

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS

Call to Order: By CHAIRMAN FELAND, on February 17, 1997, at 8:07 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 CORRECTIONS
2/18/97; 2/14/97

-BOARD OF PARDONS
-MONTANA SENTENCING COMMISSION

CRIME CONTROL DIVISION

Executive Action: DEPARTMENT OF JUSTICE

HEARING ON BOARD OF PARDONS

Craig Thomas, Executive Director, Board of Pardons and Parole
{Tape: 1; Side: A; Approx. Time Count: 1.2; Comments: Answered
SEN. CHRISTIAENS and REP. MENAHAN'S questions on how to keep
people out of prison and details on parole violations.}

HEARING ON MONTANA SENTENCING COMMISSION

Chris Christensen, Administrative Officer, Montana Sentencing Commission

{Tape: 1; Side: A; Approx. Time Count: 5.8; Comments: Presentation.}

EXHIBITS 1-3

The COMMITTEE asked Mr. Christensen questions on FTE cost growth, comparisons of original funding for commission and present costs, and voluntary sentencing.

{Tape: 1; Side: A; Approx. Time Count: 25.1;.}

Beth Baker, Vice Chair, Department of Justice Representative, Montana Sentencing Commission

{Tape: 1; Side: A; Approx. Time Count: 29.8; Comments: Testimony: Proponent, MSC and voluntary sentencing guidelines.}

SEN. CHRISTIAENS asked Ms. Baker about safeguards against voluntary sentence variances and possible problems with the Sentence Review Board.

{Tape: 1; Side: A; Approx. Time Count: 34.3;.}

SEN. TAYLOR asked Ms. Baker if judges would voluntarily use the guidelines.

{Tape: 1; Side: A; Approx. Time Count: 37.8;.}

Joe Williams, Fiscal Bureau Chief, Department of Corrections

{Tape: 1; Side: A; Approx. Time Count: 40.5; Comments: Overview of last requests.}

{Tape: 1; Side: B; Approx. Time Count: 3.9; Comments: Mr. Williams, continued.}

PUBLIC TESTIMONY: SENTENCING COMMISSION

Anita Richards, Public Representative, Sentencing Commission

{Tape: 1; Side: B; Approx. Time Count: 5.3; Comments: Testimony: Proponent, Sentencing Commission.}

HEARING ON CRIME CONTROL

Gene Kiser, Montana Board of Crime Control

{Tape: 1; Side: B; Approx. Time Count: 8.5; Comments: Addressed completion date of new Boulder Facilities.}

REP. VICK asked Mr. Kiser about juvenile center funding and the state's share expenses.

{Tape: 1; Side: B; Approx. Time Count: 9.0;.}

The COMMITTEE asked Mr. Kiser about the completion date, educational liability and costs covered by OPI.

{Tape: 1; Side: B; Approx. Time Count: 10.0;.}

Candy Wimmer, Board of Crime Control

{Tape: 1; Side: B; Approx. Time Count: 17.4; Comments: Education needs for detention centers.}

EXECUTIVE ACTION ON DEPARTMENT OF JUSTICE

EXHIBIT 4

Joe Mazurek, Attorney General

{Tape: 1; Side: B; Approx. Time Count: 20.3; Comments: Answered REP. VICK'S question on increase in his division.}

Dennis Taylor, Department of Justice

{Tape: 1; Side: B; Approx. Time Count: 22.3; Comments: Commented on Major Litigation.}

Jan Dee May, Department of Justice

{Tape: 1; Side: B; Approx. Time Count: 23.2; Comments: Answered questions on ending fund balances/accruals, and overtime costs.}

**Mr. Mazurek, Mr. Taylor and Ms. May answered questions throughout this section of the hearing.

(Item numbers refer to issues on EXHIBIT 4)

Item # 1, Funding switch: Montana Highway Patrol
{Tape: 1; Side: B; Approx. Time Count: 29.5; Comments:
Discussion.}
NO ACTION TAKEN

EXHIBIT 5

COMMITTEE questions on officers, federal grant timeline and
consequences if funding is removed.
{Tape: 1; Side: B; Approx. Time Count: 34.4;.}

Item # 2, Rent and Attorney's salaries
{Tape: 1; Side: B; Approx. Time Count: 38.4; Comments: Discussion
continued to Tape 2.}

The COMMITTEE asked questions on executive budget, clarification
on the Missoula facility and timeline for regional jail
operation.
{Tape: 2; Side: A; Approx. Time Count: 2.1;.}

MOTION/VOTE: SEN. TAYLOR moved to pay rent costs of \$42,528 per
year out of state special revenue. Motion CARRIED unanimously.
{Tape: 2; Side: A; Approx. Time Count: 10.0;.}

MOTION: SEN. CHRISTIAENS moved to include rent increases for the
Gaming Division.
{Tape: 2; Side: A; Approx. Time Count: 14.7; Comments: Discussion
followed.}

VOTE: Motion FAILED 2-4, with REP. MENAHAN and SEN. CHRISTIAENS
voting yes.
{Tape: 2; Side: A; Approx. Time Count: 16.2;.}

Item # 3: DUI Intoxilizers
{Tape: 2; Side: A; Approx. Time Count: 16.7; Comments:
Discussion.}

EXHIBIT 6

Item # 4: Equipment Replacement, MHP

Craig Reap, Montana Highway Patrol

{Tape: 2; Side: A; Approx. Time Count: 25.0; Comments:
Explanation and discussion.}

MOTION/VOTE REP. VICK moved to approve request, less two cars per year, and reduce other equipment requested proportionally.

