

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

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

Call to Order: Chair Bill Mercer, on February 19, 2021 at 10:00 A.M., in Room 317A
Capitol

ROLL CALL

Members Present:

Rep. Bill Mercer, Chair (R)
Sen. David Howard, Vice Chair (R)
Rep. Emma Kerr-Carpenter (D)
Sen. Ryan Lynch (D)
Rep. Fiona Nave (R)
Sen. Ryan Osmundson (R)
Rep. Jimmy Patelis (R)

Members Excused: None

Members Absent: None

Staff Present:

Cristen Friede, Committee Secretary
Marci Lewandowski, Legislative Fiscal Division
Jacquie Simmons, Remote Meeting Coordinator

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

Executive Action

10:05:10 Chair Mercer
10:05:24 Rep. Nave
10:05:46 Marci Lewandowski, Legislative Fiscal Division (LFD)
10:06:30 Rep. Nave
10:06:50 Chair Mercer
10:06:58 Sen. Lynch
10:07:32 Chair Mercer
10:07:37 Vice Chair Howard
10:08:13 Chair Mercer
10:08:33 Commissioner James Brown, Public Service Commission (PSC)
10:10:45 Commissioner Jennifer Fielder, Public Service Commission (PSC)
10:15:21 Chair Mercer
10:16:15 Marci Lewandowski, LFD
10:16:21 Sen. Lynch
10:17:54 Chair Mercer
10:18:22 Sen. Osmundson
10:18:37 Marci Lewandowski, LFD
10:18:47 Chair Mercer

Judicial Branch

EXHIBIT(jch35a01)

10:19:15 **Motion/Vote:** Sen. Osmundson moved that **DP1 AGENCY WIDE OF THE JUDICIAL BRANCH DO PASS**. Motion carried unanimously by voice vote.

10:20:02 **Motion/Vote:** Sen. Osmundson moved that **DP2 AGENCY WIDE OF THE JUDICIAL BRANCH DO PASS**. Motion carried unanimously by voice vote.

10:20:27 **Motion/Vote:** Sen. Osmundson moved that **DP3 INFLATION DEFLATION AGENCY WIDE DO PASS**. Motion carried unanimously by voice vote.

10:20:44 **Motion/Vote:** Sen. Osmundson moved that **DP 5555 AGENCY WIDE DO PASS**. Motion carried unanimously by voice vote.

10:20:59 **Motion/Vote:** Sen. Osmundson moved that **DP 11 JUDGES RETIREMENT SYSTEM CONTRIBUTIONS FOR PROGRAM 1 AND 4 DO PASS**. Motion carried unanimously by voice vote.

10:21:38 **Motion:** Sen. Osmundson moved that **DP 5 GENERAL FUND \$79,794 FOR 2022, \$0 FOR 2023 AND STATE SPECIAL REVENUE \$60,000 FOR 2022, \$60,00 FOR 2023 DO PASS**.

Discussion:

10:22:16 Chair Mercer
10:23:35 Sen. Lynch

10:25:09 **Vote:** Motion carried unanimously by voice vote.

10:25:19 **Motion/Vote:** Sen. Osmundson moved that **DP 6 PRETRIAL PROGRAM OTO DO PASS**. Motion carried unanimously by voice vote.

10:25:42 **Motion/Vote:** Sen. Osmundson moved that **DP 9 RENT INCREASE DO PASS**. Motion carried unanimously by voice vote.

10:26:05 **Motion/Vote:** Sen. Osmundson moved that **DP 50 SWPLA FIXED COST REDUCTIONS DO PASS**. Motion carried unanimously by voice vote.

10:26:29 **Motion:** Rep. Kerr-Carpenter moved that **DP 401 NEW JUDGES AND STAFF IN THE 18TH DISTRICT DO PASS**.

