



**Montana Legislative Services Division**  
**Office of Research and Policy Analysis**  
**David D. Bohyer, Director**

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May 14, 2011

TO: Members of the Legislative Council  
Interested persons  
FROM: Dave Bohyer, Research Director  
RE: Interim study poll - 2011

- **Introduction**

Table 1 on page 5 illustrates the final results of the Interim Study Poll for the 63rd Legislature. Table 1 includes the staff's recommendations.

- **The Poll**

- ✓ There were 17 separate pieces of legislation adopted during the 62nd Session that *request* a legislative interim study to be conducted. (This compares to 16 study requests in 2011, 17 in 2009, 21 in 2007, 22 in 2005, 13 in 2003, and 20 in 2001.)
- ✓ The poll ballots were mailed to legislators on Thursday, April 25, 2013. The return deadline was Wednesday, May 8. Ballots received through Thursday, May 9, were included in the poll results. A few "straggler" ballots were received after May 9 and were not included in the poll results.

- **The Results**

- ✓ 115 ballots of a possible 150 were returned for a response rate of 77%; 107 (71% of possible 150) of the ballots were used to determine the rankings.
- ✓ 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 17 points. Each second-ranked study -- rated #2 on a ballot -- received 16 points, and so on through the study ranked 17th, which received 1 point. A study that was not ranked on a ballot received zero points.
- ✓ The mean average number of points received by the 17 studies is 773. Nine studies received more than 773 points; eight studies received fewer.
- ✓ The median number of points received among the 17 studies is 785 points. Eight studies received more than 785 points and eight studies received fewer than 785 points.

- **Staff Recommendations**

- ✓ The final column on the right in Table 1 indicates the staff's recommended disposition for each of the studies requested. Staff recommends that 16 of the 17 studies be assigned to various legislative committees. Staff also recommends that one study request, HJR 30, (benefits for veterans) not be assigned to an interim committee, but essentially be completed by staff.
- ✓ Primary considerations underpinning the recommendations are: (1) each study's rank in the poll; (2) available committee resources, including committee time and budget; (3) available staff resources; and (4) alternatives to the study requested.
- ✓ The sole "Do Not Assign" recommendation results from the totality of circumstances, including: (1) the low priority given by legislators to the HJR 30 study; and (2) the proposed alternative to the study requested. The "Do Not Assign" recommendation is not a commentary on the inherent merits of the study requested, but is instead an attempt to accommodate the Legislature's highest priorities efficiently and effectively within existing resources.
- ✓ **The staff's recommendations are advisory only.** The Legislative Council has the statutory authority and duty to assign each study. (See 5-5-217, MCA.)

- **"Do Not Study" Recommendation**

The staff makes a "Do Not Study" recommendation for the HJR 30 study of benefits for veterans.

- ✓ The staff recommendation regarding HJR 30 is based on the following:
  1. The study ranked low in the Interim Study Poll -- 17th of 17.
  2. If the HJR 30 study were to be assigned, staff would have recommended assignment to the State Administration and Veterans' Affairs Interim Committee (SAVA). SAVA is likely to undertake the SJR 1 study of the structure and duties of the Office of the Commissioner of Political Practices and the HJR 2 study of state/local government management of electronic records. Adding HJR 30 to the SAVA work load would dilute the committee's focus on studies ranked higher by the legislature.
  3. The LSD staff had received, prior to adjournment *sine die*, an information request that essentially mirrors HJR 30. With Council approval, staff will compile a list of statutory benefits available to Montana veterans and provide the list to the following interim committees likely interested in the topic: SAVA; Children, Families, Health, and Human Services; Economic Affairs; Education and Local Government; Law and Justice; Revenue and Transportation; and the Environmental Quality Council. The information gathered will also be made available to the Legislative Finance Committee and other committees on request.
- **The staff's recommendations are advisory only.** The Legislative Council has the statutory authority and duty to assign or not assign each study. (See 5-5-217, MCA.)

