

## MINUTES

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

#### COMMITTEE ON APPROPRIATIONS

**Call to Order:** Chair Walter McNutt, on March 7, 2011 at 3:37 P.M., in Room 102  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Walter McNutt, Chairman (R)  
Rep. Bill Beck, Vice Chairman (R)  
Rep. Cynthia Hiner, Vice Chairman (D)  
Rep. Duane Ankney (R)  
Rep. Tony Belcourt (D)  
Rep. Rob Cook (R)  
Rep. Mike Cuffe (R)  
Rep. John Esp (R)  
Rep. Steve Gibson (R)  
Rep. Roy Hollandsworth (R)  
Rep. Galen Hollenbaugh (D)  
Rep. Robert (Bob) Mehlhoff (D)  
Rep. Ryan Osmundson (R)  
Rep. Don Roberts (R)  
Rep. Trudi Schmidt (D)  
Rep. Jon C. Sesso (D)

**Members Excused:** Rep. Randy Brodehl (R)  
Rep. Tom Burnett (R)  
Rep. Champ Edmunds (R)  
Rep. Ron Ehli (R)  
Rep. Bill McChesney (D)

**Members Absent:** None

**Staff Present:** Antoine Brockman, Committee Secretary  
Jaret Coles, Legislative Branch  
Barbara Smith, 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:**

Hearing &amp; Date Posted: HB 2, 2/22/2011

Executive Action: HB 2

**Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement, and Justice**

00:01:40 Rep. Gibson

00:02:21 Rep. Burnett entered the room.

**Montana Judicial Branch**

00:05:41 Rep. Sesso left the room.

00:05:53 Rep. Ehli entered the room.

**Agency Testimony:**

00:08:00 Lois Menzies, Court Administrator, Montana Supreme Court (DOJ)

**Public Testimony:**

00:09:38 Bruce Spencer, State Bar of Montana

00:09:53 Rep. Sesso entered the room.

**Questions and Responses from the Committee:**

00:10:04 Rep. Hiner

00:10:26 Ms Menzies, DOJ

00:12:21 Rep. Sesso

00:12:37 Rep. Esp left the room.

00:13:41 Ms Menzies

00:14:16 Rep. Sesso

00:14:20 Rep. Gibson

00:14:28 Rep. Hollenbaugh

00:14:39 Rep. Gibson

00:16:50 Rep. Hollenbaugh

00:17:00 Chairman McNutt

00:17:03 Rep. Schmidt

00:17:46 Chairman McNutt

00:17:50 Rep. Schmidt

00:17:56 Ms Menzies, DOJ

00:19:19 Rep. Schmidt

00:19:24 Ms Menzies

**Montana Board of Crime Control**

00:20:03 Rep. Gibson

00:20:55 Rep. McChesney entered the room.

**Agency Testimony:**

00:21:32 Don Barrett, Acting Director, Montana Board of Crime Control (DOJ)

**Public Testimony:** None

**Questions and Responses from the Committee:** None

**Department of Justice**

00:23:35 Rep. Gibson

00:24:28 Rep. Edmunds entered the room.

**Agency Testimony:**

00:26:14 Tim Burton, Deputy Director, Department of Justice (DOJ)

**Public Comment:**

00:27:41 Cary Hegreberg, Montana Contractors Association (MCA)

00:29:11 Jay Skoog, Executive Director, American Council of Engineering Companies of Montana

**Questions and Responses from the Committee:**

00:30:56 Rep. Hiner

00:31:11 Mr. Burton, DOJ

00:32:50 Rep. Hiner

00:32:57 Mr. Burton

00:33:24 Rep. Schmidt

00:34:01 Mr. Burton, DOJ

00:34:09 Rep. Hollenbaugh

00:34:24 Mr. Burton, DOJ

00:35:12 Rep. Hollenbaugh

00:35:22 Mr. Burton, DOJ

00:35:45 Rep. Schmidt

00:36:24 Mr. Burton, DOJ

**Montana Public Service Commission**

00:37:42 Rep. Gibson

00:37:59 Rep. Belcourt left the room

**Agency Testimony:** None**Public Testimony:** None**Questions and Responses from the Committee:** None**Office of State Public Defender**

00:38:56 Rep. Gibson

00:41:36 Randi Hood, Chief Public Defender, Office of State Public Defender (DOJ)

00:42:06 Rep. Belcourt entered the room.

