



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
Brent Doig - OBPP Staffer
Kris Wilkinson - Fiscal Analyst

MINUTES LOG

June 15, 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. Ryan Osmundson (R)

MEMBERS EXCUSED:

Sen. David Howard, Vice Chair (R)
Rep. Fiona Nave (R)
Rep. Kerri Seekins-Crowe (R)

STAFF PRESENT:

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

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

- 08:35:59 Rep. Bill Mercer-R called the meeting to order at 8:35 AM. The committee secretary took roll.
- 08:37:20 Cathy Duncan, Fiscal Analyst, LFD, introduced Hunter Sczepanski, a new fiscal analyst for Section D.
- 08:38:00 Chair Mercer welcomed Mr. Sczepanski to the committee.
- 08:38:18 Mr. Sczepanski introduced himself.
- 08:38:38 Rep. Seekins-Crowe joined the meeting.
- 08:38:54 Chair Mercer spoke on the agenda for the current committee meeting.

STATE SPECIAL REVENUE DEMONSTRATION AND EXPLANATION OF FUND BALANCE GREEN SHEETS

- 08:40:02 Ms. Duncan went over the document entitled "Highway Patrol and Retention Account State Special Revenue." (Exhibit 1)
- 08:46:06 Rep. Nave joined the meeting.
- 08:51:47 Chair Mercer asked Brent Doig, Budget Analyst, Office of Budget and Program Planning, if he wished to elaborate further on Ms. Duncan's report.

Committee Discussion

- 08:52:08 Chair Mercer invited questions from the committee.
- 08:52:23 Chair Mercer asked what accounted for the significant increase in the fund balance, from the end of 2018 to the end of 2021.
- 08:53:07 Chair Mercer stated that it would be useful for the committee going into the upcoming legislative session to know not only what accounted for the increase in the fund balance but also whether the transfer to the highway patrol pension trust was a continuing obligation.
- 08:55:58 Chair Mercer noted that he understood from Exhibit 1 that there was going to be a \$2 million transfer at the end of 2023 while there was only \$1.5 million in ending fund.
- 08:57:20 Chair Mercer requested to make sure that the statutory reference not only captured the authority for the expenditures but also the factors that were driving the fund balance.

DEPARTMENT OF CORRECTIONS

- 08:57:55 Chair Mercer introduced discussion on the Department of Corrections.

March-May Budget Report

- 08:58:29 Ms. Duncan delivered the report to the committee members. (Exhibit 2)

Committee Discussion

- 09:04:49 Sen. Bartel asked to elaborate on the carryover authority.
- 09:05:44 Sen. Bartel clarified his question and asked for an explanation on why this carryforward was an exception.
- 09:06:47 Chair Mercer summarized what has been discussed about the carryover.
- 09:07:06 Mr. Doig added that the carryforward was good for two years.
- 09:07:22 Sen. Bartel asked to confirm that the carryover was good for two years.
- 09:07:36 Ms. Duncan added to the answer. In her elaboration, Ms. Duncan referred to a statute dealing with the two-year carryforward authority.
- 09:07:38 Chair Mercer requested Mr. Doig to provide committee with the location of the statute so that the committee could examine it.

March-May Budget Report - continued

- 09:07:55 Ms. Duncan resumed the quarterly budget report, page 2 of Exhibit 2.

Committee Discussion

- 09:12:26 Sen. Bartel referred to the COVID-19 authority and asked whether COVID money created any ongoing expenses.
- 09:13:35 Chair Mercer requested that Brian Gootkin, Director, DOJ, provided information regarding any recurring expenditure that happened as the result of COVID.

March-May Budget Report - continued

- 09:14:00 Ms. Duncan resumed the budget report, page 3 of Exhibit 2.

Committee Discussion

- 09:16:52 Chair Mercer asked how the unclassified appropriation reflected on page 3 of Exhibit 2 would be treated in HB2 in the 2023 legislative session.
- 09:17:22 Chair Mercer asked Mr. Doig whether he would assume that this would be a continuing reduction.

March-May Budget Report - continued

- 09:17:57 Ms. Duncan continued her report, page 4 of Exhibit 2.

Committee Discussion

- 09:36:09 Chair Mercer invited questions from the committee and comments from the OBPP.
- 09:36:25 Mr. Doig had no comments. Mr. Doig asked if Russ Katherman, A&E Division Administrator, DOC, could deliver his prestatation at this time as Mr. Katherman had to attend another meeting.