- **Preliminary Study Outlines**
  - ✓ A preliminary study outline (PSO) is included for each of the 17 studies requested by resolution. The PSOs were developed by staff prior to compilation of the interim study poll ballots, thus eliminating the potential influence of any study's rank within the poll and maximizing objectivity about the study requested.
  - ✓ The PSO for each study ultimately assigned by the Legislative Council will likely, at the appropriate time, provide a basis for the draft study plan and work schedule that LSD lead staff will prepare for the committee assigned a study.
  - ✓ The concept of "preliminary" is literal as used in the context of the outlines. The staff and the committee to which the Legislative Council assigns a study will work together to design and execute a formal study plan and work schedule, including committee meetings, for each study assigned.
  
- **Legislative Council meeting and study assignment**
  - ✓ The Legislative Council is scheduled to meet on Thursday, May 16, at 1 p.m. in Room 102 of the State Capitol to consider the results of the interim study poll and to assign interim study requests as the Council members determine is most beneficial.

Please contact me if you have comments or questions regarding the poll or interim studies and activities generally.

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Table 1  
**RESULTS OF THE 2013 INTERIM STUDY POLL**  
**63rd LEGISLATURE**  
 Listed by Ranking

Joint Res. #	May 10 <sup>1</sup> Rank	Total Points	Short Title/Subject of Resolution	Staff Recommendation for Interim Committee Assignment
HJR 17	1	1,090	Study state pay plans	Legislative Finance Committee
SJR 15	2	1,015	Study public land management	EQC
HJR 1	3	983	Study structure and duties of office of comm of political practices	State Admin. and Vets' Affairs IC
SJR 6	4	983	Study the impacts of Montana's renewable portfolio standard	Energy and Telecom IC
HJR 16	5	961	Study state-operated public institutions	Children and Families IC
HJR 25	6	825	Study workers' compensation and subrogation, other issues	Economic Affairs IC
SJR 20	7	809	Study prescription drug abuse	Children and Families IC
SJR 23	8	804	Study the tax appeal process	Revenue and Transportation IC
SJR 22	9	785	Study family law procedure alternatives	Law and Justice IC
SJR 3	10	725	Study the Board of Pardons and Parole	Law and Justice IC
HJR 2	11	665	Study state/local gov electronic records management	State Admin. and Vets' Affairs IC
HJR 26	12	640	Study water ditch/canal easement restatement process options	Water Policy Committee
SJR 26	13	628	Study commerce corridors along Montana highways	Revenue and Transportation IC
SJR 14	14	604	Study local government election procedures	Education & Local Government IC
SJR 24	14	558	Study military training applicability to civilian jobs	Economic Affairs IC
SJR 4	16	542	Study Virginia City, Nevada City, and Reeder's Alley	EQC
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HJR 30	17	524	Study benefits for veterans	Information Request (Staff)
HB 609	NA	NA	Study of hunting and fishing licensing	EQC
HB 633	NA	NA	Create select committee on efficiency in government--members--duties	Select Committee (Vetoed/Poll)

Mean Average points = 773 (SJR 22)    Median points = 785 (SJR 22)    BALLOTS = 107 returned as of 5 p.m., May 9, 2011 (71%).

<sup>1</sup> These rankings were compiled from the 107 "ballots" received by LSD as of 5 p.m., Thursday, May 9.

