

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### JOINT APPROPRIATIONS SUBCOMMITTEE ON JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE

**Call to Order:** Chair Steve Gibson, on February 1, 2011 at 8:00 AM, in Room 317A  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Steve Gibson, Chair (R)  
Rep. Randy Brodehl (R)  
Sen. Steven Gallus (D)  
Rep. Cynthia Hiner (D)  
Sen. Edward Walker (R)

**Members Excused:** Sen. Ryan Zinke, Vice Chair (R)

**Members Absent:** None

**Staff Present:** Stephanie Fletcher, Committee Secretary  
Pat Gervais, Legislative Branch  
Brent Doig, OBPP

**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: Corrections

**EXECUTIVE ACTION:**

**CORRECTIONS**

00:00:39 Chairman Gibson

00:01:32 **Motion:** Rep. Brodehl moved that **THE FTE REDUCTIONS ASSOCIATED WITH THE 5% PLAN BE INCREASED BY 4.00 TO A TOTAL OF 44.50 TO CLARIFY THAT THE YOUTH SERVICES REDUCTION INCLUDES 3.00 FTE REDUCTION THAT IS ADDITION TO THE 4% REDUCTION IN PERSONAL SERVICES AND THAT THE MONTANA STATE PRISON REDUCTION ELIMINATING THE CHEMICAL DEPENDENCY TREATMENT PROGRAM EQUATES TO A 7.00 FTE REDUCTION RATHER THAN 6.00 FTE.**

**Discussion:**

0:01:59 Chairman Gibson

00:02:14 Pat Gervais

[EXHIBIT\(jch25a01\)](#)

[EXHIBIT\(jch25a02\)](#)

[EXHIBIT\(jch25a03\)](#)

[EXHIBIT\(jch25a04\)](#)

00:03:21 **Vote:** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.

00:03:41 **Motion/Vote:** Rep. Brodehl moved that **STATE SPECIAL REVENUE APPROPRIATIONS OF SUPERVISION FEES BE REDUCED BY \$623,176 AND OF RESTITUTION ADMINISTRATIVE FEES BE REDUCED BY \$38,000 TO REFLECT A REDUCTION IN GENERAL FUND SUPPORT OF THESE AMOUNTS AS INCLUDED IN THE AGENCY'S 5% REDUCTION PLAN WITHOUT A SHIFT IN FUNDING FOR THESE ITEMS TO STATE SPECIAL REVENUES.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.

00:04:24 **Motion/Vote:** Rep. Brodehl moved that **GENERAL FUND BE REDUCED BY \$314,066 PER YEAR TO REFLECT THE REMOVAL FROM THE BASE FUNDING FOR CONTRACTS AS LISTED ON THE ATTACHED SHEET.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.

00:04:50 **Motion/Vote:** Rep. Brodehl moved that **GENERAL FUND BE REDUCED BY \$700,000 PER YEAR AND STATE SPECIAL REVENUE APPROPRIATIONS OF SUPERVISION FEES BE INCREASED BY A LIKE AMOUNT TO REFLECT A FUNDING SHIFT FOR THE MAJORITY OF THE COSTS ASSOCIATED WITH PROBATION AND PAROLE OFFICE LEASES (SEE SPREADSHEET).** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.

