

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By Chairman Ray Hawk, on January 16, 2007 at 8:00
A.M., in Room 317a Capitol.

ROLL CALL

Members Present:

Rep. Ray Hawk, Chairman (R)
Sen. Steven Gallus, Vice Chairman (D)
Sen. Keith Bales (R)
Rep. Bill Beck (R)
Rep. Cynthia Hiner (D)
Sen. Trudi Schmidt (D)

Members Excused: None.

Members Absent: None.

Staff Present: Katie Butcher, Committee Secretary
Pat Gervais, Legislative Branch
Pam Joehler, 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:

Hearings:	Informational Hearing
Executive Action:	DP 101, DP 105, DP 112, DP 113
	DP 115, DP 116, DP 117, DP 118
	DP 119, DP 130, DP 104, DP 106
	DP 107, DP 110, DP 111, DP 114
	DP 120, DP 121, DP 214, DP 201
	DP 215, DP 202, DP 205, DP 209
	DP 210, DP 3002, DP 3005, DP 3006
	DP 3010, DP 3012, DP 3013, DP 3014
	DP 1, DP 3, DP 4, DP 6, DP 8
	DP 301

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Meeting with the Department of Corrections

00:00:05 Chairman Hawk
00:00:11 Mike Ferriter, Montana Department of Corrections
00:00:47 Steve Barry, Montana Department of Corrections
00:07:08 Chairman Hawk
00:07:16 Sen. Bales
00:08:08 Mr. Barry
00:08:29 Sen. Bales
00:09:08 Mr. Barry
00:10:02 Sen. Bales
00:10:24 Mr. Barry
00:11:19 Chairman Hawk
00:11:22 Rep. Beck
00:11:45 Mr. Barry
00:11:57 Rep. Beck
00:12:09 Mr. Barry
00:12:18 Rep. Hawk
00:12:29 Mr. Barry
00:12:35 Rep. Hawk
00:12:40 Mr. Barry
00:13:26 Kara Sperle, Montana Department of Corrections

EXHIBIT(jch10a01)

00:15:37 Chairman Hawk
00:15:43 Sen. Bales
00:16:18 Ms. Sperle
00:16:26 Sen. Bales
00:17:40 Ms. Sperle
00:18:25 Rhonda Shafer, Montana Department of Corrections
00:19:02 Sen. Bales
00:19:23 Ms. Shafer
00:19:49 Mike Mahoney, Warden Montana State Prison
00:21:10 Sen. Bales
00:21:36 Warden Mahoney
00:21:47 Sen. Bales
00:22:19 Warden Mahoney
00:23:15 Sen. Bales
00:23:19 Chairman Hawk
00:23:50 Ms. Sperle

EXHIBIT(jch10a02)

EXHIBIT(jch10a03)

00:23:57 John Daugherty, Montana Department of Corrections
00:27:32 Chairman Hawk
00:27:37 Mr. Daugherty
00:30:25 Chairman Hawk
00:30:29 Rep. Beck
00:30:37 Mr. Daugherty
00:31:10 Rep. Beck

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00:31:52 Mr. Daugherty
00:33:09 Rep. Beck
00:33:29 Mr. Daugherty
00:34:20 Chairman Hawk
00:35:12 Mr. Daugherty
00:36:05 Chairman Hawk
00:36:11 Mr. Daugherty
00:39:56 Rep. Beck
00:39:59 Mr. Daugherty
00:40:59 Chairman Hawk
00:41:04 Sen. Bales
00:41:22 Mr. Daugherty
00:42:30 Sen. Bales
00:42:50 Mr. Daugherty
00:43:41 Chairman Hawk
00:43:45 Mr. Daugherty
00:46:36 Chairman Hawk
00:46:40 Rep. Beck
00:47:12 Mr. Daugherty
00:47:50 Chairman Hawk
00:47:57 Mr. Daugherty
00:50:39 Chairman Hawk
00:50:43 Sen. Schmidt
00:51:00 Mr. Daugherty
00:52:01 Chairman Hawk
00:52:03 Mr. Daugherty
00:55:38 Sen. Bales
00:56:20 Mr. Daugherty
00:57:18 Sen. Bales
00:57:54 Mr. Daugherty
00:58:18 Sen. Bales
00:58:49 Mr. Daugherty
00:59:06 Rep. Beck
00:59:35 Mr. Daugherty
01:02:00 Chairman Hawk
01:02:08 Mr. Daugherty
01:02:19 Director Ferriter
01:02:41 Chairman Hawk
01:02:48 Brent Doig, OBPP
01:02:55 Chairman Hawk
01:03:06 Mr. Doig
01:03:36 Chairman Hawk
01:03:43 Mr. Doig
01:03:59 Chairman Hawk
01:04:35 Pat Gervais
01:07:21 Chairman Hawk
01:07:46 Mr. Barry
01:09:49 Pat Gervais
01:10:41 Chairman Hawk