Discussion

10:27:21 Rep. Kerr-Carpenter

10:27:33 Chair Mercer

10:28:04 Sen. Osmundson

10:28:17 Sen. Lynch

10:28:41 Rep. Patelis

10:28:51 Rep. Nave

10:29:07 **Vote:** Motion failed 2-5 by roll call vote with Rep. Kerr-Carpenter and Rep. Mercer voting aye.

10:30:04 **Motion/Vote:** Sen. Osmundson moved that **DP 11 PROGRAM 5 DO PASS**. Motion carried unanimously by voice vote.

10:30:45 Sen. Osmundson

10:31:03 Chair Mercer

Department of Justice

10:31:14 **Motion/Vote:** Sen. Osmundson moved that **DP 1 AGENCY WIDE DO PASS**. Motion carried unanimously by voice vote.

10:32:05 **Motion/Vote:** Sen. Osmundson moved that **DP 2 AGENCY WIDE DO PASS**. Motion carried unanimously by voice vote.

10:32:28 **Motion/Vote:** Sen. Osmundson moved that **DP 2 AGENCY WIDE DO PASS**. Motion carried unanimously by voice vote.

10:32:34 **Motion/Vote:** Sen. Osmundson moved that **DP 3 DO PASS**. Motion carried unanimously by voice vote.

10:32:57 **Motion/Vote:** Sen. Osmundson moved that **DP 5555 AGENCY WIDE DO PASS**. Motion carried unanimously by voice vote.

10:33:22 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 1 DO PASS**. Motion carried unanimously by voice vote.

- 10:33:52 **Motion/Vote:** Sen. Osmundson moved that **DP 101 PROGRAM 1 DO PASS.**
Motion carried unanimously by voice vote.
- 10:34:28 **Motion/Vote:** Sen. Osmundson moved that **DP 303 PROGRAM 3 DO PASS.**
Motion carried unanimously by voice vote.
- 10:34:55 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 3 DO PASS.**
Motion carried unanimously by voice vote.
- 10:35:19 **Motion/Vote:** Sen. Osmundson moved that **DP 7 PROGRAM 3 DO PASS.**
Motion carried unanimously by voice vote.
- 10:35:43 **Motion/Vote:** Sen. Osmundson moved that **DP 4 PROGRAM 4 DO PASS.**
Motion carried unanimously by voice vote.
- 10:36:32 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 4 DO PASS.**
Motion carried unanimously by voice vote.
- 10:36:52 **Motion/Vote:** Sen. Osmundson moved that **DP 503 PROGRAM 5 DO PASS.**
Motion carried unanimously by voice vote.
- 10:37:24 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 5 DO PASS.**
Motion carried unanimously by voice vote.
- 10:37:44 **Motion/Vote:** Sen. Osmundson moved that **DP 5 PROGRAM 5 DO PASS.**
Motion carried unanimously by voice vote.
- 10:38:02 **Motion/Vote:** Sen. Osmundson moved that **DP 6 PROGRAM 5 DO PASS.**
Motion carried unanimously by voice vote.
- 10:38:26 Sen. Osmundson
10:38:39 Marci Lewandowski, LFD
- 10:38:51 **Motion:** Sen. Osmundson moved that **ADOPT THE RATES FOR AGENCY
LEGAL SERVICES BUREAU DO PASS.**

Discussion:

- 10:39:35 Chair Mercer
10:40:10 Sen. Lynch
10:40:15 Chair Mercer
10:40:39 Sen. Lynch
- 10:40:54 **Vote:** Motion carried 6-1 by voice vote with Sen. Lynch voting no.
- 10:41:35 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 7 DO PASS.**
Motion carried unanimously by voice vote.
- 10:42:09 **Motion/Vote:** Sen. Osmundson moved that **DP 40 PROGRAM 7 DO PASS.**

Discussion:

10:42:28 Christine Hultin, Office of Budget and Program Planning (OBPP)

10:42:48 Sen. Osmundson

10:42:59 Chair Mercer

10:44:09 **Vote:** Motion carried unanimously by voice vote.

