

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 February 2, 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)
Rep. Bill Beck (R)
Rep. Cynthia Hiner (D)
Sen. Trudi Schmidt (D)

Members Excused: Sen. Keith Bales (R)

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:

Hearing:	DOC
Executive Action:	New Decision Packet for DOLI, DOJ- DP 108, DP 110, DP 102 DP 103, DP 104, DP 105, DP 107 DP 110, \$250,000 a year for the office of restorative justice, Rates per hour increase, DP 701, DP 702, DP 703, DP 704 DP 707, DP 1201, DP 1202, DP 1206 DP 1207, DP 1212, DP 1213, DP 1208 DP 1301, DP 1303, DP 1305, DP 1306

JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC
SAFETY

February 2, 2007

PAGE 2 of 16

DP 1803, DP 1810, DP 1806, DP 1807

Executive Action Continued: Motion to Fund one FTE for the
Division of Crime Investigation for
the purpose of working on cold
cases, DP 1901, DP 2905, DP 2907
DP 2906, DP 3201, DP 3202, DP 3203
DP 3205, DP 3206, Restoring the
portion of statewide present law
adjustments for personal services,
Exemption from vacancy savings,
Elected Officials Budget Items 1-7

Department of Labor and Industry

00:00:31 Pam Joehler

EXHIBIT(jch23a01)

00:05:02 Rep. Hawk moved **TO ADD A NEW DECISION PACKAGE THAT WILL ADD FEDERAL REED ACT FUNDS TO THE UNEMPLOYMENT DIVISION IN HOUSE BILL 2. AS DESCRIBED IN THE HANDOUT, THE TOTAL AMOUNT ADDED TO HB 2 IS \$1.75 MILLION, OF WHICH \$0.75 MILLION IS FOR DEBT SERVICE PAYMENTS (OVER TWO YEARS) AND \$1.0 MILLION IS FOR A FEASIBILITY STUDY (A BIENNIAL APPROPRIATION) TO REPLACE A MAINFRAME TAX SYSTEM IN THE UNEMPLOYMENT INSURANCE DIVISION.**

Discussion:

00:05:23 Rep. Hiner

00:05:55 **Vote:** Motion carried unanimously by voice vote.

Department of Corrections

Discussion:

00:07:42 Rep. Hiner

00:08:24 Pat Gervais

00:08:58 Brent Doig, OBPP

00:09:20 Pat Gervais

00:10:01 Rep. Hiner

00:10:22 Pat Gervais

EXHIBIT(jch23a02)

00:12:26 Rep. Hiner

00:12:32 Pat Gervais

00:12:56 Rep. Hiner

00:13:10 Rhonda Shafer, Department of Corrections

00:14:06 Rep. Hiner

Department of Justice

EXECUTIVE ACTION ON DP 108

00:17:39 **Motion/Vote:** Rep. Hawk moved that **DP 108 BE ADOPTED.** Motion carried unanimously by voice vote. Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 110

00:18:11 **Motion:** Rep. Hawk moved that **DP 110 BE ADOPTED.**

Discussion:

00:18:17 Sen. Schmidt
00:18:49 Pat Gervais
00:19:24 Sen. Schmidt
00:19:30 Pat Gervais
00:19:52 Sen. Schmidt
00:19:54 Larry Fasbender, Department of Justice
00:21:23 Sen. Schmidt
00:21:36 Chris Tweeten, Office of the Attorney General
00:23:31 Sen. Schmidt

00:23:47 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy.

EXECUTIVE ACTION ON DP 102

00:25:42 **Motion:** Sen. Gallus moved that **DP 102 BE ADOPTED.**

Discussion:

00:26:11 Pat Gervais
00:27:00 Sen. Gallus

00:27:30 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy.

EXECUTIVE ACTION ON DP 103

00:28:17 **Motion:** Sen. Gallus moved that **DP 103 BE ADOPTED.**

Discussion:

00:28:51 Mr. Fasbender
00:29:36 Rep. Hiner
00:29:56 Mr. Fasbender
00:30:02 Sen. Schmidt
00:30:24 Mr. Fasbender

00:30:30 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy.

