



PUBLIC SAFETY INTERIM BUDGET COMMITTEE

67th Montana Legislature

SENATE MEMBERS

David Howard
Ryan Lynch
Dan Bartel

HOUSE MEMBERS

Emma Kerr-Carpenter
Bill Mercer
Fiona Nave
Kerri Seekins-Crowe

COMMITTEE STAFF

Quinn Holzer, Assistant Director
Katya Grover - Secretary
Christine Hultin - OBPP Staffer
Kris Wilkinson - Fiscal Analyst

MINUTES LOG

March 16, 2022
Room 317
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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MEMBERS PRESENT:

Rep. Bill Mercer, Chair (R)
Rep. Emma Kerr-Carpenter (D)
Sen. Ryan Lynch (D)
Sen. Dan Bartel (R)
Rep. Fiona Nave (R)
Rep. Kerri Seekins-Crowe (R)

MEMBERS EXCUSED:

Sen. David Howard, Vice Chair (R)

STAFF PRESENT:

Katya Grover, Secretary
Quinn Holzer, LFD Assistant Director
Brent Doig, OBPP Analyst
Kris Wilkinson, Fiscal Analyst

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

CALL TO ORDER/ROLL CALL

- 08:33:28 Rep. Bill Mercer-R called the meeting to order at 8:33 AM. The committee secretary took roll.
- 08:34:09 Chair Mercer asked Quinn Holzer, LFD Assistant Director, whether approval of the minutes from the preceding meeting was required.
- 08:34:38 Mr. Holzer addressed the question by stating that the committee was not legally bound to vote on minutes as the audio and video record are the official record.

MARA 2040 PLANNING AND ACTIVITIES

- 08:35:15 Chair Mercer spoke on the agenda for the current committee meeting and for the next meeting in June. Chair Mercer invited committee members to reach out before the upcoming meetings if they wanted discussion of any topics to be put on the agenda.
- 08:37:43 Mr. Holzer provided an update on the work done by the Financial Modernization and Risk Analysis (MARA) Study Committee. ([Exhibit 1](#)) ([Exhibit 2](#)) ([Exhibit 3](#))
- 08:38:27 Rep. Nave joined the meeting.

Committee Discussion

- 08:45:35 Rep. Nave asked what kind of data related to public safety went into MARA module.
- 08:47:10 Mr. Holzer addressed the question.
- 08:49:50 Rep. Nave asked to provide a more specific example of what kind of output could be expected from MARA regarding public safety.
- 08:50:23 Mr. Holzer responded to the question.
- 08:51:29 Chair Mercer also addressed Rep. Nave's question.
- 08:54:08 Sen. Bartel asked whether there was any model built looking, for example, at gas tax revenues and whether MARA could provide tools allowing this committee to have discussions with the agencies.
- 08:55:53 Mr. Holzer addressed the question.
- 08:57:06 Sen. Lynch asked about criminal justice data sharing with respect to trying to find a common identifier between various parties. Sen. Lynch also asked whether there was any engagement between MARA and other persecutory jurisdictions.
- 08:59:10 Mr. Holzer addressed the question.
- 09:00:19 Sen. Lynch asked to elaborate on data sharing techniques.
- 09:01:16 Mr. Holzer addressed the question.
- 09:02:23 Chair Mercer provided further elaboration.

Beginning of Budget Preparation: Current Budget Memos

- 09:03:44 Brent Doig, Budget Analyst, Office of Budget and Program Planning (OBPP), provided the report to the committee members. ([Exhibit 4](#))

Committee Discussion

- 09:05:03 Chair Mercer asked about the interactions between the OBPP and the budget committees. Chair Mercer requested all memos that the OBPP sent to the budget committees be provided to this committee.

- 09:05:40 Mr. Doig addressed the information request.
- 09:06:22 Chair Mercer noted that it would be useful to have the memos posted on the committee webpage.
- 09:06:39 Mr. Doig responded to Chair Mercer's comment.
- 09:06:45 Chair Mercer asked whether the OBPP provided guidance to the state agencies, so that those agencies would have an opportunity to explain to this public safety and public service committee what they perceived to be the problems as well as what they wanted to be addressed in the budget, at the current and forthcoming meetings of this committee.
- 09:07:06 Mr. Doig addressed the question.
- 09:07:24 Chair Mercer called for further questions from the committee.
- 09:07:40 Rep. Nave referred to Exhibit 4 and asked whether OBPP would post on its website instructions to agencies for Legislative Proposals for the 2023 Legislative Session. Rep. Nave requested details about the instructions be provided to the committee
- 09:08:23 Mr. Doig addressed the question and information request.

DEPARTMENT OF CORRECTIONS

- 09:08:41 Chair Mercer introduced discussion on the Department of Corrections.

December-February Budget Report

- 09:08:57 Mr. Holzer delivered the report to the committee members. ([Exhibit 5](#)) ([Exhibit 6](#))

Committee Discussion

- 09:20:49 Rep. Nave referred to the Personal Services section on page 6 of Exhibit 5 and asked about agency savings that were offset by \$1.6 million in overtime.
- 09:21:32 Mr. Holzer deferred the question to the agency.
- 09:21:44 Chair Mercer asked Rep. Nave to hold this question until the end of the agency report. Rep. Nave agreed to wait.

