

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

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

Call to Order: Chair Randy Brodehl, on February 11, 2015 at 8:00 AM, in Room 335
Capitol

ROLL CALL

Members Present:

Rep. Randy Brodehl, Chair (R)
Sen. Kristin Hansen, Vice Chair (R)
Rep. Kimberly Dudik (D)
Rep. Kenneth Holmlund (R)
Sen. David Howard (R)
Sen. Cynthia Wolken (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:

Executive Action
Office of Public Defender
Judicial Branch
Work Session

00:00:01 Chair Brodehl
00:02:24 Greg DeWitt, Legislative Fiscal Division (LFD)
00:03:22 Chair Brodehl

Judicial Branch

00:03:50 Chair Brodehl

00:04:01 **Motion/Vote:** Rep. Holmlund moved **TO INCREASE GENERAL FUND BY \$1,271 IN FY 2016 IN THE SUPREME COURT OPERATIONS PROGRAM AS RESTRICTED AND BIENNIAL TO ADJUST FUNDING FOR LEGISLATIVE AUDIT FIXED COSTS TO THE LEVEL CORRESPONDING TO THE RATES APPROVED BY THE SECTION A SUBCOMMITTEE.** Motion carried unanimously by voice vote.

00:04:36 Chair Brodehl

00:04:45 **Motion/Vote:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$206,275 IN FY 2016 AND BY \$205,938 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO FUND THE ADDITION OF 3.00 FTE INFORMATION TECHNOLOGY STAFF, AND MOVE TO DESIGNATE THE FUNDING AS ONE-TIME-ONLY.** Motion carried unanimously by roll call vote. (#2 JB)

00:05:00 Chair Brodehl

00:05:32 **Motion/Vote:** Sen. Hansen moved that **TO INCREASE GENERAL FUND BY \$295,000 IN FY 2016 AND BY \$295,000 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO FUND THE ADDITION OF 5.00 FTE FOR THE COURT HELP PROGRAM, AND MOVE TO DESIGNATE THE FUNDING AS RESTRICTED ONLY FOR USE TO FUND THE COURT HELP PROGRAM.** Motion carried unanimously by roll call vote. (#3 JB)

00:05:46 Chair Brodehl

00:06:25 **Motion/Vote:** Rep. Dudik moved **TO INCREASE GENERAL FUND BY \$50,000 IN FY 2016 AND BY \$50,000 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO FUND THE JUDICIAL EDUCATION, AND MOVE TO DESIGNATE THE FUNDING AS RESTRICTED ONLY FOR USE TO FUND JUDICIAL EDUCATION.** Motion carried unanimously by voice vote.

00:06:42 Chair Brodehl

00:06:59 **Motion/Vote:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$105,134 IN FY 2016 AND BY \$105,134 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM; TO INCREASE GENERAL FUND BY \$525,912 IN FY 2016 AND BY \$525,912 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM; TO INCREASE GENERAL FUND BY \$11,433 IN FY 2016 AND BY \$11,433 IN FY 2017 AND INCREASE STATE SPECIAL REVENUE BY \$11,433 IN FY 2016 AND BY \$11,433 IN FY 2017 IN THE**

WATER COURTS SUPERVISION PROGRAM; AND TO INCREASE GENERAL FUND BY \$8,299 IN FY 2016 AND BY \$8,299 IN FY 2017 IN THE CLERK OF COURT PROGRAM TO FUND ELECTED OFFICIAL PAY ACCORDING TO THE STATUTORY SURVEY. Motion carried unanimously by roll call vote. (#5 JB)

00:07:59 Chair Brodehl

00:08:39 **Motion/Vote:** Sen. Howard moved **TO INCREASE GENERAL FUND BY \$607 IN FY 2016 AND BY \$607 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM; TO INCREASE GENERAL FUND BY \$121 IN FY 2016 AND BY \$121 IN FY 2017 IN THE LAW LIBRARY; TO INCREASE GENERAL FUND BY \$2,877 IN FY 2016 AND BY \$2,877 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM; TO INCREASE GENERAL FUND BY \$5,832 IN FY 2016 AND BY \$5,832 IN FY 2017 AND TO REDUCE STATE SPECIAL REVENUE BY \$5,103 IN FY 2016 AND BY \$5,103 IN FY 2017 IN THE WATER COURTS SUPERVISION PROGRAM; AND TO INCREASE GENERAL FUND BY \$729 IN FY 2016 AND BY \$729 IN FY 2017 IN THE CLERK OF COURT PROGRAM TO ADJUSTMENT THE PREVIOUSLY APPROVED STATE SHARE OF HEALTH INSURANCE.** Motion carried unanimously by voice vote.