Motion CARRIED unanimously.

{Tape: 2; Side: A; Approx. Time Count: 31.0;.}

Item # 5: Computer Upgrade- Academy and Central Services Division

MOTION: SEN. TAYLOR moved to accept the revised computer upgrades.

{Tape: 2; Side: A; Approx. Time Count: 33.8; Comments: Discussion followed.}

VOTE: Motion FAILED 3-3, with SEN. MOHL and REPS. FELAND and VICK voting no.

{Tape: 2; Side: A; Approx. Time Count: 38.2;.}

Item # 6 (a-d) MHP Requests

Mr. Reap

{Tape: 2; Side: A; Approx. Time Count: 38.5; Comments:
Explanation.}

The COMMITTEE asked several questions about the request.

{Tape: 2; Side: A; Approx. Time Count: 42.0;.}

{Tape: 2; Side: B; Approx. Time Count: 3.6; Comments: Questions continued.}

Item # 7: Bankruptcy Unit

Skip Culver

{Tape: 2; Side: B; Approx. Time Count: 12.1; Comments: Overview.}

EXHIBIT 7

Chris Tweeten, Department of Justice

{Tape: 2; Side: B; Approx. Time Count: 14.6; Comments:
Explanation of Bankruptcy Unit.}

COMMITTEE questions of Mr. Tweeten on rates compared to private industry, funding request clarification and amount that counties received.

{Tape: 2; Side: B; Approx. Time Count: 30.3;.}

Item # 8: Antitrust Funding

Mr. Mazurek

{Tape: 2; Side: B; Approx. Time Count: 37.8; Comments:
Explanation.}

EXHIBIT 8

MOTION/VOTE: SEN. MOHL moved to approve spending authority of \$15,000 per year. Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Time Count: 40.0;.}

Item # 9: County Attorney Payroll vacancy savings

Mr. Mazurek

{Tape: 2; Side: B; Approx. Time Count: 40.6; Comments:
Description.}

Item # 10: Habeas Corpus Reform

Mr. Mazurek

{Tape: 2; Side: B; Approx. Time Count: 41.0; Comments:
Description.}

EXHIBIT 9

The COMMITTEE asked questions of Mr. Mazurek on funding.

{Tape: 2; Side: B; Approx. Time Count: 43.0;.}

Item # 12: Vacancy Savings

Mr. Taylor

{Tape: 3; Side: A; Approx. Time Count: .7; Comments: Explanation
to compensate for DOJ low turnover rates.}

Item # 13 (a-d): Housekeeping Issues

Mr. Mazurek

{Tape: 3; Side: A; Approx. Time Count: 2.8; Comments: Explanation
of a-d separately.}

a) Special Prosecutor Unit

MOTION/VOTE: REP. VICK moved to approve a federal biennium appropriation of \$ 100,000 in federal grants. Motion **CARRIED** 4-2, with REP. MENAHAN and SEN. CHRISTIAENS voting no.
{Tape: 3; Side: A; Approx. Time Count: 9.8;.}

b) DARE Training

{Tape: 3; Side: A; Approx. Time Count: 11.0; Comments:
Explanation.}

MOTION/VOTE: REP. MENAHAN moved to allow tuition to be a match for federal funding in DARE program training. Motion **CARRIED** unanimously.

{Tape: 3; Side: A; Approx. Time Count: 12.3;.}

c) Printing

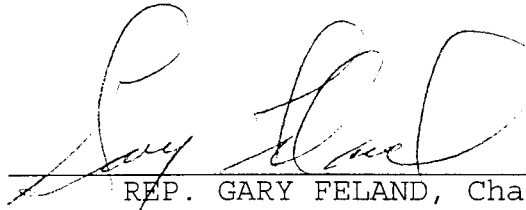
{Tape: 3; Side: A; Approx. Time Count: 13.0; Comments:
Description.}

d) MHP per diem

{Tape: 3; Side: A; Approx. Time Count: 13.2; Comments: None.}

ADJOURNMENT

Adjournment: 11:36 A.M.



REP. GARY FELAND, Chairman



HOPE SPRIGGS, Secretary

GF/hs

This meeting was recorded on three 90 minute audio-cassette tapes.