



PUBLIC SAFETY INTERIM BUDGET COMMITTEE

67th Montana Legislature

SENATE MEMBERS

David Howard
Ryan Lynch
Ryan Osmundson

HOUSE MEMBERS

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

COMMITTEE STAFF

Catherine Duncan - Legislative Fiscal Analyst
Katya Grover - Secretary
Christine Hultin - OBPP Staffer
Kris Wilkinson - Fiscal Analyst

MINUTES LOG

December 15, 2021
Room 317
Helena, Montana

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MEMBERS PRESENT:

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

MEMBERS EXCUSED:

Sen. David Howard (R)
Sen. Ryan Lynch (D)

MEMBERS ABSENT:

STAFF PRESENT:

Catherine Duncan, Fiscal Analyst
Katya Grover, Secretary
Brent Doig, OBPP Staffer

AGENDA ([Attachment 1](#))

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

CALL TO ORDER/ROLL CALL

08:32:32 Rep. Bill Mercer-R called the meeting to order at 8:32 AM. The committee secretary took roll.

INTRODUCTION

08:32:28 Chair Mercer welcomed the committee members and announced a new committee member - Sen. Bartel.

DEPARTMENT OF CORRECTIONS

08:36:03 Cathy Duncan, Fiscal Analyst, LFD, asked what level of detail the committee members would like her to go with budget reports on each agency.

08:36:45 Chair Mercer spoke about the structure of the meeting and responded to Ms. Duncan's question.

July-November Budget Report

The budget report was combined with questions from the committee.

08:38:56 Ms. Duncan elaborated on what kind of information reports prepared by the LFD provide.

08:41:06 Chair Mercer elaborated further on the level of detail that he was looking for in budget reports presentations.

08:41:17 Ms. Duncan presented the report to the committee members. ([Exhibit 1](#))

08:42:26 Chair Mercer asked about HB 13, the pay plan.

08:42:34 Ms. Duncan addressed the question.

08:44:44 Sen. Bartel asked about the total dollar amount in budget amendments.

08:45:03 Ms. Duncan responded and continued.

08:45:40 Chair Mercer asked what \$41,729 was used for in rural schools.

08:46:15 Sen. Bartel addressed the question.

08:46:28 Chair Mercer elaborated further on his question.

08:46:40 Brent Doig, Budget Analyst, Office of Budget and Program Planning, addressed the question.

08:47:00 Chair Mercer called for Brian Gootkin, Director, Department of Corrections (DOC), to join the discussion.

08:47:31 Mr. Gootkin introduced Natalie Smitham, Chief Financial Officer, and Cynthia Wolken, Deputy Director.

08:48:22 Ms. Smitham addressed Chair Mercer's question about rural schools.

08:48:29 Chair Mercer asked why at this stage of the fiscal year, none of the \$41,729 has been expended.

08:48:38 Ms. Smitham addressed the question.

08:49:21 Chair Mercer elaborated on Sen. Bartel's question about budget amendments.

08:49:53 Ms. Duncan addressed Chair Mercer's comment and the original question.

08:50:45 Mr. Doig elaborated further on the question about budget amendment.

08:51:27 Rep. Nave asked to confirm that the budget amendments only refer to federal money and do not apply to HB 2 or HB 13.

08:51:48 Ms. Duncan addressed the question.

08:53:09 Ms. Duncan continued her presentation: Other Bills, COVID-19.

08:55:41 Chair Mercer asked to clarify whether the amount Ms. Duncan was referring to was \$900 or \$900,000.

08:55:49 Ms. Duncan addressed the question and continued her presentation.

08:59:26 Chair Mercer asked what the \$1.3 million of CARES funding was intended for when DOC initially received it.

08:59:44 Ms. Wolken addressed the question.

09:00:11 Chair Mercer asked Mr. Doig to explain what happened with the reversion of the \$1.3 million to the Governor's Office.

09:00:50 Mr. Doig addressed the question.

09:01:13 Chair Mercer noted that Ms. Wolken would provide information about the intended purpose of the CARES funding and requested Mr. Doig to provide information about what happened to the money that was reverted to the Governor's Office.

09:01:38 Ms. Duncan resumed presenting the budget report: Statutory Appropriations.

09:02:53 Chair Mercer asked to elaborate on how a statutory appropriation is utilized: where it is in the Code and why it is to be there in perpetuity.

09:04:35 Ms. Duncan addressed the question.

09:05:03 Mr. Gootkin briefly elaborated further on this question and deferred to Ms. Wolken.

09:05:20 Ms. Wolken addressed the question and offered to provide further information later.

09:05:40 Ms. Duncan resumed presenting the budget report: Non-Budgeted Proprietary Funding.

09:08:00 Sen. Bartel asked about carryover authority.

09:08:13 Mr. Doig addressed the question.

09:08:37 Ms. Smitham also addressed the question.

09:08:51 Sen. Bartel referred to license plates manufacturing and noted that there is shortage of license plates.

09:09:17 Mr. Doig addressed the question.