10:44:16 **Motion/Vote:** Sen. Osmundson moved that **DP 801 PROGRAM 8 DO PASS.**
Motion carried unanimously by voice vote.

10:44:52 **Motion:** Sen. Osmundson moved that **DP 802 PROGRAM 8 OTO DO PASS.**

Discussion:

10:45:21 Sen. Osmundson

10:45:39 Sen. Lynch

10:46:00 Chair Mercer

10:46:16 Sen. Lynch

10:46:39 Sen. Osmundson

10:47:02 Rep. Nave 10:47:25

Vote: Motion carried unanimously by voice vote.

10:47:43 **Motion/Vote:** Sen. Osmundson moved that **DP 803 PROGRAM 8 DO PASS.**
Motion carried unanimously by voice vote.

10:48:06 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 8 DO PASS.**
Motion carried unanimously by voice vote.

10:48:24 **Motion/Vote:** Sen. Osmundson moved that **DP 804 PROGRAM 8 DO PASS.**
Motion carried unanimously by voice vote.

10:48:48 **Motion/Vote:** Sen. Osmundson moved that **DP 901 PROGRAM 9 DO PASS.**
Motion carried unanimously by voice vote.

10:49:20 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 9 DO PASS.**
Motion carried unanimously by voice vote.

10:49:43 **Motion/Vote:** Sen. Osmundson moved that **DP 903 PROGRAM 9 DO PASS.**
Motion carried unanimously by voice vote.

10:50:08 **Motion/Vote:** Sen. Osmundson moved that **DP 904 PROGRAM 9 DO PASS.**
Motion carried unanimously by voice vote.

10:50:30 **Motion/Vote:** Sen. Osmundson moved that **DP 1002 PROGRAM 10 DO PASS.**
Motion carried unanimously by voice vote.

10:51:05 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 10 DO PASS.**
Motion carried unanimously by voice vote.

Public Service commission

10:51:25 **Motion/Vote:** Sen. Osmundson moved that **DP 101 DO PASS**. Motion carried unanimously by voice vote.

10:53:02 Sen. Lynch

10:53:19 Sen. Osmundson

10:53:30 Sen. Lynch

10:53:37 Rep. Kerr-Carpenter

10:54:02 Chair Mercer

10:54:22 Marci Lewandowski, LFD

10:54:31 Chair Mercer

10:54:39 **Motion/Vote:** Sen. Osmundson moved that **DP 102 DO PASS**. Motion carried unanimously by voice vote.

10:55:48 **Motion:** Sen. Osmundson moved that **DP 201 DO PASS**.

Discussion:

10:56:08 Sen. Lynch

10:56:35 **Vote:** Motion carried unanimously by voice vote.

OFFICE OF PUBLIC DEFENDERS

10:56:46 **Motion/Vote:** Sen. Osmundson moved that **DP 1 DO PASS**. Motion carried unanimously by voice vote.

10:57:56 **Motion/Vote:** Sen. Osmundson moved that **DP 10 AGENCY WIDE DO PASS**. Motion carried unanimously by voice vote.

10:58:24 **Motion/Vote:** Sen. Osmundson moved that **DP 5555 AGENCY WIDE DO PASS**. Motion carried unanimously by voice vote.

10:59:00 **Motion/Vote:** Sen. Osmundson moved that **DP 2 PROGRAM 4 DO PASS**. Motion carried unanimously by voice vote.

10:59:40 **Motion/Vote:** Sen. Osmundson moved that **DP 6 PROGRAM 4 DO PASS**. Motion carried unanimously by voice vote.

10:59:57 **Motion/Vote:** Sen. Osmundson moved that **DP 7 PROGRAM 4 DO PASS**. Motion carried unanimously by voice vote.

11:00:57 Marci Lewandowski, LFD

11:01:15 Chair Mercer

11:01:29 Marci Lewandowski, LFD

11:01:48 Sen. Lynch

11:02:05 Chair Mercer

11:02:29 **Motion:** Sen. Osmundson moved that **DP 50 PROGRAM 4 DO PASS**.

