



**Montana Legislative Services Division**  
**Office of Research and Policy Analysis**

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May 23, 2017

TO: Members of the Legislative Council

FROM: Sonja Nowakowski, Research Director

RE: Statutory studies and legislator poll on interim study resolutions

**Introduction**

- The 65th Legislature directed by bill that one study be conducted during the interim and requested an additional 20 studies be assigned by the Legislative Council.
- The study directed by bill, House Bill No. 661, will be conducted by the Legislative Fiscal Division and the Legislative Finance Committee.
- Table 1 illustrates the final results of the interim study poll. It also includes the staff's recommendations for assignment to the various interim and statutory committees.

**The Interim Study Poll of Legislators**

- Twenty joint resolutions adopted during the 65th Session request a legislative interim study. (This compares to 15 study requests in 2015, 17 study requests in 2013, and 16 in 2011.)
- The poll ballots were mailed to legislators on Friday, April 28, 2017. The return deadline was Friday, May 12.
- 106 ballots of a possible 150 were returned for a response rate of 71% and 102 of the 106 were used to determine the rankings. The number of ballots returned is comparable to sessions past.
- The poll used the Borda method of selection, which awarded points based on the rankings in individual ballots. Each top-ranked study -- rated #1 on an individual ballot -- received 20 points. Each second-ranked study -- rated #2 on a ballot -- received 19 points, and so on through the study ranked 20th, which received 1 point. A study that was not ranked on a ballot received zero points.
- The average number of points received by the 20 studies is 813. Ten studies received more than 813 points; 10 studies received fewer.

**Staff Recommendations**

- The final column on the right in Table 1 indicates the staff's recommended disposition for each of the studies requested by resolution. Staff recommends that all

20 studies be assigned to various legislative committees, and that individual interim committees determine how much time be dedicated to each study.

- Interim committee staff will develop work plans allowing members to review the studies in conjunction with statutory duties, other topics of interest, available committee resources, including committee time and budget, and available staff resources.
- **The staff's recommendations are advisory only.** The Legislative Council has the statutory authority to assign--or not assign--the studies in the ways the Council members believe is most appropriate. (See 5-5-217, MCA.)

### **Preliminary Study Outlines**

- LSD research staff prepared a preliminary study outline for each of the each of the 20 studies requested by resolution. The staff and the committee to which a study is assigned work to design a formal study plan and work schedule, including committee meetings, for each study assigned. An overview of each committee's workload, with additional committee considerations is included.

Please contact me, or any of the research analysts in either the Research Office or in the Environmental Policy Office (LEPO) if you have comments or questions regarding the poll or interim studies and activities generally.

Respectfully,



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Table 1  
Study Resolutions Passed and Approved -- 65th Legislature: 2017

Joint Res. #	Rank	Total Points	Short Title/Subject of Resolution	Staff Recommendation for Interim Committee Assignment
HJ 20	1	1212	Study transparency in health care pricing	Children, Families, Health, and Human Services
SJ 27	2	1176	Study Montana State Fund and options for Workers' Compensation	Economic Affairs
HJ 17	3	1074	Study prescription drug pricing	Children, Families, Health, and Human Services
HJ 1	4	915	Study funding for education programs for special needs	Education
HJ 22	5	891	Study agricultural property valuations	Revenue and Transportation
HJ 18	6	878	Study tax increment financing	Revenue and Transportation
SJ 5	7	865	Study threats to mining and burning of coal and consequences	Environmental Quality Council
SJ 21	8	855	Study emergency medical service and volunteer fire protection service	Local Government
HJ 6	9	841	Study methamphetamine and opioid abuse	Law and Justice
HJ 24	10	834	Study services for adults with developmental disabilities	Children, Families, Health and Human Services
SJ 23	11	765	Study property taxation of utility property	Revenue and Transportation
HJ 28	12	748	Study natural gas utility customer choice	Energy and Telecommunications
SJ 25	13	730	Study on the use of solitary confinement	Law and Justice
SJ 31	14	719	Study of utility decoupling	Energy and Telecommunications
SJ 20	15	700	Study factors affecting unemployment in high-poverty areas	Economic Affairs
SJ 2	16	665	Study of renewable energy credits	Energy and Telecommunications
HJ 25	17	648	Study of municipal fire protection	Local Government
SJ 9	18	636	Study potential impacts of chronic wasting disease and prevention	Environmental Quality Council
SJ 3	19	565	Study tribal resources for members involved in criminal justice system	State-Tribal Relations
SJ 32	20	546	Study emergency care provider training and scope of practice	Children, Families, Health, and Human Services