00:09:55 Chair Brodehl

00:10:15 **Motion/Vote:** Sen. Hansen moved **TO INCREASE GENERAL FUND BY \$58,103 IN FY 2016 AND BY \$58,103 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM AND TO REDUCE GENERAL FUND BY \$58,103 IN FY 2016 AND BY \$58,103 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM FUND PROGRAM TRANSFERS OF THE BRANCH.** Motion carried unanimously by voice vote.

00:10:41 Chair Brodehl

00:11:00 **Motion:** Rep. Dudik moved **TO INCREASE GENERAL FUND BY \$120,610 IN FY 2016 AND BY \$120,518 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO ANNUALIZED PREVIOUSLY FUNDED DRUG COURTS INCLUDING 1.00 FTE.**

Discussion:

00:11:26 Chair Brodehl

00:11:39 Sen. Hansen

00:11:42 Greg DeWitt, LFD

00:12:10 Chair Brodehl

00:12:12 Beth McLaughlin, Court Administrator, Judicial Branch (JB)

00:12:44 **Vote:** Motion carried unanimously by roll call vote. (#8 JB)

00:12:55 Chair Brodehl

- 00:13:36 **Motion/Vote:** Rep. Holmlund moved **TO INCREASE GENERAL FUND BY \$25,000 IN FY 2016 IN THE SUPREME COURT OPERATIONS PROGRAM TO FUND JUDICIAL STANDARDS. I FURTHER MOVE TO DESIGNATE THE FUNDING AS RESTRICTED AND BIENNIAL ONLY FOR USE TO FUND COSTS OF JUDICIAL STANDARDS.** Motion carried unanimously by voice vote.
- 00:14:07 Chair Brodehl
- 00:14:11 **Motion/Vote:** Sen. Howard moved **TO INCREASE GENERAL FUND BY \$8,642 IN FY 2016 AND BY \$11,317 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM AND TO INCREASE GENERAL FUND BY \$3,644 IN FY 2016 AND BY \$7,201 IN FY 2017 IN THE WATER COURTS SUPERVISION PROGRAM TO FUND RENT INCREASES.** Motion carried unanimously by voice vote.
- 00:14:39 Chair Brodehl
- 00:14:43 **Motion/Vote:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$96,315 IN FY 2016 AND BY \$96,315 IN FY 2017 AND TO INCREASE STATE SPECIAL REVENUE BY \$25,000 IN FY 2016 AND BY \$25,000 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO FUND INCREASED COST OF DRUG COURTS CURRENTLY FUNDED. I FURTHER MOVE TO DESIGNATE THE STATE SPECIAL REVENUE FUNDING AS RESTRICTED ONLY TO FUNDING DRUG COURT COSTS WITH FEES FROM PARTICIPANTS.** Motion carried unanimously by roll call vote. (#11 JB)
- 00:15:18 Chair Brodehl
- 00:15:21 **Motion/Vote:** Sen. Howard moved **TO INCREASE GENERAL FUND BY \$26,428 IN FY 2016 AND BY \$26,428 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO FUND INFORMATION TECHNOLOGY SYSTEM MAINTENANCE COSTS.** Motion carried unanimously by voice vote.
- 00:16:12 Chair Brodehl
- 00:16:15 **Motion/Vote:** Rep. Holmlund moved **TO INCREASE GENERAL FUND BY \$457,371 IN FY 2016 AND BY \$486,637 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM; TO INCREASE GENERAL FUND BY \$1,669 IN FY 2016 AND BY \$1,776 IN FY 2017 IN THE LAW LIBRARY; TO REDUCE GENERAL FUND BY \$2,788 IN FY 2016 AND BY \$2,967 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM; TO INCREASE STATE SPECIAL REVENUE BY \$2,204 IN FY 2016 AND BY \$2,345 IN FY 2017 IN THE WATER COURTS SUPERVISION PROGRAM; AND TO REDUCE GENERAL FUND BY \$14 IN FY 2016 AND BY \$15 IN FY 2017 IN THE CLERK OF COURT PROGRAM TO FUND FIXED COSTS AND INFLATION/DEFLATION IN THE AT THE LEVELS SET BY THE SECTION A SUBCOMMITTEE.** Motion carried unanimously by roll call vote. (#13 JB)

00:17:29 Chair Brodehl

00:18:10 **Motion/Vote:** Sen. Howard moved **TO REDUCE STATE SPECIAL REVENUE BY \$58,421 IN FY 2016 AND BY \$58,421 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM TO REDUCE STATE SPECIAL REVENUE ASSOCIATED WITH RETIREMENT PAYOUTS FOR PREVIOUS COUNTY EMPLOYEES WHO BECAME STATE EMPLOYEES DURING DISTRICT COURT ASSUMPTION.** Motion carried unanimously by voice vote.

00:18:29 Chair Brodehl

00:18:38 **Motion/Vote:** Sen. Hansen moved **TO REDUCE GENERAL FUND BY \$336,049 IN FY 2016 AND BY \$336,049 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM ASSOCIATED WITH REDUCED DISTRICT COURT VARIABLE COSTS.** Motion carried unanimously by voice vote.