Agency Comments on Status of FY 2022 Budgets, Observations on Expectations for FY 2023, and Updates on Implementation of New Programs or FTEs Funded by the 2021 Legislature

- 09:22:09 Cynthia Wolken, Deputy Director, DOC, introduced the report.
- 09:23:25 Natalie Smitham, Chief Financial Officer, DOC, delivered the report to the committee members. ([Exhibit 7](#))

Committee Discussion

- 09:28:15 Chair Mercer invited questions from the committee.
- 09:28:51 Rep. Nave asked her original question about agency savings due to unfilled vacancies that were, however, offset.
- 09:29:50 Ms. Smitham addressed the question.
- 09:30:59 Rep. Nave asked how many of the probation and parole officer positions DOC didn't have qualified candidates for.
- 09:31:22 Ms. Smitham addressed the question.
- 09:31:32 Sen. Lynch asked about the level of turnover and retention in the department.

09:32:00 Ms. Wolken addressed the question.

09:32:27 Sen. Lynch requested supplemental information about recruitment and retention efforts be provided to the committee.

09:33:04 Chair Mercer referred to Exhibit 5 and to the fact that clinical services division and probation and parole division have spent just below 50 percent and about 51 percent respectively and asked what reasons accounted for the fact that the budget was less than half expended.

09:34:00 Ms. Smitham addressed the question.

09:34:56 Chair Mercer asked to confirm that the medical costs went down because of Medicaid expansion that provided resources that were not contemplated.

09:35:25 Ms. Smitham addressed the question.

09:35:29 Chair Mercer noted that it would be helpful to quantify the savings and to understand the potential difference between what was anticipated to be incurred as a result of the budget process and what has actually incurred. Chair Mercer referred to the 12 new positions identified in Exhibit 7 and asked whether there were officers hired in places other than Billings.

09:36:52 Ms. Smitham addressed the question.

09:37:05 Chair Mercer asked where the 8 positions were anticipated to be filled.

09:37:19 Jim Anderson, Public Safety Chief, DOC, addressed the question.

09:37:33 Chair Mercer asked whether the remainder of the 5 positions would go to Missoula and Kalispell region.

09:37:39 Mr. Anderson asked for clarification on the question.

09:37:44 Chair Mercer stated that per information in Exhibit 7, the 12 positions were comprised of 8 probation and parole officers and 4 PSI writers, and the DOC had hired 3 officers in Billings which would leave 5 to be hired. Chair Mercer asked whether those 5 positions would go to Missoula and Kalispell region.

09:38:02 Mr. Anderson addressed the question.

09:38:16 Chair Mercer asked what positions had been posted and what positions had not yielded positions.

09:38:31 Mr. Anderson addressed the question.

09:38:47 Chair Mercer asked whether the postings were still active or whether they closed.

09:38:53 Mr. Anderson addressed the question.

09:39:07 Ms. Wolken provided further information on Chair Mercer's question.

09:39:53 Chair Mercer referred to the testimony from the last legislative session as well as from the initial committee meeting and stated that the testimony indicated that there was an urgent need for officers, as well as an apprehension expressed by the DOC about hiring too many people at the same time in the Billings area. Chair Mercer expressed his concern that the DOC was 8 months into the FY and only 3 positions got filled. Chair Mercer expressed his hope that by the time the state got into the beginning of the FY 2023 that all these positions would be filled. Lastly, Chair Mercer asked whether the 3 PSI writer positions were still listed or filled.

09:40:58 Mr. Anderson addressed the question.

09:41:03 Chair Mercer asked where the 3 PSI writer positions would be based.

09:41:08 Mr. Anderson addressed the question.

09:41:42 Chair Mercer requested a supplemental report be provided to the committee after the current meeting. Chair Mercer also asked how the federal money for responding to COVID-19, including ARPA money, was used, as well as whether there were requests by the department to any of the ARPA commission's dollars that were rejected.

09:42:35 Ms. Wolken addressed the question.

09:45:40 Ms. Smitham provided further details in response to Chair Mercer's question.

09:45:57 Chair Mercer stated that it was important for the committee to understand that there hadn't been any supplemental payments to contractors in FY 2021 or FY 2022. Chair Mercer asked whether the latter had been the case.

09:46:12 Ms. Smitham addressed the question.

09:46:16 Chair Mercer asked whether, when looking at the department's operations, Ms. Smitham felt that the DOC incurred losses that were COVID-19-related that were not reimbursed through a federal resource.

09:46:34 Ms. Smitham addressed the question.

09:46:46 Chair Mercer asked if any determinations were made regarding to whether that calculation was the same for the department's contractors.

09:47:00 Ms. Smitham addressed the question. In her response, Ms. Smitham stated that the secondary impact of COVID-19, specifically, impacts that have resulted from some of the changes in the economy such as wages and inflationary increases have resulted in cost increases that have not been replaced by the federal government.

09:48:23 Chair Mercer asked whether the DOC had tried to quantify those secondary impacts.