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01:11:00 Mr. Barry
01:11:06 Mr. Doig
01:12:07 Chairman Hawk
01:12:16 Mr. Barry
01:12:19 Chairman Hawk
01:13:06 Mr. Doig
01:13:39 Chairman Hawk
01:15:00 Mr. Doig
01:15:17 Chairman Hawk
01:15:29 Pat Gervais
01:15:43 Chairman Hawk
01:15:51 Pat Gervais
01:18:08 Chairman Hawk

01:18:42 Break
01:26:29 Reconvened

01:27:21 Chairman Hawk

EXECUTIVE ACTION ON DP 101

01:28:06 **Motion:** Rep. Hiner moved that **DP 101 BE ADOPTED.**

Discussion:

01:28:25 Rep. Hawk
01:28:55 Sen. Schmidt
01:29:27 Rep. Hawk
01:29:43 Sen. Schmidt
01:29:54 Jeff Walter, Department of Corrections
01:30:13 Sen. Schmidt
01:30:22 Jeff Walter
01:31:00 Rep. Hawk

01:31:30 **Vote:** Motion carried 5-1 by voice vote with Rep. Hawk
voting no.

EXECUTIVE ACTION ON DP 105

01:32:14 **Motion:** Sen. Schmidt moved that **DP 105 BE ADOPTED.**

Discussion:

01:32:30 Sen. Bales
01:32:50 Sen. Schmidt
01:33:24 Pat Gervais

01:33:36 Sen. Schmidt withdrew her original motion and moved **DP
105 AS AMENDED.**

01:33:51 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 112

01:34:26 **Motion:** Rep. Hiner moved that **DO 112 BE ADOPTED.**

Discussion:

01:34:36 Sen. Bales
01:35:27 Director Ferriter
01:37:59 Mr. Doig

01:38:45 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 113

01:39:26 **Motion:** Rep. Hiner moved that **DP 113 BE ADOPTED.**

Discussion:

01:39:37 Rep. Hiner
01:39:52 Rep. Hawk
01:39:58 Rep. Hiner
01:40:41 Gary Hamel, Health, Planning and Information Services,
Department of Corrections
01:41:43 Rep. Hawk
01:41:48 Mr. Hamel
01:42:29 Rep. Beck
01:42:46 Mr. Hamel
01:43:22 Rep. Beck
01:43:27 Mr. Hamel
01:43:55 Rep. Beck
01:44:17 Mr. Hamel
01:44:35 Rep. Hawk
01:44:54 Mr. Hamel
01:45:06 Rep. Hawk
01:45:10 Rep. Hiner
01:45:34 Chairman Hawk

01:45:40 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 115

01:45:56 **Motion/Vote:** Sen. Gallus moved that **DP 115 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 116

01:46:51 **Motion:** Sen. Bales moved that **DP 116 BE ADOPTED.**

Discussion:

01:47:27 Pat Gervais
01:47:44 Sen. Bales

01:48:16 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 117

01:48:42 **Motion:** Sen. Gallus moved that **DP 117 BE ADOPTED.**

Discussion:

01:48:59 Pat Gervais
01:49:12 Sen. Gallus
01:49:28 Sen. Bales
01:49:54 Sen. Gallus withdrew his motion to adopt DP 117.

01:50:06 **Motion/Vote:** Sen. Bales moved **DP 117 BE ADOPTED
RESTRICTED AND ONE TIME ONLY.** Motion carried
unanimously by voice vote.

EXECUTIVE ACTION ON DP 118

01:51:15 **Motion:** Sen. Bales moved that **DP 118 BE ADOPTED.**

Discussion:

01:51:30 Mr. Doig
01:51:42 Sen. Bales withdrew the previous motion.