00:18:55 Chair Brodehl

00:19:15 **Motion/Vote:** Sen. Wolken moved **TO REDUCE GENERAL FUND BY \$34,815 IN FY 2016 AND BY \$34,711 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM TO TRANSITION OPERATING COSTS TO THE FY 2015 BASE.** Motion carried unanimously by roll call vote. (#16 JB)

00:19:36 Chair Brodehl

00:19:41 **Motion/Vote:** Rep. Dudik moved **TO INCREASE GENERAL FUND BY \$151,371 IN FY 2016 AND BY \$141,385 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM TO FUND THE ADDITION OF 2.50 FTE TO ADDRESS MINIMUM STAFFING IN DISTRICT COURTS.** Motion carried unanimously by roll call vote. (#17 JB)

00:20:35 Chair Brodehl

00:21:10 **Motion:** Sen. Howard moved **TO INCREASE GENERAL FUND BY \$1,071,664 IN FY 2016 AND BY \$1,074,200 IN FY 2017 AND TO REDUCE STATE SPECIAL REVENUE BY \$1,071,641 IN FY 2016 AND BY \$1,074,200 IN FY 2017 IN THE WATER COURTS SUPERVISION PROGRAM TO SWITCH FUNDING FOR THE WATER COURT DUE TO INSUFFICIENT STATE SPECIAL REVENUE FUNDS.**

Discussion:

00:21:45 Chair Brodehl

00:22:04 Sen. Hansen

00:21:53 Chair Brodehl

00:22:06 **Substitute Motion:** Sen. Hansen moved **TO AMEND PRIOR MOTION BY SEN. HOWARD DUE TO ERROR IN THE REDUCTION TO STATE SPECIAL REVENUE. AMENDED MOTION TO READ \$1,071,664 IN FY 2016.**

00:22:15 Chair Brodehl

00:22:30 **Vote:** Motion on amendment carried unanimously by voice vote.

00:22:30 **Motion/Vote:** Sen. Hansen moved **TO INCREASE GENERAL FUND BY \$1,071,664 IN FY 2016 AND BY \$1,074,200 IN FY 2017 AND TO REDUCE STATE SPECIAL REVENUE BY \$1,071,644 IN FY 2016 AND BY \$1,074,200 IN FY 2017 IN THE WATER COURTS SUPERVISION PROGRAM TO SWITCH FUNDING FOR THE WATER COURT DUE TO INSUFFICIENT STATE SPECIAL REVENUE FUNDS.** Motion carried unanimously by voice vote.

00:22:49 Chair Brodehl

00:22:52 **Motion/Vote:** Sen. Hansen moved **TO REDUCE STATE SPECIAL REVENUE BY \$7,173 IN FY 2016 AND BY \$4,259 IN FY 2017 IN THE WATER COURTS SUPERVISION PROGRAM TO TRANSITION PERSONAL SERVICES COSTS TO THE FY 2015 BASE.** Motion carried unanimously by voice vote.

00:23:20 Chair Brodehl

00:23:31 **Motion/Vote:** Rep. Dudik moved **TO MOVE TO INCREASE GENERAL FUND BY \$66,875 IN FY 2016 AND BY \$66,875 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO FUND THE BILLINGS MUNICIPAL CO-OCCURRING DRUG COURT.** Motion failed 1-5 by roll call vote with Rep. Dudik voting aye. (#20 JB)

00:24:45 Chair Brodehl

00:24:49 **Motion:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$65,983 IN FY 2016 AND BY \$65,893 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO FUND THE DRUG COURTS WHOSE FEDERAL GRANTS ARE EXPIRING.**

Discussion:

00:24:52 Chair Brodehl

00:24:54 Sen. Wolken

00:25:35 Greg DeWitt, LFD

00:25:46 Chair Brodehl

00:25:54 Greg DeWitt, LFD

00:26:16 Chair Brodehl

00:26:33 Recessed

00:32:57 Reconvened

00:33:00 Chair Brodehl

00:33:08 **Vote:** Motion failed 3-3 by roll call vote with Rep. Brodehl, Rep. Dudik and Sen. Wolken voting aye. (#21 JB)

00:33:49 Chair Brodehl

00:33:52 **Motion:** Sen. Hansen moved to **RECONSIDER THE MOTION ON INCREASE GENERAL FUND BY \$151,371 IN FY 2016 AND BY \$141,385 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM TO FUND THE ADDITION OF 2.50 FTE TO ADDRESS MINIMUM STAFFING IN DISTRICT COURTS.**

Discussion:

00:34:03 Chair Brodehl

00:34:40 Sen. Hansen

00:34:48 Chair Brodehl

00:34:54 Rep. Dudik

00:35:08 Chair Brodehl

00:35:10 **Vote:** Motion to reconsider carried unanimously by voice vote.