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**Staff Recommendations Regarding the Assignment of  
Interim Studies to Interim Committees  
2010-11 Interim**

<b>Children, Families, Health and Human Services Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-225, MCA	
HJR 16	Study state-operated public institutions
SJR 20	Study prescription drug abuse
<p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>• Implementation of the federal Affordable Care Act is ramping up and will be ongoing throughout the interim. The CFHHS will likely monitor how the ACA is Implemented and any effect implementation has on populations served by the DPHHS.</li> <li>• Senate Bill 423 from 2011 requires the committee to provide oversight of the changes to the state's medical marijuana program as the Department of Public Health and Human Services begins carrying out the new registry program and related items required under SB 423. The bill also requires the committee to identify issues likely to require future legislation attention and to develop legislation as needed. This item is likely to require attention at each committee meeting, given the significant changes SB 423 makes to current law and the many public statements opponents have made regarding the likelihood that they will not only file suit but also attempt to suspend the law through a petition drive.</li> <li>• SB 84 requires health insurers and providers to commission an independent study of the savings generated by the new patient-centered medical homes program and report to CFHHS no later than Sept. 30, 2016. While that doesn't necessarily require anything this interim, we anticipate the CFHHS to request regulars updates.</li> </ul>	

<b>Economic Affairs Interim Committee</b>	
<b>Statutory duties</b> 5-5-215 and 5-5-223, MCA	
HJR 25	Study workers' compensation and subrogation, other issues
SJR 24	Study military training applicability to civilian jobs
<b>Economic Affairs Interim Committee (cont.)</b>	
<b>Other considerations:</b>	
<ul style="list-style-type: none"> <li>• The nature and scope of the HB 525 (2011) reviews of business and professional licensing laws, to be meaningful, are likely to demand considerable time on EAIC meeting agendas. There are about 35 boards within the Department of Labor and Industry alone and HB 525 requires the EAIC to conduct reviews of at least one-half of them this interim.</li> <li>• SB 28 adopted the Interstate Insurances Product Regulation Compact. As part of the Compact, the compact commission is required to make an annual report to the governor and legislature of the compacting states, which must include a report of the required independent financial audit.</li> <li>• HB 41 formally adds the Division of Banking and Financial Institutions provided for in section 32-1-211, MCA, to the monitoring functions of the committee.</li> <li>• Between the HJR 25, SJR 24, and HB 525 studies and SB 28 implementation, the EAIC may have little time to invest in other, non-statutory activities.</li> </ul>	

<b>Education and Local Government Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-224, MCA	
SJR 14	Study local government election procedures
<b>Other considerations</b>	
<ul style="list-style-type: none"> <li>• School funding was a major issue during the 62nd and 63rd Legislative Sessions, as it has been for at least the past 25 years. Legislative interest in school finance remains very high. At least some of the ELG members will face a steep learning curve in establishing a basic knowledge and understanding of the ways in which Montana currently funds education.</li> <li>• Section 20-9-309(5), MCA, requires that the legislature, at least every 10 years following April 7, 2005: (a) authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools; and (b) if necessary, incorporate the results of those assessments into the state's funding formula. In order to execute those provisions, legislators on the ELG should begin this interim to build their understanding of all aspects of K-12 funding. Pursuant to the statute cited, the 64th Legislature must authorize the study envisioned in the 2005 legislation.</li> </ul>	



<b>Energy and Telecommunications Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-230, MCA	
SJR 6	Study the impacts of Montana's renewable portfolio standard
<b>Other considerations:</b>	
<ul style="list-style-type: none"> <li>The Bakken boom and the prospect of development of the Otter Creek tracts may demand committee time and effort. The matters of eminent domain for and the siting of power transmission lines and the XL Keystone pipeline may also call for the committee's attention.</li> </ul>	

