

# HJR 1 - STUDY PLAN OPTIONS

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*prepared for the*  
**State Administration and Veterans' Affairs Interim Committee**  
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## **Origin of HJR 1**

House Joint Resolution No. 1 was drafted by request of the 2011-2012 State Administration and Veterans' Affairs Interim Committee (SAVA) after the then Commissioner of Political Practices Commissioner, David Gallik, resigned and questions arose about the selection process, qualifications, and duties of the commissioner, and about the structure and funding of the office. The resolution was approved by the committee unanimously.

## **Key policy concerns**

Members of the 2011-2012 SAVA said the study resolution was needed so the next SAVA committee could more thoroughly examine:

- the nomination and selection process for the commissioner and options to remove partisanship, or the perception of partisanship, from that process;
- alternative structures for the office, such as a commission, including the resources (i.e., staff and operating budget) available to the office;
- the scope of the duties (e.g., jurisdiction) of the office and whether the duty of policing ethics should be assigned to a separate office;
- the operations of the office, such as the process for handling complaints and what happens if there is an ethics complaint against the commissioner;
- the enforcement powers of the office and ways to make the office more effective, including providing for more immediate consequences and appropriate penalties; and

- to understand the history of why the legislature provided for the current selection process, structure of the office, and duties of the commissioner.<sup>1</sup>

## Study plan choices

The committee's decision points with respect to the study plan are: (1) which issue areas to focus on, (2) how much time to allocate to each issue, and (3) how deep to get into each issue.

### Which issues?

The HJR 1 study tasks may be organized into the following four issues areas:

- #1: Duties and Structure
- #2: Selection Process and Qualifications
- #3: Process for Handling Complaints
- #4: Resources

### How much time?

The three basic options for how much time the committee and staff could allocate to the study may be compared to what "car size" the committee wants to drive:

- an economy car;
- a mid-size car; or
- an SUV.

An *economy-car* allocation of time would be the minimum amount of time necessary to cover the tasks outlined in HJR 1.

A *mid-size car* allocation of time would mean that this HJR 1 study would at least be on par with other committee activities.

An *SUV* allocation of time would mean that the HJR 1 study would be the committee's top priority.

### How deep?

Studies typically follow a systematic progression as follows:

- Phase I Gather background information and define the real problems
- Phase II Identify and analyze options to address the problems
- Phase III Decide on a particular option and develop recommendations

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<sup>1</sup> State Administration and Veterans' Affairs Interim Committee, Minutes, April 19, 2012, time stamp for audio/video: 04:41:20 to 05:09:30, Montana Legislative Services Division, [www.leg.mt.gov](http://www.leg.mt.gov).

In the study plan options presented in the chart below, staff correlated the time allocation to the study phases as follows:

- economy car = Phase I = 2 meetings
- mid-size car = Phase I + Phase II = 4 meetings
- SUV = Phase I + Phase II + Phase III = 6 meetings

What committee action is required?

The committee as a whole must decide whether to select the economy car, the mid-sized car, or the SUV study option and how deep to progress in the study of each issue area. If the committee later wants to upgrade the car size of the study or extend a study phase, the study plan may be revised, but only by a majority vote of the full committee.

The committee's options are presented in the chart below. The ***key motions*** for the committee to consider would relate to:

1. What car size or option in the chart to select for each issue area?
2. How many meetings to devote to each study phase?
3. What activities should the committee engage in, all of the suggested activities listed in the appropriate block, only selected activities, or different activities than those listed?