09:48:36 Ms. Smitham addressed the question.

09:49:15 Chair Mercer requested that DOC provide a summary with the department's estimation of the secondary, economic impact of the COVID-19 on the department and its contractors. Chair Mercer also asked whether DOC has made any requests of the ARPA commission that were rejected for any resources that would be utilized by the department, including the contractors hired by the department.

09:49:57 Ms. Wolken addressed the question and asked Mr. Doig to elaborate further.

09:50:12 Mr. Doig addressed the question.

09:50:25 Chair Mercer asked whether the department had a conversation about trying to get ARPA dollars that would be utilized to assist contractors that have experienced impacts as a result of COVID-19.

09:50:56 Ms. Smitham addressed the question.

09:51:47 Brian Gootkin, Director, DOC, provided further elaboration on the question.

09:52:45 Chair Mercer asked about the time frame of when the white paper to the DPHHS had to be submitted.

09:52:56 Mr. Gootkin addressed the question.

09:53:04 Chair Mercer clarified his question and asked whether the department had a goal with respect to when the paper would be prepared and submitted.

09:53:33 Mr. Gootkin addressed the question.

09:53:46 Chair Mercer requested Mr. Gootkin report back to the committee with information regarding the content and timeframe of the white paper.

- 09:54:40 Chair Mercer referred to the acquisition in the Acadia by the DOC and asked to comment how the use of ARPA dollars would be helpful for the department and what would be achieved if that acquisition took place.
- 09:55:26 Ms. Wolken addressed the question.

Prison Staffing: Relationship between Staffing Level and Prison Census

- 09:56:38 Chair Mercer introduced discussion on prison staffing.
- 09:56:56 Ms. Wolken provided introductory remarks on the report.
- 09:57:22 Mr. Anderson provided the overview to the committee members.

Committee Discussion

- 09:58:40 Chair Mercer asked whether the 62 vacancies identified in the report from the beginning of February were system wide.
- 09:59:35 Mr. Anderson addressed the question.
- 09:59:44 Chair Mercer asked to elaborate on what the aforementioned vacancies meant with respect to the possible census for inmates at Deer Lodge prison facility. Chair Mercer also asked to clarify what the maximum number of inmates at the Deer Lodge facility was.
- 10:00:13 Mr. Anderson addressed the question.
- 10:00:25 Chair Mercer asked to confirm that the current population was at 1,520.
- 10:00:43 Ms. Smitham addressed the question.
- 10:00:48 Chair Mercer asked how many people could be accommodated at that facility and whether staffing had an effect on that number.
- 10:01:15 Mr. Anderson addressed the question.
- 10:02:11 Chair Mercer asked about overtime vs. regular full-time staff, as well as requested information regarding what could be accommodated at optimal staff level, or, if at less-than-optimal level, then supplemented with overtime.
- 10:04:12 Mr. Gootkin addressed the information request.
- 10:05:11 Sen. Lynch asked whether there has been any analysis of what it would look like if one of the units was closed.
- 10:05:34 Ms. Wolken addressed the question.
- 10:06:51 Sen. Lynch referred to technological innovation and asked whether the department has been exploring opportunities for some staff relief with programs like an automated mail system.
- 10:07:21 Ms. Wolken addressed the question.
- 10:08:44 Mr. Anderson also responded to Sen. Lynch's question about staff relief through automatic applications as well as about effects of a facility being closed.
- 10:10:17 Chair Mercer asked about the length of the Architect & Engineering report.
- 10:10:37 Ms. Wolken addressed the question.
- 10:10:48 Chair Mercer requested an executive summary of the aforementioned report be provided to the committee, so that the committee members could decide whether to have a discussion on it at the next committee meeting. Chair Mercer also asked about a 20-year forecasting model that the DOC created regarding growth in population and the needs associated with that at the facility level.
- 10:11:20 Mr. Holzer addressed the question.
- 10:11:53 Chair Mercer requested that the DOC report to the committee about the forecasting model at the next committee meeting.

10:12:05 Ms. Wolken addressed the information request.

Risk Assessments

10:12:45 Chair Mercer introduced discussion on risk assessment.

10:13:12 Ms. Wolken reported on offender prescreening and placement as directed by HB 2. ([Exhibit 8](#))

10:14:06 Chair Mercer directed public to the online location of the report.

10:14:34 Sen. Lynch asked whether the risk assessment as discussed was a current policy and practice.

10:14:41 Ms. Wolken addressed the question.

10:14:45 Sen. Lynch asked to elaborate on the status in the shift in the screening criteria and the placement.

10:15:06 Ms. Wolken addressed the question.

10:15:49 Sen. Lynch noted that the prescreening piece came out of the courts' desire to have the information available upon sentencing and asked whether the DOC had any follow-up conversations with the courts regarding how this was or was not working for them.

10:16:15 Ms. Wolken addressed the question.

10:16:46 Sen. Lynch asked whether the changes in risk assessment had resulted in alleviating any pressure with respect to length of stay from the local jails where people were waiting for the evaluation to be administered.

10:17:15 Ms. Wolken addressed the question.