<b>Environmental Quality Council</b>	
<b>Statutory duties:</b> 5-5-202, 5-5-215, and 5-16-101, et seq., MCA	
SJR 4	Study Virginia City, Nevada City, and Reeder's Alley
SJR 15	Study public land management
<ul style="list-style-type: none"> <li><b>SJR 4</b> is the direct descendant of the HJR 32 study of state parks, recreation, and heritage programs undertaken by the EQC last interim. SJR 4 may additionally invite discussion of the economic aspects of the various state heritage sites.</li> <li><b>SJR 15</b> appears to be focused on the management of lands controlled by the U.S. Forest Service and the U.S. Bureau of Land Management, agencies over which the State of Montana may have little influence and no control. Even so, management of all public lands affects Montanans in various ways, from underpinning economic vitality to providing significant recreational opportunities to identifying and coordinating implementation of best practices. The study suggests exploration of intergovernmental relationships and of approaches taken by other states in matters involving the USFS and BLM.</li> </ul>	
<b>Other considerations:</b>	
<ul style="list-style-type: none"> <li>SB 200, generally revising the law regarding wolf management, was a hot topic during the session and will likely remain a hot topic during the interim.</li> <li>HB 24 creates the State Parks and Recreation Board. The EQC will likely have an interest in the implementation of HB 24 and the State Parks and Recreation Board.</li> <li>SB 369 adds a reporting requirement to section 77-2-366, MCA, that requires DNRC to report to EQC on sales of those lands that were state land cabin or home sites and on efforts undertaken by DNRC to comply with section 77-2-318, MCA.</li> <li>The EQC has statutory duties and responsibilities that extend beyond the studies requested in SJRs 4 and 15. Among the high-interest issues that could be on the EQC's radar during the interim is eminent domain, including but certainly not limited to the continuing implementation of HB 198 (2011).</li> <li>The EQC has historically been interested in wildland fire management and that interest may manifest again as the 2013 and 2014 fire seasons come to bear.</li> </ul>	

<b>Law and Justice Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-225, MCA	
SJR 22	Study family law procedure alternatives
SJR 3	Study the Board of Pardons and Parole
<p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>• The LJIC has not visited the subject of family law for several years. Therefore, it is likely that the members' and staff's learning curve will be fairly steep.</li> <li>• The operations of the Board of Pardons and Parole was a focal point of the committee's efforts last interim. The SJR 3 study is a more focused continuation of the committee's examination of how the BOPP operates, why it operates the way it does, and the interactions of programmatic, financial, mission-related, and legal and moral objectives of the law as implemented by the Board.</li> <li>• The 62nd Legislature (2011) passed several DUI-related bills, some of which came from or incorporated ideas recommended by the LJIC in the 2009-10 interim. The Committee is likely to continue monitoring the implementation of the DUI laws.</li> </ul>	

<b>Revenue and Transportation Interim Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-227, MCA	
SJR 23	Study the tax appeal process
SJR 26	Study commerce corridors along Montana highways
<p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>• The last major examination of the tax appeal process by the Revenue Oversight Committee, i.e., the RTIC's predecessor, occurred more than 20 years ago. Processes have changed, property classification and valuation methods have changed, state and federal law has changed, case law has illuminated some new aspects of appeals, and individuals participating in the processes have changed. Thus the SJR 23 study implies a steep learning curve for the RTIC and staff.</li> <li>• Montana's highways are not only thoroughfares for casual business travel and family outings, but are increasingly becoming corridors for interstate and international commerce. The study requested in SJR 26 seeks to better identify and define commerce corridors and may provide the committee a welcome distraction from tax issues generally.</li> <li>• The RTIC is statutorily required to develop and submit a revenue estimate for the 2016-17 fiscal biennium. The estimate, in the form of a joint resolution, must be preintroduced into the 64th Legislature. The Committee's revenue estimates have given rise to much debate and consternation the past few biennia and legislative sessions and the RTIC may examine ways to improve the process and better satisfy more stakeholders.</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>• The enactment of HB 53 this session eliminated from the Committee's duties under 5-2-228, MCA: (a) consider the actuarial and fiscal soundness of the state's public employee retirement systems and study and evaluate the equity and benefit structure of the state's public employee retirement systems; (b) establish principles of sound fiscal and public policy as guidelines; (c) as necessary, develop legislation to keep the retirement systems consistent with sound policy principles; (d) solicit and review proposed statutory changes to any of the state's public employee retirement systems; (e) report to the legislature on each legislative proposal reviewed by the committee. The Committee did not meet the requirement in the past, so its workload won't be substantially reduced. Even so, previous Committees' members have reiterated the need for and potential value of pre-session vetting of proposals affecting the state's retirement systems and plans.</li> <li>• The enactment of HB 377 and HB 454 this session revise, respectively, the Teachers' Retirement System and the Public Employees' Retirement System. News reports have indicated various parties may contest the bills' provisions through the legal system. Regardless, the SAVA will continue to closely monitor the actuarial health of all of the state's retirement systems.</li> <li>• HBs 377 and 454 each require the actuaries for the TRS and PERS, respectively, to report "as soon as possible" on the annual valuation of the retirement systems. Because the annual valuations are typically available around October 1, the SAVA may need to meet later than September 15, 2014.</li> <li>• HJR 17 requests a study of state pay plans, a subject area normally within the purview of SAVA but unofficially directed to the Legislative Finance Committee. Nevertheless, the SAVA retains statutory monitoring duties for the Department of Administration, including the Human Resources Division that administers the state pay plans. As such, the SAVA will probably request regular updates on the findings and progress of the HJR 17 study.</li> </ul>	

