

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 19, 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. Mitch Tropila (D)

Members Excused: Sen. Frederick (Eric) Moore (R)

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:

Office of Public Defender
Department of Corrections
Department of Justice

OPEN THE BUDGETS FOR SELECTED AGENCIES

00:27:51 **Motion/Vote:** Rep. Gibson moved to **open the budgets for the Office of Public Defender, Department of Corrections, and Department of Justice.**
Motion carried unanimously by voice vote.

00:28:20 Chair Gibson

00:28:24 Sen. Tropila

QUESTIONS FROM THE SUBCOMMITTEE

00:28:28 Chair Gibson

00:28:32 Sen. Tropila

00:28:38 Scott Darkenwald, Chief of Staff, Office of Attorney General, Department of Justice (DOJ)

00:28:44 Sen. Tropila

00:29:22 Mr. Darkenwald, DOJ

00:29:31 Sen. Moore entered the meeting.

00:29:38 Sen. Tropila

00:29:58 Mr. Darkenwald, DOJ

00:30:20 Sen. Tropila

00:30:35 Chair Gibson

00:30:40 Rhonda Schaffer, Administrator, Administrative and Financial Services Division, Department of Corrections (DOC)

00:30:48 Chair Gibson

00:31:16 Ms. Schaffer, DOC

00:31:28 Chair Gibson

00:31:40 Ms. Schaffer, DOC

00:33:37 Chair Gibson

00:33:55 Ms. Schaffer, DOC

00:35:18 Chair Gibson

00:35:31 Ms. Shaffer, DOC

00:35:48 Chair Gibson

OFFICE OF PUBLIC DEFENDER

00:36:43 **Motion/Vote:** Rep. Dudik moved to **approve of Decision Package 1 - Support Workload - Full Time Employee in the Office of Public Defender program for \$90,793 in Fiscal Year 2014 and for \$86,984 in Fiscal Year 2015 to fund operating costs and personal services for the addition of 1.00 Full Time Employee attorney and funded with court ordered sentencing costs state special revenue; and to approve Decision Package 3 - Support Workload in the Appellate Defender program for \$90,793 in Fiscal Year 2014 and for \$86,984 in Fiscal Year 2015 to fund operating costs and personal services for the addition of 1.00 Full Time Employee attorney and funded with court ordered sentencing costs state special revenue.** Motion carried unanimously by voice vote.

00:37:31 **Motion/Vote:** Rep. Gibson moved to **increase general fund in the Office of Public Defender program by \$24,926 in Fiscal Year 2014 and by \$24,902 in Fiscal Year 2015 and to increase general fund in the Appellate Defender program by \$1,794 in Fiscal Year 2014 and by \$1,791 in Fiscal Year 2015 to correct the funding associated with the application of a 2% vacancy savings rate.** Motion carried unanimously by voice vote.

DEPARTMENT OF CORRECTIONS

00:38:10 **Motion:** Sen. Tropila moved to **reduce general fund for Decision Package 202- Annualize Pre-Release Beds by an additional \$201,086 in each year. He further moved to include the following language in House Bill 2: Adult Community Corrections includes reductions in general fund of \$228,798 in each year to remove funding for 12 male prerelease beds. Reductions at prerelease centers in Great Falls and Missoula may not be made to implement the reductions.**

Discussion:

00:38:47 Chair Gibson

00:38:57 Sen. Tropila

00:39:51 Chair Gibson

00:41:01 **Vote:** Motion carried 4-2 by roll call vote with Rep. Dudik and Sen. Tropila voting no.

00:41:06 Chair Gibson

00:41:17 **Motion/Vote:** Sen Tropila moved to **reconsider our action taken February 13, 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.