HB 693 Reporting

10:19:05 Chair Mercer opened the discussion on HB 693 reporting and noted that there were no materials online regarding this topic.

10:19:41 Ms. Wolken offered her materials.

BRIEF RECESS

10:20:37 Chair Mercer announced a brief recess for the purpose of making copies of the presentation materials to the committee members.

10:26:03 Chair Mercer called committee back to order.

10:26:24 Ms. Wolken provided a quarterly report on the utilization of drug treatment beds and on any guarantee payments made to the Law and Justice Interim Committee and the Legislative Finance Committee. ([Exhibit 9](#))

Committee Discussion

10:27:34 Chair Mercer referred to the column entitled "Reason for Delay" on page 2 in Exhibit 9 and asked whether there were any indicators of where the placement was and whether there were places that were routinely lacking capacity.

HB 693 Reporting

10:28:27 Ms. Wolken addressed the question. In her response, Ms. Wolken referred committee's attention to a copy of utilization of treatment facilities report.

10:29:51 Chair Mercer noted that the utilization report was not available online. (This report was made available on the committee website for the current meeting.)

10:30:16 Ms. Wolken went over the utilization of treatment facilities report on quarter 2 of FY2022. ([Exhibit 10](#))

10:33:42 Chair Mercer called for questions from the committee. There were none.

10:34:08 Ms. Smitham provided corrections and clarifications on some of the answers provided earlier in the committee discussion, namely, on the subsistence payments to the community corrections partners.

10:34:36 Director Gootkin addressed earlier questions raised by Chair Mercer regarding probation and parole.

10:36:19 Chair Mercer noted that the report entitled “Status Update on Legislatively Approved FTE” referred to 12 FTE and asked to clarify about the 14 FTE that Mr. Gootkin was referring to.

10:37:02 Ms. Smitham addressed the question.

10:37:38 Chair Mercer asked about a connection between the creation of 12 FTE in HB2 and 2 additional FTE.

10:37:55 Ms. Smitham addressed the question.

10:38:00 Chair Mercer referred to the 14 new positions, 8 out of which were for probation officers acquired through HB 2 process. Chair Mercer asked whether the additional 2 positions – that were contingent upon passage of a separate bill that Ms. Smitham referred to – would be for PSI writers or for probation officers.

10:38:38 Ms. Smitham addressed the question.

10:38:42 Chair Mercer talked about positions of probation officers and locations where those positions needed to be filled. Chair Mercer asked to confirm whether there were unfilled 2 positions in Region 4 and 5 outside Region 4 that were in the category of probation and parole officers.

10:39:02 Mr. Gootkin addressed the question.

10:39:30 Chair Mercer elaborated on the number of positions that were intended for probation officers and asked to confirm that there were 2 positions had not been hired in Region 4 and 5 positions that had not been hired elsewhere in the state based upon 2021 Session.

10:39:49 Mr. Anderson went over the list of the positions and where they were allocated.

10:40:53 Chair Mercer noted that according to his calculations, those positions were not amounting to 10.

10:41:15 Mr. Anderson addressed Chair Mercer’s question and noted that he counted 10 positions.

10:41:47 Chair Mercer asked to confirm that in that group the only hires that had been made were the 3 positions in Region 4.

10:42:19 Mr. Anderson noted that he could follow up with that information.

10:42:47 Chair Mercer requested the DOC provide information about where the department was in the hiring process, showing the deployment resources, including internal movements and hiring for the newly opened positions as a result of those internal movements.

10:43:36 Mr. Holzer stated that both reports were provided to the LFD staff and that they were now available online.

Public Comment – Department of Correction Topics

10:44:22 Chair Mercer opened public comment.

10:44:42 Amy Tenney, President, Montana Community Corrections Association, expressed the need for significant increase in funding and discussed reasons as to why the association had to increase wages. Ms. Tenney offered tours of the

- facilities that the association oversees and thanked the committee for including a discussion on the agenda for the next meeting.
- 10:49:22 Erin McGowan, Montana Community Corrections Association, addressed some of the questions brought up in the committee discussion and emphasized an urgent need for paying a better rate than the fast food industry.
- 10:54:20 Alan Scanlon, Executive Director, Great Falls Pre-Release Services, spoke about additional hiring and salary requirements. Mr. Scanlon also spoke about focusing on re-entry and the fact that the majority of the residents came from the community or an assessment or sanction center.
- 10:57:31 Chair Mercer closed public comment and thanked the DOC staff.

OFFICE OF PUBLIC DEFENDER

- 10:57:55 Chair Mercer opened the discussion on the Office of Public Defender (OPD).

December-February Budget Report

- 10:58:25 Mr. Holzer presented the report to the committee members. ([Exhibit 11](#))
- 11:04:13 Chair Mercer invited questions from the committee. There were none.