00:35:58 Chair Brodehl

00:36:12 Sen. Hansen

00:37:03 Rep. Dudik

00:37:14 Chair Brodehl

00:37:18 **Motion:** Sen. Hansen moved **TO INCREASE GENERAL FUND BY \$223,746 IN FY 2016 AND BY \$207,775 IN FY 2017 IN THE DISTRICT COURT OPERATIONS PROGRAM TO FUND THE ADDITION OF 3.50 FTE TO ADDRESS MINIMUM STAFFING IN DISTRICT COURTS.**

Discussion:

00:38:00 Chair Brodehl

00:38:50 **Vote:** Motion carried unanimously by roll call vote. (#22 JB)

00:39:01 Chair Brodehl

00:38:48 **Motion:** Rep. Dudik moved **TO INCREASE GENERAL FUND BY \$82,770 IN FY 2016 AND BY \$23,405 IN FY 2017 IN THE SUPREME COURT OPERATIONS PROGRAM TO TRANSITION PERSONAL SERVICES COSTS TO THE FY 2015 BASE.**

00:38:50 Chair Brodehl

00:38:53 Sen. Hansen

00:38:53 Without objection, Rep. Dudik withdrew the previous motion.

00:39:04 Chair Brodehl

00:39:13 Recessed

00:47:06 Reconvened

Office of State Public Defender

00:47:40 Chair Brodehl
00:47:52 Greg DeWitt, LFD
00:47:56 Chair Brodehl

00:48:11 **Motion/Vote:** Sen. Howard moved **TO INCREASE GENERAL FUND BY \$1,516 IN FY 2016 IN THE OFFICE OF PUBLIC DEFENDER AS RESTRICTED AND BIENNIAL TO ADJUST FUNDING FOR LEGISLATIVE AUDIT FIXED COSTS TO THE LEVEL CORRESPONDING TO THE RATES APPROVED BY THE SECTION A SUBCOMMITTEE.** Motion carried unanimously by voice vote.

00:48:27 Chair Brodehl

00:48:48 **Motion/Vote:** Rep. Holmlund moved **TO REDUCE GENERAL FUND BY \$38,384 IN FY 2016 AND \$25,934 IN FY 2017 TO FUND FIXED COSTS AND INFLATION/DEFLATION IN THE OFFICE OF PUBLIC DEFENDER AT THE LEVELS SET BY THE SECTION A SUBCOMMITTEE.** Motion carried unanimously by voice vote.

00:49:05 Chair Brodehl

00:49:25 **Motion/Vote:** Sen. Hansen moved **TO INCREASE GENERAL FUND BY \$625,000 IN FY 2016 AND \$625,000 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER; TO INCREASE GENERAL FUND BY \$5,500 IN FY 2016 AND \$5,500 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER; AND TO INCREASE GENERAL FUND BY \$7,500 IN FY 2016 AND \$7,500 IN FY 2017 IN THE CONFLICT COORDINATOR PROGRAM TO FUND MARKET PAY INCREASES FOR SUPPORT STAFF.** Motion carried unanimously by roll call vote. (#3 PD)

00:49:56 Chair Brodehl

00:50:04 Greg Dewitt, LFD
00:51:03 Chair Brodehl

00:51:12 **Motion/Vote:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$101,375 IN FY 2016 AND \$101,375 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER; TO INCREASE GENERAL FUND BY \$7,919 IN FY 2016 AND \$7,919 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER; AND TO INCREASE GENERAL FUND BY \$5,898 IN FY 2016 AND \$5,898 IN FY 2017 IN THE CONFLICT COORDINATOR PROGRAM TO FUND LONGEVITY PAY INCREASES.** Motion carried unanimously by roll call vote. (#4 PD)

00:51:41 Chair Brodehl

00:51:51 **Motion/Vote:** Sen. Howard moved **TO REDUCE GENERAL FUND BY \$4,274,324 IN FY 2016 AND \$4,274,324 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER; TO REDUCE GENERAL FUND BY \$72,928 IN FY 2016 AND \$72,928 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER; AND TO INCREASE GENERAL FUND BY \$4,347,252 IN FY 2016 AND \$4,347,252**

IN FY 2017 IN THE CONFLICT COORDINATOR PROGRAM TO FUND THE REORGANIZATION OF THE OFFICE. Motion carried unanimously by voice vote.