Agency Discussion Topics:

DOC Master Facility Plan

- 09:36:37 Chair Mercer verified with Mr. Gootkin that Mr. Katherman could deliver his report before the Director's report and spoke on the agenda regarding the rest of the DOC presentations.
- 09:37:07 Mr. Katherman provided an update on the strategic master plan. [\(Exhibit 3\)](#)

Committee Discussion

- 09:40:48 Chair Mercer invited questions from the committee and asked about the basis for the final report as it was designated in late July 2020.
- 09:42:02 Chair Mercer asked what the department needed to do to update the draft: whether it would only be obtaining new data and projections from the department.
- 09:42:55 Chair Mercer asked about the anticipated timeline for the final master planning report.
- 09:43:11 Chair Mercer requested the final strategic master plan be delivered to the committee when the plan was ready.
- 09:43:25 Chair Mercer referred to the advice expressed in the planning report for the clients across the executive branch of 4 to 5 years to complete construction from the point of appropriation and asked whether that timeframe was the same for the DOC and its facilities when compared to other clients.
- 09:44:28 Chair Mercer asked how the current timeframe projection compared with the pre-COVID time.
- 09:46:36 Chair Mercer referred to the forecasted timeline and asked how much was attributed to the lack of available contract capacity.
- 09:48:04 Chair Mercer responded to Mr. Katherman's elaboration. Chair Mercer invited further questions from the committee. There were none.

Update on Reorganization

- 09:48:21 Chair Mercer invited Mr. Gootkin and his team to deliver their reports.
- 09:48:50 Natalie Smitham, Chief Financial Officer, DOC, reported on the financial aspect of the reorganization.
- 09:52:18 Chair Mercer referred to six-line items on page 8 of Exhibit 2 and asked whether Ms. Smitham was referring to those numbers when speaking about zero or close to zero dollars expended.
- 09:52:43 Chair Mercer requested a status report on what the DOC believed had been expended with response to the six-line items in Exhibit 2 be presented to the committee members within 2 weeks.
- 09:53:26 Ms. Smitham addressed the information request and completed her presentation.

Updates on Union Agreements—Current and Future Costs—Impacts of Raises

- 09:54:31 Chair Mercer introduced discussion on the union agreements.

Where Agency Is in Hiring Process and Where Hiring Is Planned: Correctional Officers

- 09:54:54 Mr. Gootkin provided an update regarding where the agency was in hiring process and where the hiring of correctional officers was planned. Mr. Gootkin deferred further updates to be presented by Jim Anderson, Public Safety Chief, DOC.

Committee Discussion

- 09:56:17 Chair Mercer referred to Exhibit 2 and asked Mr. Doig about correctional officer pay increases.
- 09:57:33 Chair Mercer asked about the approval process during a biennium as it related to the legal authority.
- 09:58:18 Chair Mercer asked where this money was identified in the department's budget in the case of this change in expenditure.

09:58:55 Chair Mercer commented on the budgeting process for the next biennium.

Where Hiring Has Been Successful and Not: Correctional Officers

09:59:46 Mr. Anderson provided a report on recruitment and retention efforts. [\(Exhibit 4\)](#)

Committee Discussion

10:04:54 Sen. Bartel asked Mr. Anderson to elaborate on housing within the community of Deer Lodge.

10:06:16 Sen. Bartel asked whether any funding sources were identified.

10:06:36 Chair Mercer thanked Mr. Anderson for his report.

HB 693 Reporting: Q3, through March

10:06:54 Mr. Gootkin deferred presentation on HB 693 reporting to Ms. Smitham.

10:07:02 Ms. Smitham provided the report. [\(Exhibit 5\)](#)

Committee Discussion

10:08:38 Chair Mercer asked Mr. Gootkin to elaborate on the numbers for the 3rd quarter on page 1 of Exhibit 5.

10:10:09 Chair Mercer asked about the next steps in case when a person was not admitted to a particular facility.

10:10:25 Mr. Gootkin addressed the question and deferred to Scott Eychner, Rehabilitation and Programs Chief, DOC, for further elaboration.

10:10:51 Mr. Eychner added to Mr. Gootkin's answer.

10:11:12 Chair Mercer asked to confirm whether about half of the 94 screened cases at passages was admitted.

