

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

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

Call to Order: Chairman Ray Hawk, on February 4, 2009 at 9:00
A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Ray Hawk, Chairman (R)
Sen. Keith Bales (R)
Sen. Steven Gallus (D)
Rep. Dennis Getz (D)
Rep. Cynthia Hiner (D)
Rep. Bill Nooney (R)

Members Excused: None.

Members Absent: Sen. John Brueggeman, Vice Chairman (R)

Staff Present: Debbie Carlson, Committee Secretary
Brent Doig, OBPP
Pat Gervais, Legislative Branch

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:

Subject Addressed: Department of Justice and Board of Crime Control

Executive Action: Department of Justice and Board of Crime Control Decision Packages

DP 111, DP 101, DP 103, DP 109, PL 108, DP 704, NP 105, DP 107,
DP 701, DP 702, DP 703, DP 1204, DP 1212, DP 1213, DP 1308,
DP 1807, DP 1808, DP 1812, DP 1813, PL 3202, DP 201

00:12:32 Chairman Hawk

BOARD OF CRIME CONTROL

DP 111 NIRRS Web Stats Enhancement (Bien/OTO)

00:14:58 **Motion/Vote:** Rep. Hiner moved that **DP 111 BE ADOPTED** as one time only, biennial, and restricted. Motion carried unanimously by voice vote with Sen. Bales and Sen. Brueggeman voting by proxy.

00:15:26 Chairman Hawk

DP 101 Board & Council Member Stipends

00:16:12 **Motion/Vote:** Rep. Hiner moved that **DP 101 BE ADOPTED.** Motion carried unanimously by voice vote with Sen. Bales and Sen. Brueggeman voting by proxy.

DP 103 Detention Data information System

00:16:21 Chairman Hawk

00:16:30 Ms. Gervais, Legislative Fiscal Division

00:16:49 Chairman Hawk

00:16:55 Rep. Hiner

00:17:28 Don Merritt, Financial Officer, Board of Crime Control

00:18:10 Rep. Nooney

00:18:31 Rep. Getz

00:18:49 Sen. Gallus

00:19:29 Chairman Hawk

00:19:45 Mr. Merritt

00:20:36 Sen. Gallus

00:20:56 Mr. Merritt

00:21:29 Chairman Hawk

00:22:12 Mr. Merritt

00:23:13 Sen. Gallus

00:24:47 Rep. Nooney

00:25:04 Ms. Gervais

00:25:11 **Motion/Vote:** Chairman Hawk moved that **DP 103 BE ADOPTED** as One Time Only. Motion carried 4-3 by roll call vote with Sen. Gallus, Rep. Getz and Rep. Hiner voting no and Sen. Bales and Sen. Brueggeman voting by proxy.

DP 109 Juvenile Detention Center Reporting

00:26:48 Chairman Hawk

00:27:11 **Motion:** Rep. Getz moved that **DP 109 BE ADOPTED.**

00:27:21 **Substitute Motion:** Rep. Nooney moved **TO ADOPT DP 109**
as one time only.

Discussion:

00:27:59 Rep. Hiner
00:28:40 Roland Mena, Board of Crime Control
00:30:15 Rep. Hiner
00:30:23 Ms. Gervais
00:31:26 Sen. Gallus
00:31:48 Ms. Gervais
00:32:18 Rep. Getz
00:32:28 Mr. Mena

00:33:30 **Vote:** Motion carried unanimously by voice vote with
Sen. Bales and Sen. Brueggeman voting by proxy.
00:33:51 Ms. Gervais

PL 108 Domestic Violence Intervention Grant

00:34:26 **Motion/Vote:** Chairman Hawk moved that **PL 108 BE**
ADOPTED as a biennial appropriation. Motion carried
unanimously by voice vote.

00:35:23 Ms. Gervais
00:35:46 Sen. Bales joined the committee.

00:36:56 **Motion/Vote:** Chairman Hawk moved that all remaining
pass-through grant appropriations, up to 100,000 in
general fund money, \$180,000 in state special revenue,
and \$7,000,000 in federal funds, including reversions,
for the 2009 biennium are authorized to continue and
are appropriated in fiscal year 2010 and fiscal year
2011. Motion carried unanimously by voice vote.