Agency Comments on Status of FY 2022 Budgets, Observations on Expectations for FY 2023, and Updates on Implementation of New Programs or FTEs Funded by the 2021 Legislature

- 11:04:25 Rhonda Lindquist, Director, Office of Public Defender (OPD), introduced staff members participating in the current meeting: Travis Tilleman, Human Resources Administrator, and Brett Schandelson, Development and Operations Bureau Chief. Ms. Lindquist introduced the discussion and explained where reports used in today's presentation could be found on the division website.
- 11:08:52 Mr. Tilleman emphasized that the agency was struggling to fill vacant positions as the candidates accept positions and then leave because they are unable to find housing.
- 11:10:45 Ms. Lindquist spoke about the data regarding new cases and deferred further discussion to Mr. Schandelson.
- 11:11:11 Mr. Schandelson provided an update to the committee members. ([Exhibit 12](#))

Committee Discussion

- 11:13:29 Chair Mercer asked to clarify the breakdown between felony charges and non-felony charges.
- 11:13:44 Mr. Schandelson addressed the question and continued his presentation.

HB 2 Quarterly Reporting: New Cases Filed and Number of Cases Worked

- 11:25:30 Mr. Schandelson provided an HB 2 quarterly report.

ARPA Funding: Uses and Early Results

- 11:26:34 Mr. Schandelson updated the committee on ARPA funding.
- 11:30:00 Ms. Lindquist provided closing remarks on the report delivered by Mr. Schandelson.

Committee Discussion

- 11:31:09 Chair Mercer asked to summarize how deployment of contractors in Billings using ARPA money has been progressing.

11:32:59 Mr. Schandelson addressed the question.

11:33:36 Chair Mercer requested information regarding real time assessment of the breakdown of the first chart in Exhibit 12, on the felony vs. non-felony matters statewide, be provided to the committee at a later time, so that the committee could gain a better understanding of the nature of that work. Chair Mercer also asked whether the department considered relying on the model used in the Yellowstone County for the non-felony cases but in other urban areas.

11:34:36 Ms. Lindquist addressed the question regarding Yellowstone County model.

11:36:07 Chair Mercer elaborated further on his information request and asked how many of those matters were handled by contractors as opposed to regular employees. Chair Mercer also requested to break data down by county and by the judicial district, as well as requested information provided to Mr. Doig be given to the committee.

11:38:02 Chair Mercer asked about the data source for the entry-level yearly attorney pay in Montana being \$86,000.

11:38:31 Mr. Schandelson addressed the question.

11:39:58 Chair Mercer noted that the committee wanted to see as precise data as possible regarding the inventory of what those graduating from law school get paid and what exactly lawyers get paid for doing government work.

11:42:20 Ms. Lindquist addressed Chair Mercer's comment.

11:43:13 Mr. Tilleman also addressed Chair Mercer's comment.

11:43:36 Rep. Seekins-Crowe referred to what Mr. Schandelson reported on felony vs. non-felony misdemeanor and asked Chair Mercer whether he thought that the committee would be getting enough information to make an assessment unless the committee also heard from the county attorneys as well, as it seemed that those type of cases were not brought forward in Yellowstone county.

11:44:33 Chair Mercer responded the question.

11:45:17 Rep. Seekins-Crowe elaborated further on seeking information from the city and county attorneys regarding workload affecting their ability to bring forward those types of cases.

11:45:28 Chair Mercer agreed with Rep. Seekins-Crowe's idea and noted that it would be useful to have a panel of judges and a panel of county attorneys to make their observations. Chair Mercer also elaborated on reasons as to why this committee was interested in a certain level of granularity in the requested information.

11:47:27 Ms. Lindquist addressed the point Chair Mercer raised about the dip shown in the data in Exhibit 12.

11:48:36 Chair Mercer requested Mr. Doig provide information obtained from the Board of Crime Control regarding the question about pipeline as well as a summary of the Board's reporting on crime in Montana and the Uniform Crime Report data from the FBI.

11:49:39 Chair Mercer asked whether it would be possible to send a hard copy containing information from each hotlink provided in the document entitled "Fiscal Year 2021 Report to the Governor, the Legislature, and the Supreme Court."
[\(Exhibit 13\)](#)

11:50:09 Ms. Lindquist addressed the question.

11:50:26 Mr. Schandelson also addressed the question and noted that there was a volume of information with a high level of granularity containing in those links and requested more direction from the committee.

11:52:53 Chair Mercer expressed his agreement and stated that the committee would communicate with the LFD with specific information requests.

11:53:20 Ms. Lindquist noted that the department could bring the dashboard up and walk through it at the next committee meeting.

11:53:34 Chair Mercer confirmed that those who would be interested in the data could access it through the links as shown in Exhibit 13.

11:53:54 Mr. Holzer requested Mr. Schandelson provide the document that he was using on the screen during his report, so that it could be linked on the committee's webpage.

11:54:41 Mr. Schandelson asked Mr. Holzer for his feedback regarding information that the department would provide to the LFD and the committee.

11:54:53 Mr. Holzer addressed the question.

11:55:03 Chair Mercer referred to Exhibit 11 and asked about the 26 vacancies and how many of those were for lawyers.

11:55:45 Mr. Tilleman addressed the question.

11:55:57 Chair Mercer asked about changes taking place from February 1st, 2022.

11:56:05 Mr. Tilleman addressed the question.

11:56:12 Chair Mercer asked about locations of the duty stations associated with those positions.

11:56:31 Mr. Tilleman addressed the question.