<b>State-Tribal Relations Committee</b>
<b>Statutory duties:</b> 5-5-202, 5-5-215, and 5-5-229, MCA
<p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>• The Committee traditionally visits two Indian reservations each interim as an integral aspect of it's liaison responsibilities.</li> <li>• The Committee has also traditionally provided inter-group communication regarding various topics, from bison and wolf management to childhood trauma to water compacts, a role that is anticipated to continue in 2011-12.</li> <li>• The Committee has overseen the publication of <i>The State-Tribal Handbook</i>, which is becoming somewhat outdated needs to be brought up to date. As the STRC is not likely to be assigned an interim study requested by resolution, the 2013-14 interim provides a good opportunity to revise the <i>Handbook</i>.</li> </ul>

<b>Water Policy Committee</b>	
<b>Statutory duties:</b> 5-5-215 and 5-5-231, MCA	
HJR 26	Study water ditch/canal easement restatement process options
<p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>• HB 309 (clarify prohibition on recreational access to ditches) garnered considerable interest during the session and the underlying issues remain.</li> <li>• Water discharge and potential groundwater contamination from coal bed methane development have been and could again be issues of interest to the Committee.</li> <li>• The Committee may wish to keep apprised of Montana-Wyoming lawsuit regarding water sharing in the Tongue River and Powder River watersheds.</li> </ul>	

<b>Legislative Finance Committee</b>	
<b>Statutory duties:</b> 5-12-205, MCA	
HJR 17	Study state pay plans
<p><b>Other considerations:</b></p> <ul style="list-style-type: none"> <li>• The primary duties of the Legislative Finance Committee are enumerated in section 5-12-205, MCA, and pertain to: (1) advising and receiving advice from the legislative fiscal analyst; (2) information technology laws and the IT policy of the department of administration; and (3) prepare recommendations to the House Appropriations Committee and the Senate Finance and Claims Committee on the application of certain budget issues.</li> <li>• HJR 17 was requested by the vice chairman of the House Appropriations Committee who designated the Legislative Finance Committee as the preferred lead entity to conduct the study. Language in HJR 17 implies that the LFC would lead and collaborate with the Legislative Council on the various elements of the study.</li> <li>• The public policy aspects of state employee compensation, including benefits, contemplated in HJR 17 is a subject typically within the purview of the State Administration and Veterans' Affairs Interim Committee. As such, collaboration with the SAVA may also be anticipated or advisable.</li> </ul>	

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PRELIMINARY STUDY OUTLINE -- HJR 1  
Rep. Blyton

Study: <u>  HJR 1  </u> Interim Study Poll Rank: <u>  3  </u>
Short Title: <u>  Study of Office of Commissioner of Political Practices  </u>
Staff Recommendation: <u>  Assign to State Administration and Veterans' Affairs  </u>

**Preliminary Analysis**

**Issue(s) as listed in legislation:** Examine: (1) the process for selecting a Commissioner of Political Practices; (2) the structure, composition, and duties of the Office of Commissioner of Political Practices; and (3) the enforcement authority of the Office of Commissioner of Political Practices, including options for ensuring more immediate consequences for violating campaign laws. Study is to include a review of practices in other states, analysis of options, consideration of stakeholder concerns, and the development of recommendations to improve confidence in the integrity, objectivity, and capabilities of the Office of Commissioner of Political Practices.

