

2005-06 Interim Studies: Poll Results and Committee Assignments
by Dave Bohyer, LSD Research Director

The Legislative Services Division (LSD) is required by statute to poll all legislators to ascertain the relative priority of each study requested by the legislature. The poll is to be conducted "immediately" following adjournment sine die and the results of the poll are to be considered by the Legislative Council, which has the statutory authority to assign the study requests to the various legislative committees that function during the interim between regular legislative sessions. This Back Page article describes the poll of the 59th Legislature and its results, and actions taken by the Legislative Council on May 16, 2005, to assign the various studies.

The Interim Study Poll

The LSD staff mailed the poll on April 21, 2005, the same day that the 59th Legislature adjourned adjournment sine die. There were 22 studies included in the poll. A return date of April 30, 2005, was set, primarily to accommodate the demands of the interim workload. The LSD staff compiled data from the poll ballots through May 4 and reported the results to the Legislative Council on May 16.

Results of the Poll

Of the 150 ballots sent out, 116 were returned in time to be counted, for a participation rate of 77%. (There were an additional seven ballots returned too late to be counted in the poll, which would have increased participation to 82% of the Legislature.)

The voting method used to conduct the poll was the Borda method, a method by which each study could be ranked, with a ranking of "1" being the highest and a ranking of "22" being the lowest. Points were then assigned in reverse order, with a study ranked as "1" receiving 22 points and a study ranked as "22" receiving 1 point and the same method applied to rankings in between. (This method is the same method as is used by media organizations to rank the intercollegiate sports teams of colleges and universities throughout the country.)

The mean average number of points received by the studies was 1,137 points. The highest ranking study, HJR 42, received 1,788 points. At the other end of the scale, SJR 14, received 627 points. Of the 22 studies in the poll, 12 received more than the mean average number of points.

The median number of points received was approximately 1,165, meaning that 11 studies

received more points and 11 studies received fewer.

Findings About the Poll

Slightly more than 4 out of 5 legislators (82%) responded to the 2005 Poll, compared to 78% in 2003 and 84% in 2001.

The 59th Legislature also returned to tradition by assigned two studies by bill to a legislative interim or statutory committee. The first of these, HB 790, directs the Environmental Quality Council (EQC) to study split estates and coal bed methane reclamation and bonding. The second study by bill is contained in SB 525, the school funding study to be conducted by the Quality Schools Interim Committee, a select committee composed of eight legislators and three, non-voting, *ex officio* members.

In the final analysis, the LSD staff recommended that 18 of the 22 studies requested by resolution be conducted. After reflection and discussion, the Legislative Council generally concurred with the staff's advice, but added the HJR 15 study of sentencing equity as a staff "white paper" and, with regard to SJR 14, will request the Department of Military Affairs to: (1) more clearly identify the issues precipitating the study request; (2) design a propose a course of action to address the issues; and (3) work with the State Administration and Veterans' Affairs Interim Committee to craft a legislative solution satisfactory to the identified needs.

LSD Staff Recommendations

The LSD staff have traditionally prepared a recommendation to the Legislative Council regarding the assignment of interim studies. Three factors guided the staff recommendations:

- ✓ the results/rankings of the poll;
- ✓ resource availability -- committee and staff time and appropriations;
- ✓ balancing time commitment and work loads among committees.

Considerations Underpinning the Staff Recommendations

Because the Legislative Council has the responsibility to assign interim studies, the staff recommendations are simply that: recommendations. Nevertheless, they are influenced by a number of other considerations that should not be ignored. Some of those considerations include:

- ✓ All interim studies are not created equal. Some have considerable breadth, depth, and complexity, while others are narrow and focused. Thus, Study B is not

necessarily equally balanced with or interchangeable with Study A.

- ✓ The work of interim committees is not equal. Some have more extensive statutory duties and broader jurisdictions than others. Some have more members than others. Some have traditionally formed subcommittees that function much the same as full committees in terms of staff time and committee member effort.
- ✓ Interim studies are only part of what interim committees do during the interim. Each committee has a laundry list of statutory duties, including agency monitoring and administrative rule review.
- ✓ Each interim committee has the statutory authority to examine issues within its purview, which typically extends beyond interim studies assigned. Staff experience suggests that each committee will exercise that authority to a greater or lesser extent. The issues that might arise or the level of involvement cannot be foreseen, but there is a history that these types of projects are likely to occur.
- ✓ Resources -- staff time, committee time, and funding -- are all limited.