09:09:30 Sen. Bartel provided further comment on the license plates issue.

09:09:49 Chair Mercer noted that it was the fourth month of the fiscal year and that one third of overall authority was expended and asked whether it was attributed to the license plates issue. Chair Mercer also asked to elaborate on where the DOC projects will be at the end of the fiscal year.

09:10:29 Ms. Smitham addressed the question.

09:11:14 Chair Mercer asked to summarize what was happening in the fiscal year so far.

09:11:58 Ms. Smitham addressed the question.

09:12:15 Sen. Bartel requested that information to be provided before the March meeting, preferably in January.

09:12:42 Rep. Seekins-Crowe asked whether the DOC was raising the prices for the goods made in the enterprise program.

09:12:59 Ms. Smitham addressed the question.

09:13:13 Chair Mercer asked a follow-up question: whether the DOC could raise the prices if it chose to.

09:13:37 Ms. Smitham addressed the question.

09:14:19 Chair Mercer requested that the DOC provided information about the authority that the DOC has, and, specifically, whether the DOC could affect its revenue

line in the current fiscal year if it was incurring additional costs that were not contemplated originally.

09:14:58 Rep. Seekins-Crowe stated that she had a discussion about this with Mr. Gootkin and elaborated on the possibility of the inflationary expenses.

09:15:57 Mr. Gootkin elaborated further on the point.

09:16:36 Sen. Bartel asked how these enterprises were operating historically.

09:16:57 Mr. Gootkin addressed the question.

09:17:14 Ms. Smitham elaborated further and addressed an earlier question about the statutory appropriation.

09:17:55 Chair Mercer said it would be beneficial to discuss the statutory appropriation in more detail during the next meeting.

09:18:44 Rep. Seekins-Crowe stated that she would have questions regarding what the inmate welfare fund was supposed to be spent on statutorily.

09:19:20 Chair Mercer agreed with the need to understand how the statutory appropriation works in relation to the inmate welfare fund.

09:20:10 Ms. Duncan said that she would prepare a report explaining these details at the next meeting and offered to prepare more detailed information about statutory appropriations in other sections as well.

09:20:55 Chair Mercer expressed his agreement and advised the committee members to send their questions regarding this point to Ms. Duncan.

09:21:16 Ms. Duncan resumed presenting the budget report: HB 2 Budget Modification.

09:28:10 Sen. Bartel referred to personal services and asked what prompted the increase in personal services.

09:28:33 Mr. Gootkin addressed the question.

09:29:05 Chair Mercer referred to the money intended for funding two teachers and asked what services were contemplated for in the secure custody facility program.

09:30:04 Ms. Smitham addressed the question.

09:30:48 Rep. Nave asked about the authority of the DOC to move some of the costs and expenses around.

09:31:22 Ms. Duncan addressed the question.

09:33:19 Ms. Smitham elaborated further on the question.

09:33:30 Ms. Duncan also elaborated further.

09:33:47 Rep. Nave requested to have the information about the authority that the DOC had and, specifically, about the exact percentage of each budget item where the DOC had the authority to move the costs and expenses around.

09:34:05 Chair Mercer referred to the transfer out for the MOU with the highway patrol and asked Mr. Gootkin to provide an update about participation of the DOC in the public safety radio.

09:34:46 Mr. Gootkin addressed the question.

09:35:26 Chair Mercer asked whether the DOC anticipated additional expenditures beyond the \$172,000.

09:35:41 Mr. Gootkin addressed the question.

09:36:00 Chair Mercer clarified his original question.

09:36:18 Mr. Gootkin stated that he would get the exact numbers and provide that information to the committee.

09:36:30 Rep. Seekins-Crowe said that she was interested in learning about the curriculum, metrics, and the number of people who graduated from the program.

09:37:36 Mr. Gootkin addressed Rep. Seekins-Crowe's comment and question.

09:37:58 Mr. Gootkin also provided information in regard to the public safety radio program.

09:38:16 Ms. Wolken elaborated on the CARES act reimbursement in relation to the public safety radio program.

09:39:06 Ms. Duncan resumed presenting the budget report: HB 2 Appropriation Authority.

09:43:40 Rep. Seekins-Crowe asked to clarify about housing costs.

09:43:55 Ms. Duncan addressed the question.

09:44:20 Mr. Gootkin elaborated further on Rep. Seekins-Crowe's question.

09:44:55 Ms. Duncan resumed her presentation.

09:47:32 Ms. Duncan reported on Personal Services section of the budget report.

09:49:26 Chair Mercer asked about the data in the 'Secure Facilities Division' section of Ms. Duncan's report.

09:49:52 Ms. Duncan provided the clarification.

09:50:50 Chair Mercer asked Mr. Gootkin to provide an overview at the current meeting as well as provide supplementary information afterwards regarding personal services and where the matters stand right now. Chair Mercer also requested to elaborate on how the information in the Personal Services section of the budget report might differently affect the Deer Lodge prison, the women's prison and how it compares with the Shelby private contract.