00:53:15 Chair Brodehl

00:53:17 **Motion:** Sen. Howard moved **TO REDUCE GENERAL FUND BY \$86,984 IN FY 2016 AND \$86,984 IN FY 2017 AND TO INCREASE STATE SPECIAL REVENUE BY \$86,984 IN FY 2016 AND \$86,984 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER, AND TO INCREASE GENERAL FUND BY \$86,984 IN FY 2016 AND \$86,984 IN FY 2017 AND TO REDUCE STATE SPECIAL REVENUE BY \$86,984 IN FY 2016 AND \$86,984 IN FY 2017 TO FUND PROGRAM TRANSFERS OF THE OFFICE.**

Discssion:

00:54:07 Chair Brodehl

00:54:09 Greg DeWitt, LFD

00:54:23 **Substitute Motion/Vote:** Sen. Hansen moved **TO INCREASE GENERAL FUND BY \$86,984 IN FY 2016 AND \$86,984 IN FY 2017 AND TO REDUCE STATE SPECIAL REVENUE BY \$86,984 IN FY 2016 AND \$86,984 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER.** Motion carried unanimously by voice vote.

00:54:55 Chair Brodehl

00:54:59 Greg DeWitt, LFD

00:55:00 Chair Brodehl

00:55:34 **Vote on Substitute Motion:** Motion carried unanimously by voice vote.

00:55:56 Chair Brodehl

00:55:58 **Motion/Vote:** Sen. Howard moved **TO INCREASE GENERAL FUND BY \$100,000 IN FY 2016 AND \$100,000 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER TO FUND RENT INCREASES. I FURTHER MOVE TO DESIGNATE THE FUNDING AS RESTRICTED TO BE USED ONLY TO FUND RENT INCREASES.** Motion carried unanimously by voice vote.

00:56:31 Chair Brodehl

00:56:34 **Motion/Vote:** Sen. Hansen moved **TO INCREASE GENERAL FUND BY \$250,000 IN FY 2016 AND \$250,000 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER TO FUND PUBLIC DEFENDER COMMISSION DISCRETIONARY FUNDING. I FURTHER MOVE TO DESIGNATE THE FUNDING AS ONE-TIME-ONLY.** Motion carried unanimously by roll call vote. (#8 PD)

00:57:40 Chair Brodehl

- 00:57:42 **Motion/Vote:** Rep. Dudik moved **TO INCREASE GENERAL FUND BY \$350,000 IN FY 2016 AND \$350,000 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER AND TO INCREASE GENERAL FUND BY \$500,000 IN FY 2016 AND \$500,000 IN FY 2017 IN THE CONFLICT COORDINATOR PROGRAM TO INCREASE CONTRACT ATTORNEY FUNDING AT THE CURRENT RATE.** Motion carried unanimously by roll call vote. (#9 PD)
- 00:58:34 Chair Brodehl
- 00:58:39 **Motion/Vote:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$106,411 IN FY 2016 AND \$101,967 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER TO FUND THE ADDITION OF 1.00 FTE ATTORNEY TO SUPPORT WORKLOADS.** Motion carried unanimously by roll call vote. (#10 PD)
- 00:59:35 Chair Brodehl
- 00:59:37 **Motion/Vote:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$35,179 IN FY 2016 AND \$36,220 IN FY 2017 TO CAPTURE FUNDING THAT WAS NOT CAPTURED IN THE AGENCY REORGANIZATION.** Motion carried unanimously by voice vote.
- 00:59:50 Chair Brodehl
- 01:00:01 **Motion/Vote:** Sen. Howard moved **TO REDUCE GENERAL FUND BY \$3,888 IN FY 2016 AND \$3,888 IN FY 2017 TO ADJUSTMENT THE PREVIOUSLY APPROVED STATE SHARE OF HEALTH INSURANCE.** Motion carried unanimously by voice vote.
- 01:00:20 Chair Brodehl
- 01:00:34 **Motion/Vote:** Rep. Dudik moved **TO INCLUDE THE FOLLOWING LANGUAGE IN HB 2 FOR THE OFFICE OF STATE PUBLIC DEFENDER: ALL APPROPRIATIONS FOR THE OFFICE OF STATE PUBLIC DEFENDER ARE BIENNIAL.** Motion carried unanimously by voice vote.
- 01:00:58 Chair Brodehl
- 01:01:24 Rep. Dudik
- 01:01:28 Chair Brodehl
- 01:01:35 Rep. Dudik
- 01:01:45 Chair Brodehl
- 01:01:50 Rep. Dudik
- 01:01:53 Chair Brodehl
- 01:01:55 Rep. Dudik
- 01:03:47 Chair Brodehl
- 01:03:48 Greg DeWitt, LFD
- 01:03:58 Chair Brodehl
- 01:04:02 Sen. Hansen
- 01:05:18 Chair Brodehl

01:05:27 Sen. Hansen
01:05:31 Chair Brodehl
01:05:33 Rep. Dudik
01:06:25 Chair Brodehl
01:07:24 Rep. Dudik
01:08:09 Chair Brodehl turned gavel over to Sen. Hansen.