01:52:34 **Substitute Motion/Vote:** Sen. Bales made a substitute
motion that **DP 118 BE ADOPTED.** Substitute motion
carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 119

01:52:48 **Motion:** Sen. Gallus moved that **DP 119 BE ADOPTED.**

Discussion:

01:53:00 Sen. Bales

01:53:19 Mr. Daughtery

01:54:06 **Substitute Motion:** Sen. Gallus made a substitute motion
that **DP 119 BE ADOPTED AS ONE TIME ONLY.**

Discussion:

01:54:19 Pat Gervais

01:54:38 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 130

01:55:17 **Motion/Vote:** Rep. Hiner moved that **DP 130 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 104

01:56:11 **Motion/Vote:** Rep. Beck moved that **DP 104 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 106

01:57:04 **Motion:** Rep. Beck moved that **DP 106 BE ADOPTED.**

Discussion:

01:57:16 Sen. Gallus

01:57:37 Rep. Beck

01:57:44 **Substitute Motion/Vote:** Sen. Gallus made a substitute
motion that **DP 106 BE ADOPTED AS AMENDED TO BE
RESTRICTED AND ONE TIME ONLY.** Substitute motion carried
unanimously by voice vote.

EXECUTIVE ACTION ON DP 107

01:59:01 **Motion/Vote:** Sen. Schmidt moved that **DP 107 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 110

01:59:50 **Motion:** Sen. Gallus moved that **DP 110 BE ADOPTED**.

Discussion:

02:00:13 Rep. Beck

02:00:33 **Motion:** Rep. Beck moved that **DP 110 BE AMENDED TO BE RESTRICTED**.

Discussion:

02:01:00 Sen. Schmidt

02:01:11 Mr. Daughtery

02:01:34 Pat Gervais

02:01:42 **Vote:** Motion carried unanimously by voice vote.

Discussion:

02:01:48 Sen. Bales

02:02:06 Sen. Gallus

02:02:39 **Motion:** Sen. Bales moved to **RECONSIDER THE MOTION TO AMEND DP 110 TO BE RESTRICTED**.

02:02:51 **Vote:** Motion carried unanimously by voice vote.

02:03:21 **Substitute Motion/Vote:** Sen. Bales made a substitute motion that **DP 110 BE AMENDED TO BE ONE TIME ONLY AND RESTRICTED**. Substitute motion carried unanimously by voice vote.

02:03:32 Pat Gervais

**EXECUTIVE ACTION ON FUNDING ONE ADDITIONAL
FTE FOR THE BOARD OF PARDONS AND PAROLES AND
ADMINISTRATIVE SUPPORT.**

02:04:11 **Motion:** Rep. Hiner moved **FUNDING ONE ADDITIONAL FTE
FOR THE BOARD OF PARDONS AND PAROLES AND
ADMINISTRATIVE SUPPORT BE ADOPTED.**

Discussion:

02:05:05 Rep. Hiner
02:05:19 Pat Gervais
02:06:00 Mr. Walter
02:06:55 Pat Gervais
02:07:02 Rep. Beck
02:07:37 Mr. Walter
02:08:21 Rep. Beck
02:08:45 Mr. Walter
02:08:54 Sen. Bales
02:09:05 Mr. Walter
02:09:16 Sen. Bales
02:09:22 Mr. Doig
02:09:59 Sen. Bales
02:10:49 Sen. Gallus
02:12:29 Rep. Hawk

02:12:45 **Vote:** Motion failed 2-4 by roll call vote with
Sen. Gallus and Rep. Hiner voting aye.

EXECUTIVE ACTION ON DP 111

Motion: Rep. Hawk moved that **DP 111 BE ADOPTED.**

Discussion:

02:13:52 Sen. Bales
02:14:15 Rep. Hiner
02:14:35 Rep. Hawk

02:15:15 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 114

02:15:30 **Motion/Vote:** Rep. Hawk moved that **DP 114 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 120

02:16:00 **Motion/Vote:** Sen. Gallus moved that **DP 120 BE ADOPTED ONE TIME ONLY**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 121

02:17:10 **Motion:** Sen. Gallus moved that **DP 121 BE ADOPTED**.

Discussion:

02:17:43 Sen. Bales
02:18:19 Pat Gervais
02:18:54 Sen. Gallus
02:18:59 Rep. Beck
02:19:30 Pat Gervais
02:20:07 Rep. Hiner
02:20:15 Director Ferriter
02:21:53 Sen. Schmidt

02:22:55 **Vote:** Motion passed 5-1 by roll call vote with Rep. Hawk voting no.