10:11:47 Chair Mercer asked to confirm that the WATCH East utilization was below 60% in each month of the quarter.

10:12:07 Chair Mercer asked to confirm that the Missoula PRC utilization was below 50% in each month of the quarter.

HB 693 Reporting: Q3, through March - continued

10:12:27 Ms. Smitham resumed her report. [\(Exhibit 6\)](#)

Committee Discussion

10:14:04 Chair Mercer invited questions from the committee.

10:14:25 Sen. Lynch referred to page 4 of Exhibit 5 and asked about the 33% of in screening process for placement.

10:14:53 Sen. Lynch referred to Chair Mercer's earlier questions about WATCH East and Missoula PRC and asked whether there were other changes in those facilities that the committee should be aware of.

10:15:24 Sen. Lynch asked about MASC program and possible transition taking place with the supplemental payments.

10:16:05 Sen. Lynch asked what factors were driving the MASC population.

10:16:40 Chair Mercer asked Sen. Lynch to restate his question regarding the 33% of in screening process for placement.

10:17:08 Sen. Lynch clarified his question and said that it was a two-fold question: (1) whether the 33% referred to the offenders who were pre-screened for the pre-judication placement at sentencing and (2) how many of all 100% of offenders had been pre-screened for the pre-judication placement.

10:17:54 Chair Mercer requested that information be provided to the committee shortly.

10:18:15 Sen. Bartel asked whether the percentages that were presented were reflective of every quarter.

10:18:59 Sen. Bartel asked to clarify what Mr. Gootkin meant by “not normal” in reference to the COVID time.

10:19:20 Sen. Bartel requested information regarding what Mr. Gootkin referred to be presented to the committee: the timeline and history.

10:19:32 Rep. Seekins-Crowe asked whether there was a guaranteed funding for a certain number of beds and asked what that number was.

10:20:08 Chair Mercer referred to page 2 of Exhibit 5 and asked about the MASC guarantee payment for that quarter.

10:20:29 Chair Mercer asked to elaborate on the utilization rate trigger.

10:20:58 Chair Mercer noted that there also were guaranteed payments made to WATCH East and Great Falls PRC.

10:21:09 Chair Mercer directed Mr. Gootkin to provide any other observations that he wanted to make before final questions from the committee.

10:21:39 Mr. Gootkin thanked the Governor’s Office and this committee for providing the DOC with a Chief Financial Officer.

10:22:02 Chair Mercer invited questions from the committee.

10:22:12 Chair Mercer noted for the record that there was a document in the committee packets containing supplemental information for the request that the committee had made in the past (see Exhibit 6) as well as a diagram for the hiring process of correctional officers. **(Exhibit 7)**

10:22:38 Chair Mercer referred to page 1 of Exhibit 2 and asked about the DOC’s estimation of federal special money and FTEs.

10:24:23 Chair Mercer requested a status report regarding funding of this position, including details about the grant and programming, be provided in advance of the next committee meeting.

10:25:29 Chair Mercer asked what portion of the Clinical Services Division got moved to the new Program 2.

10:25:49 Chair Mercer noted that some of it was remaining in Program 3 and that only a small amount went to the Public Safety Division Program 2. Chair Mercer asked what of clinical services was now in the Public Safety Division as opposed to in the Rehabilitation and Programs Division.

10:27:09 Chair Mercer asked to confirm that those specialists were doing work falling under the category of mental health, but they were not reporting to an office on the clinical side.

10:27:42 Chair Mercer requested to have a follow-up conversation about this matter. Chair Mercer elaborated on the reasons as to why the discussion would need to take place.

10:28:16 Chair Mercer referred to the vacancy savings identified in Exhibit 2 Chair Mercer asked whether the DOC agreed with those calculations.

10:29:24 Chair Mercer thanked the Department for the report on recruitment and retention regarding correctional officers. Chair Mercer asked where the Department was in the process of hiring for the new PNP positions that the legislature authorized.

10:30:00 Chair Mercer requested the information regarding the new positions and the duty stations of those newly hired officers be presented to the committee as part of the supplemental information.

Public Comment - DOC Topics

- 10:30:40 Chair Mercer called for public comment.
- 10:30:59 Zuri Moreno, Montana Budget & Policy Center, provided testimony regarding the strategic master planning and urged the committee to prioritize the investments in access for healthcare for those who were in the DOC custody.
- 10:33:02 Chair Mercer thanked presenters for their reports.

