

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS

Call to Order: By CHAIRMAN FELAND, on January 15, 1997, at 8:05 A.M., in Room 405.

ROLL CALL

Members Present:

Rep. Gary Feland, Chairman (R)
Sen. Arnie A. Mohl, Vice-Chairman (R)
Sen. B.F. "Chris" Christiaens (D)
Rep. William T. "Red" Menahan (D)
Sen. Mike Taylor (R)
Rep. Steve Vick (R)

Members Excused: None

Members Absent: None

Staff Present: Skip Culver, Legislative Fiscal Division
Hope Spriggs, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: DEPARTMENT OF JUSTICE

-MONTANA LAW ENFORCEMENT
ACADEMY
1/15/97; 1/9/97

Executive Action: DEPARTMENT OF JUSTICE

-LEGAL SERVICES DIVISION

-MONTANA HIGHWAY PATROL

-LAW ENFORCEMENT SERVICES
DIVISION

-FORENSIC SCIENCE DIVISION

EXECUTIVE ACTION ON LEGAL SERVICES DIVISION

MOTION/VOTE: SEN. VICK moved to accept the Legal Services Division 1996 base. Motion **CARRIED** unanimously.

STATEWIDE PRESENT LAW ADJUSTMENTS

MOTION/VOTE: SEN. MOHL moved to accept Present Law Adjustments, Items # 1-3. Motion CARRIED 4-2 with SEN. CHRISTIAENS and REP. MENAHAN voting no.

{Tape: 1; Side: A; Approx. Time Count: 2.3; Comments: None.}

MOTION/VOTE: SEN. MOHL moved to accept Present Law Adjustments items # 4-7. Motion CARRIED unanimously.

{Tape: 1; Side: A; Approx. Time Count: 6.0; Comments: None.}

NEW PROPOSALS:

BANKRUPTCY/COLLECTION UNIT (Item # 2)

Ken Rudio, Department of Administration, State Debt Collections.

{Tape: 1; Side: A; Approx. Time Count: 8.3; Comments: Discussion on New Proposals, Item #2, Bankruptcy/Collection Unit.}

No action taken.

SPECIAL PROSECUTORS (Item # 3)

Joe Mazurek, Attorney General

{Tape: 1; Side: A; Approx. Time Count: 14.3; Comments: Questions and discussion on item #3, Special Prosecutors.}

MOTION/VOTE: SEN. MOHL made a SUBSTITUTE MOTION to fund one prosecutor attorney for FY 98 at approximately \$33,000, and \$67,000 FY 99, plus one support staff. This will not include any General Funds for FY 99. Motion CARRIED unanimously.

{Tape: 1; Side: B; Approx. Time Count: 4.4; Comments: None.}

EQUIPMENT (Item # 4)

MOTION: SEN TAYLOR moved to accept the New Proposal's Equipment (Item # 4) in entirety.

{Tape: 1; Side: B; Approx. Time Count: 6.9; Comments: Discussion following.}

Chris Tweeten, Department of Justice answered committee questions.

VOTE: Motion CARRIED unanimously.

{Tape: 1; Side: B; Approx. Time Count: 11.8; Comments: None.}

HABEAS CORPUS REFORM

{Tape: 1; Side: B; Approx. Time Count: 12.1; Comments: Discussion.}

Discussion, Mr. Mazurek.

EXHIBIT 1 - HB 127

No action taken. Revisit this item after passage of HB 222.

ISSUES OUTSIDE PRESENT LAW ADJUSTMENTS

EXHIBIT 2

CLASSIFICATION CHANGES

Skip Culver.

{Tape: 1; Side: B; Approx. Time Count: 22.3; Comments: Explanation.}

SEN. TAYLOR.

{Tape: 1; Side: B; Approx. Time Count: 25.6; Comments: Mr. Tweeten answers questions about the classification savings and what the attorney's salaries would be.}

{Tape: 2; Side: A; Approx. Time Count: 0.0; Comments: Continued discussion on attorney's classification changes.}

REP. VICK suggested, and the committee agreed, that all action on the Department of Justice's classification changes and new budget proposals be taken after the Department's requests have been heard in entirety.

MOTION/VOTE: SEN. TAYLOR moved to include the following language in HB 2. Motion CARRIED unanimously.

"The legislature recognized that costs associated with litigation in which the legal services division must provide representation to the state of Montana may exceed the appropriation provided. In that event, the department will need to request a supplemental appropriation from the 1997 legislature to adequately represent the state."

{Tape: 2; Side: A; Approx. Time Count: 9.5; Comments: None.}

SEN. CHRISTIAENS.

