



PUBLIC SAFETY INTERIM BUDGET COMMITTEE

68th Montana Legislature

SENATE MEMBERS

Dan Bartel
David Howard
Ryan Lynch

HOUSE MEMBERS

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

COMMITTEE STAFF

Catherine Duncan - Fiscal Analyst
Walker Hopkins - Fiscal Analyst
Katya Grover - Secretary

MINUTES LOG

December 08, 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)
Sen. Dan Bartel (R)
Rep. Emma Kerr-Carpenter (D)
Sen. Ryan Lynch (D)
Rep. Fiona Nave (R)
Rep. Kerri Seekins-Crowe (R)

MEMBERS EXCUSED:

Sen. David Howard, Vice Chair (R)

STAFF PRESENT:

Catherine Duncan, Fiscal Analyst
Walker Hopkins, Fiscal Analyst
Katya Grover, Secretary

AGENDA ([Attachment 1](#))

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

CALL TO ORDER/ROLL CALL

08:31:57 Rep. Bill Mercer called the meeting to order at 8:31 AM. The committee secretary took roll.

AGENCY PROFILES

08:36:00 Cathy Duncan, Fiscal Analyst, Legislative Fiscal Division, showed the committee members where the agency profiles are located on the legislative website.

Committee Questions

08:39:36 Chair Mercer asked Ms. Duncan whether the information went back to FY 2018.

08:40:17 Chair Mercer asked Ms. Duncan whether there were data going back to earlier biennia.

08:41:53 Chair Mercer requested information containing greater detail on how the budget approved by the prior legislature had evolved over time, a historical prospective on trendline.

08:42:40 Sen. Bartel asked Ms. Duncan whether the numbers presented in the agency profiles were actual numbers.

08:43:41 Ms. Duncan concluded the agency profiles presentation.

2025 BIENNIUM BUDGET PROPOSAL HIGHLIGHTS AND FINAL COSTS AND OBJECTIVES

08:44:40 Cathy Duncan, Fiscal Analyst, Legislative Fiscal Division ([Exhibit 1](#))

08:48:08 Chair Mercer recognized senator-elect Sen. Vance who will be a member of this committee during the Legislative Session of 2023.

JUDICIAL BRANCH

08:48:30 Walker Hopkins, Fiscal Analyst, Legislative Fiscal Division (page 3 of [Exhibit 1](#))

08:52:06 Beth McLaughlin, Supreme Court Administrator, Judicial Branch ([Exhibit 2](#))

Committee Questions

08:56:17 Chair Mercer asked Ms. McLaughlin about historical information with respect to the drug court performance measures.

08:58:06 Rep. Nave referred to the documents associated with the Judicial Branch on the committee webpage but noted that there was no information on measures and no discussion of performance and asked to clarify that point.

08:58:51 Mr. Walker addressed the question and demonstrated where the documents that Ms. McLaughlin was referring to were located.

08:59:40 Ms. McLaughlin provided further explanations.

09:00:01 Chair Mercer requested to have the document used by Ms. McLaughlin (see [Exhibit 2](#)) be collocated with the rest of the reports pertaining to the Judicial Branch on the committee webpage.

09:00:58 Ms. Duncan explained which agencies' budget she was responsible for and which Mr. Hopkins was responsible for.

PUBLIC SERVICE COMMISSION

09:02:03 Cathy Duncan, Fiscal Analyst, Legislative Fiscal Division (page 5 of [Exhibit 1](#))

Committee Questions

09:04:26 Chair Mercer asked about the biennium budget of \$876,670. Ms. Duncan and Mr. Hopkins addressed the question.

09:06:17 James Brown, President, Montana PSC ([Exhibit 3](#))

09:10:30 Jennifer Fielder, Commissioner, District 4, PSC ([Exhibit 4](#))

Committee Discussion

09:19:56 Chair Mercer noted that one potential quantitative measure would be to assess how many system failures there were with REDDI as opposed to EDDI.