BRIEF RECESS

- 10:33:32 Chair Mercer announced a brief recess.
- 10:43:03 Chair Mercer called the committee back to order and announced that the presentation on the Montana's Probation and Parole Practices would not take place at the current meeting as originally planned.

ARPA Funding: White Paper on Community Corrections Need

- 10:44:08 Erin McGowan, Montana Community Corrections Association, introduced the panel presenters and delivered her report.
- 10:47:02 Chair Mercer asked about the source for funding.
- 10:47:11 Ms. McGowan addressed the questions and continued her presentation.

Community Corrections Panel

- 10:48:05 Ms. McGowan started the panel presentation by explaining the functions of the Montana Community Corrections Association (MCCA). **(Exhibit 8)**
- 10:48:19 Sen. Bartel asked to elaborate on what MCCA was looking for in daycares.
- 10:48:32 Ms. McGowan addressed the question and resumed her presentation.
- 10:50:44 Panelists introduced themselves: Sue Wilkins, Missoula Pre-release Center; Alan Scanlon, Great Falls Pre-Release; Mike Thatcher, CCCS, Butte; Dave Armstrong, Alternatives, Inc, Billings; and Amy Tenney, Boyd Andrew Community Services, Helena.
- 10:52:17 Ms. McGowan asked Ms. Tenney to address a question about daycare needs in relation to ARPA.
- 10:52:42 Sen. Bartel asked to elaborate on the reasons for why it was difficult to find suitable daycares.
- 10:54:46 Ms. McGowan concluded her presentation and talked about overall operations and the financial side of the MCCA.
- 10:57:25 Ms. Wilkins spoke on history of the organization and history of community corrections in Montana.
- 11:11:54 Mr. Scanlon presented section of the panel report dealing with financial implications if NCCA clients were in prison. Mr. Scanlon also brought to committee's attention written public comment from two businesses on successful hiring of employees who came from the prerelease centers. **(Exhibit 9) (Exhibit 10)**
- 11:18:06 Mr. Thatcher discussed workforce shortage in Montana and the industry.
- 11:34:54 Mr. Armstrong spoke about what makes community corrections unique.
- 11:41:55 Chair Mercer thanked the panelists and invited questions from the committee. There were none. Chair Mercer noted that due to time constrains, the committee would reserve further questions. Chair Mercer also noted that the committee

would appreciate any feedback on the questions that were raised during the committee discussions.

PUBLIC SERVICE COMMISSION

- 11:43:06 Chair Mercer opened discussion on Public Service Commission.
- 11:44:28 Chair Mercer said that Ms. Duncan would present the spending report, then James Brown, President, Montana PSC, would make his report.

March-May Budget Report

- 11:46:11 Ms. Duncan delivered the report to the committee members. [\(Exhibit 11\)](#)
- 11:58:42 Chair Mercer invited questions from the committee. There were none.

Agency Discussion Topics

- 11:59:05 Mr. Brown provided introductory remarks as well as gave an update on open positions.

Update on Strategic Plan and Agency Organization

- 12:07:06 Chair Mercer suggested to hear the updates on strategic plan and agency organization and then hold a committee discussion.
- 12:07:16 Jennifer Fielder, Commissioner, District 4, PSC, provided the report.

Update on REDI

- 12:11:30 Ms. Fielder provided updates on REDDI.

Committee Discussion

- 12:20:07 Chair Mercer asked Mr. Doig whether the PSC could move forward if the CIO would have said that the PSC needed to go with option B.
- 12:20:24 Mr. Doig addressed the question.
- 12:20:43 Chair Mercer stated that it would be good to get clarification regarding the unilateral authority. Chair Mercer elaborated on what the legal authority of this committee was regarding such situations.
- 12:21:55 Ms. Fielder responded to Chair Mercer's elaboration.
- 12:24:39 Rep. Nave noted that there had been a long history with the SITSD and stated that she was very interested in knowing the extend of SITSD authority. Rep. Nave spoke about PSC going through a vigorous evaluation and noted that it would be cost effective in the end to go with the bidder that demonstrated the best capability.
- 12:26:28 Chair Mercer emphasized that additional information from OBPP would be beneficial and that this committee didn't have an authority over procurement.
- 12:27:21 Mr. Doig stated that he would provide such information.
- 12:27:34 Chair Mercer invited further questions from the committee. There were none.
- 12:27:59 Ms. Fielder thanked the committee.
- 12:28:07 Mr. Brown stated that the PSC would keep the committee updated on this matter.