**Preliminary study approach:** Review Montana's current law and its legislative history; gather information from previous commissioners and current staff to identify the perceived strengths and weaknesses of the selection process for the commissioner, structure and duties of the office, funding, and enforcement authority; interview committee members and stakeholders to clarify goals and objectives and define expectations for the study; research and analyze information from previous information requests, NCSL reports, surveys, and any other appropriate sources about the regulation of political practices and ethics in other states, including selection processes, structures, duties, and enforcement provisions; develop and administer a survey of other states if information is not already available from other sources.

**Deliverables; end products:** research briefs and reports, panel discussions, decision tools (issues and options), final report, including any recommendations and committee legislation

**Role for LFD or LAD staff?**      xx   Yes           No

LFD staff to provide fiscal information on budget of the Office of Commissioner of Political Practices and help determine potential costs of options and any recommendations/legislation

**Role for Executive agency?**      xx   Yes           No

Office of Commissioner of Political Practices could be asked to provide information and facilitate communication with counter parts in other states

**Additional costs, over meetings?**           Yes      xx   No

**Estimated LSD staff time:**      800 minimum - 1,200 max   hours

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PRELIMINARY STUDY OUTLINE -- HJR 2  
Rep. Hollenbaugh

Study:   HJR 2   Interim Study Poll Rank:   11  

Short Title: Interim study investigating state and local government electronic records management

Staff Recommendation: Assign to Education and Local Government

**Preliminary Analysis**

**Issue(s) as listed in legislation:**

- Montana state government lacks enterprise-wide policy, planning, and resources to properly archive, maintain, and access state and local government electronic records.
- The lack of framework impedes state and local governments' ability to provide evidence to support government accountability, detail interactions between citizens and the government, and properly document Montana's history and culture.

**Preliminary study approach:**

1. The 2011-2012 Efficiency in Government committee initiated this study request, so the first step in conducting the study should be a review of that committee's work in the area of electronic records management and of the discussions for the need to study the issue.
2. Any recent legislative audits of electronic records management in state government should be reviewed.
3. Initial work should identify the needs and resources of local governments in generating and storing electronic records, as well as making records accessible to the public.
4. Initial work should also review the information and services provided by the Secretary of State's records management office.
5. State statutes and administrative rules governing state and local electronic records management should be reviewed.
6. Once the impetus for the study and the current statutory and regulatory framework have been reviewed and can provide context for the study, the six points listed in the resolution can be examined.

**Deliverables; end products:**

Final report, legislation if warranted, recommendations.

Role for LFD or LAD staff?      X      Yes                  No

Role for Executive agency?      X      Yes (Secretary of State, Department of  
Administration, Historical Society)              No

Additional costs, over meetings?              Yes          X      No

Estimated LSD staff time:      200-500      hours

**Other comments:** Other entities that should be involved include the Montana Association of Counties, the Montana League of Cities and Towns, and local Clerks and Recorders. The staff and committee conducting the study will also need to consult with and seek assistance from the Department of Administration's Information Technology Services Division.

PRELIMINARY STUDY OUTLINE -- HJR 16  
Rep. Eck

Study:   HJR 16   Interim Study Poll Rank:   5  

Short Title:   Study of state-operated public institutions  

Staff Recommendation:   Assign to Children and Families Committee  

**Preliminary Analysis**

**Issue(s) as listed in legislation:** Both the Department of Public Health & Human Services and the Department of Corrections serve individuals with mental health issues, intellectual disabilities, and chemical dependency at a number of different facilities. The magnitude, frequency, and consequences of these issues are increasing, and treatments available for these individuals continue to evolve. These factors have caused a strain on institutional capacities to fulfill their missions in an effective and efficient manner. An examination of these issues by the Legislature will help ensure a coordinated, collaborative, and long-range solution is found.