{Tape: 2; Side: A; Approx. Time Count: 10.2; Comments: Mr. Mazurek speaks on consolidation of state attorneys.}

PROPRIETARY FUND: HOURLY RATE INCREASE

Mr. Mazurek

{Tape: 2; Side: A; Approx. Time Count: 20.6; Comments: Legal Services Bureau overview.}

EXHIBIT 3

EXHIBIT 4

SEN. TAYLOR

{Tape: 2; Side: A; Approx. Time Count: 24.2; Comments: Questions of Mr. Mazurek.}

MOTION/VOTE: SEN. TAYLOR moved to raise hourly attorney/paralegal rates by the same percentage to \$65/hour:attorney, and \$35/hour:paralegal. Motion **CARRIED** unanimously.
{Tape: 2; Side: B; Approx. Time Count: 3.1; Comments: None.}

EXECUTIVE ACTION ON MONTANA HIGHWAY PATROL

MOTION/VOTE: SEN. MOHL moved to accept the 1996 base budget as written. Motion **CARRIED** unanimously.
{Tape: 2; Side: B; Approx. Time Count: 4.9; Comments: None.}

PRESENT LAW ADJUSTMENTS:

MOTION/VOTE: SEN. MOHL moved to accept Present Law Adjustments Items # 1,2 and 3. Motion **CARRIED** unanimously.

SIGNIFICANT PRESENT LAW ADJUSTMENTS:

Mr. Culver

{Tape: 2; Side: B; Approx. Time Count:6.8; Comments: Explanation and discussion by Ms. May and Mr. Taylor.}

EXHIBIT 5

MOTION/VOTE: SEN. MOHL moved to approve item #4, and reduce item #5 (Facility Maintenance) totalling \$110,957 FY 98, and \$112,755 FY 99, by \$42,525 each year. Motion **CARRIED** 4-2, with REP. MENAHAN and SEN. CHRISTIAENS voting no.
{Tape: 2; Side: B; Approx. Time Count: 15.0; Comments: None.}

SEN. VICK suggested to wait issue # 8 (Equipment Replacement) until all New Proposals are finished.

PRESENT LAW ADJUSTMENTS: FIELD SUPPLIES (Item # 10)

Craig T. Reap, Montana Highway Patrol

{Tape: 2; Side: B; Approx. Time Count: 17.9; Comments: Definition of Field Supplies.}

MOTION: SEN. MOHL moved to accept Present Law Adjustments, Item # 10.
Discussion

VOTE: Motion **CARRIED** unanimously.

{Tape: 2; Side: B; Approx. Time Count: 24.4; Comments: None.}

OTHER BASE ADJUSTMENTS

MOTION/VOTE: SEN. CHRISTIAENS moved to accept Other Base Adjustments as written. Motion CARRIED unanimously.
{Tape: 2; Side: B; Approx. Time Count: 25.2; Comments: None.}

NEW PROPOSALS

{Tape: 2; Side: B; Approx. Time Count: 25.9; Comments: Discussion.}

{Tape: 3; Side: A; Approx. Time Count: 0.0; Comments: Continued discussion on Officer Funding Switch.}

MOTION/VOTE: SEN. CHRISTIAENS moved to revisit the Highway Officer Funding Switch issue. Motion CARRIED unanimously.
{Tape: 3; Side: A; Approx. Time Count: 12.3; Comments: None.}

MISSOULA RENT INCREASE (Item # 2)

Hold action until after this committee tours the old Missoula facility.

COMMUNICATIONS SYSTEM OPERATORS (Item # 3)

{Tape: 3; Side: A; Approx. Time Count: 15.2; Comments: Motion and Discussion on item # 3.}

MOTION: SEN. MOHL moved to hire one new F.T.E.
Discussion

SUBSTITUTE MOTION: SEN. MOHL moved to reduce request to 1.5 F.T.E. and use the half (.5) F.T.E. in the three communications locations.

{Tape: 3; Side: A; Approx. Time Count: 22.1; Comments: None.}

Discussion

VOTE: Motion CARRIED 4-2, with SEN. CHRISTIAENS and REP. MENAHAN voting no.

{Tape: 3; Side: A; Approx. Time Count: 23.9; Comments: None.}

REQUESTED LANGUAGE

Discussion

MOTION/VOTE: SEN. TAYLOR moved to include the following language in HB 2. Motion CARRIED unanimously.

"The department is authorized to transfer the retirement contributions provided in sections 19-6-404 and 61-5-121(1)(a) in fiscal years 1998 and 1999 from the highway patrol retirement clearing account in the state special revenue fund to the Montana highway patrol officers' retirement pension trust fund. An appropriation must be established each year in the amount required to be transferred up to the amount of \$700,000.