- 00:05:18 **Motion/Vote:** Rep. Gibson moved that **THE 5% PLAN REDUCTION ASSOCIATED WITH THE ELIMINATION OF THE EDUCATION AND CHEMICAL DEPENDENCY PROGRAMS AT MONTANA STATE PRISON BE RESTORED.**  
Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:06:13 **Motion/Vote:** Rep. Hiner moved that **THE 5% PLAN REDUCTIONS LISTED BELOW BE RESTORED AND THAT \$41,993 OF THE \$293,313 ASSOCIATED WITH NEXUS BEDS BE USED TO OFFSET THE SPENDING REDUCTIO APPLIED TO THE ELKHORN TREATMENT FACILITY IN ACCORDANCE WITH THE SPENDING REDUCTION ORDERED BY THE GOVERNOR.**  
**A. WATCH/CCP BEDS 766,486 GENERAL FUND PER YEAR**  
**B. ADULT COMMUNITY CORRECTIONS BEDS (NEXUS)**  
**4293,952 GENERAL FUND PER YEAR**  
**C. MASC RATE NEGOTIATIONS \$177,204 GENERAL FUND PER YEAR**  
**D. REDUCE 50 BEDS CROSSROADS**  
**\$1,166,913 GENERAL FUND PER YEAR**  
**E. MWP CLOSE PHASE I UNIT \$267,129 GENERAL FUND PER YEAR**  
Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:07:22 **Motion/Vote:** Rep. Brodehl moved that **GENERAL FUND SUPPORT FOR MSP BE REDUCED BY \$5,828 PER YEAR AND THAT STATE SPECIAL REVENUE BE INCREASED BY LIKE AMOUNT AND TO REFLECT A REDUCTION IN GENERAL FUND COSTS DUE TO THE COLLECTION OF REVENUE FROM THE PAYMENT OF UTILITY COSTS BY EMPLOYEES OCCUPYING STATE OWNED HOUSING AND THAT STATUTORY CHANGES NECESSARY TO IMPLEMENT THIS ACTION BE INCLUDED IN LEGISLATION TO IMPLEMENT THE GENERAL APPROPRIATIONS ACT.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:08:12 **Motion/Vote:** Rep. Brodehl moved that **GENERAL FUND SUPPORT FOR ADMINISTRATIVE AND FINANCIAL SERVICES BE REDUCED BY \$144,264 IN FY 2012 AND \$143,943 IN FY 2013 TO REFLECT THE REMOVAL OF FUNDING FOR POSITION 64111009 HUMAN RESOURCE SPECIALIST AND 64112026 COMPUTER SUPERVISOR, A TOTAL IF 2.00 FTE.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:08:55 **Motion/Vote:** Rep. Brodehl moved that **FUNDING FOR MSP BE REDUCED BY \$123,712 GENERAL FUND EACH YEAR TO REFLECT THE REMOVAL OF BASE BUDGET FUNDING EQUIVALENT TO THE AMOUNT EXPENDED TO PURCHASE VEHICLES IN FY 2008.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:09:26 **Motion/Vote:** Rep. Brodehl moved that **FUNDING BE REDUCED BY \$12,165 GENERAL FUND EACH YEAR TO REFLECT REMOVAL OF FUNDING SUPPORTING VEHICLES ASSIGNED TO THE RYCF SUPERINTENDENT, MSP SECURITY MAJOR, MSP WARDEN. MSP DEPUTY WARDEN, AND DOC DIRECTOR.** Motion carried 5-1 by voice vote with Sen. Gallus voting no. Sen. Zinke voted by proxy.