DEPARTMENT OF JUSTICE

00:37:20 Chairman Hawk

DP 704 Recycling Video Gambling Machines

00:37:39 **Motion/Vote:** Rep. Hiner moved that **DP 704 BE ADOPTED.**
Motion carried unanimously by voice vote with Sen.
Brueggeman voting by proxy.

00:38:31 Rep. Nooney
00:38:53 Ms. Gervais

00:39:25 Rep. Nooney
00:39:36 Ms. Gervais
00:40:03 Rep Hawk

DP 105 Forensic Rape Examination Payment Program (FREPP)

00:40:19 Chairman Hawk
00:40:35 **Motion:** Rep. Getz moved that **DP 105 BE ADOPTED.**

Discussion:

00:41:08 **Substitute Motion:** Rep. Hiner moved **TO ADOPT DP 105** as restricted. Motion carried unanimously by voice vote. Sen Brueggeman voted by proxy.

00:41:38 Chairman Hawk
00:41:40 Sen. Bales
00:41:56 Ms. Gervais
00:42:26 Rep. Getz
00:42:27 Sen. Bales left the room.

DP 107 Addition Federal Grant Money for Victims of Crime

00:43:01 **Motion:** Sen. Gallus moved **DP 107 BE ADOPTED.**

Discussion:

00:44:11 Larry Fasbender, Deputy Director, Department of Justice
00:46:19 Chairman Hawk

00:46:37 **Vote:** Motion carried unanimously by voice vote with Sen. Bales and Sen. Brueggeman voting by proxy.

**DP 701 Gambling Control Division Base Operating Expense
Adjustments**

00:46:59 **Motion:** Sen. Gallus moved **DP 701 BE ADOPTED.**

Discussion:

00:47:23 Rep. Nooney
00:47:44 Ms. Gervais
00:47:57 Chairman Hawk
00:47:59 Ms. Gervais
00:48:16 Sen. Bales

00:48:49 **Vote:** Motion carried unanimously by voice vote.

**DP 702 Cont. One Time Only Appropriation Gambling Database
(Bien/OTO)**

00:49:16 **Motion/Vote:** Rep. Hiner moved **DP 702 BE ADOPTED** as biennial One Time Only. Motion carried unanimously by voice vote with Sen. Brueggeman voting by proxy.

00:49:55 Rep. Getz

00:50:15 Chairman Hawk

DP 703 New Machine Tester FTE

00:50:28 **Motion/Vote:** Rep. Getz moved **DP 703 BE ADOPTED**. Motion carried unanimously by voice vote.

DP 1204 Adjust Base for HB 577, HB 261, & HB 90 Debt Pmts.

00:51:09 **Motion/Vote:** Sen. Gallus moved **DP 1204 BE ADOPTED**. Motion carried unanimously by voice vote.

DP 1212 MV Proprietary Account Spending Authority

00:51:59 **Motion:** Rep. Hiner moved **DP 1212 BE ADOPTED**.

00:52:23 Rep. Nooney

00:52:39 **Vote:** Motion carried unanimously by voice vote.

DP 1213 HB 671 Proprietary Account Spending Authority

00:52:54 **Motion:** Sen. Gallus moved **DP 1213 BE ADOPTED**.

00:53:17 Ms. Gervais

00:53:39 Chairman Hawk

00:53:58 **Vote:** Motion carried unanimously by voice vote.

DP 1308 Increase in Base Budget for Rent

00:54:24 **Motion:** Rep. Hiner moved that **DP 1308 BE ADOPTED**.

Discussion:

00:54:54 Chairman Hawk

00:55:02 Ms. Gervais

00:55:24 Chairman Hawk

00:55:28 Col. Mike Tooley, Chief, Montana Highway Patrol

00:56:12 Chairman Hawk

00:56:25 Col. Tooley

00:56:58 **Substitute Motion:** Chairman Hawk moved **TO ADJUST DP 1308** to reflect \$40,000 in the next fiscal year (FY 2010) and \$50,000 in year after that (FY 2011).

00:57:04 Sen. Gallus

00:57:30 **Vote:** Motion carried unanimously by voice vote.