EXECUTIVE ACTION ON DP 104

00:31:33 **Motion:** Rep. Hawk moved that **DP 104 BE ADOPTED.**

Discussion:

00:32:21 Sen. Schmidt

00:32:36 **Vote:** Motion carried unanimously by voice vote. Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 105

00:33:15 **Motion:** Rep. Hawk moved that **DP 105 BE ADOPTED.**

Discussion:

00:33:46 Pat Gervais

00:34:09 **Vote:** Motion carried unanimously by voice vote. Sen. Bales voted aye by proxy

EXECUTIVE ACTION ON DP 107

00:34:36 **Motion:** Rep. Beck moved that **DP 107 BE ADOPTED.**

Discussion:

00:35:05 Rep. Hawk

00:35:11 Mr. Fasbender

00:37:02 **Vote:** Motion carried 4-2 by roll call vote with Rep. Hawk voting no, and Sen. Bales voted no by proxy.

EXECUTIVE ACTION ON DP 110

00:37:23 **Motion/Vote:** Rep. Hiner moved that **DP 110 BE ADOPTED.** Motion carried 4-2 by roll call vote with Rep. Beck and Rep. Hawk voting no. Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON OFFICE OF RESTORATIVE JUSTICE

00:38:53 **Motion:** Rep. Hiner moved TO PROVIDE \$250,000 PER YEAR GENERAL FUND FOR THE OFFICE OF RESTORATIVE JUSTICE. \$50,000 PER YEAR WOULD BE FOR OPERATIONS COSTS AND \$200,000 PER YEAR WOULD BE FOR GRANTS TO LOCAL AGENCIES.

Discussion:

00:40:33 Matthew Dale, Office of the Attorney of General
00:41:58 Rep. Hiner
00:42:07 Mr. Dale

00:43:53 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy

EXECUTIVE ACTION ON RATES PER HOUR INCREASE FOR ATTORNEYS AND INVESTIGATORS

00:44:55 **Motion:** Rep. Hiner moved that THE INCREASES BE ADOPTED.
00:45:13 **Substitute Motion:** Rep. Hawk made a substitute motion TO CHANGE THE RATES TO \$74 AN HOUR FOR ATTORNEYS AND \$44 AN HOUR FOR INVESTIGATORS.

Discussion:

00:45:46 Rep. Hiner
00:46:27 Sen. Schmidt
00:46:55 Pat Gervais

00:47:34 Rep. Hawk withdrew his original motion.
Substitute Motion: Rep. Hawk made a substitute motion TO CHANGE THE RATES TO \$79 FOR ATTORNEYS AND \$48 FOR INVESTIGATORS.

Discussion:

00:48:31 Sen. Schmidt
00:49:00 **Vote:** Motion carried unanimously by voice vote. Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 701

00:50:03 **Motion/Vote:** Sen. Gallus moved that **DP 701 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 702

00:50:54 **Motion/Vote:** Sen. Gallus moved that **DP 702 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 703

00:51:27 **Motion:** Sen. Gallus moved that **DP 703 BE ADOPTED.**

Discussion:

00:52:11 Gene Huntington, Gambling Control Division

00:52:57 **Vote:** Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 704

00:53:27 **Motion/Vote:** Sen. Gallus moved that **DP 704 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye.

EXECUTIVE ACTION ON DP 707

00:54:04 **Motion/Vote:** Sen. Gallus moved that **DP 707 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1201

00:54:51 **Motion/Vote:** Rep. Hiner moved that **DP 1201 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1202

00:55:24 **Motion:** Sen. Gallus moved that **DP 1202 BE ADOPTED.**

Discussion:

00:55:56 Sen. Gallus
00:56:25 Rep. Hawk
00:56:47 Dean Roberts, Department of Justice
00:58:55 Rep. Beck
00:59:33 Mr. Roberts
01:00:01 Rep Hawk
01:00:32 Mr. Roberts
01:00:45 Rep. Hawk
01:00:48 Mr. Roberts
01:01:12 Mr. Fasbender
01:01:32 Rep. Hawk

01:01:42 **Vote:** Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1206

01:02:17 **Motion:** Sen. Gallus moved that **DP 1206 BE ADOPTED.**

Discussion:

01:02:33 Rep. Beck
01:02:39 Pat Gervais
01:03:00 Rep. Beck
01:03:06 Pat Gervais

01:03:22 **Vote:** Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1207

01:03:33 **Motion/Vote:** Sen. Gallus moved that **DP 1207 BE ADOPTED.**
Motion carried unanimously by voice vote. Sen. Bales
voted aye by proxy.