- 00:10:16 **Motion/Vote:** Rep. Gibson moved that **GENERAL FUND SUPPORT FOR THE YOUTH SERVICES DIVISION BE REDUCED BY \$100,000 EACH YEAR AND THAT STATE SPECIAL REVENUE SUPPORT BE INCREASED BY A LIKE AMOUNT WITH \$50,000 FROM THE PINE HILLS INTEREST AND INCOME FUND AND \$50,000 PER YEAR FROM THE PARENTAL CONTRIBUTIONS FUND.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:10:42 **Motion/Vote:** Sen. Walker moved that **THE APPROVAL OF DECISION PACKAGES PROVIDING FUNDING FOR OVERTIME AND HOLIDAY WORKED COSTS INCLUDING:**  
**A. DP 602 INVESTIGATOR OVERTIME - PAGE D-152**  
**B. DP 206 TSCTC OVERTIME- PAGE D-163**  
**C. DP 301 MWP OVERTIME - PAGE D-181**  
**D. DP 307 MSP OVERTIME - OF \$1,197,717 (\$100,000 PER YEAR LESS THAN REQUESTED) PAGE D-178**  
**E. DP 502 PHYCF OVERTIME - PAGE D-212**  
**F. DP 503 RYCF OVERTIME - PAGE D-208**  
**G. DP 504 YTC OVERTIME - PAGE D-210**  
Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:12:06 **Motion/Vote:** Rep. Brodehl moved **THE APPROVAL OF DECISION PACKAGES PROVIDING FUNDING FOR INMATE PAY INCLUDING:**  
**A. DP 505 PHYCF INMATE PAY - PAGE D-212**  
**B. DP 506 RYCF INMATE PAY - PAGE D-208**  
**C. DP 302 FOR MWP INMATE PAY - PAGE D-181**  
**D. DP 308 MSP INMATE PAY - PAGE D-178**  
Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:12:58 **Motion/Vote:** Rep. Gibson moved that **THE APPROVAL OF DP 901 BOARD MEMBER PER DIEM - PAGE D-144.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:13:16 **Motion/Vote:** Rep. Hiner moved **THE APPROVAL OF DP 701 OUTSIDE MEDICAL AT \$250,000 PER YEAR GENERAL FUND RATHER THAN THE AMOUNT REQUESTED IN THE EXECUTIVE BUDGET - PAGE D-150.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:13:40 **Motion/Vote:** Rep. Brodehl moved **THE APPROVAL OF DP 801 INCREASE SPENDING AUTHORITY FOR TRAINING MANUALS - PAGE D-152** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:14:01 **Motion/Vote:** Sen. Walker moved **THE APPROVAL OF DECISION PACKAGES PROVIDING FUNDING FOR INCREASED MCE CHARGES FOR THE FOLLOWING AMOUNTS:**  
**A. SP 210 FOR TSCTC - \$8,481 PER YEAR (ON PAGE D-163)**  
**B. DP 210 FOR ACCD - \$8,632 PER YEAR (ON PAGE D-169)**  
**C. DP 305 FOR MSP - \$146,797 PER YEAR (PAGE D-178).**  
**THESE AMOUNTS REFLECT UPDATED INFORMATION PROVIDED BY THE DEPARTMENT AND IN TOTAL ARE \$9,189 PER YEAR LESS THAN THE**

**AMOUNTS INCLUDED IN THE EXECUTIVE BUDGET REQUEST.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.

- 00:15:02 **Motion/Vote:** Rep. Gibson moved **THE APPROVAL OF DP 209 INCREASE SCRAM UNITS BY 20 WITH FUNDING FOR THE DECISION PACKAGE COMING FROM THE STATE SPECIAL REVENUE ACCOUNTS FOR SUPERVISION FEES INSTEAD OF FROM THE GENERAL FUND - PAGE D-167** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:15:24 **Motion/Vote:** Sen. Walker moved **THE APPROVAL OF DP 303 2.00 STE MWP CORRECTIONAL OFFICERS WITH OVERTIME OFFSET - PAGE D-181** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:15:46 **Motion/Vote:** Sen. Walker moved **THE APPROVAL OF DP 304 INCREASED CONTRACT SERVICES WITH TOTAL FUNDING OF 17,500 GENERAL FUND EACH YEAR - \$15,000 FOR EDUCATION SERVICES AND \$2,500 FOR RELIGIOUS SERVICES COORDINATOR - PAGE D-181** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:16:56 **Motion/Vote:** Sen Gallus moved **THE APPROVAL OF:**  
**A. DP 401 MCE OVERTIME AND INMATE PAYROLL**  
**B. DP 405 INCREASED SPENDING AUTHORITY FOR CANTEEN**  
**C. DP 409 INCREASE SPENDING AUTHORITY FOR MVM**  
**AS SHOWN ON PAGE D-188**  
Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:17:30 **Motion/Vote:** Sen. Gallus moved that **THE APPROVAL OF THE RATES FOR THE VOCATION EDUCATION PROGRAM AS SHOWN IN THE BOTTOM SEGMENT OF THE TABLE ON PAGE D-194.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:17:48 **Motion/Vote:** Sen. Gallus moved that **THE APPROVAL OF THE RATES FOR LICENSE PLATES AS SHOWN IN THE BOTTOM SEGMENT OF THE TABLE ON PAGE D-196.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:18:04 **Motion/Vote:** Sen. Gallus moved that **THE APPROVAL OF THE RATES FOR THE FOOD FACTORY AS SHOWN IN THE BOTTOM SEGMENT OF THE TABLE ON PAGE D-198.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.