DEPARTMENT OF CORRECTIONS

Recidivism Report: Findings and Conclusions

09:22:25 Walker Hopkins, Fiscal Analyst, Legislative Fiscal Division (page 7 of [Exhibit 1](#))

09:25:38 Brian Gootkin, Director, Department of Corrections

Committee Questions

09:26:37 Chair Mercer asked Mr. Gootkin how many of the instances that he mentioned were the result of the negotiated resolutions between employees and the division.

09:27:16 Chair Mercer reiterated the answer. Natalie Smitham, Chief Financial Officer, DOC, responded to Chair Mercer's summary.

09:28:49 Chair Mercer asked Ms. Smitham about negotiations for a two-dollar increase in hourly pay for correctional officers.

09:29:43 Chair Mercer stated that it seemed that the DOC had already negotiated the raise and that if the legislature didn't fund it, it would mean that the DOC wouldn't be complying with its own resolution.

09:30:35 Chair Mercer asked Ms. Smitham to elaborate on the \$6.8 million general fund referred to in the major budget highlights (see page 7 of [Exhibit 1](#)).

09:31:35 Chair Mercer asked Mr. Gootkin to elaborate on the \$4.8 million general fund overtime pay referred to in the major budget highlights (see 7 of [Exhibit 1](#)).

09:32:33 Chair Mercer asked Mr. Gootkin about hiring and retention and prospect where employees would not be required to work 12-hour shifts.

09:33:21 Chair Mercer asked Mr. Gootkin to confirm that the number of vacancies had not increased since the last meeting of the committee.

09:33:43 Chair Mercer emphasized that the committee needed to understand what \$4.8 million would buy in terms of covering OT.

09:34:08 Rep. Seekins-Crowe requested a detailed report accurately showing where the staff shortages were. Mr. Gootkin addressed the information request.

- 09:35:05 Chair Mercer asked to clarify about 13 FTE and associated \$1.7 million general fund referred to in the major budget highlights (see 7 of [Exhibit 1](#)). Ms. Smitham addressed the question.
- 09:37:25 Rep. Seekins-Crowe referred to an audit on DOC and goals and objectives identified by the DOC (see [Exhibit 5](#)) and requested to see information on how the DOC responded at this time to the recommendations outlined in the audit.
- 09:38:44 Chair Mercer asked Rep. Seekins-Crowe to state the date and the number of the audit report produced by the LAD.
- 09:39:59 Jim Anderson, Public Safety Chief, DOC, addressed Rep. Seekins-Crowe's information request.
- 09:40:39 Rep. Seekins-Crowe reiterated her question and concerns. Mr. Anderson responded to Rep. Seekins-Crowe's comment.

Goals and Objectives

- 09:42:11 Chair Mercer
- 09:42:36 Brian Gootkin, Director, Department of Corrections ([Exhibit 5](#))

Committee Discussion

- 09:46:18 Rep. Nave referred to a goal written on page 2 of [Exhibit 5](#) and provided a suggestion on how to measure whether or not this goal was achieved. Mr. Gootkin responded to the comment.
- 09:50:06 Chair Mercer asked about infrastructure and technology: how many budget requests were going to be outside of Section D committee requests. Ms. Smitham addressed the question.
- 09:52:09 Chair Mercer asked about the DOC long-range building plan and the price of building a new men's prison. Mr. Gootkin addressed the question.
- 09:52:56 Chair Mercer reiterated his request to have an update provided to the subcommittee on what it would cost to build a new facility.
- 09:53:08 Chair Mercer referred to the statute in Title 17, Chapter 7 defining obligations of the executive branch agencies to the legislature by providing a statement of goals and objectives with quantitative measures. Chair Mercer noted that there were no quantitative measures provided in the document presented by the DOC and expressed his concern in this matter.
- 09:57:10 Mr. Anderson addressed Chair Mercer's statement.
- 09:58:00 Chair Mercer reiterated what information the committee expected to see, based on HB693.
- 09:58:33 Mr. Anderson addressed Chair Mercer's comment. ([Exhibit 6](#))
- 09:59:28 Chair Mercer read the passage of Title 17, Chapter 7, pertaining to the discussion of what a report should include.
- 10:01:11 Mr. Anderson responded to Chair Mercer.
- 10:01:42 Rep. Seekins-Crowe noted that there was 80% recidivism rate in the Yellowstone County and urged to find a solution. Rep. Seekins-Crowe requested a report explaining what fair measures the DOC came up with.
- 10:03:31 Chair Mercer reiterated the summary section of [Exhibit 6](#) and asked to confirm if he understood the information correctly. Mr. Anderson responded to Chair Mercer's question.