00:51:49 Joslyn Hunt, Chief Appellate Defender, Office of State Public Defender (DOJ)

00:57:33 Nancy Ballance, Self

**Questions and Responses from the Committee:**

00:59:09 Rep. Beck

00:59:48 Ms Hood, DOJ

01:02:39 Rep. Beck

01:03:33 Ms Hood, DOJ

01:04:17 Rep. Mehlhoff

01:06:23 Ms Hood, DOJ

01:06:30 Rep. Mehlhoff

01:07:07 Ms Hood, DOJ

01:08:09 Rep. Mehlhoff

01:08:14 Ms Hood, DOJ

01:08:51 Rep. Edmunds

01:09:06 Ms Hood, DOJ

01:11:29 Rep. Hiner

01:11:55 Ms Hood, DOJ

01:12:54 Rep. Hiner

01:13:54 Ms Hood, DOJ

01:14:03 Rep. Hiner

01:14:57 Ms Hunt, DOJ

01:15:03 Rep. Mehlhoff

01:16:42 Ms Hood, DOJ

01:18:52 Rep. Schmidt

01:20:07 Ms Hood, DOJ

01:20:11 Rep. Cuffe

01:20:51 Rep. Gibson

**Department of Corrections**

01:22:11 Rep. Gibson

**Agency Testimony:**

01:25:37 Mike Ferriter, Director, Montana Department of Corrections (COR)

**Public Testimony:**

01:35:27 J.C. Weingartner, Montana Education Association -Montana Federation of Teachers (MEA-MFT)

01:40:05 Mike Mahoney, Warden, Montana State Prison, COR

01:43:26 Pam Bunke, Administrator, Adult Community Corrections Division, COR

01:46:16 J.D. Lynch, Community Corrections Services, Butte, Montana

01:47:56 Jim Aherns, Great Falls Pre Release Center, Great Falls, Montana

01:48:14 Pat Keim, Alternatives, Inc., Pre Release Center, Billings, Montana

01:49:06 Mona Jamison, Helena Pre Release, Helena, Montana

**Questions and Responses from the Committee:**

01:49:46 Rep. Ankney

01:50:05 Mr. Ferriter, COR

01:50:20 Rep. Ankney

01:51:25 Mr. Ferriter, COR

01:51:29 Rep. Ankney

01:51:34 Mr. Ferriter, COR

01:51:42 Rep. Schmidt

01:52:00 Mr. Ferriter, COR

01:52:38 Rep. Schmidt

01:52:41 Mr. Ferriter, COR

01:53:22 Rep. Brodehl

01:53:41 Rep. Gibson

01:54:07 Rep. Brodehl

01:56:08 Rep. Gibson

01:56:12 Rep. Hiner

01:55:17 Mr. Mahoney

01:59:57 Mr. Ferriter, COR

02:01:26 Rep. Beck

02:02:16 Mr. Ferriter, COR

02:04:27 Rep. Beck

02:06:17 Mr. Ferriter, COR

02:06:22 Rep. Mehlhoff

02:08:08 Ms Bunke

02:09:13 Rep. Mehlhoff

02:09:37 Ms Bunke

02:09:43 Rep. Mehlhoff

02:10:41 Ms Bunke

02:10:48 Cindy McKenzie, Administrator, Acting Youth Services, COR

02:11:38 Rep. Mehlhoff

02:11:43 Ms McKenzie, COR  
02:12:05 Rep. Mehlhoff  
02:12:31 Mr. Ferriter, COR  
  
02:14:57 Recess  
  
02:41:29 Resume - All committee members returned.

**EXECUTIVE ACTION ON HB 2 Section D - Judicial Branch, Law Enforcement, and Justice**

02:42:03 **Motion:** Rep. Hiner moved **HB 2 BE AMENDED.**  
**EXHIBIT(aph51a01)**

**Discussion:**

02:42:17 Rep. Gibson  
  
02:42:48 **Vote:** Motion failed 7-14 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye.

02:44:17 **Motion:** Rep. Hiner moved **HB 2 BE AMENDED.**  
**EXHIBIT(aph51a02)**

00:46:51 Rep. Gibson

**Discussion:**

02:47:07 Rep. Schmidt  
02:47:15 Pat Gervais, Senior Fiscal Analyst, LFD  
02:47:36 Rep. Schmidt  
02:47:40 Ms Gervais, LFD  
  
02:48:08 **Vote:** Motion failed 7-14 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye.

02:48:16 **Motion:** Rep. Hiner moved **HB 2 BE AMENDED.**  
**EXHIBIT(aph51a03)**

02:48:26 Rep. Gibson

02:48:31 **Vote:** Motion failed 7-14 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye.

02:49:14 **Motion:** Rep. Hiner moved **HB 2 BE AMENDED.**  
**EXHIBIT(aph51a04)**

02:50:04 Rep. Gibson

02:50:13 **Vote:** Motion failed 7-14 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye.

