

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

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

**Call to Order:** Chair Steve Gibson, on February 13, 2013 at 9:00 A.M., in Room 335  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Steve Gibson, Chair (R)  
Sen. Edward Walker, Vice Chair (R)  
Rep. Randy Brodehl (R)  
Rep. Kimberly Dudik (D)  
Sen. Frederick (Eric) Moore (R)  
Sen. Mitch Tropila (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Greg DeWitt, Legislative Branch  
Sally Speer, Committee Secretary

**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:**

Department of Corrections  
Office of Public Defender  
Judicial Branch  
Closing Budgets for All Agencies

Department of Corrections

00:34:02 Chair Gibson

00:35:40 **Motion/Vote:** Rep. Brodehl moved to **reconsider action taken January 25 on Decision Package 321 - Montana State Prison - Montana Correctional Enterprises Rates that approved general fund in the amounts of \$562,083 in Fiscal Year 2014 and \$1,040,142 in Fiscal Year 2015 for the Montana State Prison.** Motion carried unanimously by voice vote.

00:36:25 Chair Gibson

00:36:34 **Motion/Vote:** Sen. Walker moved to **reconsider action taken January 25 on Decision Package 330 - Reduce Funding for Contracts associate with the control system renovation contract at the Montana Woman's Prison.** Motion carried unanimously by voice vote.

00:36:52 Chair Gibson

00:36:59 **Motion/Vote:** Sen. Tropila moved to **reconsider action taken January 25 on Decision Package 405 - Reduce Funding for Contracts associate with the Kern Lake dam rehabilitation project.** Motion carried unanimously by voice vote.

00:37:26 Chair Gibson

00:37:33 **Motion/Vote:** Sen Moore moved to **reconsider action taken January 25 on Decision Package 512 - Reduce Funding for Contracts associate with the fire alarm services contract at Pine Hills.** Motion carried unanimously by voice vote.

00:37:50 Chair Gibson

00:37:58 **Motion/Vote:** Rep. Brodehl moved to **reduce general fund by \$1,222,383 in Fiscal Year 2014 and by \$1,223,488 in Fiscal Year 2015 and to reduce state special revenue by \$8,335 in Fiscal Year 2014 and by \$8,334 in Fiscal Year 2015 to adjust the vacancy savings percentages for the department from 2% to 3% for all positions except for correctional officers and nurses supporting 24 by 7 shift work for which the percentages would be adjusted from 0% to 2%; and authorize staff to allocate the funding to the programs as appropriate.** Motion carried unanimously by voice vote.

00:38:39 Chair Gibson

00:38:48 **Motion/Vote:** Sen Walker moved to **eliminate all proprietary funding for the Vocational Education - Proprietary sub-program.** Motion carried unanimously by voice vote.

00:39:07 Chair Gibson

- 00:39:14      **Motion/Vote:** Sen Tropila moved to **reduce general fund for the Montana State Prison by \$61,341 in Fiscal Year 2014 and by \$61,260 in Fiscal Year 2015.** Motion carried unanimously by voice vote.
- 00:39:37      Chair Gibson
- 00:39:46      **Motion/Vote:** Rep. Brodehl moved to **switch the funding approved for Decision Package 206 - SCRAM Global Positioning System Units by reducing general fund by \$115,750 each year and increasing probation and parole supervisory fees state special revenue by like amounts.** Motion carried unanimously by voice vote.
- 00:40:03      Chair Gibson
- 00:40:13      **Motion/Vote:** Rep. Dudik moved to **switch the funding approved for Decision Package 209 - Prerelease Transitional Living by reducing general fund by \$38,325 each year and increasing probation and parole supervisory fees state special revenue by like amounts.** Motion carried unanimously by voice vote.
- 00:40:28      Chair Gibson
- 00:40:33      **Motion/Vote:** Rep. Dudik moved to **switch the funding approved for Decision Package 210 - Passages Mental Health Contract by reducing general fund by \$55,000 each year and increasing probation and parole supervisory fees state special revenue by like amounts.** Motion carried unanimously by voice vote.
- 00:41:00      Chair Gibson
- 00:41:02      **Motion/Vote:** Rep. Gibson moved to **approve Decision Package 201 - Reentry Case Manager for \$25,000 each year and funded with probation and parole supervisory fees state special revenue but without the requested Full Time Employee; and, restrict the funding for use in coordinating re-entry activities.** Motion carried unanimously by voice vote.
- 00:41:25      Sen. Tropila  
00:41:31      Chair Gibson  
00:41:57      Sen. Tropila
- 00:42:01      **Motion/Vote:** Rep. Gibson move to **reduce Decision Package 202 - Annualize Prerelease Beds by \$27,712 general fund each year to reduce funding for 20 male pre-release beds; and, restrict that the funding reduction may not be used to reduce pre-release beds in Great Falls and Missoula.** Motion carried unanimously by voice vote.
- 00:42:20      Chair Gibson