DP 1807 Montana Law Enforcement Academy Base Adjustments

00:58:38 Chairman Hawk

00:58:47 Rep. Nooney

00:59:03 Ms. Gervais

00:59:29 Chairman Hawk

00:59:32 Rep. Nooney

00:59:44 Ms. Gervais

01:00:05 **Motion:** Rep. Nooney moved **DP 1807 BE ADOPTED** as One Time Only.

Discussion:

01:00:40 Sen. Gallus

01:00:47 Ms. Gervais

01:01:40 Mr. Doig

01:02:06 Rep. Nooney

01:02:10 Mr. Doig, OBPP

01:02:19 Rep. Nooney

01:02:48 Chairman Hawk

01:03:03 Ms. Gervais

01:03:50 **Vote:** Motion carried unanimously by voice vote.

DP 1808 Law Enforcement Academy Record Management Assistant

01:04:42 **Motion:** Chairman Hawk moved **DP 1808 BE ADOPTED**.

01:04:54 Sen. Bales

01:05:06 Chairman Hawk

01:05:18 **Substitute Motion:** Sen. Bales moved **TO ADOPT DP 1808** with biennial funding of \$87,859 and \$20,000 One Time Only.

Discussion:

01:05:40 Rep. Hiner

01:05:46 Sen. Bales

01:06:07 Rep. Hiner

01:07:01 Chairman Hawk

01:07:05 Sen. Bales **offered to withdraw** his substitute motion.

01:07:13 Rep. Hiner

01:07:34 Chairman Hawk
01:07:39 Ms. Gervais

01:07:44 **Substitute Motion:** Rep. Hiner moved **TO FUND** \$20,000
one time only for a management software system.

01:07:51 Rep. Getz
01:08:07 Chairman Hawk
01:08:12 Mike Batista, Administrator, Criminal Investigation
Division
01:08:23 Rep Getz
1:08:42 Mr. Batista
01:08:51 Rep. Hiner **withdrew her motion.**
01:09:00 Chairman Hawk
01:09:12 Sen. Bales **withdrew his motion.**

01:09:15 **Motion/Vote:** Sen. Gallus moved **DP 1808 BE ADOPTED.**
Motion failed 2-5 by voice vote with Rep. Getz and Sen.
Gallus voting aye.

DP 1812 Medicaid Fraud Control Unit - Base Adjustment

01:10:29 **Motion:** Rep. Hiner moved **DP 1812 BE ADOPTED.**

Discussion:

01:11:00 Rep. Hiner
01:11:20 Chairman Hawk

01:11:23 **Vote:** Motion carried unanimously by voice vote.

DP 1813 SW Drug Task Force Rent Butte Office

01:11:41 **Motion/Vote:** Sen. Gallus moved that **DP 1813 BE
ADOPTED.** Motion carried unanimously by voice vote.

PL 3202 Remove Rent Expenditures on Building

01:13:01 **Motion:** Sen. Brueggeman moved **DP 3202 BE ADOPTED.**

Discussion

01:13:38 Rep. Hiner
01:13:49 Ms. Gervais

01:14:23 **Substitute Motion/Vote:** Rep. Hiner moved **TO REDUCE DP
3202** to \$220,000. Motion carried unanimously by voice
vote.

01:14:58 Chairman Hawk

01:15:12 Sen. Gallus

DP 201 Distribute Settlement Funds to Injured Parties

01:16:27 Chairman Hawk
01:16:37 Ms. Gervais
01:16:48 Sen. Gallus
01:17:27 Ms. Gervais
01:18:08 Mr. Doig
01:18:32 Sen. Gallus
01:19:03 Chairman Hawk
01:19:19 Sen. Gallus
01:19:31 Ms. Gervais
01:20:07 Chairman Hawk
01:20:27 Sen. Brueggeman
01:20:36 Ms. Gervais
01:20:54 Rep. Hiner
01:21:02 Ms. Gervais
01:21:08 Chairman Hawk
01:21:21 Rep. Getz
01:21:29 Chairman Hawk

ADJOURNMENT

00:01:38:54 Adjournment: 11:40 P.M.

Debbie Carlson, Secretary

dc

Additional Documents:

EXHIBIT ([jch26aad.pdf](#))