Public Comment - PSC Topics

- 12:28:38 Chair Mercer called for public comment. There was none. Chair Mercer thanked Mr. Brown and Ms. Fielder for their reports.

12:29:20 In response to an earlier question during discussion on the DOC, Ms. Duncan provided handouts explaining the carryforward authority as applied to DOC. [\(Exhibit 12\)](#)

LUNCH RECESS

12:29:47 The committee recessed for lunch.

OFFICE OF PUBLIC DEFENDER

13:04:18 Chair Mercer called the committee back to order and opened the discussion on Office of Public Defender.

March-May Budget Report

13:05:02 Ms. Duncan delivered the report to the committee members. [\(Exhibit 13\)](#)

13:18:06 Chair Mercer invited questions from the committee. There were none.

Agency Discussion Topics:

Updates on Union Agreements-Costs-Hiring Impacts & Update on Case Management/Time Keeping System

13:18:29 Brett Schandelson, Development and Operations Bureau Chief and Acting Director, OPD, provided a breakdown of attorney vacancies by location.

13:20:54 Chair Mercer asked Mr. Schandelson whether he was referring to any other document other than Ms. Duncan budget report.

13:22:41 Chair Mercer asked Mr. Schandelson to elaborate on how the pay range of a lawyer changed with time and experience and whether the pay range had an upper limit.

13:23:41 Mr. Schandelson addressed the question and resumed his presentation. [\(Exhibit 14\)](#)

13:27:16 Chair Mercer asked whether an attorney who has been working for the agency for 6 years would be paid the same amount under the new scale as an attorney who has been working for 4 years.

13:28:26 Mr. Schandelson continued his presentation. [\(Exhibit 15\)](#)

Committee Discussion

13:37:50 Chair Mercer asked about projected expenses for FY2024 and about fiscal note impact that the agency would expect to see with respect to the increase in salary for personnel if the positions were filled.

13:40:27 Chair Mercer referred to page 4 of Exhibit 12 and asked about a projection stating that in FY2023 there would be additional increase in contractors.

13:41:17 Mr. Schandelson addressed the question.

13:44:03 Chair Mercer asked Mr. Doig what authority OBPP had in dealing with projected additional costs in the middle of the biennium.

Agency Discussion Topics - continued

13:46:05 Mr. Schandelson resumed and completed his report.

Demonstration on OPD Dashboard

13:51:23 Chair Mercer directed Mr. Schandelson to give a 3-minute presentation on the dashboard.

13:51:55 Mr. Schandelson demonstrated the [dashboard](#) to the committee members.

- 13:55:42 Chair Mercer asked whether there was a felony—non-felony information.
- 13:55:47 Mr. Schandelson addressed the questions and continued his demonstration of the dashboard.
- 13:57:56 Ms. Duncan demonstrated to the committee members how to access the dashboard online.
- 13:59:23 Mr. Schandelson noted that the data was being updated constantly.
- 13:59:44 Chair Mercer thanked Mr. Schandelson for his report and expressed his appreciation to Travis Tilleman, Human Resources Administrator, OPD, and former director of OPD Rhonda Lindquist.

DEPARTMENT OF JUSTICE

- 14:00:34 Chair Mercer opened discussion on the Department of Justice.

March-May Budget Report

- 14:01:05 Ms. Duncan delivered the report to the committee members. [\(Exhibit 16\)](#)
- 14:23:35 Chair Mercer invited questions from the committee. There were none.

Agency Discussion Topics

- 14:23:54 Will Selph, Chief of Staff, DOJ, introduced DOJ staff present at the meeting: Melissa Gardner, Central Services Division; Dana Toole, Special Services Bureau Chief; Laurie Bakri, Motor Vehicle Division; Shawn Davis, Support Services Bureau Chief; Major Kurt Sager; and joining via phone Nate Thomas, Operations/Budget Analyst.

Updates on Union Agreement—MT Highway Patrol

- 14:25:31 Mr. Selph introduced the discussion.
- 14:25:47 Ms. Gardner provided the updates.
- 14:27:04 Chair Mercer invited questions from the committee. There were none.