- 00:42:34 **Motion/Vote:** Sen Moore move to **switch the funding approved for Decision Package 501 - Pine Hills Youth Correctional Facility Overtime/Holiday Worked by reducing general fund by \$164,120 each year and increasing Pine Hills donations interest and income state special revenue by like amounts.** Motion carried unanimously by voice vote.
- 00:42:52 Chair Gibson
- 00:43:00 **Motion/Vote:** Sen. Moore moved to **switch the funding approved for Decision Package 504 - Pine Hills Youth Correctional Facility Inmate Pay by reducing general fund by \$29,850 each year and increasing Pine Hills donations interest and income state special revenue by like amounts.** Motion carried unanimously by voice vote.
- 00:43:13 Chair Gibson
- 00:43:32 **Motion/Vote:** Sen Walker moved to **reduce general fund by \$40,812 in Fiscal Year 2014 and by \$40,760 in Fiscal Year 2015 to reduce personal services for 1.00 Full Time Employee grade 3 correctional officer at Pine Hills.** Motion carried unanimously by voice vote.
- 00:43:51 Chair Gibson
- 00:43:57 **Motion/Vote:** Rep. Brodehl moved to **reduce Decision Package 316 - Montana State Prison Overtime/Holiday Worked by \$100,000 general fund each year.** Motion carried unanimously by voice vote.
- 00:44:10 Chair Gibson
- 00:44:17 **Motion/Vote:** Rep. Brodehl moved to **reduce Decision Package 101 - Outside Medical Inflationary Increase (BIENNIAL/RESTRICTED) by \$500,000 general fund each year.** Motion carried unanimously by voice vote.
- 00:44:31 Chair Gibson
- 00:44:38 **Motion/Vote:** Rep. Dudik moved to **increase Decision Package 203 - Per Diem Adult Community Corrections for the Pre-release Sub-Program by \$115,600 in Fiscal Year 2014 to the original requested amount.** Motion carried unanimously by voice vote.
- 00:44:54 Chair Gibson
- 00:45:07 **Motion/Vote:** Sen. Tropila moved to **add \$40,000 per year in probation and parole supervisory fees state special revenue to fund Victim Impact Panel volunteer costs for travel and meals at the state employee rates as described in the fiscal note for HB 70.** Motion carried unanimously by voice vote.
- 00:45:24 Chair Gibson

00:45:30 **Motion/Vote:** Sen. Walker moved to **reduce Decision Package 320 - Lewistown Infirmery Beds by \$300,000 general fund each year.** Motion carried unanimously by voice vote.

00:45:45 Chair Gibson

00:45:50 **Motion:** Sen Tropila moved approval of **Decision Package 212 - Additional community corrections beds for women as requested.**

**Discussion:**

00:46:00 Chair Gibson

00:46:03 Sen. Tropila

00:46:54 Chair Gibson

00:47:30 **Vote:** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Tropila voting aye.

00:48:25 Chair Gibson

00:48:44 **Motion:** Sen. Tropila moved approval of **Decision Package 212 - Additional community corrections beds for women for \$211,195 general fund in Fiscal Year 2014 and \$422,390 general fund in Fiscal Year 2015 to add 10 pre-release beds for women beginning January 1, 2014.**

00:49:35 Chair Gibson

00:49:45 **Vote:** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Tropila voting aye.

00:49:55 Chair Gibson

00:51:15 **Motion:** Sen. Tropila move approval of **Decision Package 212 - Additional community corrections beds for women for \$70,398 general fund in FY 2014 and \$140,797 general fund in FY 2015 to add 5 pre-release beds for women beginning January 1, 2014.**

**Discussion**

00:51:55 Chair Gibson

00:52:10 Greg Dewitt, Legislative Fiscal Division

**[EXHIBIT\(jch32a01\)](#)**

00:52:19 Chair Gibson

00:52:24 **Vote:** Motion carried 4-2 by roll call vote with Rep. Brodehl and Sen. Walker voting no.

Office of Public Defender

00:53:15 **Motion/Vote:** Rep. Brodehl moved to **reduce general fund in the Office of Public Defender Program by \$282,380 in Fiscal Year 2014 and by \$282,296 in Fiscal Year 2015 and in the Office of Appellate Defender Program by \$15,957 in Fiscal Year 2014 and by \$15,947 in Fiscal Year 2015 to apply a 2% vacancy savings to all positions of the Office of Public Defender.** Motion carried unanimously by voice vote.

00:53:36 Chair Gibson

00:53:47 **Motion/Vote:** Rep. Brodehl moved to **approve Decision Package 13 - Fund Career Ladder in the Office of Public Defender Program for general fund in the amounts of \$1,209,927 in Fiscal Year 2014 and \$1,209,848 in FY 2015 and to approve Decision Package 17 - Fund Career Ladder in the Appellate Defenders Program for general fund in the amounts of \$72,453 in Fiscal Year 2014 and \$72,448 in Fiscal Year 2015; and, restrict the funding to providing career ladder increases for attorneys.** Motion carried unanimously by voice vote.