09:52:23 Mr. Gootkin addressed Chair Mercer's questions.

09:56:05 Chair Mercer asked what the target number of correctional officers in the Deer Lodge prison was and how far below the desired number that current number was.

09:56:41 Mr. Gootkin addressed the question.

09:57:16 Chair Mercer requested information regarding the target number of correctional officers vs. the current number as well as information regarding benefits and disadvantages of the OT be provided before the March meeting.

09:58:31 Rep. Nave asked the department to clarify the required minimum staffing level.

09:59:06 Mr. Gootkin addressed the question.

09:59:53 Rep. Nave reiterated Mr. Gootkin's answer and asked to confirm.

10:00:15 Mr. Gootkin confirmed that Rep. Nave understood correctly.

10:00:25 Ms. Duncan asked Ms. Smitham whether the DOC has a budget item in the budget specifically for the OT.

10:01:13 Ms. Smitham addressed the question.

10:01:19 Ms. Duncan elaborated further on her question stating that she referred to a piece of budget that is exclusively used for the OT.

10:01:48 Sen. Bartel asked whether the minimum number of employees was state regulated or federally regulated.

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

10:02:11 Mr. Gootkin provided clarification on an earlier question from Chair Mercer regarding Pine Hills Correctional Facility.

10:02:45 Chair Mercer reiterated that when the DOC responds to the information request in January that it should reflect the difference between what the correctional facilities need vs. what they have in terms of staffing.

- 10:03:16 Ms. Duncan continued and concluded her presentation: Reporting Requirements.
- 10:04:12 Chair Mercer closed the discussion of the July-November Budget Report.

Update on DOC Re-organization

- 10:04:44 Mr. Gootkin provided an update on the DOC reorganization.
- 10:07:15 Chair Mercer asked whether the reorganization has been approved. Chair Mercer also requested that the information that was supplied to the OBPP by the DOC be provided to the committee.
- 10:08:42 Mr. Gootkin addressed the question and stated that the meetings between the OBPP and DOC were done in the face-to-face manner and that there were no papers associated with those meetings.
- 10:09:14 Chair Mercer requested that a written summary of those meetings be provided to the committee.

HB 693 Reporting

Utilization of Drug Treatment Beds

- 10:09:42 Ms. Wolken provided a quarterly report made to the Law and Justice Interim Committee and the Legislative Finance Committee on the utilization of drug treatment beds and guarantee payments. ([Exhibit 2](#))

Committee Discussion

- 10:11:15 Chair Mercer called for questions from the committee.
- 10:11:24 Rep. Seekins-Crowe asked about the inmates who were waiting for treatment before they could be released.
- 10:11:48 Ms. Wolken addressed the question.
- 10:13:55 Chair Mercer asked about people who were being detained from release as a result of inadequate drug treatment and treatment capacity in general.
- 10:15:59 Ms. Wolken addressed the question.
- 10:16:35 Chair Mercer requested information regarding any limitations on the release of people who were currently in the custody be provided at the next meeting in March.
- 10:17:15 Chair Mercer referred to the table in Exhibit 2 entitled "Utilization Based on Invoicing" and asked to explain what 100% capacity referred to. Chair Mercer requested a report of what was going to happen at WATCH East as the DOC was changing the direction be provided in January. Chair Mercer also requested information regarding the required amount of utilization under the current contract for making a guarantee payment to WATCH East be provided.
- 10:19:29 Ms. Wolken addressed the question and information requests.
- 10:19:38 Mr. Gootkin also addressed the information request.
- 10:19:50 Chair Mercer concluded the discussion on utilization of drug treatment beds and opened the next agenda item.

Defendants Sentenced for Felonies in County Detention for More Than 10 Days

- 10:20:08 Ms. Wolken provided a report on location of individuals 10 days after sentencing. ([Exhibit 3](#))

Committee Discussion

- 10:24:06 Rep. Seekins-Crowe asked about paying for under-utilization in one facility when people in other facilities were waiting for beds.

- 10:24:47 Ms. Wolken addressed the question.
- 10:27:17 Chair Mercer referred to Exhibit 3 and asked about counting the same individuals more than once.
- 10:28:05 Ms. Wolken addressed the question.
- 10:28:48 Chair Mercer requested a list of individuals that remained in the facility over the second reporting period be provided to the committee at the next committee meeting in March.

Update on Plans for Other Future Reporting

- 10:30:00 Chair Mercer stated that the committee will skip this agenda item at this time but emphasized the importance of the report.

Update on Discontinue of Use of Great Falls Regional Prison

- 10:31:11 Mr. Gootkin presented an update on the cessation of use of Great Falls Regional Prison.

Update on Offender Placement Based on a Risk and Needs Score

Update on Pre-screening and Risk Activities and Impacts

- 10:32:15 Chair Mercer opened the discussion on the offender placement based on a risk and needs score.
- 10:32:37 Ms. Wolken provided a brief update.