Update on Boulder Campus

- 14:28:13 Chair Mercer opened the discussion for the Boulder campus update.
- 14:28:54 Mr. Selph introduced Major Sager to the committee.
- 14:29:08 Major Sager provided the update.
- 14:38:09 Mr. Selph elaborated further on the update and invited committee members to a tour of the campus.
- 14:39:35 Mr. Thomas offered himself for questions from the committee.

Committee Discussion

- 14:40:09 Chair Mercer asked about transitioning into new facility and whether the Boulder campus was within the expected budget for the transition.
- 14:43:00 Chair Mercer asked whether Boulder Campus was able to perform any fixes within the current budget.
- 14:43:31 Mr. Selph asked Mr. Thomas to address additional details regarding taking possession and transitioning to the new facility.
- 14:43:55 Mr. Thomas elaborated on the point.

- 14:46:49 Chair Mercer stated that that was helpful information and requested any communication with the OBPP regarding this point be shared with the committee.
- 14:47:20 Mr. Doig answered in the affirmative.
- 14:47:33 Sen. Bartel asked about ARPA funds.

Agency Plans/Activities Associated with MERLIN Replacement

- 14:48:45 Mr. Selph stated that Ms. Bakri and Mr. Davis would provide the updates.

Merlin Replacement Process

- 14:51:02 Ms. Bakri provided the updates regarding MERLIN replacement process.

Committee Discussion

- 14:58:58 Chair Mercer asked about the budget authority to complete MERLIN replacement project in the current FY.
- 15:00:11 Chair Mercer asked Mr. Doig whether the budget amendment authority discussed by Mr. Thomas was expressed in writing and whether the budget amendment went through the OBPP.
- 15:00:54 Chair Mercer requested from Mr. Selph that when a request for budget amendment was submitted to the OBPP, that it concurrently be provided to the committee.
- 15:01:55 Sen. Bartel asked whether the contract had been signed.

Infrastructure Needs to Support

- 15:02:11 Mr. Davis provided updates about infrastructure needs.

Committee Discussion

- 15:03:16 Chair Mercer requested information regarding the scope of the project be provided to the committee in written form.
- 15:04:22 Chair Mercer invited further questions from the committee. There were none.

Children's Advocacy Center Program Update

- 15:04:44 Ms. Toole provided the updates. [\(Exhibit 17\)](#)

Committee Discussion

- 15:14:50 Chair Mercer invited questions from the committee.
- 15:14:57 Sen. Bartel asked how many children had been served in the 26 children advocacy centers.
- 15:15:45 Sen. Bartel requested information regarding the number of children served in each center and costs associated with each center be provided to the committee.
- 15:16:30 Sen. Bartel requested information about the number of employees at each center be added to the report.
- 15:17:01 Chair Mercer pointed out that the centers were relying upon people who were not DOJ employees but who were specialists in the community. Chair Mercer noted that he was not sure if it would be possible to show the magnitude of types of professionals involved but that that kind of context would be beneficial to see.
- 15:17:32 Sen. Bartel noted that that would be very helpful.
- 15:17:42 Ms. Toole thanked Chair Mercer for clarification on the request.

- 15:18:31 Chair Mercer stated that the committee members could do a field trip to a center in Helena at some point in time.
- 15:18:52 Chair Mercer thanked the presenters and stated that his desire was to work with the DOJ staff on making the reporting requirement that the legislature put into the child sexual abuse bill in the year of 2019. Chair Mercer expressed his frustration at the reports that would not show meaningful information, such as how cases were progressing.

Public Comment - DOJ Topics

- 15:20:52 Chair Mercer called for public comment.
- 15:21:02 Mary Barry, Vice Chair, Children's Alliance of Montana, prosecutor, offered herself for questions.

BRIEF RECESS

- 15:22:30 Chair Mercer announced a brief recess.

BOARD OF CRIME CONTROL

- 15:31:44 Chair Mercer called committee back to order and introduced discussion on the Board of Crime control.

Presentation of Requested Reports

- 15:32:27 Natalia Bowser, Bureau Chief, Crime Control Bureau, delivered report on the following topics: Changes in Violent Crime (BOCC reported for purposes of OPD), Historic Comparison of Byrne Jag funding (BOCC reported for purposes of DOJ), and Crisis Intervention Training, DPHHS report (reported for purposes of DOJ). [\(Exhibit 18\)](#) [\(Exhibit 19\)](#)
- 15:35:40 Chair Mercer noted that that information was exceedingly helpful. Chair Mercer invited questions from the committee. There were none.