11:57:40 Chair Mercer asked a further question regarding duty stations.

11:57:53 Mr. Tilleman addressed the question.

11:59:06 Chair Mercer referred to the 2 positions that still needed to be filled in Bozeman and asked whether it was contemplated that those positions would be filled with candidates coming from out of state.

11:59:27 Mr. Tilleman addressed the question.

12:00:02 Chair Mercer requested information about vacancies be provided to the committee prior to the next committee meeting.

Public Comment

12:00:28 Chair Mercer invited public comment. There was none. Chair Mercer closed discussion on the OPD.

LUNCH RECESS

12:01:27 The committee recessed for lunch.

PUBLIC SERVICE COMMISSION

13:03:41 Rep. Nave assumed chairmanship. Chair Nave called committee to order and introduced discussion on the Public Service Commission (PSC).

December-February Budget Report

13:04:27 Mr. Holzer presented the budget report to the committee members. ([Exhibit 14](#))

13:06:52 Chair Nave called for questions from the committee. There were none.

Agency Comments on Status of FY 2022 Budgets, Observations on Expectations for FY 2023, and Updates on Implementation of New Programs or FTEs Funded by the 2021 Legislature

13:07:07 James Brown, Chairman, Public Service Commission (PSC), provided an update to the committee members.

Committee Discussion

13:15:07 Chair Nave asked about the process of returning money to the general fund.

13:15:45 Mr. Brown addressed the question.

13:16:28 Staci Litschauer, Financial Specialist, PSC, also addressed Chair Nave's question.

13:17:13 Chair Nave asked whether the committee needed to take executive action.

13:17:20 Ms. Litschauer addressed the question.

Software Modernization (REDDI) Project Update

13:17:25 Chair Nave opened the discussion on REDDI project update.

13:17:42 Jennifer Fielder, Commissioner, District 4, PSC, provided a report on repair and replacement of Electronic Database for Docket Information as well as provided an update on the performance assurance account. ([Exhibit 15](#))

Committee Discussion

13:26:08 Chair Nave asked about the appropriation timeline.

13:26:31 Ms. Fielder addressed the question.

13:27:31 Chair Nave asked about the deadline and the overall bid process for vendors.

13:27:52 Ms. Fielder addressed the question.

13:28:54 Chair Nave referred to a former attempt to turn some of the state agencies into businesses and a need to identify potential customers and asked who potential customers of the PSC would be.

13:29:49 Ms. Fielder addressed the question.

13:30:49 Chair Nave called for further questions from the committee. There were none.

Strategic Plan/Agency Reorganization Update

13:31:11 Ms. Fielder asked to defer this update and present it at the next committee meeting.

13:31:40 Chair Nave agreed to have the update presented to the committee members at the next committee meeting.

13:31:54 Chair Nave called for public comment. There was none.

DEPARTMENT OF JUSTICE

13:32:38 Chair Nave opened discussion on the Department of Justice (DOJ).

December-February Budget Report

13:32:55 Mr. Holzer presented the report to the committee members. ([Exhibit 16](#))

13:41:39 Chair Nave called for questions from the committee. There were none.

Agency Comments on Status of FY 2022 Budgets, Observations on Expectations for FY 2023, and Updates on Implementation of New Programs or FTEs Funded by the 2021

Legislature

- 13:41:59 Will Selph, Chief of Staff, DOJ, provided introductory remarks about the report and introduced the DOJ staff present in the meeting.
- 13:42:31 Nate Thomas, Chief Financial Officer, DOJ, provided an update to the committee members. ([Exhibit 17](#))
- 13:47:19 Chair Nave called for questions from the committee. There were none.
- 13:47:42 Kris Hansen, Chief Deputy Attorney General, DOJ, provided additional information regarding the updates delivered by Mr. Thomas.

Committee Discussion

- 13:52:27 Rep. Kerr-Carpenter asked whether there was a similar problem with hiring on the criminal prosecution side as with hiring on the civil side for the natural resource attorney position.
- 13:53:02 Ms. Hansen addressed the question.
- 13:55:00 Rep. Kerr-Carpenter asked about a trend for hiring by the division, in the last year.
- 13:55:30 Ms. Hansen addressed the question.
- 13:55:46 Chair Nave invited further questions from the committee. There were none.

Drug Taskforce

- 13:56:06 Steve Crawford, Bureau Chief, Narcotics Bureau, DOJ, provided an overview of the Drug Force funding streams and interagency cooperation. ([Exhibit 18](#))
- 13:58:32 Rep. Mercer returned to the meeting.
- 13:59:56 Mr. Holzer advised the committee members that currently the report (Exhibit 18) was linked and available for view on the committee webpage under the materials for the previous meeting that took place in December 2021.
- 14:01:00 Mr. Crawford resumed providing the overview.

Committee Discussion

- 14:03:01 Chair Nave invited questions from the committee.
- 14:03:16 Rep. Mercer referred to Exhibit 18 and noted that the Byrne numbers seemed smaller than a decade ago and asked whether that was correct.
- 14:03:49 Bryan Lockerby, Division of Criminal Investigation Administrator, DOJ, addressed the question.
- 14:05:00 Rep. Mercer resumed chairmanship. Chair Mercer requested a report be provided to the committee members prior to the next committee meeting regarding to what the Byrne distribution was by grantee previously compared to where the matters stood now and regarding to whether there were adequate resources to fund the Task Force.
- 14:06:39 Mr. Crawford addressed the question.