{Tape: 3; Side: B; Approx. Time Count: 2.7; Comments: None.}

EXECUTIVE ACTION ON LAW ENFORCEMENT SERVICES DIVISION

MOTION/VOTE: SEN. MOHL moved to adopt the 1996 base. Motion CARRIED unanimously.
{Tape: 3; Side: B; Approx. Time Count: 4.0; Comments: None.}

STATEWIDE PRESENT LAW ADJUSTMENTS

Ms. May
{Tape: 3; Side: B; Approx. Time Count: 4.6; Comments: Ms. May explains the increase due to ongoing litigation with an FTE.}

MOTION/VOTE: REP. MENAHAN moved to approve Present Law Adjustments, Items # 1,2,3. Motion CARRIED 5-1 with SEN. MOHL voting no.
{Tape: 3; Side: B; Approx. Time Count: 16.7; Comments: None.}

SIGNIFICANT PRESENT LAW ADJUSTMENTS

{Tape: 3; Side: B; Approx. Time Count: 17.1; Comments: Questions and discussion on general fund increase, medicaid fraud, and the Federal Forfeiture account.}

EXHIBIT 6

SEN. TAYLOR
{Tape: 3; Side: B; Approx. Time Count: 27.7; Comments: Questions on the Medicaid Fraud Unit.}

MOTION: SEN. TAYLOR moved to reduce Significant Present Law Adjustment, Item # 9, by three vehicles per year.
{Tape: 3; Side: B; Approx. Time Count: 30.8; Comments: Discussion on motion followed on tape 4, side A.}

VOTE: Motion CARRIED unanimously.
{Tape: 4; Side: A; Approx. Time Count: 3.2; Comments: None.}

NEW PROPOSALS

{Tape: 4; Side: A; Approx. Time Count: 3.5; Comments: Discussion.}

MOTION: SEN. MOHL moved to approve New Proposal, Item # 1, and approve Items # 2 and 3 as line items one time only, and restore full funding of all FTE.
{Tape: 4; Side: A; Approx. Time Count: 5.9; Comments: Discussion followed.}

VOTE: Motion CARRIED unanimously.

{Tape: 4; Side: A; Approx. Time Count: 8.0; Comments: None.}

MOTION: REP. MENAHAN moved to approve Worker's Compensation Fraud Prosecution Fund Switch.

{Tape: 4; Side: A; Approx. Time Count: 9.5; Comments: Discussion followed.}

VOTE: Motion FAILED 2-4 with SEN. CHRISTIAENS and REP. MENAHAN voting yes.

{Tape: 4; Side: A; Approx. Time Count: 10.0; Comments: None.}

EXECUTIVE ACTION ON FORENSIC SCIENCE DIVISION

MOTION/VOTE: REP. MENAHAN moved to adopt the 1996 base. Motion CARRIED unanimously.

{Tape: 4; Side: A; Approx. Time Count: 11.3; Comments: None.}

MOTION: REP. MENAHAN moved to accept Statewide Present Law Adjustments, Items # 1,2,3.

{Tape: 4; Side: A; Approx. Time Count: 11.5; Comments: Questions of Ms. May followed.}

VOTE: Motion CARRIED unanimously.

{Tape: 4; Side: A; Approx. Time Count: 12.9; Comments: None.}

MOTION/VOTE: REP. VICK moved to accept Significant Present Law Adjustments, Items # 4-9. Motion CARRIED unanimously.

{Tape: 4; Side: A; Approx. Time Count: 13.2; Comments: None.}

HEARING ON MONTANA LAW ENFORCEMENT ACADEMY

Gregory Noose, Division Administrator, Montana Law Enforcement Academy.

{Tape: 4; Side: A; Approx. Time Count: 16.0; Comments: Testimony, Proponent.}

EXHIBITS 7, 8, 9, 10

{Tape: 4; Side: B; Approx. Time Count: 2.4-11.0; Comments: Continued testimony.}

SEN. CHRISTIAENS

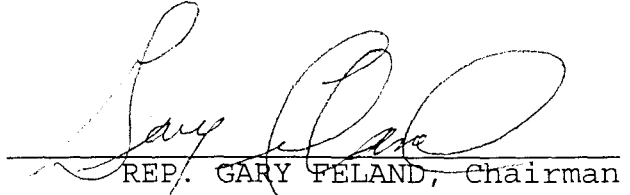
{Tape: 4; Side: B; Approx. Time Count: 13.2; Comments: Mr. Noose answers questions on charging students for training costs.}

COMMITTEE QUESTIONS

{Tape: 4; Side: B; Approx. Time Count: 19.7-28.2; Comments: Mr. Noose answers several questions on charging students, where the tuition is used, and possible higher education grants for training.}

ADJOURNMENT

Adjournment: 11:57 A.M.



REP. GARY FELAND, Chairman



HOPE SPRIGGS, Secretary

GF/hs