Committee Discussion

- 10:33:05 Rep. Seekins-Crowe referred to the high crime rate in Yellowstone County and talked about the risk assessments and the need to guarantee the safety of the community. Rep. Seekins-Crowe also noted that the committee needed to look at the risk factors and work on finding solutions.
- 10:35:04 Chair Mercer elaborated further on Rep. Seekins-Crowe's comment. Chair Mercer requested a report on risk assessment, how it is done, and how it affects release decisions be presented to the committee.
- 10:35:24 Mr. Gootkin addressed Rep. Seekins-Crowe's and Chair Mercer's comments.

Update on Utilization of Community-Based Options and Treatment Programs

- 10:37:15 Ms. Wolken provided the update.
- 10:38:15 Chair Mercer requested information on a percentage rolling on average basis in the supplemental report.
- 10:38:28 Ms. Wolken responded to Chair Mercer's information request.
- 10:38:36 Rep. Kerr-Carpenter asked Ms. Smitham to elaborate on the 1% increase to be given to community partners that was budgeted in HB 2.
- 10:39:01 Ms. Smitham addressed the question.
- 10:39:38 Rep. Kerr-Carpenter asked to elaborate on the reason for not having given the 1% increase yet.
- 10:39:45 Ms. Smitham addressed the question.
- 10:40:39 Rep. Kerr-Carpenter requested information about the issue under discussion be provided at the next committee meeting in March.

Board of Probation and Parole: Report on Provision of New FTE

- 10:41:31 Chair Mercer opened the discussion on the status of the hiring for the additional FTE allocated for the probation officers.

- 10:41:56 Mr. Gootkin deferred to the chair of the Montana Board of Pardons and Parole and noted that he was not present at the current meeting.
- 10:42:16 Chair Mercer clarified that the committee wanted to hear a report on the hiring of the new FTE for probation officers.
- 10:42:36 Mr. Gootkin addressed the question.
- 10:43:20 Chair Mercer requested a summary of where and on how those newly hired officers were utilized be provided before the next committee meeting.

OBPP Comments

- 10:44:03 Mr. Doig spoke about reversion of the CARES funding.
- 10:44:43 Ms. Duncan elaborated further.
- 10:45:00 Chair Mercer requested information about any other COVID dollars that came through any packages from the federal government that Section D, Finance Subcommittee, has had be reported on during the next meeting in March.

Public Comment – Department of Correction Topics

- 10:45:32 Chair Mercer opened public comment.
- 10:45:50 Amy Tenney, President, Montana Community Corrections, Association, provided testimony concerning a crisis and challenges within community corrections program.
- 10:49:58 Jon Metropoulos, Missoula Correctional Services, requested a written copy of all communication between the OBPP and DOC concerning the 1% and 1% increase for the community corrections.
- 10:51:18 Chair Mercer noted that that was public information and that it was a reasonable request.
- 10:51:42 May Simmons, self, Polson, MT, expressed a wish to know about the minimum staff requirements. Ms. Simmons also provided a comment regarding misuse of funds intended for COVID assistance by the Montana Correctional Enterprises.
- 10:56:17 Chair Mercer thanked Ms. Simmons and closed public comment.

Brief Recess

- 10:57:55 Chair Mercer announced a brief recess.

JUDICIAL BRANCH

- 11:07:38 Chair Mercer called the committee meeting back to order and introduced discussion on the Judicial Branch.

July-November Budget

- 11:07:50 Ms. Duncan delivered the budget report. Ms. Duncan went over the report in its entirety. [\(Exhibit 4\)](#)

Committee Discussion

- 11:27:05 Sen. Bartel referred to page 3 of Exhibit 4 and asked to elaborate on the numbers referring to the use of ARPA money.
- 11:28:01 Chair Mercer clarified Sen. Bartel’s question noting that some but not all of the ARPA money was spent.
- 11:28:26 Beth McLaughlin, Court Administrator, Office of the Court Administrator, Judicial Branch, addressed the question.

- 11:30:59 Chair Mercer requested a written status report be provided before the next committee meeting in March.
- 11:31:15 Ms. McLaughlin responded to the information request.
- 11:31:29 Chair Mercer noted that HB 632 allowed for a significant amount of money and requested the report be provided in January.
- 11:31:58 Ms. McLaughlin responded to Chair Mercer's comment.

HB 693 Reporting

- 11:32:23 Ms. McLaughlin presented a report on open general civil cases required by HB 693. [\(Exhibit 5\)](#)
- 11:32:43 Chair Mercer provided background information on why this discussion is on the committee's agenda.

Number of Civil Cases Pending for More Than 2 Years

- 11:34:31 Ms. McLaughlin resumed her report.
- 11:37:19 Chair Mercer commented on data distortion regarding case load, judicial need, etc.
- 11:37:43 Ms. McLaughlin addressed Chair Mercer's comment and stated that she was confident about the data that were between 2 and 4 years old but knew that the data that was 5 years old and over contained cases that were closed but not reported as such.
- 11:39:07 Ms. McLaughlin continued her presentation.