Update on 9-1-1 and Public Safety Radio System

- 14:08:06 Chair Mercer opened the discussion on the 9-1-1 and public safety radio system.
- 14:08:30 Ms. Hansen confirmed with Chair Mercer what specifically the committee was interested in hearing.
- 14:09:46 Chair Mercer noted that the committee was interested in the progress of the implementation of the system.

14:10:37 Ms. Hansen provided introductory remarks to the presentation.
14:11:45 Mike Feldman, Program Manager, Highway Patrol Division, DOJ, delivered the report.
14:20:29 Chair Mercer asked whether there was a map associated with the presentation.
14:20:36 Mr. Feldman addressed the question.
14:20:43 Chair Mercer asked why there was 3 maps as opposed to 1.
14:20:56 Mr. Feldman explained the reasons.
14:22:29 Chair Mercer asked what it would cost for a local government to install the system if that area didn't have it and had to install it anew.
14:22:59 Ms. Hansen addressed the question.
14:27:39 Chair Mercer requested the survey results be provided to the committee.
14:27:49 Ms. Hansen addressed the information request.
14:28:14 Chair Mercer reiterated his question about the cost of the system for any given locality.
14:28:37 Mr. Feldman elaborated on the question.
14:30:08 Ms. Hansen provided concluding remarks about the report.
14:35:52 Chair Mercer thanked the department for the report.

Discussion of Human Trafficking Response

14:36:34 Chair Mercer opened discussion on the human trafficking response.
14:37:29 Bryan Lockerby, Division of Criminal Investigation Administrator, DOJ, delivered part of the report.
14:40:25 Mr. Crawford provided further details.

Committee Discussion

14:42:50 Chair Mercer asked to elaborate on the role of the NGOs.
14:43:10 Mr. Crawford addressed the question.
14:44:39 Mr. Selph provided further elaboration on the question.
14:46:38 Chair Mercer asked whether the 2 positions would supplement what the office had already been doing or whether these positions were supplanted with additional dollars.
14:47:25 Mr. Lockerby addressed the question.

Process for Providing Supplies to County Offices

14:48:13 Chair Mercer opened the discussion on the process for providing supplies to county offices.
14:49:30 Mr. Holzer explained where to find the materials online.
14:49:44 Mr. Selph provided the report to the committee members. ([Exhibit 19](#))

Committee Discussion

14:58:41 Rep. Nave asked whether the expenditures were for purchasing laptops or all required IT equipment.
14:59:22 Mr. Selph addressed the question.
14:59:35 Rep. Nave asked whether the laptops were purchased in bulk.
14:59:52 Mr. Selph addressed the question.

15:00:42 Rep. Nave requested a copy of the interlocal agreement be provided to the committee. Rep. Nave noted that even though it was a small dollar amount, it would be useful to understand the contract.

15:01:45 Mr. Selph addressed the information request.

15:01:59 Chair Mercer referred to Exhibit 17 and asked whether the FTE transfers had to be approved by the OBPP office.

15:03:10 Ms. Hansen addressed the question.

15:03:15 Chair Mercer requested a summary of what the positions mentioned by Ms. Hansen entailed.

15:04:48 Ms. Hansen addressed the question.

15:06:31 Chair Mercer reiterated that a one-page summary would be sufficient for the present.

15:07:09 Mr. Doig also addressed the original question from Chair Mercer.

15:07:33 Nate Thomas, DOJ, provided further elaboration on the question.

15:08:46 Chair Mercer closed the discussion on the DOJ and invited public comment. There was none.

BOARD OF CRIME CONTROL

15:09:26 Chair Mercer introduced discussion on the Board of Crime Control.

Board Updates

15:10:32 Natalia Bowser, Bureau Chief, Crime Control Bureau, provided the updates. ([Exhibit 20](#))

Committee Discussion

15:18:08 Chair Mercer asked Ms. Bowser to remind the committee what the source of funding as well as the purpose of the crisis intervention team was.

15:18:42 Ms. Bowser addressed the question.

15:19:59 Chair Mercer asked whether the statutory authorization was only intended to provide training for jurisdictions that wanted to have a crisis intervention team or whether that money could be used to utilize teams.

15:20:18 Ms. Bowser addressed the question.

15:21:52 Chair Mercer asked whether the \$75,000 that the Board received through HB 2 and \$105,000 received as marijuana dollars could be used for training.

15:22:28 Ms. Bowser addressed the question.

15:23:01 Chair Mercer asked whether the crisis intervention team was the same as the mobile intervention team.

15:23:17 Ms. Bowser addressed the question.

15:23:43 Chair Mercer requested a list of entities that the Board funded, including the jurisdictions where people got trained, with the results produced by that funding.

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15:25:20 Ms. Bowser provided the update. In her presentation, Ms. Bowser used Exhibit 20.