00:54:27 Chair Gibson

00:55:03 **Motion:** Rep. Dudik moved to approve **Decision Package 3 - Support Workload in the Office of the Appellate Defender as requested.**

00:55:39 Chair Gibson

00:55:43 **Vote:** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Tropila voting aye.

00:56:15 Chair Gibson

00:57:23 **Motion:** Rep. Dudik moved to approve **Decision Package 3 - Support Workload in the Office of the Appellate Defender for general fund in the amounts of \$90,791 in Fiscal Year 2014 and for \$86,983 in Fiscal Year 2015 to fund personal services and operating costs for 1.00 Full Time Employee grade 7 attorney. I further move to designate \$3,675 of the Fiscal Year 2014 funding as one-time-only.**

Discussion:

00:57:51 Chair Gibson

00:57:55 Rep. Dudik

00:58:35 Sen. Tropila

00:59:17 Chair Gibson

00:59:42 **Vote:** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Tropila voting aye.

**Department of Justice**

01:00:21 Chair Gibson

01:00:40 **Motion/Vote:** Sen Tropila moved to approve in **the budget for the Division Criminal Investigation \$50,000 general fund each year designated as restricted to paying for contracted attorney costs of the Public Safety Officer Standards and Training Council.** Motion carried unanimously by voice vote.

01:00:45 Chair Gibson

01:00:53 **Motion/Vote:** Rep. Dudik moved to **adjust Decision Package 53 - Correct Funding - Statewide Present Law Adjustment by increasing highways state special revenue by \$1,557,634 in Fiscal Year 2014 and by \$1,756,575 in Fiscal Year 2015 and reducing highway patrol retirement clearing state special revenue by like amounts.** Motion carried unanimously by voice vote.

01:01:15 Chair Gibson voice vote

01:01:26 **Motion/Vote:** Sen. Tropila moved to **reduce general fund in the Legal Services Division by \$500,000 each year to remove selected contracts from the base.** Motion carried unanimously by voice vote.

01:01:34 Chair Gibson

01:01:39 **Motion/Vote:** Rep. Gibson moved to approve **the elected official Bakken - Montana Highway Patrol for \$820,225 state special revenue in Fiscal Year 2014 and for \$543,525 state special revenue in Fiscal Year 2015 to fund operating costs and personal services for 5.00 Full Time Employee band 5 highway patrol officers, with \$276,700 in Fiscal Year 2014 designated as one-time-only.** Motion carried unanimously by voice vote.

**Judicial Branch**

01:02:31 Chair Gibson

01:02:34 Sen. Tropila

01:02:39 **Motion/Vote:** Sen Tropila moved to **increase general fund by \$213,768 in Fiscal Year 2014 and by \$213,836 in Fiscal Year 2015 and to reduce state special by \$4,541 in Fiscal Year 2014 and by \$4,613 in Fiscal Year 2015 to correct the funding for the 2% vacancy savings applied to the agency and to exempt elected officials from vacancy savings. He further moved to allow staff to work with the branch to allocate the funding to programs as appropriate.** Motion carried unanimously by voice vote.

01:03:33 Chair Gibson

01:04:22 **Motion/Vote:** Rep. Gibson moved to **reduce general fund in Decision Package 1002 - Information Technology System Maintenance Costs by \$10,000 each year, to reduce general fund in Decision Package 1006 - Drug Court Increase to Existing Funding by \$50,000 each year, and to increase general fund in Decision Package 1005 - Court Help Program by \$197,305 each year. He further moved to designate all funding for the Court Help Program as one-time-only.** Motion carried unanimously by voice vote.

01:05:10 Chair Gibson

01:05:14 **Motion/Vote:** Sen Tropila move to designate **funding in Decision Package 1009 - Courtroom Technology - One Time Only as biennial.** Motion carried unanimously by voice vote.

**Closing Budgets for All Agencies**

1:05:22 Chair Gibson

01:05:30 **Motion/Vote:** Chair Gibson move to **close all agencies under the jurisdiction of the Judicial Branch, Law Enforcement, and Justice Joint Appropriations Subcommittee.** Motion carried unanimously by voice vote.

01:07:25 Chair Gibson

01:08:42 Rep. Brodehl

01:09:36 Chair Gibson

01:10:48 Rep. Dudik

01:11:26 Chair Gibson

01:11:29 Sen Tropila

01:12:16 Chair Gibson

01:12:20 Mr. Dewitt, LSD

01:12:37 Chair Gibson

01:13:00 Mr. Dewitt, LSD

01:13:03 Chair Gibson

01:13:19 Sen. Walker

01:13:43 Chair Gibson

**ADJOURNMENT**

ADJOURNMENT: 01:13:55

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SALLY SPEER, SECRETARY

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ADDITIONAL DOCUMENTS:

**EXHIBIT([JCH32AAD.PDF](#))**