## Chart of HJR 1 Study Plan Options

<b>HJR 1 Issue Areas and Study Tasks</b>	<b>OPTION A - Economy Car</b> <i>Define the Problems</i>  2 meetings	<b>OPTION B - Mid-size Car</b> <i>Analyze Options</i>  2 meetings	<b>OPTION C - SUV</b> <i>Develop Recommendations</i>  2 meetings
<p><b>Issue Area #1: Duties and Office Structure</b></p> <p><u>Task 1:</u> Examine the following duty areas of the CPP under current law and determine whether the duties should remain consolidated in one office or separated:</p> <ul style="list-style-type: none"> <li>• Lobbying</li> <li>• Ethics</li> <li>• Campaigns</li> </ul> <p><u>Task 2:</u> Examine whether office should be under an appointed commissioner or a commission and whether it should be independent</p>	<ul style="list-style-type: none"> <li>• Develop a chart to outline the duties and the related MCA sections.</li> <li>• Examine the legislative history of current law.</li> <li>• Examine data on number of cases currently handled in each duty area (i.e., lobbying, ethics, and campaigns).</li> <li>• Receive stakeholder testimony to identify problems - brief format.</li> </ul>	<p>Plus -</p> <ul style="list-style-type: none"> <li>• Research other states and models with respect to: (1) separation of these duties into separate offices; and (2) commissioner or commission.</li> <li>• Committee to conduct round table discussion with stakeholders to examine pros and cons of: (1) alternative ways of organizing these duties; and (2) commissioner versus commission model.</li> </ul>	<p>Plus -</p> <ul style="list-style-type: none"> <li>• Committee work sessions on specific decision points to develop a preliminary recommendations.</li> <li>• Hold a hearing before finalizing recommendations.</li> </ul>

<b>HJR 1 Issue Areas and Study Tasks</b>	<b>OPTION A - Economy Car</b> <i>Define the Problems</i>  2 meetings	<b>OPTION B - Mid-size Car</b> <i>Analyze Options</i>  2 meetings	<b>OPTION C - SUV</b> <i>Develop Recommendations</i>  2 meetings
<p><b>Issue Area #2: Selection Process and Qualifications</b></p> <p><u>Task 1:</u> Examine appointment or selection process for office head (e.g. commissioner and/or commission).</p> <p><u>Task 2:</u> Examine qualifications for office head (e.g. commissioner and/or commission).</p>	<ul style="list-style-type: none"> <li>• Review legal research on appointment authority.</li> <li>• Review current law and previous staff papers on these topics.</li> <li>• Review discussions and materials from hearings on previous bills.</li> <li>• Receive stakeholder testimony to identify problems - briefing format.</li> </ul>	<p>Plus -</p> <ul style="list-style-type: none"> <li>• Research of other states and models with respect to: (1) selection process; and (2) qualifications.</li> <li>• Committee to conduct round table discussion with stakeholders to examine (1) pros and cons of alternative ways of selection; and (2) qualifications.</li> </ul>	<p>Plus -</p> <ul style="list-style-type: none"> <li>• Committee work sessions on specific decision points to develop a preliminary recommendations.</li> <li>• Hold a hearing before finalizing recommendations.</li> </ul>
<p><b>Issue Area #3: Process for Handling Complaints (i.e., powers and authority)</b></p> <p><u>Tasks:</u> Examine processes related to:</p> <p>(1) initial determinations (i.e., whether to move forward or dismiss a complaint)</p> <p>(2) investigations</p> <p>(3) determinations</p> <p>(4) penalties</p>	<ul style="list-style-type: none"> <li>• Flow chart of current processes.</li> <li>• Review current law and previous staff papers on these topics.</li> <li>• Review discussions and materials from hearings on previous bills.</li> <li>• Receive stakeholder testimony - briefing format.</li> </ul>	<p>Plus -</p> <ul style="list-style-type: none"> <li>• Research of other states and models with respect to each of the processes listed.</li> <li>• Committee to conduct round table discussion with stakeholders to examine each of the processes listed.</li> </ul>	<p>Plus -</p> <ul style="list-style-type: none"> <li>• Committee work sessions on specific decision points to develop a preliminary recommendations.</li> <li>• Hold a hearing before finalizing recommendations.</li> </ul>

<b>HJR 1 Issue Areas and Study Tasks</b>	<b>OPTION A - Economy Car</b> <i>Define the Problems</i>  2 meetings	<b>OPTION B - Mid-size Car</b> <i>Analyze Options</i>  2 meetings	<b>OPTION C - SUV</b> <i>Develop Recommendations</i>  2 meetings
<b>Issue Area #4: Resources (i.e., staff and budget)</b>  <u>Task:</u> Examine what staff resources would be needed with respect to options identified as potential recommendations in each of the first 3 issue areas.	<ul style="list-style-type: none"> <li>Staffing needs, cost, and budget information will be integrated into all of the activities selected by the committee irrespective of study phase or meeting number.</li> </ul>		

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