Discussion:

11:03:00 Christine Hultin, OBPP
11:03:10 Chair Mercer

11:03:18 **Vote:** Motion carried unanimously by voice vote.

11:03:37 Recess
11:18:32 Reconvened

11:19:01 Chair Mercer
11:20:57 Maric Lewandowski, LFD
11:21:03 Sen. Lynch
11:21:29 Sen. Osmundson

Judicial:

11:21:55 **Motion/Vote:** Sen. Osmundson moved that **DP 5 PROGRAM 1 DO PASS.**
Motion carried unanimously by voice vote.

Department of Corrections:

11:24:26 **Motion:** Sen. Osmundson moved that **DP 1 -\$500, 000 BOTH BIENNIUMS DO PASS.**

Discussion:

11:25:34 Sen. Lynch
11:26:12 Rep. Patelis
11:26:49 Chair Mercer
11:28:24 Sen. Lynch

11:29:18 **Vote:** Motion carried unanimously by voice vote.

11:29:30 **Motion/Vote:** Sen. Osmundson moved that **DP 3 PROGRAM 1 DO PASS.**
Motion carried unanimously by voice vote.

11:29:49 **Motion/Vote:** Sen. Osmundson moved that **DP 5555 PROGRAM 1 DO PASS.**
Motion carried unanimously by voice vote.

11:30:17 **Motion/Vote:** Sen. Osmundson moved that **DP 4 PROGRAM 1 DO PASS.**
Motion carried unanimously by voice vote.

11:30:30 Sen. Osmundson
11:31:11 Marci Lewandowski, LFD
11:31:30 Chair Mercer
11:31:44 Christine Hultin, OBPP

11:32:01 **Motion/Vote:** Sen. Osmundson moved that **DP 6411001 DO PASS.** Motion
carried unanimously by voice vote.

11:32:29 **Motion/Vote:** Sen. Osmundson moved that **DP 6411002 DO PASS.** Motion carried unanimously by voice vote.

11:32:47 **Motion:** Sen. Osmundson moved that **DP 6411003 OTO DO PASS.**

Discussion:

11:33:23 Sen. Lynch

11:34:09 **Vote:** Motion carried unanimously by voice vote.

11:34:24 **Motion/Vote:** Sen. Osmundson moved that **DP 1 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:35:07 **Motion/Vote:** Sen. Osmundson moved that **DP 3 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:35:28 **Motion/Vote:** Sen. Osmundson moved that **DP 5555 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:35:47 **Motion/Vote:** Sen. Osmundson moved that **DP 4 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:36:05 **Motion/Vote:** Sen. Osmundson moved that **DP 201 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:36:34 **Motion/Vote:** Sen. Osmundson moved that **DP 202 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:36:55 **Motion/Vote:** Sen. Osmundson moved that **DP 203 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:37:15 **Motion/Vote:** Sen. Osmundson moved that **DP 204 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:37:34 **Motion/Vote:** Sen. Osmundson moved that **DP 205 PROGRAM 2 DO PASS.** Motion carried unanimously by voice vote.

11:38:06 **Motion/Vote:** Sen. Osmundson moved that **DP 50 PROGRAM 1 DO PASS.** Motion carried unanimously by voice vote.

11:38:38 **Motion/Vote:** Sen. Osmundson moved that **DP 1 PROGRAM 3 DO PASS.** Motion carried unanimously by voice vote.

11:38:58 **Motion/Vote:** Sen. Osmundson moved that **DP 3 PROGRAM 3 DO PASS.** Motion carried unanimously by voice vote.

11:39:16 **Motion/Vote:** Sen. Osmundson moved that **DP 5555 PROGRAM 3 DO PASS.** Motion carried unanimously by voice vote.