- 10:06:32 Rep. Nave asked Mr. Gootkin to explain the difference between how new sentences and revocations were counted and kept track of. Rep. Nave elaborated on what kind of information the committee was looking for.
- 10:11:55 Rep. Seekins-Crowe asked whether the data system that Rep. Usher was working on would be helpful in this matter. Mr. Gootkin addressed the question.
- 10:13:05 Chair Mercer reiterated what information the DOC report should have included and requested a supplemental report be provided to the committee.
- 10:15:31 Chair Mercer referred to page 3 of [Exhibit 5](#) and spoke about the education metric that needed to be used in the report.
- 10:17:19 Rep. Seekins-Crowe stated that the committee wanted to see a real budget so that the committee members could understand the needs of the DOC and expressed her desire to work together. Mr. Gootkin addressed Rep. Seekins-Crowe's request and comment.
- 10:21:05 Chair Mercer spoke about organizing a field trip to some of the facilities and asked Ms. Duncan to facilitate the process.
- 10:22:57 Rep. Seekins-Crowe provided further elaboration on the possible field trips.
- 10:23:29 Chair Mercer asked Mr. Gootkin to come up with two most important things that he wanted the committee members to understand while visiting the facilities. Mr. Gootkin responded to the request.

OFFICE OF PUBLIC DEFENDER

- 10:25:11 Cathy Duncan, Fiscal Analyst, Legislative Fiscal Division (page 6 of [Exhibit 1](#))
- 10:29:33 Brett Schandelson, Director, OPD. In delivering his report, Mr. Schandelson also introduced a new Central Services Division Administrator, Koan Mercer.

Committee Questions

- 10:35:43 Chair Mercer asked Mr. Schandelson whether there was a mechanism for the OPD to get the feedback from the district courts.
- 10:40:55 Chair Mercer commented about committee's expectations regarding the outcomes vs. outputs and noted that there should be some kind of feedback as part of the standard process.

Goals and Objectives for FY 2024-2025 Biennium

- 10:41:43 Chair Mercer
- 10:41:59 Brett Schandelson, Director, OPD ([Exhibit 7](#))

Committee Questions

- 10:45:13 Rep. Seekins-Crowe referred to the computer systems and communication problem in the Yellowstone County and asked Mr. Schandelson whether the OPD was trying to elevate that problem overall.
- 10:49:01 Sen. McGillvray asked Mr. Schandelson to elaborate on whether several offences committed by the same offender could be combined with one public defender. Sen. McGillvray also added to the discussion about goals and objectives.
- 10:54:59 Rep. Seekins-Crowe asked Mr. Schandelson how many days it was taking for a judge to hear a case.
- 11:00:04 Chair Mercer spoke about the baseline problem that the OPD seemed to have and about needing quantitative measures within the OPD's goals and objectives

for the upcoming biennium. Chair Mercer requested the OPD provided to the committee the quantitative measures between this time and January-February.
11:03:14 Chair Mercer provided closing comments.

DEPARTMENT OF JUSTICE

11:03:53 Cathy Duncan, Fiscal Analyst, Legislative Fiscal Division (page 4 of [Exhibit 1](#))
11:05:26 Chair Mercer asked Nate Thomas, Chief Financial Officer, DOJ, in his presentation to talk about what was being requested by the department outside of what the committee would see in Section D but would be good to know about at this time.
11:05:48 Nate Thomas, Chief Financial Officer, DOJ ([Exhibit 8](#))

Committee Questions

11:07:27 Rep. Nave asked Mr. Thomas to discuss the budget from which money for defending the state came after a large amount of litigation on the legislature after the 2021 Session.
11:09:06 Rep. Nave asked Mr. Thomas whether the DOJ increased the budget for the legal representation of the state for the 2023 Legislative Session.
11:09:44 Chair Mercer referred to goals and objectives presented by the Department to the Committee and noted that there were no quantitative measures. Chair Mercer also asked whether a new Deputy Attorney General has been appointed and who would be the contact person for the subcommittee in the upcoming Session. Mr. Thomas addressed the comment and questions.