Update on Potential Fee for Service Model for State Law Library

- 11:39:49 Ms. McLaughlin provided the update.

Progress on the Appointment of New Judges and Hiring of Staff for Them

- 11:41:48 Ms. McLaughlin provided the report.
- 11:45:47 Chair Mercer asked about a universal applicability of the University of Cincinnati evaluation model and whether Ms. McLaughlin has communicated with Sen. Lynch regarding the proposal.
- 11:46:06 Ms. McLaughlin responded to the question.
- 11:47:00 Chair Mercer asked whether the language in HB 693 limited the ability of Judicial Branch to use the appropriated dollars in any way.
- 11:48:02 Ms. Duncan elaborated further on the question.
- 11:48:26 Ms. McLaughlin also provided a further comment.
- 11:48:51 Chair Mercer stated that he shared Ms. McLaughlin's concern and noted that the committee needed to evaluate the language in HB 2.
- 11:49:46 Rep. Nave asked to provide the reasons for why the treatment courts would have to be shuttered as well as asked whether the Judicial Branch looked at other options.
- 11:50:05 Ms. McLaughlin responded to the question.
- 11:51:42 Chair Mercer invited further questions from the committee. There were none.

PUBLIC SERVICE COMMISSION

- 11:52:13 Chair Mercer introduced discussion on the Public Service Commission (PSC).

July-November Budget Report

11:52:36 Ms. Duncan reported on the budget of the PSC. Ms. Duncan went over the report in its entirety. [\(Exhibit 6\)](#)

Update on Plans for Agency Improvements and on Software Modernization Project

12:00:50 James Brown, Chairman, PSC, introduced his staff and updated the committee on plans for the agency improvements as well as on the software modernization project. [\(Exhibit 7\)](#)

Committee Discussion

12:11:58 Rep. Kerr-Carpenter asked for the budget justifications for the charges that were implemented in order to fulfill requests for records. Rep. Kerr-Carpenter also asked whether PSC had internal policies that were used in the past around those charges.

12:12:59 Mr. Brown addressed the question.

12:15:27 Chair Mercer referred to the railway safety presentation delivered during the last committee meeting in September and requested information regarding an additional FTE for railway safety be provided to the committee at some point. Chair Mercer was specifically interested in learning whether Mr. Brown believed that the current staffing level was related to not having enough attention spent on safety.

12:17:09 Mr. Brown addressed Chair Mercer's request.

12:18:59 Chair Mercer invited further questions from the committee. There were none.

Public Comment – Public Service Commission Topics

12:19:19 Chair Mercer called for public comment. There was none.

Lunch Recess

12:19:29 The committee recessed for lunch.

DEPARTMENT OF JUSTICE

13:33:02 Chair Mercer opened discussion on the Department of Justice (DOJ).

13:34:13 Chair Mercer explained to Kris Hansen, Chief Deputy Attorney General, DOJ, that Sen. Bartel has joined the committee, as well as explained what type of information Ms. Duncan reported to the committee.

July-November Budget

The budget report was combined with questions from the committee.

13:35:30 Ms. Duncan presented the report: Total Appropriation Authority, HB 2 Budget Modifications, and HB 2 Appropriation Authority. In her report, Ms. Duncan noted that there was an error in the last paragraph on page 3 of the report: the amount that the DOJ has expended should be \$347,811 instead of \$181,859. [\(Exhibit 8\)](#)

Committee Discussion

13:59:26 Chair Mercer referred to data on pages 5 and 9 in the report and asked about an FTE shifting from "MVD and to DCI."

14:00:19 Ms. Duncan responded to the question.

14:00:34 Chair Mercer asked whether that FTE shift accounted for the modified budget.

14:00:38 Ms. Duncan addressed the question.
14:01:16 Chair Mercer elaborated further on his question.
14:01:33 Ms. Duncan elaborated further on her original answer.
14:02:11 Ms. Duncan resumed her presentation: Information Technology Project Expenditures.
14:05:43 Sen. Bartel asked Ms. Hansen whether the DOJ was satisfied with the two IT projects.
14:07:03 Ms. Hansen briefly addressed the question and referred it to Bryan Lockerby, Division of Criminal Investigation Administrator, DOJ.
14:07:42 Mr. Lockerby, Division of Criminal Investigation Administrator, DOJ, addressed the question.

Update on Caseload Issues/Concerns: Plans for ARPA Funding

The report was combined with questions from the committee.