- 11:39:37 **Motion/Vote:** Sen. Osmundson moved that **DP 4 PROGRAM 3 DO PASS**.
Motion carried unanimously by voice vote.
- 11:40:00 **Motion/Vote:** Sen. Osmundson moved that **DP 6413001 PROGRAM 3 DO
PASS**. Motion carried unanimously by voice vote.
- 11:40:45 **Motion/Vote:** Sen. Osmundson moved that **DP 6413004 PROGRAM 3 DO
PASS**. Motion carried unanimously by voice vote.
- 11:41:12 **Motion/Vote:** Sen. Osmundson moved that **DP 6413005 PROGRAM 3 DO
PASS**. Motion carried unanimously by voice vote.
- 11:41:38 **Motion/Vote:** Sen. Osmundson moved that **DP 6413006 PROGRAM 3 DO
PASS**. Motion carried 6-1 by voice vote with Rep. Mercer voting no.
- 11:42:52 **Motion/Vote:** Sen. Osmundson moved that **DP 6413008 PROGRAM 3 DO
PASS**. Motion carried unanimously by voice vote.
- 11:43:13 **Motion/Vote:** Sen. Osmundson moved that **DP 6413009 PROGRAM 3 DO
PASS**. Motion carried unanimously by voice vote.
- 11:43:35 **Motion/Vote:** Sen. Osmundson moved that **DP 6413011 PROGRAM 3 DO
PASS**. Motion carried unanimously by voice vote.
- 11:44:06 **Motion/Vote:** Sen. Osmundson moved that **DP 6413012 PROGRAM 3 DO
PASS**. Motion carried unanimously by voice vote.
- 11:44:31 **Motion/Vote:** Sen. Osmundson moved that **DP 1 PROGRAM 4 DO PASS**.
Motion carried unanimously by voice vote.
- 11:44:56 **Motion/Vote:** Sen. Osmundson moved that **DP 5555 PROGRAM 4 DO PASS**.
Motion carried unanimously by voice vote.
- 11:45:16 **Motion/Vote:** Sen. Osmundson moved that **DP 6414001 PROGRAM 4 DO
PASS**. Motion carried unanimously by voice vote.
- 11:45:37 **Motion/Vote:** Sen. Osmundson moved that **DP 6414003 PROGRAM 4 DO
PASS**. Motion carried unanimously by voice vote.
- 11:46:03 **Motion/Vote:** Sen. Osmundson moved that **ADOPT PROPRIETARY RATES;
FUND 06034, FUND 06573, FUND 06545 PROGRAM 4 DO PASS**.

Discussion:

- 11:47:25 Sen. Lynch
11:47:44 Chair Mercer

- 11:48:52 **Vote:** Motion carried unanimously by voice vote.

- 11:49:14 **Motion/Vote:** Sen. Osmundson moved that **DP PROGRAM 6 DO PASS**. Motion carried unanimously by voice vote.
- 11:49:37 **Motion/Vote:** Sen. Osmundson moved that **DP 3 PROGRAM 6 DO PASS**. Motion carried unanimously by voice vote.
- 11:49:56 **Motion/Vote:** Sen. Osmundson moved that **DP 5555 PROGRAM 6 DO PASS**. Motion carried unanimously by voice vote.
- 11:50:16 **Motion/Vote:** Sen. Osmundson moved that **DP 4 PROGRAM 6 DO PASS**. Motion carried unanimously by voice vote.
- 11:50:36 **Motion/Vote:** Sen. Osmundson moved that **DP 6416002 PROGRAM 6 DO PASS**. Motion carried unanimously by voice vote.
- 11:51:02 **Motion/Vote:** Sen. Osmundson moved that **DP 6416003 PROGRAM 6 DO PASS**. Motion carried unanimously by voice vote.
- 11:51:36 Sen. Osmundson
- 11:52:04 Chair Mercer

ADJOURNMENT

Adjournment: 11:52:51

Cristen Friede, Secretary

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Additional Documents:

EXHIBIT([jch35aad.pdf](#))