corrections. She said that she has provided the information to each Committee member, Mr. Slaughter, and Bonnie Adee, Mental Health Ombudsman. She said that there may be legislation that can be introduced based upon the information provided. Rep. Gutsche said that federal

dollars may be available for some aspects of the program.

Rep. Gutsche also reviewed for the Committee the inmate letters that she had received.

Rep. Laszloffy provided the Committee with an update regarding prison incarceration rates (EXHIBIT #22). He said that he has asked the Department of Corrections to break out the information in relationship to the type of felony committed. He asked the Committee about restitution that should be paid back to the victim and the fees associated with that. Ms. Lane said that Rep. Laszloffy may want to review the information with John MacMaster, Attorney, Legislative Services Division. Sen. Grimes said that there may be additional circumstances and that legislators need to be very careful about creating legislation based upon one incident. Sen. O'Neil said that restitution may be pursued in a civil court as well. Sen. Doherty said that restitution is part of the sentence and Rep. Laszloffy may want to contact the county attorney.

Rep. Gutsche asked if the Committee would like to address Section 46-18-604, MCA, regarding the reporting of criminal sentencing data.

Sen. O'Neil moved that Section 46-18-604, MCA, be repealed. After much discussion, including numerous caveats emphasized by Mr. Bohyer, the motion passed unanimously.

Sen. Grimes asked about looking at crime rankings for sentencing statutes. After much discussion, the Committee determined that they would not have the time to review the information appropriately without various agencies and interested persons being involved.

Sen. Harrington said that the Committee should see the facility at Warm Springs and Deer Lodge. The Committee determined that they would be interested in viewing the Warm Springs facility, however, the visit could not take away from Committee meeting time. Mr. Bohyer said that he would speak to Mr. Slaughter.

Mr. Bohyer reviewed for the Committee the *Procedure for Review, Request, and Drafting of Agency Legislation* (EXHIBIT #23). The Committee expressed some concerns over the process. However, they understand that they are not voting to endorse the bill, but only voting to have the bill processed.

Rep. Gutsche presented to the Committee a ballot entitled How Will the Court Vote? (EXHIBIT #24) and asked Committee members to vote on the Supreme Court case heard the previous day.

Mr. Bohyer also provided to the Committee a letter from the ACLU of Montana Foundation (EXHIBIT #21).

ADJOURNMENT

The meeting adjourned at 4:00 p.m. The next meeting is scheduled for June 3-4, 2002.