14:09:29 Ms. Hansen provided the update to the committee members.
14:12:22 Chair Mercer referred to page 9 of Exhibit 9 and asked about ARPA spending.
14:13:29 Ms. Hansen and Ms. Duncan addressed the question.
14:16:20 Chair Mercer asked what DCI was going to do with ARPA money in Billings.
14:16:38 Ms. Duncan elaborated on Chair Mercer's question.
14:17:03 Mr. Lockerby also addressed Chair Mercer's question.
14:18:41 Chair Mercer asked about \$815,000 reflected on page 3 of Exhibit 9 and what it could buy.
14:18:52 Mr. Lockerby addressed the question.
14:19:00 Steve Crawford, Bureau Chief, Narcotics Bureau, DOJ, elaborated further on the question.
14:20:57 Sen. Bartel asked for the number of the contingency fund for the next budget cycle.
14:21:17 Ms. Hansen addressed the question and continued her report.
14:26:08 Chair Mercer referred to page 9 of Exhibit 9 and asked whether the DOJ was the same as other executive branch agencies with respect to getting modifications process.
14:27:01 Mr. Doig addressed the question.
14:27:26 Chair Mercer stated that it was important that in 2025 the legislature would remember that the DOJ declared that they did not need the people and that they preferred to have them at the DCI. Chair Mercer emphasized that it was a fairly major reallocation. Chair Mercer asked for background information regarding the transition.
14:29:17 Ms. Hansen addressed the question and the comment.
14:34:51 Chair Mercer asked whether the FTE that were transferred out to MVD and DCI were not for lawyers.
14:35:06 Ms. Hansen addressed the question.
14:35:15 Chair Mercer stated that it would be helpful for the committee to be able to review documents associated with the FTE shift.
14:35:32 Ms. Duncan responded to Chair Mercer's request.
14:36:26 Mr. Doig also addressed the request.

- 14:37:05 Chair Mercer noted that the fundamental question was how the OBPP made a decision of whether to approve the FTE shift.
- 14:37:33 Mr. Doig addressed the question.
- 14:37:50 Ms. Hansen addressed Chair Mercer's information request and encouraged the committee to think what kind of operational information they wanted to see.
- 14:38:50 Chair Mercer reiterated that it was important to see the explanation so that the committee would be able to make informed decisions.
- 14:39:50 Ms. Duncan commented on the budgetary laws, as well as on quarterly meetings on ABC's.
- 14:41:01 Chair Mercer thanked contributors to the discussion and moved to the next agenda item.

Update on Transition of 9-1-1 System and Interoperative Communications Funded in the 2019 Session

- 14:42:18 Chair Mercer provided background on this agenda item.
- 14:43:08 Ms. Hansen delivered the report.

Committee Discussion

- 14:52:41 Sen. Bartel referred to the committee discussion on the state-wide radio system, the emergency systems, and the ARPA funding and stated that he was in support of the \$53 million requested out of the economic stabilization portion of ARPA funds and explained why. Sen. Bartel elaborated on connectivity.
- 14:55:07 Rep. Nave expressed her agreement with Sen. Bartel and noted that it was a state function to provide public safety communication. Rep. Nave also remarked that it was necessary to have an overall discussion on what is the state responsibility.
- 14:56:11 Chair Mercer asked which committee made the \$53 million request: Economic Stabilization Subcommittee or Infrastructure Subcommittee.
- 14:59:29 Ms. Hansen addressed the question.

MT Highway Patrol: Update on Move to Boulder Campus and Related Costs

- 14:59:46 Ms. Hansen provided the update.

Committee Discussion

- 15:01:28 Sen. Bartel asked whether the personnel moved to Boulder or were commuting.
- 15:02:00 Ms. Hansen addressed the question.

Board of Crime Control: Update on Transition to DOJ

- 15:03:11 Natalia Bowser, Bureau Chief, Crime Control Bureau, provided the update on transition to the DOJ and on HJ 29.
- 15:06:15 Chair Mercer invited questions from the committee. There were none.
- 15:06:25 Ms. Bowser introduced the presentation on State Victim Services Funding. [\(Exhibit 9\)](#)
- 15:06:40 Ms. Duncan showed how to find that same report on the committee webpage.
- 15:07:56 Ms. Bowser reported to the committee.

HJ 29 – Initial Planning: March Work Session

- 15:14:03 Ms. Duncan asked Chair Mercer what the committee would like to discuss during the next meeting in March with respect to the current conversation.
- 15:15:13 Chair Mercer talked about the content of the March meeting.
- 15:16:02 Rep. Kerr-Carpenter requested more details about other fines and fees that the other states were imposing be provided during the next meeting in March.
- 15:16:39 Ms. Bowser responded to the information request.
- 15:16:50 Chair Mercer directed Ms. Duncan to solicit information from the committee members on whether any of them wanted to participate in the subcommittee of the subcommittee to further evaluate the data as part of the study. Chair Mercer emphasized that if this study were to take place, it would have to happen by March.

Other Committee Discussion

- 15:17:43 Rep. Nave referred to the Memorandum entitled "[Addressing Significant Violent Crime Increase to Economically Stabilize Billings](#)" and asked about coordination between the DOJ and DOC as people were being released into Billings or stuck in Billings due to the legal system possibly not working as it should. Rep. Nave noted that even though the drug issues do need to be treated, they may not be the root of the current problem in the Billings area.
- 15:19:23 Ms. Hansen deferred Rep. Nave's question to Mr. Crawford.
- 15:20:06 Mr. Crawford addressed the question.
- 15:21:47 Rep. Nave reiterated her concern and maintained that there need to be discussions occurring to determine where exactly the resources need to be expended.
- 15:22:31 Ms. Hansen addressed the question.
- 15:23:44 Rep. Nave elaborated further on her point.
- 15:24:05 Ms. Hansen addressed Rep. Nave's comment.