00:41:57 **Motion:** Sen. Tropila moved to **increase general fund for Decision Package 203 - Per Diem Adult Community Corrections by \$55,351 in Fiscal Year 2014 and to remove the restriction for a 1% provider rate increase in Fiscal Year 2014 for the Nexus and Elkhorn treatment facilities.**

Discussion:

00:43:00 Sen Tropila

00:43:20 Chair Gibson

00:43:24 **Vote:** Motion failed 3-3 by roll call vote with Rep. Dudik, Rep. Gibson and Sen. Tropila voting aye.

DEPARTMENT OF JUSTICE

00:43:59 Chair Gibson

00:44:05 **Motion:** Rep. Dudik moved to **switch the funding for Decision Package 101 Legal Services Division Child Sexual Predator and Drug Diversion from Consumer Education Settlement state special revenue to the general fund from funds deposited in the general fund via the transfer of excess funds made on February 5 from the Consumer Education Settlement fund.**

00:44:28 Chair Gibson

Discussion:

00:44:31 Rep. Dudik

00:44:35 Chair Gibson

00:44:38 Greg Dewitt, Legislative Fiscal Division (LFD)

00:44:48 **Vote:** Motion carried unanimously by voice vote.

00:45:01 Chair Gibson

00:45:14 **Motion:** Rep. Brodehl moved to **switch the funding for Decision Package 1209 MVD National Motor Vehicle Title Info System from Consumer Education Settlement state special revenue to the general fund from funds deposited in the general fund via the transfer of excess funds made on February 5 from the Consumer Education Settlement fund.**

Discussion:

00:45:00 Chair Gibson

00:45:19 Mr. Dewitt, LFD

00:45:27 **Vote:** Motion carried unanimously by voice vote.

00:45:36 **Motion/Vote:** Sen. Tropila move to **reconsider our action taken February 1 that approved Decision Package 1201 Commercial Driver License Program with funding from Consumer Education Settlement state special revenue. He further moved to reconsider our action taken February 1 that approved Decision Package 1208 Motor Vehicle Division Commercial Driver License Medical Certification Program with funding from Consumer Education Settlement state special revenue. Motion carried unanimously by voice vote.**

00:46:04 Chair Gibson

00:46:42 **Motion:** Rep. Dudik moved to **approve elected official request Bakken - Division of Criminal Investigation for \$387,811 in Fiscal Year 2014 and \$377,162 in Fiscal Year 2015 to fund operating costs and personal services to add 3.00 Full Time Employee grade 7 criminal investigators, but with the funding to come from the oil and gas impact state special account. She further moved to include the following language in House Bill 2: Division of Criminal Investigation includes \$387,811 in fiscal year 2014 and \$377,162 in state special revenue in fiscal year 2015 that is contingent upon passage and approval of House Bill No. 218 in a form that allows a direct appropriation of the oil and gas impact account for this purpose. If House Bill Number 218 is not passed and approved in a form that allows a direct appropriation of the oil and gas impact account for this purpose, state special revenue in Division of Criminal Investigation is reduced by \$387,811 in fiscal year 2014 and by \$377,162 in fiscal year 2015. .**

Discussion:

00:48:00 Rep. Dudik
00:48:31 Chair Gibson

00:48:56 **Vote:** Motion carried unanimously by voice vote.

00:49:06 Sen. Tropila
00:49:16 Chair Gibson

00:49:20 **Motion:** Sen. Tropila moved to **reconsider our action to approved the elected official request Stand up for Montana passed on February 1.**

Discussion:

00:51:45 Chair Gibson
00:51:50 Sen. Tropila

00:52:03 **Vote:** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Tropila voting aye.

00:52:43 Chair Gibson

00:53:58 **Motion/Vote:** Chair Gibson moved to **close the budgets for the Office of Public Defender, Department of Corrections, and Department of Justice.** Motion carried unanimously by voice vote.

00:54:11 Chair Gibson

ADJOURNMENT

Adjournment: 00:54:11

Sally Speer, Secretary

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Additional Documents:

EXHIBIT([jch37aad.pdf](#))