Committee Discussion

- 15:38:36 Chair Mercer thanked Ms. Bowser for providing both the current and historical information.
- 15:39:17 Rep. Nave referred to page 4 of Exhibit 20 and asked how the same person accessing multiple victim services was counted.
- 15:39:53 Ms. Bowser addressed the question.
- 15:40:17 Rep. Kerr-Carpenter referred to the OPD, complexity of the crimes they were seeing, and to the fact that the increase in the number and complexity of those crimes required more resources and asked whether Ms. Bowser saw the same trend.
- 15:40:57 Ms. Bowser addressed the question.
- 15:41:34 Chair Mercer referred to the graph entitled “Finding Allocated and Victims Served in Montana” and asked how the number of victims served decreasing to 40 thousand could be interpreted.
- 15:42:56 Ms. Bowser addressed the question.
- 15:44:33 Chair Mercer requested information be provided that would help the committee understand who the grantees were and who was getting funded and how: the funding stream and its impact.

Public Comment – Board of Crime Control

- 15:46:08 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence, expressed gratitude to the committee members for their work, spoke about the Omnibus Bill recently passed by the Congress, and addressed some of the questions raised during the committee discussion.
- 15:56:26 Mr. Doig reminded the committee members that earlier in the meeting they wanted to talk with Ms. Bowser regarding crime statistics.
- 15:56:44 Chair Mercer noted that it would be helpful if the OBPP worked with the Board of Crime Control and Cathy Duncan, LFD, to help the committee understand what crime in Montana was showing in terms of trendline per crime type that the Board was tracking. Chair Mercer requested the most comprehensive look at the crime data be provided to the committee.
- 15:58:52 Ms. Bowser responded to Chair Mercer’s suggestion.
- 15:59:04 Chair Mercer invited further public comment. There was none.

JUDICIAL BRANCH

- 15:59:24 Chair Mercer opened discussion on the Judicial Branch and left the meeting. Rep. Nave assumed chairmanship.

December-February Budget Report

- 16:00:06 Mr. Holzer presented the report to the committee members. ([Exhibit 21](#))
- 16:02:50 Chair Nave invited questions from the committee. There were none.

Agency Comments on Status of FY 2022 Budgets, Observations on Expectations for FY 2023, and Updates on Implementation of New Programs or FTEs Funded by the 2021 Legislature

- 16:03:02 Beth McLaughlin, Court Administrator, Office of the Court Administrator, Judicial Branch, provided an update to the committee members.

Annual Statistics-Planning Tool

16:12:10 Ms. McLaughlin discussed the annual statistics-planning tool. ([Exhibit 22](#))

Committee Discussion

16:20:30 Chair Nave asked for clarification regarding the drug testing for drug courts and the providers who conduct the drug tests.

16:21:10 Ms. McLaughlin addressed the question.

16:23:33 Chair Nave asked about drug testing costs.

16:23:48 Ms. McLaughlin responded to the question.

16:23:55 Rep. Mercer returned to the meeting.

16:24:27 Chair Nave asked about a formal drug treatment program.

16:24:42 Ms. McLaughlin addressed the question.

16:25:02 Chair Nave referred Exhibit 22 and asked whether the section of the document dealing with how to petition for expungement from marijuana covered the rules that were released this week.

16:25:32 Ms. McLaughlin addressed the question.

16:26:17 Chair Nave noted that a demand for separate court at this point was low and asked whether it was in part driven by the process that was defined in the rules.

16:26:32 Ms. McLaughlin addressed the question.

16:27:32 Chair Nave asked to elaborate on data indicating that child abuse and neglect numbers were down while at the time the numbers for children in juvenile courts reporting some sort of trauma were higher.

16:28:29 Ms. McLaughlin addressed the question.

16:29:36 Rep. Mercer thanked Ms. McLaughlin for a very comprehensive set of data.

Law Library Fees Research

16:30:19 Ms. McLaughlin reported on the Law Library fees research. ([Exhibit 23](#))

16:39:10 Chair Nave invited further questions from the committee. There were none.

Update on Flathead Judgeship

16:39:28 Ms. McLaughlin provided the update.

Committee Discussion

16:42:20 Rep. Mercer expressed a high degree of frustration with funding the judgeship in Flathead county. Rep. Mercer elaborated on the matter and how it would affect how the Legislature will negotiate in the future. Rep. Mercer also stated that he would call the county commissioners later in the week and express his frustration.

16:44:36 Ms. McLaughlin responded to the comment.

16:46:29 Chair Nave invited further questions from the committee. There were none.

HB 693 Reporting

16:46:46

16:47:25 Chair Nave called for public comment. There was none.

PUBLIC COMMENT ON ANY TOPIC BEFORE THE SEC. D INTERIM BUDGET COMMITTEE

- 16:47:51 Rep. Mercer resumed chairmanship. Chair Mercer called for public comment on any topic within the purview of the committee. There were none. Chair Mercer provided closing comments and concluded the meeting.
- 16:49:02 Mr. Holzer brought committee's attention to the fact that there was a meeting scheduled in December 2022, which amounted to 3 more committee meetings.

ADJOURNMENT

Adjournment: 16:49:50