**Interim Committee Overviews**  
**Including Staff Recommendations for the Assignment of**  
**Interim Studies Requested by Resolution**  
**2017-18 Interim**

<b>Children, Families, Health, and Human Services Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-225, MCA	
HJ 20	Study transparency in health care pricing
HJ 17	Study prescription drug pricing
HJ 24	Study services for adults with developmental disabilities
SJ 32	Study emergency care provider training and cope of practice
<p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>✓ The committee also is statutorily charged with monitoring the state's medical marijuana program, which will expand in the future due to changes made by voter initiative and by subsequent legislation.</li> <li>✓ The committee also may want to follow the high-profile health and human services topics of child protective services, suicide prevention, and Congressional changes to the Affordable Care Act.</li> </ul>	
<b>Economic Affairs Interim Committee</b>	
<b>Statutory duties</b> 5-5-215 and 5-5-223, MCA	
SJ 27	Study Montana State Fund and options for Workers' Compensation
SJ 20	Study factors affecting unemployment in high-poverty areas
<p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>✓ HB 661 requires 2 members of the Economic Affairs Interim Committee to be on a subcommittee of the Legislative Finance Committee to study the Veterinary Diagnostic Laboratory and other laboratories that might be merged into a multiuse-lab.</li> <li>✓ EAIC members are statutorily required to be named as liaisons to Montana State Fund and the Rail Service Competition Council.</li> <li>✓ Member issues usually are a significant part of the work plan. Among those highlighted by members so far are: broadband access and affordability, possible changes in funding for economic development programs, regulations regarding rental properties - both from a landlord-tenant perspective, and possible regulation of vacation rentals.</li> <li>✓ EAIC has 9 agencies to monitor, including within the Department of Labor and Industry all the professional and occupational licensing boards (33).</li> </ul>	

<b>Education Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-224, MCA	
HJ 1	Study funding for education programs for special needs
<b>Other considerations:</b> <ul style="list-style-type: none"> <li>✓ Every Student Succeeds Act (ESSA) implementation (new federal education law replacing No Child Left Behind)</li> <li>✓ K-12 funding formula changes following 2017 session</li> <li>✓ Recruitment and retention of teachers and administrators</li> <li>✓ University system finances and tuition</li> </ul>	

<b>Energy and Telecommunications Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-230, MCA	
HJ 28	Study natural gas utility customer choice
SJ 31	Study of utility decoupling
SJ 2	Study of renewable energy credits
<b>Other considerations:</b> <ul style="list-style-type: none"> <li>✓ The ETIC is expected to closely follow the work of the Public Service Commission pertaining to net metering and as outlined in HB 219, passed and approved by the 2017 Legislature.</li> <li>✓ Information and updates concerning developments at the Colstrip Steam Electric Station will continue to be before the committee throughout the interim.</li> <li>✓ Tracking implementation of HB 193, passed and approved by the 2017 Legislature, and other related PSC activities pertaining to tax trackers, ratemaking, and electricity supply costs also will be incorporated into ETIC work plans.</li> </ul>	

<b>Environmental Quality Council</b>	
<b>Statutory duties:</b> 5-5-202, 5-5-215, and 5-16-101, et seq., MCA	
SJ 5	Study threats to mining and burning of coal and consequences
SJ 9	Study potential impacts of chronic wasting disease and prevention
<b>Other considerations:</b> <ul style="list-style-type: none"> <li>✓ It is within the purview of the 17-member EQC to study and investigate anything related to natural resources and the environment.</li> <li>✓ The Council exercises oversight of the DEQ, DNRC, and FWP through rule review, program evaluations, and investigations into emerging issues.</li> <li>✓ In recent interims, the Council devoted significant time to issues related to federal land management and wildlife. It is likely topics this interim will include oversight of state parks and invasive species programs.</li> <li>✓ HB 661 requires 2 members of the EQC to be on a subcommittee of the Legislative Finance Committee to study the Veterinary Diagnostic Laboratory and other laboratories that might be merged into a multiuse-lab.</li> </ul>	

<b>Law and Justice Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-225, MCA	
HJ 6	Study methamphetamine and opioid abuse
SJ 25	Study on the use of solitary confinement
<b>Other considerations:</b>	
<ul style="list-style-type: none"> <li>✓ LJIC members likely will track the implementation of bills passed by the 2017 Legislature. This includes some required oversight duties assigned to the LJIC in the bills.</li> <li>✓ The Department of Corrections, the Office of State Public Defender, the Judicial Branch, and the Criminal Justice Oversight Council all have reports. The Board of Pardons and Parole also has to undertake a review of its administrative rules and report to the LJIC.</li> <li>✓ LJIC also may track the implementation and effects of Marsy's Law and enhanced drivers' license to comply with REAL ID.</li> </ul>	