02:51:07 **Motion:** Rep. Hiner moved **HB 2 BE AMENDED.**  
[EXHIBIT\(aph51a05\)](#)

02:51:46 Rep. Gibson

02:52:02 **Vote:** Motion failed 6-15 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Schmidt and Rep. Sesso voting aye.

02:52:57 **Motion:** Rep. Hiner moved **HB 2 BE AMENDED.**  
[EXHIBIT\(aph51a06\)](#)

02:53:26 Rep. Gibson

02:53:57 **Vote:** Motion failed 7-14 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye.

02:54:26 **Motion:** Rep. Hiner moved **HB 2 BE AMENDED.**  
[EXHIBIT\(aph51a07\)](#)

02:56:02 Rep. Gibson

02:56:14 **Vote:** Motion failed 6-15 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Schmidt and Rep. Sesso voting aye.

02:57:17 **Motion:** Rep. Brodehl moved **HB 2 BE AMENDED.**  
[EXHIBIT\(aph51a08\)](#)

02:58:26 Rep. Gibson

**Discussion:**

02:58:34 Rep. Hiner

02:59:12 **Vote:** Motion carried 20-1 by roll call vote with Rep. Belcourt voting no.

03:01:17 **Motion:** Rep. Brodehl moved **HB 2 BE AMENDED.**  
[EXHIBIT\(aph51a09\)](#)

03:01:50 Rep. Gibson

03:02:09 **Vote:** Motion carried 19-2 by roll call vote with Rep. Burnett and Rep. Esp voting no.

+03:02:57 **Motion:** Rep. Brodehl moved **HB 2 BE AMENDED.**  
**EXHIBIT(aph51a10)**

03:04:23 Rep. Gibson  
03:04:46 Rep. Brodehl  
03:04:54 Rep. Gibson

**Discussion:**

03:04:56 Rep. Hollenbaugh  
03:05:07 Rep. Ankney  
03:06:30 Rep. Mehlhoff  
03:06:38 Rep. Brodehl  
03:07:06 Rep. McChesney  
03:08:38 Rep. Hollenbaugh  
03:09:01 Rep. Cuffe  
03:09:38 Rep. Schmidt  
03:11:03 Rep. McChesney

03:13:15 **Vote:** Motion failed 10-11 by roll call vote with Rep. Beck, Rep. Brodehl, Rep. Cook, Rep. Ehli, Rep. Esp, Rep. Gibson, Rep. Hollandsworth, Rep. McNutt, Rep. Osmundson and Rep. Roberts voting aye.

03:14:09 Rep. Brodehl moved **HB 2 BE AMENDED.**  
**EXHIBIT(aph51a11)**

03:14:17 Rep. Gibson

03:14:21 **Vote:** Motion carried 19-2 by roll call vote with Rep. Belcourt and Rep. Esp voting no.

03:14:42 **Motion:** Rep. Brodehl moved **HB 2 BE AMENDED.**  
**EXHIBIT(aph51a12)**

03:14:57 Rep. Gibson

**Discussion:**

03:15:23 Rep. Sesso  
03:15:58 Ms Gervais, LFD  
03:16:09 Rep. Sesso  
03:16:16 Ms Gervais, LFD

03:16:25 **Vote:** Motion carried unanimously by voice vote.

03:16:59 **Motion/Vote:** Rep. Sesso moved **HB 2 BE AMENDED.** Motion carried unanimously by voice vote.

**EXHIBIT(aph51a13)**

03:19:48 Rep. Gibson

03:20:36 **Motion/Vote:** Rep. Esp moved **TO CLOSE SECTION D.** Motion carried unanimously by voice vote.

03:21:16 **Motion** Rep. Esp moved **HB2 BE AMENDED.**  
**EXHIBIT(aph51a14)**

**Discussion:**

03:21:22 Barbara Smith, Legislative Fiscal Division

03:21:54 Rep. Esp

03:22:42 **Vote:** Motion carried unanimously by voice vote.

03:22:55 Chairman McNutt declared HB 2 Closed.

03:23:00 **Motion:** Rep. Esp moved that **HB 2 DO PASS AS AMENDED.**

03:23:10 **Substitute Motion:** Rep. Esp moved that **HB 2 BE AMENDED, BY STRIKING EVERYTHING BENEATH THE ENACTING CLAUSE AND SUBSTITUTING THE TEXT OF THE STUDY BILL.**

**Discussion:**

03:23:32 Rep. Schmidt

03:23:38 Rep. Esp

03:23:47 **Vote:** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no.

03:24:09 **Motion/Vote:** Rep. Esp moved **HB 2 DO PASS AS AMENDED.** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no.

**ADJOURNMENT**

Adjournment: 03:28:07

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for Antoine Brockman, Secretary

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Additional Documents:

**EXHIBIT([aph51aad.pdf](#))**