

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION SUB-COMMITTEE ON JUDICIARY SB 176

Call to Order: By **SEN. WALTER MCNUTT**, on February 17, 2001 at 7:10 A.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Anne Felstet, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Subcommittee on SB 176.

Discussion:

Motion: **SEN. HALLIGAN** moved that **AMENDMENTS SB017606.AVL TO SB 176 BE ADOPTED.**

Discussion:

Valencia Lane, Legislative Staffer, explained the amendments removed public defenders, their employees, and deputies. They also amended the former reimbursement program to become the district court program.

SEN. MIKE HALLIGAN clarified that district court criminal cases as listed in amendment #9 referred specifically to felonies.

Ms. Lane continued by saying the public defenders were returned to current law and the appropriate references were made in the

amendments. She also clarified that if both bills passed (SB 144 and SB 176) that they should be coordinated. The last amendments referred to the pay plan in removing public defenders.

Vote: Motion to **adopt amendments SB017606.avl carried unanimously.**

Ms. Lane noted the sub-committee approved four sets of amendments. She had already created a document that incorporated all four sets. That document needed to be presented to the Judiciary Committee.

SEN. WALT McNUTT said he didn't think this bill would be held past transmittal because if HB 124 failed, this bill failed.

Judy Paynter, Department of Revenue, said she talked with Greg Petesch, the staffer for that bill. They agreed to put a coordination clause on the bills. She didn't think any one would pass this bill without the House bill. The price was too great.

Ms. Lane asked if this bill would move out of the Judiciary committee.

SEN. McNUTT said he didn't think so.

SEN. HALLIGAN asked if this bill shouldn't go to the House so they could look at this bill as they were looking at the other bill. It would allow them to be educated on the whole package.

Ms. Paynter reiterated this bill wouldn't pass without HB 124.

SEN. McNUTT said he'd talk to **SEN. LORENTS GROSFIELD** to see what could be done. Maybe the two bills should be in the House at the same time.

Ms. Lane said the bill needed to be passed out of committee and put into Finance and Claims so it wouldn't have to be on the list of 10.

SEN. HALLIGAN agreed. He said it wasn't a given that it would pass out of the Judiciary committee.

Ms. Lane said she had the amendments ready.

SEN. HALLIGAN said if the bill was done today, they'd know where they were going.

SEN. McNUTT said he really wasn't ready today.

SEN. HALLIGAN said it might be useful to have some executive discussion on it since the staff was around to answer questions.

SEN. McNUTT said he would suggest doing this bill in Judiciary.

SEN. HALLIGAN said maybe **Ms. Lane** could summarize and the staff could present what they were doing. He was afraid if it was bumped to Finance and Claims, the Judiciary would forget about it and another committee would have to be educated.

SEN. McNUTT said it had been discussed to see what would happen to HB 124, but he would put this bill forward.

Ms. Paynter said they were keeping track of all the connected bills.

SEN. HALLIGAN said the general assumption was that if bills went to Finance, they never came back. So, he hated to see the momentum going.

Ms. Lane said she would explain the amendments and it would be easier today rather than next week.

SEN. McNUTT agreed and would try to have it discussed in committee.

SEN. HALLIGAN suggested having the bill over to the House by the 45th day so they could discuss the whole picture on the floor.

Ms. Paynter said this really wasn't a Finance and Claims issue. The funding would be provided in HB 124. The changes would take place in conference committee to make the appropriations work.

ADJOURNMENT

Adjournment: 7:25 A.M.

SEN. WALT McNUTT, Chairman

ANNE FELSTET, Secretary

LG/AFCT

EXHIBIT (jus40bad)