HJ 29 – Next Steps

- 15:35:45 Chair Mercer provided introductory remarks.
- 15:38:02 Ms. Bowser delivered report on the following topics: understanding purchasing power and changes in populations in need or funding (or both). [\(Exhibit 20\)](#) [\(Exhibit 21\)](#)

Committee Discussion

- 15:47:08 Chair Mercer asked whether information reflected in the document entitled "MBCC VOCA Funded Programs 2015-2021" [\(Exhibit 22\)](#) and in Exhibit 19 under the subheading "Types of Organizations Represented" was the same and reflected the same data.
- 15:48:26 Chair Mercer referred to Exhibit 19 and asked whether there were any other governmental entities, other than those listed in Exhibit 19, that applied but did not receive the funding or whether the Board of Crime Control funded every entity that applied.
- 15:51:01 Chair Mercer asked whether the Board had exercised prioritizing certain victim service providers over others as opposed to attempting to fund all applicants at some level.
- 15:54:11 Rep. Kerr-Carpenter commented on funding for these entities.

- 15:55:02 Rep. Kerr-Carpenter asked whether in cases when the victim services organizations did not get fully funded by the Board, that those organizations would have to go to their local municipalities to cover those gaps in funding.
- 15:55:45 Chair Mercer referred to Exhibit 20 and asked whether the municipal and county grantees would probably most exclusively fall within category E and that the non-profit grantees would fall within the categories A, B, C, and D.
- 15:57:26 Chair Mercer noted that it was more of a hybrid than he originally appreciated.
- 15:57:57 Chair Mercer asked whether it would be possible to prepare a list of grantees who received money not from the Board but directly from the VOW office or OVC through discretionary programs.
- 15:59:27 Ms. Bowser expressed her gratitude to Tawny Rogers, State Victim Liaison, MBCC, for preparing information and the visual display in the documents entitled “Montana Victim Services: How victims and survivors are supported by MBCC in Montana” (Exhibit 19) and “VOCA Funded Services Provided in Montana” (Exhibit 20).

JUDICIAL BRANCH

16:00:05 Chair Mercer opened discussion on the Judicial Branch.

March-May Budget Report

16:00:47 Ms. Duncan delivered report to the committee members. **(Exhibit 23)**

Committee Discussion

- 16:04:57 Chair Mercer referred to page 2 of Exhibit 22 and asked about carryforward for FY2020.
- 16:06:42 Chair Mercer clarified his question regarding the carryover.
- 16:07:50 Beth McLaughlin, Court Administrator, Office of the Court Administrator, Judicial Branch, provided further elaboration on Chair Mercer’s question.
- 16:08:20 Ms. Duncan resumed presentation on the budget report.
- 16:21:11 Chair Mercer invited questions from the committee. There were none.

Agency Discussion Topics:

Progress on Return to Normal Courtroom Activity Following COVID Slowdowns

16:21:26 Ms. McLaughlin provided an update to the committee members.

Committee Discussion

- 16:27:41 Chair Mercer referred to page 8 of Exhibit 22 and asked about vacancies in juvenal probation officer positions which made up a substantial percentage within the Division.
- 16:30:32 Chair Mercer asked to reiterate the number of vacant positions.

Public Comment Judicial Branch Topics

16:31:33 Chair Mercer called for public comment. There was none.