01:08:18 Chair Hansen

01:08:22 **Motion:** Rep. Brodehl moved **ALL APPROVED BUDGET ITEMS TO THE OFFICE OF STATE PUBLIC DEFENDER BE DESIGNATED ONE-TIME-ONLY.**

Discussion:

01:08:44 Chair Hansen
01:08:46 Rep. Brodehl
01:10:26 Chair Hansen
01:10:28 Rep. Dudik
01:10:57 Chair Hansen
01:11:05 Rep. Brodehl
01:11:44 Chair Hansen
01:11:49 Sen. Howard
01:12:41 Chair Hansen

01:12:45 **Vote:** Motion carried 4-2 by roll call vote with Rep. Dudik and Sen. Wolken voting no. (#14 PD)

01:13:15 Rep. Brodehl resumed chair.

01:13:24 **Motion/Vote:** Rep. Dudik moved **TO INCREASE GENERAL FUND BY \$271,293 IN FY 2016 AND \$271,293 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER; TO INCREASE GENERAL FUND BY \$37,344 IN FY 2016 AND \$37,344 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER; AND TO INCREASE GENERAL FUND BY \$6,380 IN FY 2016 AND \$6,380 IN FY 2017 IN THE CONFLICT COORDINATOR PROGRAM TO FUND EXECUTIVE IMPLEMENTATION OF THE PAY PLAN.** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Wolken voting aye. (#15 PD)

01:13:56 Chair Brodehl

01:14:44 **Motion/Vote:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$182,950 IN FY 2016 AND \$182,950 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER; TO INCREASE GENERAL FUND BY \$14,969 IN FY 2016 AND \$14,969 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER; AND TO INCREASE GENERAL FUND BY \$18,865 IN FY 2016 AND \$18,865 IN FY 2017 IN THE CONFLICT COORDINATOR PROGRAM TO FUND CURRENT LEVEL SALARIES.** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Wolken voting aye. (#16 PD)

01:14:57 Chair Brodehl

- 01:15:29 **Motion/Vote:** Rep. Dudik moved **MOVE TO INCREASE GENERAL FUND BY \$571,770 IN FY 2016 AND \$570,357 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER TO FUND THE ADDITION OF 8.96 FTE REMOVED BY THE 2013 LEGISLATURE AS PART OF THE 4% VACANCY SAVINGS REDUCTION.** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Wolken voting aye. (#17 PD)
- 01:16:26 Chair Brodehl
- 01:16:58 **Motion/Vote:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$267,214 IN FY 2016 AND \$249,904 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER TO FUND THE ADDITION OF 4.00 FTE COMPRISED OF 2.00 FTE ELIGIBILITY TECHNICIANS AND 2.00 FTE RESOURCE ADVOCATES.** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Wolken voting aye. (#18 PD)
- 01:17:21 Chair Brodehl
- 01:17:56 **Motion/Vote:** Rep. Dudik moved **TO INCREASE GENERAL FUND BY \$74,684 IN FY 2016 AND \$149,369 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER; TO INCREASE GENERAL FUND BY \$4,567 IN FY 2016 AND \$9,134 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER; AND TO INCREASE GENERAL FUND BY \$117,392 IN FY 2016 AND \$234,785 IN FY 2017 IN THE CONFLICT COORDINATOR PROGRAM TO FUND A 2% CONTRACT ATTORNEY RATE ADJUSTMENT IN FY 2016 AND AN ADDITIONAL 2% CONTRACT ATTORNEY RATE ADJUSTMENT IN FY 2017.** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Wolken voting aye. (#19 PD)
- 01:18:56 Chair Brodehl
- 01:19:37 **Motion:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$1,849,062 IN FY 2016 AND \$1,825,621 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER TO FUND THE ADDITION OF 23.50 FTE TO SUPPORT WORKLOADS.**
- Discussion:**
- 01:19:52 Chair Brodehl
- 01:19:57 Sen. Wolken
- 01:20:55 Chair Brodehl
- 01:20:58 Rep. Dudik
- 01:21:07 **Vote:** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Wolken voting aye. (#20 PD)
- 01:21:27 Chair Brodehl
- 01:21:47 **Motion/Vote:** Rep. Dudik moved **TO INCREASE GENERAL FUND BY \$778,552 IN FY 2016 AND \$739,112 IN FY 2017 IN THE OFFICE OF PUBLIC**

DEFENDER TO FUND THE ADDITION OF 10.00 FTE (COMPRISED OF 4.00 FTE ATTORNEYS, 4.00 FTE ADMIN SUPPORT, 2.00 FTE INVESTIGATORS) TO SUPPORT WORKLOADS. Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Wolken voting aye. (#21 PD)

01:22:38 Chair Brodehl

01:22:42 **Motion:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$400,000 IN FY 2016 AND \$500,000 IN FY 2017 IN THE OFFICE OF PUBLIC DEFENDER, AND TO INCREASE GENERAL FUND BY \$25,000 IN FY 2016 AND \$30,000 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER TO FUND THE ATTORNEY CAREER LADDER.**

Discussion:

01:23:01 Chair Brodehl

01:23:05 Rep. Dudik

01:24:00 **Vote:** Motion failed 2-4 by roll call vote with Rep. Dudik and Sen. Wolken voting aye. (# 22 PD)

01:24:13 Chair Brodehl

01:24:17 **Motion:** Rep. Dudik moved **MOVE TO INCREASE GENERAL FUND BY \$20,418 IN FY 2016 AND \$23,197 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER TO FUND PAY ADJUSTMENTS.**

Discussion:

01:24:24 Chair Brodehl

01:24:37 Rep. Dudik

01:25:29 **Vote:** Motion failed 3-3 by roll call vote with Rep. Brodehl, Rep. Dudik and Sen. Wolken voting aye. (# 23 PD)

01:25:35 Chair Brodehl

01:26:03 **Motion:** Sen. Wolken moved **TO INCREASE GENERAL FUND BY \$150,000 IN FY 2016 AND \$150,000 IN FY 2017 IN THE OFFICE OF APPELLATE DEFENDER TO INCREASE CONTRACT ATTORNEY FUNDING AT THE CURRENT RATE.**

Discussion:

01:26:17 Chair Brodehl

01:26:28 Sen. Wolken

01:27:24 **Vote:** Motion failed 3-3 by roll call vote with Rep. Brodehl, Rep. Dudik and Sen. Wolken voting aye. (# 24 PD)

01:28:13 Chair Brodehl

01:28:34 Recessed
01:46:43 Reconvened

Judicial Branch

01:46:47 Chair Brodehl
01:47:24 Beth McLaughlin, JB
EXHIBIT(jch31a01)
01:49:15 Chair Brodehl
01:49:19 Beth McLaughlin, JB
01:49:21 Chair Brodehl
01:49:24 Beth McLaughlin, JB
01:50:33 Sen Wolken and Hansen not in meeting
01:51:47 Chair Brodehl
01:52:07 Beth McLaughlin, JB
01:52:59 Chair Brodehl
01:53:11 Beth McLaughlin, JB
01:53:18 Chair Brodehl

Questions from committee and responses:

01:53:41 Rep. Dudik
01:53:44 Chair Brodehl
01:53:46 Sen. Howard
01:54:18 Beth McLaughlin, JB
01:55:02 Chair Brodehl
01:57:58 Greg DeWitt
01:58:00 Chair Brodehl

Department of Corrections

01:58:05 Chair Brodehl
01:58:59 Greg DeWitt, LFD
01:59:36 Chair Brodehl
02:00:13 Greg DeWitt, LFD
02:00:24 Chair Brodehl
02:00:34 Greg DeWitt, LFD
02:01:44 Chair Brodehl
02:02:03 Greg DeWitt, LFD
02:02:40 Chair Brodehl
02:02:45 Greg DeWitt, LFD
02:03:43 Sen. Howard
02:03:56 Chair Brodehl
02:04:15 Greg DeWitt, LFD
02:04:59 Sen. Howard
02:05:30 Chair Brodehl
02:05:51 Greg DeWitt, LFD
02:06:15 Chair Brodehl
02:06:54 Sen. Howard
02:06:58 Chair Brodehl
02:07:12 Rep. Holmlund

02:07:20 Chair Brodehl
02:07:36 Greg DeWitt, LFD
02:07:40 Chair Brodehl
02:07:46 Rep. Dudik
02:07:57 Chair Brodehl
02:08:01 Loraine Wodnick, Deputy Director, Department of Corrections (DOC)
02:09:00 Chair Brodehl
02:09:02 Loraine Wodnick, DOC
02:09:54 Greg DeWitt, LFD
02:09:59 Chair Brodehl
02:10:07 Greg DeWitt, LFD
02:10:14 Chair Brodehl
02:10:55 Rep. Dudik
02:11:21 Loraine Wodnick, DOC
02:14:16 Sen. Hansen returned to meeting
02:14:26 Chair Brodehl
02:14:32 Loraine Wodnick, DOC
02:15:15 Chair Brodehl
02:15:50 Loraine Wornick, DOC
02:16:23 Chair Brodehl
02:16:25 Greg DeWitt, LFD
02:16:48 Chair Brodehl
02:17:04 Sen. Howard
02:17:09 Chair Brodehl
02:17:11 Sen. Howard
02:17:32 Chair Brodehl
02:17:40 Loraine Wodnick, DOC
02:17:47 Chair Brodehl
02:18:03 Loraine Wodnick, DOC
02:18:22 Chair Brodehl
02:18:42 Greg DeWitt, LFD
02:18:43 Chair Brodehl
02:19:10 Greg DeWitt, LFD
02:20:06 Chair Brodehl
02:20:43 Greg DeWitt, LFD
02:20:45 Chair Brodehl
02:22:21 Greg DeWitt, LFD
02:22:23 Chair Brodehl
02:22:55 Greg DeWitt, LFD
02:22:58 Chair Brodehl
02:24:27 Mark Baker, Corrections Corporation of America (CCA)
02:25:49 Chair Brodehl
02:26:07 Mark Baker, CCA
02:26:13 Chair Brodehl
02:27:03 Amy Sassano, Office of Budget and Program Planning (OBPP)
02:27:05 Mark Baker, CCA
02:27:07 Chair Brodehl
02:27:10 Mark Baker, CCA
02:27:29 Chair Brodehl
02:27:36 Mark Baker, CCA