<b>Local Government Interim Committee</b>	
<b>Statutory duties:</b> 5-5-232, MCA	
SJ 21	Study emergency medical service and volunteer fire protection service
HJ 25	Study of municipal fire protection
<b>Other considerations:</b>	
<ul style="list-style-type: none"> <li>✓ Creation of the Local Government Committee was intended to be revenue-neutral. In order for that to occur, the membership of the Education Committee (formerly Education and Local Government) was reduced from 12 to 8, and a portion of the budget for what was the Education and Local Government Committee was allocated to the Local Government Committee. The Committee's budget will allow for four or five meetings, fewer than other interim committees. This will be a consideration in allocation of meeting agenda time.</li> <li>✓ Unlike other interim committees, there are no Executive Branch agencies assigned to the committee and there will be no administrative rule review duties. The committee will work with cities and counties and the organizations that represent them to fulfill its statutory duties.</li> </ul>	

<b>Revenue and Transportation Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-227, MCA	
HJ 22	Study agricultural property valuations
HJ 18	Study tax increment financing
SJ 23	Study property taxation of utility property
<p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>✓ Members are likely to be interested in tracking the implementation of the gross receipts tax on medical marijuana providers contained in SB 333. This may be done in agency monitoring but could take some additional time if there is significant interest.</li> <li>✓ HB 473 requires an audit of MDT and presentation of the audit to RTIC for consideration of recommendations contained in the audit.</li> <li>✓ As the committee responsible for introducing a revenue estimate, the committee will likely review the budget stabilization account established in SB 261 to understand how/whether that law interacts with the revenue estimate.</li> <li>✓ If federal tax reform moves forward, the committee may consider how that reform will impact state individual and corporate income taxes.</li> </ul>	

<b>State Administration and Veterans' Affairs Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-228, MCA	
5-5-228, MCA	Study public retirement systems; establishing retirement system principles and guidelines
<p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>✓ SAVA has oversight of the Department of Administration, Office of Secretary of State, Office of Commissioner of Political Practices, Department of Military Affairs, Board of Veterans' Affairs, Teachers' Retirement System, and Montana Public Employee Retirement Administration.</li> <li>✓ SAVA likely will focus on potential emerging issues, depending on member interest, those could include: <ul style="list-style-type: none"> <li>- voting system technology modernization</li> <li>- pension system funding (e.g. lower investment rate of return assumption adopted for MPERA systems)</li> <li>- special purpose district election laws (e.g., irrigation districts)</li> <li>- local government election laws about partisan or nonpartisan basis for elections and when a primary may be canceled</li> <li>- local police and fire disability and pension funds</li> <li>- campaign contribution limits (e.g., monitor court case)</li> <li>- clean up of campaign finance language (e.g., simplify confusing and cumbersome language)</li> </ul> </li> </ul>	

<b>State-Tribal Relations Committee</b>
<b>Statutory duties:</b> 5-5-202, 5-5-215, and 5-5-229, MCA
SJ 3 Study tribal resources for members involved in criminal justice system
<b>Other considerations:</b> <ul style="list-style-type: none"> <li>✓ As the legislature's liaison with tribal governments, the STRC typically visits 2-4 reservations per interim. These visits allow for additional tribal input on particular studies and topics the STRC is researching.</li> <li>✓ Last interim, the STRC devoted significant time to language preservation and immersion programs, suicide prevention, state-tribal tax agreements, education-related topics, and the Indian Child Welfare Act. This interim, likely topics include suicide prevention and economic development.</li> </ul>

<b>Water Policy Interim Committee</b>
<b>Statutory duties:</b> 5-5-215 and 5-5-231, MCA
<b>Other considerations:</b>
<ul style="list-style-type: none"> <li>✓ WPIC considers issues "where the primary concern is the quality or quantity of water," including oversight of certain programs within the DNRC and DEQ. Issues for the upcoming interim may include: <ul style="list-style-type: none"> <li>- Groundwater wells exempt from permitting</li> <li>- Administration and enforcement of water rights</li> <li>- Changing water quality standards and rules</li> <li>- Drought- and flood-related issues</li> <li>- Municipal water supplies</li> <li>- Implementation of federal and tribal water right settlements</li> </ul> </li> </ul>