EXECUTIVE ACTION ON DP 1212

01:04:13 **Motion/Vote:** Rep. Hawk moved that **DP 1212 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1213

01:04:37 **Motion/Vote:** Rep. Hawk moved that **DP 1213 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1208

01:04:57 **Motion:** Sen. Gallus moved that **DP 1208 BE ADOPTED.**

Discussion:

01:05:06 Rep. Beck
01:05:18 Mr. Roberts

01:07:17 **Vote:** Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1301

01:08:22 **Motion/Vote:** Rep. Hawk moved that **DP 1301 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1303

01:11:44 **Motion/Vote:** Rep. Hawk moved that **DP 1303 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1305

01:12:04 **Motion/Vote:** Rep. Hawk moved **DP 1305 BE ADOPTED.**
Motion carried unanimously by voice vote.
Sen. Bales voted aye by proxy.

EXECUTIVE ACTION ON DP 1306

01:12:39 **Motion:** Sen. Gallus moved that **DP 1306 BE ADOPTED.**

Discussion:

01:12:57 Sen. Gallus

01:13:10 **Vote:** Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye. Sen. Bales voted no by proxy.

01:14:00 Break

01:31:06 Reconvene

EXECUTIVE ACTION ON DP 1803

01:31:33 **Motion:** Rep. Hawk moved **DP 1803 WITH \$153,918 ONLY AND TO INCLUDE NO GENERAL FUND FUNDING.**

Discussion:

01:31:49 Rep. Hiner

01:32:05 Mike Batista, Division of Criminal Investigation

01:33:23 Rep. Hawk

01:33:26 Mr. Batista

01:33:42 Sen. Gallus

01:34:03 Mr. Batista

01:34:58 Sen. Schmidt

01:35:20 Mr. Batista

(Sen. Bales arrived)

01:37:03 Rep. Beck

01:37:12 Mr. Batista

01:37:36 **Vote:** Motion failed 3-3 with Sen. Bales, Rep. Beck, and Rep. Hawk voting aye.

EXECUTIVE ACTION ON DP 1810

01:38:26 **Motion/Vote:** Sen. Gallus moved that **DP 1810 BE ADOPTED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 1806

01:38:55 **Motion/Vote:** Sen. Gallus moved that **DP 1806 BE ADOPTED**.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 1807

01:39:34 **Motion:** Rep. Hawk moved that **DP 1807 BE ADOPTED**.

Discussion:

01:39:57 Rep. Beck
01:40:14 Mr. Batista

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

EXECUTIVE ACTION ON REP. GALLUS'S MOTION TO FUND ONE FTE

01:41:01 Rep. Gallus moved **\$80,000 FROM THE GENERAL FUND TO
FUND ONE FTE FOR THE DIVISION OF CRIME INVESTIGATION
FOR AN INVESTIGATOR TO WORK ON**.

Discussion:

01:42:17 Mr. Batista
01:43:36 Sen. Bales
01:43:54 Mr. Batista
01:44:03 Sen. Gallus
01:45:22 Rep. Beck
01:45:31 Mr. Batista
01:46:33 Sen. Schmidt
01:47:03 Mr. Batista
01:47:50 Rep. Beck
01:47:58 Sen. Gallus
01:49:09 Pat Gervais
01:49:19 Mr. Batista

01:49:31 **Vote:** Motion failed 3-3 with Sen. Gallus, Rep. Hiner,
and Sen. Schmidt voting aye.

EXECUTIVE ACTION ON DP 1901

01:50:02 **Motion:** Rep. Hawk moved **TO ADOPT DP 1901 WITH THE
CONTINGENCY LANGUAGE AND TO OMIT THE WORD "STATUTORY"**.

Discussion:

01:50:12 Pat Gervais

01:50:55 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 2905

01:51:51 **Motion/Vote:** Rep. Hawk moved that **DP 2905 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 2907

01:52:37 **Motion/Vote:** Rep. Hawk moved that **DP 2907 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 2906

01:53:14 **Motion/Vote:** Sen. Gallus moved that **DP 2906 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3201

01:53:41 **Motion/vote:** Sen. Gallus moved that **DP 3201 BE ADOPTED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3202

01:54:11 **Motion/Vote:** Rep. Hiner moved that **DP 3202 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:54:59 **Substitute Motion:** Sen. Gallus made a substitute motion
TO PASS DP 3202 CONTINGENT UPON PASSAGE OF HB 12.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3203

01:55:20 **Motion/Vote:** Rep. Hawk moved that **DP 3203 BE ADOPTED**
CONTINGENT UPON HB 12. Motion carried unanimously by
voice vote.