02:27:53 Chair Brodehl
02:27:57 Rep. Dudik
02:28:17 Mark Baker, CCA
02:29:13 Rep. Dudik
02:29:31 Mark Baker, CCA
02:29:57 Chair Brodehl
02:30:09 Mark Baker, CCA
02:30:18 Chair Brodehl
02:30:34 Mark Baker, CCA
02:30:47 Chair Brodehl
02:30:55 Mark Baker, CCA
02:31:00 Chair Brodehl
02:31:04 Mark Baker, CCA
02:31:17 Chair Brodehl
02:31:21 Mark Baker, CCA
02:31:26 Chair Brodehl
02:32:37 Mike Batista , Director, Department of Corrections (DOC)
02:33:03 Loraine Wodnick, DOC
02:33:32 Chair Brodehl
02:33:43 Loraine Wodnick, DOC
02:34:56 Chair Brodehl
02:35:03 Loraine Wodnick, DOC
02:35:12 Chair Brodehl
02:35:33 Loraine Wodnick, DOC
02:35:48 Chair Brodehl
02:36:10 Rep. Holmlund
02:36:28 Loraine Wodnick, DOC
02:37:20 Rep. Holmlund
02:37:39 Loraine Wodnick, DOC
02:37:49 Chair Brodehl
02:37:56 Rep. Holmlund
02:38:09 Mike Batista, DOC
02:39:02 Sen. Howard
02:39:39 Loraine Wodnick, DOC
02:39:43 Chair Brodehl
02:39:45 Loraine Wodnick, DOC
02:40:00 Chair Brodehl
02:40:09 Loraine Wodnick, DOC
02:40:11 Chair Brodehl
02:40:18 Rep. Dudik
02:40:43 Loraine Wodnick, DOC
02:40:57 Rep. Dudik
02:41:01 Loraine Wodnick, DOC
02:41:16 Rep. Dudik
02:41:29 Mike Batista, DOC
02:42:13 Rep. Dudik
02:42:23 Mike Batista, DOC
02:42:52 Rep. Dudik
02:43:20 Mike Batista, DOC
02:43:24 Se. Wolken returned to the meeting.

02:43:55 Chair Brodehl
02:44:08 Sen. Wolken
02:45:10 Chair Brodehl
02:45:19 Sen. Wolken
02:45:43 Chair Brodehl
02:45:56 Sen. Hansen
02:46:18 Chair Brodehl
02:46:37 Mike Batista, DOC
02:46:43 Chair Brodehl
02:46:46 Mike Batista, DOC
02:47:16 Chair Brodehl
02:47:19 Rep. Holmlund
02:47:42 Mike Batista, DOC
02:48:11 Rep. Holmlund
02:48:28 Chair Brodehl
02:48:38 Sen. Wolken
02:48:49 Chair Brodehl
02:49:20 Mike Batista, DOC
02:51:15 Chair Brodehl
02:51:24 Mike Batista, DOC
02:51:28 Chair Brodehl gavel to Sen Hansen
02:51:46 Chair Hansen
02:51:51 Rep. Holmlund
02:51:58 Mike Batista, DOC
02:52:12 Chair Hansen
02:52:16 Cindy McKenzie, Division Administrator, Youth Services, DOC
02:52:48 Chair Hansen
02:52:51 Rep. Holmlund
02:53:17 Cindy McKenzie, DOC
02:53:31 Chair Hansen
02:53:43 Mark Baker, CCA
02:54:19 Chair Hansen
02:54:54 Rep. Holmlund
02:55:05 Mike Batista, DOC
02:55:22 Leroy Kirkegard, Warden, Montana State Prison, DOC
02:56:45 Rep. Holmlund
02:57:00 Chair Hansen
02:57:09 Greg DeWitt, LFD
02:57:22 Chair Hansen
02:57:37 Loraine Wodnick, DOC
02:58:21 Chair Hansen
02:58:25 Sen. Wolken
02:58:40 Mike Batista, DOC
02:59:08 Chair Hansen
02:59:10 Sen. Wolken
02:59:41 Chair Hansen
03:01:27 Greg DeWitt, LFD
03:01:51 Chair Hansen

ADJOURNMENT

Adjournment: 03:04:05

Sally Speer, Secretary

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Additional Documents:

EXHIBIT([jch31aad.pdf](#))