

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 26, 2007 at 9:00 P.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:

Executive Action: DP 105, DP 303
Approval of the rates
Approval of the increased rates
DP 215, DP 201, DP 203, DP 204
DP 206, DP 207, DP 202, DP 302
Exemption from vacancy savings

Meeting with the Department of Corrections

00:00:02 Chairman Hawk
00:00:50 Pat Gervais
00:01:28 Chairman Hawk
00:01:35 Pat Gervais
00:01:52 Chairman Hawk
00:02:00 Rep. Hiner
00:02:08 Pat Gervais
00:02:22 Rep. Hiner
00:03:06 Chairman Hawk
00:03:16 Rep. Beck
00:03:22 Pat Gervais
00:03:46 Chairman Hawk
00:04:40 Pat Gervais
00:05:01 Sen. Schmidt
00:05:09 Pat Gervais
00:05:21 Chairman Hawk
00:05:48 Pat Gervais
00:06:46 Chairman Hawk
00:06:49 Pat Gervais
00:08:04 Brent Doig, OBPP
00:08:58 Pat Gervais

EXECUTIVE ACTION ON DP 105

00:09:21 **Motion:** Rep. Hiner moved that DP 105 BE ADOPTED.

Discussion:

00:09:43 Pat Gervais

00:09:57 **Vote:** Motion carried unanimously by voice vote.

Discussion:

00:10:43 Chairman Hawk
00:11:46 Brent Doig, OBPP
00:12:18 Chairman Hawk

EXECUTIVE ACTION ON DP 303

00:12:51 **Motion:** Rep. Hawk moved that DP 303 BE ADOPTED.

Discussion:

00:13:15 Chairman Hawk
00:13:21 Sen. Schmidt

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00:13:36 Rep. Hawk
00:14:46 Rep. Hiner
00:15:18 Ross Swanson, Deputy Warden, Montana State Prison
00:25:07 Chairman Hawk
00:25:13 Rep. Beck
00:25:50 Warden Swanson
00:27:05 Rep. Beck
00:27:27 Warden Swanson
00:27:51 Rep. Beck
00:28:09 Warden Swanson
00:29:58 Rep. Beck
00:30:20 Chairman Hawk
00:30:44 Warden Swanson
00:31:18 Sen. Schmidt
00:31:23 Rep. Hawk
00:31:56 Warden Swanson
00:32:42 Rep. Hawk
00:32:59 Warden Swanson
00:33:41 Sen. Schmidt
00:34:03 David Castle, Sheriff, Cascade County

[EXHIBIT\(jch18a01\)](#)

[EXHIBIT\(jch18a02\)](#)

00:48:53 Chairman Hawk
00:49:24 Sheriff Castle

[EXHIBIT\(jch18a03\)](#)

[EXHIBIT\(jch18a04\)](#)

[EXHIBIT\(jch18a05\)](#)

[EXHIBIT\(jch18a06\)](#)

00:57:11 Chairman Hawk
00:57:19 Rep. Beck
00:57:30 Sheriff Castle
00:59:29 Rep. Beck
00:59:36 Sheriff Castle
01:00:14 Rep. Hiner
01:00:49 Sheriff Castle
01:01:52 Rep. Hiner
01:02:14 Sheriff Castle
01:03:13 Chairman Hawk
01:04:04 Sen. Gallus
01:04:27 Pat Gervais
01:05:02 Sen. Gallus
01:05:24 Chairman Hawk

01:06:06 **Substitute Motion:** Sen. Bales made a substitute motion
to **APPROVE THE RATES.**

Discussion:

01:06:23 Pat Gervais
01:06:48 Sen. Bales
01:07:21 Pat Gervais
01:07:54 Sen. Bales
01:08:12 Pat Gervais
01:08:53 Sen. Bales
01:09:12 Pat Gervais
01:09:33 Sen. Bales
01:09:44 Pat Gervais
01:10:14 Warden Swanson
01:11:11 Sen. Bales
01:11:56 Pat Gervais
01:12:54 Sen. Bales
01:13:10 Chairman Hawk
01:13:46 Warden Swanson
01:14:04 Chairman Hawk
01:14:35 Sen. Bales
01:14:43 Chairman Hawk
01:14:46 Rep. Hiner
01:14:52 Sen. Bales
01:16:11 Pat Gervais
01:16:35 Sen. Bales
01:16:41 Pat Gervais
01:17:06 Warden Swanson

01:18:00 **Substitute Motion:** Sen. Bales made a substitute motion
to **APPROVE THE INCREASED RATES FOR 2007 AND TO APPROVE
A 5% INCREASE FOR 2008 AND A 5% INCREASE FOR 2009
RESTRICTED**

Discussion:

01:18:28 Brent Doig, OBPP
01:18:58 Sen. Bales
01:19:39 Pat Gervais
01:19:58 Sen. Bales
01:20:21 Pat Gervais
01:20:32 Sen. Bales

01:20:49 **Vote:** Motion carried unanimously by voice vote.
Sen. Schmidt voted aye by proxy.