02:23:53 Pat Gervais

EXECUTIVE ACTION ON DP 214

02:25:43 **Motion/Vote:** Rep. Hawk moved that **DP 214 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 201

02:26:27 **Motion:** Sen. Gallus moved that **DP 201 BE ADOPTED**.

Discussion:

02:26:42 Sen. Bales
02:27:00 Pat Gervais
02:28:31 Sen. Gallus
02:28:42 Rhonda Shaffer, Department of Corrections
[EXHIBIT\(jch10a04\)](#)
[EXHIBIT\(jch10a05\)](#)

02:31:49 Rep. Hawk
02:32:17 Sen. Schmidt
02:32:41 Sen. Gallus
02:33:50 Sen. Bales
02:34:06 Chairman Hawk
02:34:47 Sen. Bales
02:35:18 Pat Gervais
02:36:12 Rep. Hawk
02:36:19 Sen. Schmidt
02:36:29 Ms. Shaffer
02:36:43 Rep. Hawk

EXECUTIVE ACTION ON DP 215

02:37:01 **Motion:** Sen. Bales moved that **DP 215 BE ADOPTED.**

02:37:11 **Substitute Motion:** Sen. Gallus made a substitute motion
that **DP 215 UP TO 3% THE FIRST YEAR AND AN ADDITIONAL
3% THE SECOND YEAR BE ADOPTED.**

Discussion:

02:38:31 Pat Gervais
02:38:51 Sen. Gallus
02:38:56 Rep. Hawk
02:39:11 Sen. Gallus
02:40:07 Chairman Hawk

02:40:13 **Vote:** Motion failed 3-3 by roll call vote with Sen.
Gallus, Rep. Hiner, and Sen. Schmidt voting aye.

EXECUTIVE ACTION ON DP 215

02:40:47 **Motion/Vote:** Sen. Bales moved that **DP 215 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 202

02:41:57 **Motion:** Sen. Schmidt moved that **DP 202 BE ADOPTED.**

Discussion:

02:42:05 Sen. Bales

02:42:20 Pat Gervais

02:43:54 Sen. Bales

02:44:22 Chairman Hawk

02:44:59 Sen. Gallus left the room

EXECUTIVE ACTION ON DP 205

02:45:36 Pat Gervais

02:46:04 **Motion/Vote:** Rep. Hiner moved that **DP 205 BE ADOPTED.**
Motion carried unanimously by voice vote. Sen. Gallus
voting by proxy

EXECUTIVE ACTION ON DP 209

02:47:17 **Motion/Vote:** Sen. Bales moved that **DP 209 BE ADOPTED.**
Motion carried unanimously by voice vote. Sen. Gallus
voting by proxy

02:47:45 Sen. Gallus returned

EXECUTIVE ACTION ON DP 210

02:48:18 **Motion:** Rep. Hawk moved that **DP 210 BE ADOPTED.**

Discussion:

02:48:27 Sen. Bales

02:48:46 Pat Gervais

02:49:04 Sen. Bales

02:49:15 Pat Gervais

02:49:20 Chairman Hawk

02:49:38 **Vote:** Motion carried unanimously by voice vote.

02:50:15 Chairman Hawk
02:50:27 Pat Gervais

EXECUTIVE ACTION ON DP 3002

02:52:47 **Motion:** Sen. Schmidt moved that **DP 3002 BE ADOPTED.**

Discussion:

02:52:53 Sen. Schmidt
02:53:01 Pat Gervais
02:53:16 Sen. Gallus
02:53:47 Rep. Beck
02:54:00 Rep. Hawk
02:54:13 Warden Mahoney
02:54:30 Sen. Bales
02:54:51 Pat Gervais
02:55:07 Sen. Bales
02:55:24 Warden Mahoney
02:55:44 Sen. Bales
02:55:50 Warden Ross Swanson, Montana Department of Corrections
02:56:18 Sen. Bales
02:56:42 Warden Swanson
02:57:05 Rep. Beck
02:57:43 Warden Swanson
02:57:49 Sen. Bales
02:58:08 Warden Swanson
02:59:06 Sen. Bales
02:59:39 Warden Swanson
03:00:11 Sen. Bales
03:00:31 Warden Swanson
03:00:35 Chairman Hawk

03:00:48 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3005

03:01:21 **Motion:** Rep. Hiner moved that **DP 3005 BE ADOPTED.**

Discussion:

03:01:37 Rep. Beck
03:01:49 Rep. Hiner
03:01:57 Rep. Beck
03:02:00 Rep. Hiner
03:02:15 Warden Swanson

03:02:33 Rep. Hawk
03:03:04 Warden Swanson
03:03:21 Pat Gervais
03:03:48 Rep. Hawk
03:03:56 Warden Swanson
03:04:10 Rep. Hawk
03:04:14 Warden Swanson
03:04:49 Chairman Hawk

03:04:55 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3006

03:06:30 **Motion:** Rep. Hiner moved that **DP 3006 BE ADOPTED.**

Discussion:

03:06:52 Rep. Hawk
03:07:04 Pat Gervais
03:07:25 Mr. Doig
03:07:40 Sen. Gallus
03:08:42 Sen. Bales
03:08:53 Warden Swanson
03:09:26 Sen. Bales
03:09:51 Warden Swanson
03:10:27 Chairman Hawk

03:10:51 **Vote:** Motion carried unanimously by voice vote.

03:10:58 Pat Gervais

EXECUTIVE ACTION ON DP 3010

03:12:10 **Motion:** Sen. Gallus moved that **DP 3010 BE ADOPTED.**

Discussion:

03:12:24 Rep. Beck
03:13:01 Warden Swanson
03:13:43 Rep. Beck
03:13:51 Warden Swanson

03:14:06 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3012

03:14:20 **Motion:** Sen. Gallus moved that **DP 3012 BE ADOPTED.**

Discussion:

03:14:43 Rep. Hawk

03:14:50 Warden Swanson

03:15:26 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3013

03:15:39 Sen. Gallus moved **DP 3013 BE ADOPTED AS ONE TIME ONLY.**

Discussion:

03:15:58 Sen. Gallus

03:16:23 **Motion:** Rep. Hiner moved that **DP 3013 BE AMENDED TO
INCLUDE FUNDING FOR THE ADDITIONAL YEAR CONTINGENT UPON
FEDERAL GRANTS.**

Discussion:

03:17:15 Chairman Hawk

03:17:28 Rep. Hiner

03:17:36 **Substitute Motion:** Sen. Gallus made a substitute
motion that **DP 3013 INCLUDE FUNDING FOR THE NEXT TWO
YEARS, ONE TIME ONLY, RESTRICTED APPROPRIATION
CONTINGENT UPON THE UNAVAILABILITY OF FEDERAL FUNDING.**

03:18:12 Pat Gervais

03:18:37 Rep. Beck

03:18:47 Pat Gervais

03:19:05 Warden Mahoney

03:19:30 Chairman Hawk

03:19:54 Warden Mahoney_____

03:20:24 Rep. Hiner

03:20:55 Pat Gervais

03:21:34 Sen. Gallus

03:21:38 Pat Gervais

03:21:57 Chairman hawk

03:22:01 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3014

03:22:20 **Motion/Vote:** Sen. Bales moved that **DP 3014 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 1

03:22:45 **Motion:** Sen. Gallus moved that **DP 1 BE ADOPTED.**

Discussion:

03:23:20 Rep. Hiner

03:23:39 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3

03:23:57 **Motion/Vote:** Sen. Gallus moved that **DP 3 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 4

03:24:23 **Motion/Vote:** Sen. Gallus moved that **DP 4 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 6

03:24:42 **Motion/Vote:** Sen. Gallus moved that **DP 6 BE ADOPTED ONE
TIME ONLY AND RESTRICTED.** Motion carried unanimously by
voice vote.

EXECUTIVE ACTION ON DP 8

03:25:31 **Motion/Vote:** Sen. Gallus moved that **DP 8 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 301

03:26:22 **Motion:** Sen. Gallus moved that **DP 301 BE ADOPTED.**

Discussion:

03:26:41 Sen. Bales
03:27:03 Warden Swanson
03:27:33 Chairman Hawk
03:27:42 Sen. Bales
03:28:35 Chairman Hawk
03:28:37 Pat Gervais
03:29:22 Rep. Hawk
03:29:33 Warden Swanson

03:30:06 **Vote:** Motion carried unanimously by voice vote.

03:30:24 Chairman Hawk
03:30:54 Director Ferriter
03:31:14 Sen. Gallus

ADJOURNMENT

03:32:02 Adjournment

REP. RAY HAWK, Chairman

KATIE BUTCHER, Secretary

RH/kb

Additional Exhibits:

EXHIBIT ([jch10aad.pdf](#))