DISCUSSION ON REDDI, PSC - continued

- 16:32:17 Sen. Bartel referred to the earlier discussion on the PSC and asked whether this committee could request a review of the PSC new computer system be performed by the SITSD.
- 16:32:49 Chair Mercer addressed the question and asked Mr. Doig whether the PSC had the CIO review all the proposals.
- 16:33:42 Sen. Bartel asked Mr. Doig whether this committee could request that SITSD looked at the proposals for the computer systems for the PSC.
- 16:34:20 Sen. Bartel elaborated on the reasons as to why this committee should request the review.
- 16:35:25 Chair Mercer spoke about the question of this committee's authority.
- 16:35:46 Sen. Bartel stated that he believed that this committee had the authority to request the review.
- 16:35:53 Rep. Nave addressed Sen. Bartel's question and asked why he wanted the review to be performed. Rep. Nave stated that she was not comfortable with the SITSD having a review authority and would not want to see SITSD to be in the position to veto the work done by the PSC on this issue.
- 16:37:42 Chair Mercer summarized the discussion and noted that the feedback from Amy Sassano, Deputy Budget Director, OBPP, was that the CIO of the SITSD would have to sign off on this procurement, and if that were the case, then the PSC did not have the unilateral authority to make this decision. Chair Mercer asked Sen. Bartel and Rep. Nave whether they would accept this compromise.
- 16:39:44 Sen. Bartel responded to Chair Mercer's statement and noted that due to rising costs it would be advisable to have some level of oversight over such spending.
- 16:41:12 Rep. Nave also responded to Chair Mercer's comment and stated that the DOJ had already set a precedent.
- 16:43:30 Chair Mercer spoke on the authority of this committee and stated that unless there was a motion from the committee, he did not think that there was a consensus on the position. Chair Mercer also commented on DOJ's statutory authority.
- 16:44:16 Chair Mercer asked committee members whether there was a motion on the floor. No motion was made. Chair Mercer stated that as there was no motion, the committee would not take an immediate action on the issue.

UPDATE ON HJ 31 – CRIMINAL JUSTICE DATA STUDY

- 16:44:28 Chair Mercer opened discussion on the criminal justice data study.
- 16:44:32 Rachel Weiss, Research Analyst, LSD, provided an update on HJ 31.

Committee Discussion

- 16:47:41 Chair Mercer requested any information in the form of drafts provided to the Law and Justice Interim Committee be provided to this committee. Chair Mercer stated that this information would be beneficial to have for clarity with respect to what data the LJIC would like to secure and from what sources.
- 16:48:55 Chair Mercer thanked Ms. Weiss for the update.

REMAINDER OF THE INTERIM AND FEEDBACK ON IBC MEETINGS

16:49:10 Chair Mercer referred to the memo from Amy Carlson, Legislative Fiscal Analyst, Director, LFD, regarding the remaining calendar and summarized its content. [\(Exhibit 24\)](#)

BUDGET PREPARATIONS, BUDGET MEMOS, EXECUTIVE PLANNING PROCESS

16:51:05 Mr. Doig spoke about executive planning process and budget preparations. [\(Exhibit 25\)](#)

Committee Discussion

16:52:20 Chair Mercer asked whether the information presented in Exhibit 24 would culminate in an actual agency request as of September 1, 2022.

16:52:41 Mr. Doig addressed the question.

16:53:03 Chair Mercer noted that because this committee would have two meetings after the submission from the agencies, it would give this committee some opportunities that otherwise wouldn't exist until January.

16:54:13 Rep. Nave asked where the memo with the information that Mr. Doig distributed to the committee (Exhibit 24) was located.

16:54:24 Ms. Duncan addressed the question.

COMMITTEE DISCUSSION ON HJ 29

16:55:06 Rep. Kerr-Carpenter suggested to move HJ 29 forward.

16:55:37 Chair Mercer addressed the suggestion and stated that the motion could be made; however, the committee was still trying to work out what to say in a study.

16:56:06 Rep. Kerr-Carpenter asked for clarification on the comment as well as on the ideas for what the final product would be.

16:56:15 Chair Mercer elaborated further about this committee producing an analysis as opposed to drafting a piece of legislation.

16:58:11 Rep. Kerr-Carpenter elaborated on this committee producing a forward movement on HJ 29.

16:59:08 Chair Mercer stated that what Rep. Kerr-Carpenter was referring to was a policy prescription and noted that that kind of motion could be done after a study was completed. Chair Mercer elaborated further and emphasized that the report should be made first and then the committee could decide on the policy recommendation.

16:59:54 Rep. Kerr-Carpenter expressed her agreement in moving in that direction. Rep. Kerr-Carpenter requested Ms. Duncan to produce a report that would include a couple of pathways forward for the committee to look at.

17:00:42 Rep. Kerr-Carpenter expressed her agreement.

17:00:50 Chair Mercer stated that the committee should come to the next meeting in September with the draft of the report having circulated among the committee members prior to the meeting and that the committee should have a discussion during the meeting in September. Chair Mercer emphasized that a report would need to be made first and expressed his agreement with the plan.

17:01:17 Chair Mercer provided closing comments and concluded the meeting.

ADJOURNMENT

17:01:51 Chair Mercer adjourned the meeting at 17:01 PM.