Legislative Council Action

The Legislative Council invited the chief sponsor of each interim study to address the Council members on the rationale for requesting and the merits and advisability of assigning the study. Senator Carol Williams (SJR 37--study the child protection system) testified in person. Sen. Rick Laible provided written testimony advocating the assignment of SJR 11, a study of subdivision review process. Several interested persons also testified on behalf of other study requests.

After hearing from the study sponsors, interested persons, and the LSD staff regarding recommendations, the Council members took action and made the assignments as listed in Table 1, following this narrative.

Preview of Interim Activities

The 2005-06 interim is just beginning to take shape. None of the "interim committees" has met yet, but the members of all committees have been appointed. (See related article on appointments.)

Staffing assignments for the committees are also taking shape. Following Table 1 is a list, by interim committee, of the staffing assignments that have been decided thus far.

In addition to the interim studies assigned by the Legislative Council, each of the interim committees has a range of statutory duties and responsibilities, which can be found in Title 5,

chapter 5, part 2, MCA, or, specifically for the EQC, in Title 75, chapter 1, part 3, MCA. The duties and responsibilities for other committees of the legislature that meet during the interim are contained in various chapters within Title 5, MCA.

With an array of committee meetings being planned for the summer, draft work plans and proposed meeting schedules will also be forthcoming shortly. Stay tuned as more information will be provided in subsequent issues of *The Interim* newsletter. In the meantime, check the LSD website or call the LSD (444-3064) with any questions you may have regarding the poll, a particular study, or any of the interim committees.

Table 1
OVERVIEW OF THE 2005 INTERIM STUDY POLL
59TH LEGISLATIVE SESSION
(Compiled May 4, 2005)

Rank	Bill #	Points	Short Title/Subject of Legislation	Assigned by the Legislative Council
1	HJR 42	1,788	Study investment of pension funds	State Admin. and Vets' Affairs
2	SJR 37	1,455	Study child protection system	Children & Families
3	HJR 36	1,340	Study resource indemnity trust funding and allocation	LFD and Legislative Finance
4	HJR 44	1,276	Study taxation of oil & gas production, equipment, and transmission pipelines	Revenue and Transportation
5	HJR 10	1,252	Study fire-related statutes for suppression and mitigation	EQC
6	HJR 43	1,239	Study the classification and valuation of agricultural land	Revenue and Transportation
7	HJR 33	1,236	Study contract timber harvesting	LSD staff white paper/EQC review & action
8	SJR 39	1,230	Study possible creation of ongoing energy planning and coordinating entity	Energy and Telecommunications
9	SJR 41	1,222	Study mental health crisis response system	Children and Families
10	SJR 6	1,186	Study legal services for low and moderate income Montanans	Law and Justice
11	SJR 36	1,176	Study distributed energy generation	Energy and Telecommunications
Median		1,165		
12	SJR 38	1,154	Study issues related to identity theft	Economic Affairs
Mean		1,137		
13	HJR 34	1,070	Study on impacts of superfund sites on surrounding communities	EQC
14	HJR 26	1,064	Study state financial reliance on fed funds; implications of fed budget deficits	LFD and Legislative Finance
15	SJR 35	1,051	Study professional and occupational licensing boards	Economic Affairs
16	HJR 41	1,050	Study economic development in Indian country	State-Tribal Relations
17	HJR 15	1,046	Study sentencing equity	LSD staff white paper/LJIC review & action
18	SJR 11	1,039	Study subdivision review process	Education and Local Government
19	HJR 30	939	Study FWP licenses, permits, and landowner incentives	Do Not Assign
20	SJR 40	884	Study delivery of prosecution services	LSD staff white paper/LJIC review & action
21	HJR 45	699	Study funding for wireless enhanced 911	Do Not Assign
22	SJR 14	627	Comprehensive review of state active duty process	Request DMA proposal/SAVA review/action

MEAN = 1,137 MEDIAN = 1,165 BALLOTS = 116 returned & counted as of May 4, 2005 (77%); 123 total returned (82%)