EXECUTIVE ACTION ON DP 3205

01:56:06 **Motion:** Sen. Gallus moved that **DP 3205 BE ADOPTED.**

Discussion:

01:56:22 Pat Gervais

01:56:39 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3206

01:56:55 **Motion/Vote:** Sen. Gallus moved that **DP 3206 BE ADOPTED.**
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON RESTORING THE PORTION OF THE STATEWIDE
PRESENT LAW ADJUSTMENTS FOR PERSONAL SERVICES**

02:00:52 **Motion/Vote:** Rep. Hawk moved to **RESTORE THE PORTION OF
THE STATEWIDE PRESENT LAW ADJUSTMENT FOR PERSONAL
SERVICES, EXCEPT THE PORTION OF HIGHWAY PATROL SALARIES
THAT IS STATUTORILY APPROPRIATED-AN ESTIMATED
\$305,664 TOTAL FUNDS.** Motion carried unanimously by
voice vote.

EXECUTIVE ACTION ON EXEMPTION FROM VACANCY SAVINGS

02:03:42 **Motion/Vote:** Sen. Gallus moved **EXEMPTION FROM VACANCY
SAVINGS.** Motion carried unanimously by voice vote.
EXHIBIT(jch23a03)

EXECUTIVE ACTION ON ITEM 1 ON THE ELECTED OFFICIAL BUDGET

Discussion:

02:04:23 Sen. Schmidt

02:05:09 **Motion/Vote:** Sen. Gallus moved that **ITEM 1 BE ADOPTED.**
Motion failed 3-3 by roll call vote with Sen. Gallus,
Rep. Hiner, and Sen. Schmidt voting aye.

Discussion:

02:06:30 Rep. Hawk
02:06:38 Bill Unger, Forensic Department
02:07:57 Sen. Gallus
02:08:09 Mr. Unger

EXECUTIVE ACTION ON ITEM 2 ON THE ELECTED OFFICIAL BUDGET

02:08:41 **Motion/Vote:** Rep. Hawk moved that **ITEM 2 BE ADOPTED CONTINGENT UPON HB 12**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON ITEM 3 ON THE ELECTED OFFICIAL BUDGET

02:09:38 **Motion/Vote:** Sen. Gallus moved that **ITEM 3 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON ITEM 4 ON THE ELECTED OFFICIAL BUDGET

02:10:08 **Motion/Vote:** Rep. Hawk moved that **ITEM 4 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON ITEM 5 ON THE ELECTED OFFICIAL BUDGET

02:10:50 **Motion:** Sen. Gallus moved that **ITEM 5 BE ADOPTED**.

Discussion:

02:11:16 Sen. Gallus
02:12:29 Sen. Bales
02:12:53 Sen. Schmidt

02:13:10 **Vote:** Motion carried 5-1 by voice vote with Rep. Hawk voting no.

EXECUTIVE ACTION ON ITEM 6 ON THE ELECTED OFFICIAL BUDGET

02:13:35 **Motion/Vote:** Sen. Gallus moved that **ITEM 6 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON ITEM 7 ON THE ELECTED OFFICIAL BUDGET

02:14:15 **Motion:** Rep. Hiner moved that **ITEM 7 BE ADOPTED.**

Discussion:

02:14:40 Pat Gervais
02:15:12 Sen. Schmidt
02:15:17 Pat Gervais
02:15:34 Sen. Bales
02:15:58 Pat Gervais
02:16:24 Rep. Beck
02:16:36 Pat Gervais

02:17:27 **Vote:** Motion carried 5-1 by voice vote with Rep. Hawk
voting no.

Discussion:

02:18:03 Pat Gervais
02:18:24 Mr. Fasbender
02:21:01 Rep. Beck
02:21:10 Sen. Schmidt
02:21:22 Mr. Fasbender
02:23:23 Rep. Hawk
02:23:31 Mr. Fasbender
02:25:43 Sen. Schmidt
02:25:54 Mr. Fasbender
02:26:14 Rep. Hawk
02:27:12 Sen. Schmidt
02:27:25 Mr. Fasbender
02:28:29 Pat Gervais
02:28:39 Rep. Beck
02:28:56 Sen. Schmidt

ADJOURNMENT

02:29:33 Adjournment

REP. RAY HAWK, Chairman

KATIE BUTCHER, Secretary

RH/kb

Additional Exhibits:

EXHIBIT ([jch23aad.pdf](#))