AUDIT OVERVIEW AND RELATED AUDITS

11:15:07 Karen Simpson, Financial Compliance Auditor, Legislative Audit Division ([Exhibit 9](#))
11:19:53 Amber Robbins, Management & Program Analyst Supervisor, Legislative Audit Division

Committee Questions

11:23:23 Rep. Nave asked Ms. Robbins to elaborate on the process for an agency performance audit.
11:26:15 Rep. Nave asked Ms. Robbins whether the LAD had difficulties determining outcome measures as opposed to determining whether an agency followed the process successfully.
11:28:00 Rep. Nave asked Ms. Robbins to elaborate on how the LAD decides on the scope and objectives of an audit.
11:28:56 Chair Mercer referred to performance audits that pertained to Section D from the 2021 Session and requested from Ms. Duncan that those audits should migrate to the website for the 2023 Session.
11:29:56 Chair Mercer referred to an earlier discussion on work not being done on the probation and parole audit until April and asked Ms. Robbins whether there were deliverables from the Department that the LAD would get before the LAD would do an evaluation.
11:31:20 Chair Mercer noted that giving a year for agencies to respond to audits was too long. Ms. Robbins responded to the comment.

RELATED INTERIM POLICY COMMITTEE WORK & BILL REQUESTS

11:32:37 Rachel Weiss, Research Analyst, Legislative Services Division ([Exhibit 10](#))

Committee Questions

- 11:35:48 Chair Mercer asked Ms. Weiss to elaborate on the conclusions that the LJIC reached regarding HJ31, as well as what the legislature would be asked to do in LC357 and how that would be a further development of the work done by the LJIC during the interim process.
- 11:40:08 Chair Mercer asked Ms. Weiss whether the LJIC reached conclusions about quality and existence of historic data.
- 11:43:46 Chair Mercer asked Ms. Weiss whether there was a written inventory of the current data.
- 11:45:00 Chair Mercer asked Ms. Weiss to confirm that Nick VanBrown, Lead Data Scientist, LFD, may have collected the data that exists within state inventories.
- 11:45:21 Ms. Duncan provided a further elaboration on what data Mr. VanBrown may have collected.
- 11:45:55 Chair Mercer requested a meeting with any interested legislators from the LJIC as well as with Ms. Duncan and Mr. VanBrown regarding the data that Mr. VanBrown may have.
- 11:46:14 Ms. Duncan responded to the request.
- 11:46:40 Rep. Nave asked Ms. Weiss about HJ40 and requested a report associated with the study be provided.
- 11:47:10 Chair Mercer noted that the Audit Division started an audit consistent with HJ40. Ms. Weiss addressed the comment.

INTERACTIVE TOOLS

- 11:48:27 Walker Hopkins, Fiscal Analyst, Legislative Fiscal Division
- 11:52:50 Chair Mercer noted that this interim had been extremely productive with respect to data and data accessibility. Chair Mercer asked Ms. Duncan whether the legislature would migrate to a fully electronic format.

Public Comment

- 11:54:40 None.
- 11:55:01 Chair Mercer asked Bent Doig, OBPP Representative, whether he had any comments. Chair Mercer noted that the committee should be concentrating on what legislators want to accomplish as opposed to concentrating on the definition of what constitutes a program.
- 11:57:30 Sen. McGillvray stated that if the committee wanted an audit performed on a specific targeted issue, a committee bill requesting such an audit would get prioritized by the Audit Committee.
- 11:58:45 Chair Mercer responded to Sen. McGillvray's comment.

ADJOURNMENT

- 11:59:16 Chair Mercer adjourned the meeting at 11:59 AM.