Update on transition to DOJ

- 15:25:20 Chair Mercer asked Mr. Crawford to deliver his report at the next meeting in March due to time constraints in the current meeting.

OBPP Comments

- 15:26:05 Chair Mercer called for comments from OBPP. There were none.

Public Comment – Department of Justice Topics

- 15:26:22 Benjamin Halverson, Domestic Violence Prosecutor, Billings, MT, updated the committee on the state of misdemeanor domestic violence cases in the city of Billings.
- 15:27:49 Ms. Duncan showed the committee members where the report on the drug force is located on the committee webpage.
- 15:28:18 Chair Mercer encouraged the committee members to study the report.

Brief Recess

- 15:30:21 Chair Mercer announced a brief recess.

OFFICE OF PUBLIC DEFENDER

15:37:58 Chair Mercer opened the discussion on the Office of Public Defender (OPD).

July-November Budget Report

The budget report was combined with questions from the committee.

- 15:38:26 Ms. Duncan presented the report: Total Appropriation Authority. ([Exhibit 10](#))
- 15:40:41 Chair Mercer referred to the Memorandum entitled "[Addressing Significant Violent Crime Increase to Economically Stabilize Billings](#)" and asked Rhonda Lindquist, Director, Office of Public Defender (OPD), what the OPD would do with the money as the Memorandum doesn't have a separate memo with this information.
- 15:42:03 Mr. Doig addressed the question.
- 15:42:39 Chair Mercer reiterated Mr. Doig's explanation in that the first document in the Memorandum package contained that information.
- 15:42:45 Mr. Doig responded to Chair Mercer's comment.
- 15:43:01 Chair Mercer asked Ms. Lindquist to provide a statement explaining how the OPD planned to use the \$1.5 million.
- 15:43:40 Ms. Lindquist addressed the question.
- 15:45:45 Chair Mercer asked for clarification about the modified FTE.
- 15:46:03 Ms. Lindquist addressed the question.
- 15:47:34 Chair Mercer noted that based on the review of caseload for Billings lawyers as of October 1, the OPD needed additional 9 lawyers, and asked whether the proposal by the OPD to move some of the workload to contractors coupled with additional 5 FTE would be equivalent to the 9 lawyers.
- 15:48:20 Ms. Lindquist addressed the question.
- 15:49:33 Chair Mercer requested written documentation containing caseload data regarding the need for 9 additional lawyers.
- 15:51:02 Ms. Lindquist responded to the information request.
- 15:51:21 Chair Mercer reiterated that the information needs to be in written form.
- 15:51:46 Ms. Duncan resumed the budget report: HB 2 Budget Modification and HB 2 Appropriation Authority.
- 16:01:06 Rep. Kerr-Carpenter referred to page 5 of Exhibit 11 and asked how far into the biennium and fiscal year the state was.
- 16:01:30 Ms. Duncan addressed the question and continued presentation of the budget report: Information Technology Project Expenditures and Required Reports.
- 16:04:26 Chair Mercer asked when the biennial report (5-11-210) would be forwarded to the Law and Justice Interim Committee.
- 16:05:00 Brett Schandelson, Development and Operations Bureau Chief, OPD, addressed the question.
- 16:05:56 Chair Mercer requested the report to be provided to the committee by the next committee meeting in March.
- 16:06:06 Chair Mercer called for further questions from the committee. There were none.

Backlog Resolution/Contract Assistant Update: New Cases and Caseload Reporting

- 16:06:28 Ms. Lindquist introduced OPD staff and provided the report.
- 16:10:46 Mr. Schandelson continued presentation.

- 16:17:58 Chair Mercer requested the slides and other documents used by Ms. Lindquist and Mr. Schandelson in today's presentation be given to the committee in written form so that they would become part of the record.
- 16:18:30 Mr. Schandelson responded to the request and elaborated further.
- 16:19:25 Travis Tilleman, Human Resources Administrator, OPD, continued the report.

Update on Cases Not Assigned: ARPA Funding Plans

- 16:22:00 Ms. Lindquist provided the update to the committee.
- 16:24:26 Chair Mercer asked whether there was anything else to discuss regarding the unassigned cases.
- 16:25:06 Mr. Schandelson elaborated further on the unassigned cases.

HB 693 Reporting Updates

- 16:26:28 Chair Mercer noted that the September report met the obligations for HB 693 reporting updates and asked if the OPD had anything new to add.
- 16:27:17 Mr. Schandelson updated the committee on new developments.
- 16:31:04 Ms. Lindquist concluded the updates and provided closing comments on the entire discussion of the OPD.