- 00:18:22 **Motion/Vote:** Rep. Brodehl moved that **FUNDING FOR PERSONAL SERVICES INCLUDED IN ADMINISTRATIVE AND FINANCIAL SERVICES, ADULT COMMUNITY CORRECTIONS, SECURE CARE, MONTANA CORRECTIONAL ENTERPRISES, AND YOUTH SERVICES DIVISION BE PROVIDED AS LINE ITEM RESTRICTED APPROPRIATIONS THAT MAY BE USED ONLY WITHIN THE SPECIFIES PROGRAM, AND THAT THE APPROPRIATIONS FOR EACH OF THE PROGRAMS BE PROVIDED AS BIENNIAL APPROPRIATIONS.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:18:54 **Motion/Vote:** Rep. Hiner moved that **\$14,500 GENERAL FUND IN FY 2012 BE PROVIDED AS A RESTRICTED, ONE-TIME ONLY APPROPRIATION TO SUPPORT THE EDUCATIONAL COSTS OF A PERSON EXONERATED OF A CRIME BY POST CONVICTION DNA TESTING IN ACCORDANCE WITH THE PROVISIONS OF 53-1-214, MCA.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:19:30 **Motion/Vote:** Rep. Hiner moved that **DP 313 NCCHC ACCREDITATION AND THAT LANGUAGE BE INCLUDED IN THE APPROPRIATIONS ACT SPECIFYING THAT THIS FUNDING IS CONTINGENT UPON MONTANA STATE PRISON RECEIVING NCCHC ACCREDITATION IN FY 2011.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:20:00 **Motion/Vote:** Rep. Hiner moved that **DP 311 FOR EQUIPMENT AT MSP AS A ONE-TIME ONLY, BIENNIAL APPROPRIATION OF \$75,000** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.
- 00:20:21 **Motion/Vote:** Rep. Gibson moved that **DP 502 FOR SECURITY CAMERAS AT RYCF AS A ONE-TIME-ONLY, BIENNIAL APPROPRIATION OF \$75,000** Motion carried 5-1 by voice vote with Sen. Gallus voting no. Sen. Zinke voted by proxy.
- 00:20:49 **Motion/Vote:** Rep. Gibson moved that **THE 5% REDUCTION PLAN ITEM FOR THE YOUTH SERVICES DIVISION TITLED "PLACEMENT BUDGET REDUCTION AT PHYCF" OF \$48,492 GENERAL FUND PER YEAR BE RESTORED.** Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.

00:21:08 **Motion/Vote:** Rep. Gibson moved that **GENERAL FUND SUPPORT FOR UTILITY COSTS BE REDUCED BY THE FOLLOWING AMOUNTS TO REFLECT AN 8% REDUCTION IN UTILITY COSTS.**

- A. MONTANA STATE PRISON - \$81,853 IN FY 2012 AND \$82,747 IN FY 2013**
- B. MONTANA WOMEN'S PRISON - \$18,285 IN FY 2012 AND \$18,551 IN 2013**
- C. TREASURE STATE CORRECTIONAL TRAINING CENTER - \$3,978 IN FY 2012 AND \$4,122 IN FY 2013**

Motion carried unanimously by voice vote. Sen. Zinke voted by proxy.

00:22:12 **Motion:** Rep. Hiner moved that **DECISION PACKAGE 317 MENTAL HEALTH TECHNICIANS AS 1.00 FTE AND GENERAL FUND OF \$50,563 IN FY 2012 AND \$50,462 IN FY 2013.**

**Discussion:**

00:22:38 Rep. Hiner

00:24:26 Chairman Gibson

00:24:30 **Vote:** Motion carried 5-1 by voice vote with Sen. Zinke voting no. Sen. Zinke voted by proxy.

00:24:41 Chairman Gibson

**ADJOURNMENT**

00:25:05 Chairman Gibson adjourned the meeting.

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Stephanie Fletcher, Secretary

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Additional Documents:

**EXHIBIT([jch25aad.pdf](#))**