01:20:58 Rep. Hiner
01:21:36 Chairman Hawk
01:21:50 Pat Gervais
01:23:29 Chairman Hawk

01:23:38 Pat Gervais
01:24:16 Chairman Hawk
01:24:25 Pat Gervais
01:25:02 Sen. Gallus
01:25:30 Mike Ferriter, Department of Corrections (DOC)
01:26:20 Sen. Gallus
01:26:50 Rhonda Shafer, DOC
01:27:22 Pat Gervais
01:29:05 Chairman Hawk

EXECUTIVE ACTION ON DP 215

01:29:24 **Motion/Vote:** Sen. Gallus moved that **DP 215 BE ADOPTED WITH A RATE INCREASE FOR THE TREATMENT CENTERS 80,658 IN FISCAL YEAR 08 AND 161,317 FOR FISCAL YEAR 09.**
Motion carried unanimously by voice vote. Sen. Schmidt voted aye by proxy.

01:30:43 Break
01:38:32 Reconvened

01:38:48 Pat Gervais
01:40:12 Sen. Gallus

EXECUTIVE ACTION ON DP 201

01:40:17 **Motion:** Rep. Hawk moved that **DP 201 BE ADOPTED.**

Discussion:

01:40:42 Sen. Gallus
01:40:48 Rep. Hawk

01:40:56 **Vote:** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

EXECUTIVE ACTION ON DP 203

01:41:13 **Motion:** Rep. Hawk moved that **DP 203 BE ADOPTED.**

Discussion:

01:41:25 Rep. Beck
01:41:31 Rep. Hawk

01:41:45 **Vote:** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

EXECUTIVE ACTION ON DP 204

01:42:04 **Motion/Vote:** Rep. Hawk moved that **DP 204 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

EXECUTIVE ACTION ON DP 206

01:42:36 **Motion/Vote:** Rep. Hawk moved that **DP 206 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

EXECUTIVE ACTION ON DP 207

01:43:31 **Motion/Vote:** Rep. Hawk moved that **DP 207 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

EXECUTIVE ACTION ON DP 202

01:44:10 **Motion/Vote:** Rep. Hawk moved that **DP 202 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

Discussion:

01:44:42 Sen. Bales
01:44:58 Pat Gervais

EXECUTIVE ACTION ON DP 302

01:45:33 **Motion/Vote:** Rep. Hawk moved that **DP 302 BE ADOPTED.** Motion carried 4-2 by voice vote with Rep. Hiner voting no. Sen. Schmidt voted no by proxy.

Discussion:

01:46:27 Pat Gervais
01:47:55 Rep. Hiner

01:48:44 Pat Gervais
01:48:49 Chairman Hawk
01:49:02 Sen. Bales
01:49:34 Rep. Hiner
01:49:37 Rep. Hawk
01:49:51 Pat Gervais
01:50:22 Chairman Hawk
01:50:25 Pat Gervais
01:50:45 Rep. Hawk
01:50:51 Pat Gervais
01:51:11 Warden Swanson
01:51:59 Rep. Hiner
01:52:04 Chairman Hawk

EXECUTIVE ACTION ON EXEMPTION FROM VACANCY SAVINGS

01:52:10 **Motion:** Rep. Hiner moved an that **ALL TWENTY-FOUR HOUR,
SEVEN-DAYS-A-WEEK OPERATIONS BE EXEMPT FROM VACANCY
SAVINGS.**

Discussion:

01:52:44 Pat Gervais
01:53:11 Rep. Hiner
01:53:22 Pat Gervais
01:53:30 Chairman Hawk
01:53:37 Rep. Hiner

01:53:47 **Vote:** Motion carried unanimously by voice vote.
Sen. Schmidt voted aye by proxy.

01:54:13 Sen. Gallus
01:57:24 Sen. Bales
02:00:06 Rep. Beck
02:02:13 Director Ferriter
02:04:12 Chairman Hawk

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ADJOURNMENT

02:04:27 Adjournment

REP. RAY HAWK, Chairman

KATIE BUTCHER, Secretary

RH/kb

Additional Exhibits:

EXHIBIT ([jch18aad.pdf](#))