Committee Discussion

- 16:33:18 Chair Mercer referred to page 5 of Exhibit 11 and asked about the OPD not having expended any money intended for assistance with caseload growth in the current FY yet.
- 16:34:42 Ms. Lindquist addressed the question and referred it to Tyna Wright, Accounting Bureau Chief, OPD.
- 16:35:08 Ms. Wright provided further elaboration on the question.
- 16:35:42 Chair Mercer referred to \$150,000 appropriated to the Central Services category in the case management system and the fact that no expenditures have been reported. Chair Mercer also referred to the IT project expenditures. Chair Mercer asked to explain whether those were related.
- 16:36:28 Ms. Lindquist deferred to Mr. Schandelson.
- 16:37:07 Mr. Schandelson addressed the question.

Public Comment – Office of Public Defender Topics

- 16:38:39 Chair Mercer called for public comment. There was none.

Brief Recess

- 16:40:00 Chair Mercer announced a brief recess.

BRIEFING ON DATA PROJECTS

- 16:45:58 Chair Mercer introduced the agenda item and elaborated on the inventory of the public safety agencies data.
- 16:47:34 Ms. Duncan provided an overview of data projects. ([Exhibit 11](#))
- 16:56:19 Nick VanBrown, Fiscal Analyst, LFD, continued with the report. Mr. VanBrown elaborated further on some of the points that Ms. Duncan went over in Exhibit 12.
- 16:58:26 Rachel Weiss, Research Analyst, Legislative Services Division, elaborated further on some of the points presented in Exhibit 12.

17:02:46 Chair Mercer called for questions from the committee. There were none.

Committee Discussion

17:02:58 Ms. Duncan spoke on the enormity of the task that the committee is undertaking regarding the data-related projects.

17:03:34 Chair Mercer spoke about the data and how exactly it would be used. Chair Mercer noted that there already exists reliable arrest data.

17:08:43 Rep. Nave urged members to consider the question of what the data was for. Rep. Nave stressed that the committee needs to make a responsible fiscal decision on whether to fund this project. Rep. Nave expressed her concern about starting the project at the top.

17:09:49 Chair Mercer asked Rep. Nave to clarify what she meant by “the top.”

17:09:52 Rep. Nave addressed the question and provided further comment about needing to decide what data would be really needed, so that the project is manageable.

17:10:44 Chair Mercer elaborated on the background of how this project came to be.

17:12:09 Rep. Nave pointed out that this committee was a budget committee and it was important to be clear on the scope and details of the project, so that the committee would be able to make a decision about funding the project.

17:13:22 Rep. Kerr-Carpenter urged the committee to think about long term and not be limited to the committee members’ two-year serving terms.

17:14:52 Chair Mercer asked Rep. Kerr-Carpenter whether it was her sense that this project should be designed to study the matter with no desire to produce a ready to use system.

17:15:19 Rep. Kerr-Carpenter addressed the question and stated that in the best-case scenario, the committee would be able to produce a good framework. Rep. Kerr-Carpenter asked Ms. Weiss to add to the discussion.

17:15:46 Ms. Weiss emphasized that the Law and Justice Committee meeting that took place in October was the very first meeting about data and that they are in an early stage. Ms. Weiss elaborated on the possible outcomes of the data study discussed in the Law and Justice Committee.

17:17:06 Chair Mercer declared that in that case there was no urgency. Chair Mercer, addressing Rep. Nave’s earlier comments, noted that it would be useful to reduce thoughts to writing and stated that he still didn’t understand what, for example, the DOC had right now but that he would like to have a clear answer.

17:19:55 Ms. Duncan suggested that the committee members compiled a list of questions that they wanted answered regarding the inventory of data.

17:20:40 Chair Mercer elaborated on how this committee became involved in working on the overall data project.

17:21:47 Ms. Duncan provided further elaboration.

17:22:10 Rep. Nave pointed out that the reports delivered to the committee do not indicate that the new data collection or archiving activity was taking place.

17:22:41 Chair Mercer expressed his agreement that the committee members should write down the questions.

17:23:12 Mr. Van Brown noted that it would be useful.

17:23:49 Chair Mercer asked Mr. Doig whether this committee was considering points that have been undertaken before.

17:24:20 Mr. Doig addressed the question.

17:24:54 Chair Mercer invited further questions. There were none.

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

- 17:25:13 Erin McGowan, Montana Community Corrections Association (MCCA), elaborated further on the discussion of data in the possession of the public safety agencies and offered to look at the data produced by the MCCA. Ms. McGowan also provided a comment on the 1% and 1% rate increase for community corrections. Lastly, Ms. McGowan offered her expertise and that of MCCA as a resource to the committee.
- 17:28:02 Mr. Schandelson provided a comment on the data entry process and noted that nearly everything the OPD does with respect to data comes from other data sources. Mr. Schandelson suggested that the current committee work on the public safety agencies data could be a start of a future bill.
- 17:32:30 Chair Mercer concluded the meeting. The meeting adjourned.

ADJOURNMENT

Adjournment: 17:33:17