**Preliminary study approach:** A review of operations as they pertain to individuals with mental health issues, intellectual disabilities, and chemical dependency at the following facilities would allow committee members to take in the current situation: the Montana State Hospital at Warm Springs, the Montana Developmental Center at Boulder, the Montana Chemical Dependency Center at Butte, the Montana Mental Health Nursing Care Center at Lewistown, the Montana State Prison at Deer Lodge, and the Montana Women's Prison at Billings. This review could come in the form of reports compiled by Legislative staff, presentations from representatives of the facilities, public comment from affected individuals, their families, law enforcement, health advocacy organizations, and other interested parties. Once the nature, scope, and severity of any problems are identified by the committee, the committee could solicit further input from stakeholders about possible solutions and direct staff to research how other states have addressed similar issues. Staff could analyze testimony, and then research and develop options for the committee to consider. The committee could direct staff to document any recommendations to present as part of its final report to the 64th Legislature in 2015, including any draft legislation.

**Deliverables; end products:** Study outline and meeting schedule; any requested staff reports/reviews of facility operations or summaries of previous studies; panel discussions and testimony from stakeholders and other interested parties; field trips to facilities; final report with recommendations, including any draft legislation.

**Role for LFD or LAD staff?**       X   Yes            No

May request LFD staff to estimate cost of options. Possible collaboration between LSD and LFD staff on costs of programs within and among institutions.

**Role for Executive agency?**      X      **Yes**                  **No**  
Department of Corrections and Department of Public Health & Human Services

**Additional costs, over meetings?**              **Yes**          X      **No**

**Estimated LSD staff time:**      800 - 1,200      **hours**

**Other comments:** This study would certainly fit under the purview of CFHHS as well, but resolution sponsor and proponents requested Law and Justice in standing committee testimony. Because of the number of facilities identified in HJR 16, the subsequent review will require a significant amount of staff time to compile; it will also require a good deal of organizing and committee time if the committee decides to request presentations from each facility or if the committee wishes to visit facilities.

PRELIMINARY STUDY OUTLINE -- HJR 17  
Rep. Gibson

Study:   HJR 17   Interim Study Poll Rank:   1  

Short Title:   Study state pay plans  

Staff Recommendation: Assign to Legislative Finance Committee

**Preliminary Analysis**

**Issue(s) as listed in legislation:** Seven pay plans are used to determine state employee pay. State employee pay represents a significant portion of the cost of state government and of individual agencies. Regarding the pay plans, the Legislature wants to know: (1) what they are and how they are established; (2) how agencies are using them to recruit, retain, and compensate employees; (3) the process of negotiating with unions and how that process affects the state pay plans; (4) if and how employee performance affects the salary of employees under the pay plans; and (5) what data is used to develop the pay plans and how that data is generated. The resolution asks that the study identify areas for future legislative action, e.g., recommended legislation.

**Preliminary study approach:** One approach to the requested study is, primarily, answering the questions posed in the resolution through a series of staff reports and panel presentations/discussions, each building on the previous elements. Within the "Therefore" clauses, subsections (1) and (5) lend themselves to legislative staff reports, while subsections (2) through (4) are better accommodated through panel presentations/discussions. The element of "future legislative action" is largely up to the committee members. Legislative staff could foster committee discussion by identifying issues and options for the committee to discuss and either reject or recommend (with or without revisions).

**Deliverables; end products:**

1. Three staff reports, initially:
  - a. history of pay plans in Montana;
  - b. current pay plans in Montana and how they came to be; and
  - c. the source of data used to develop the current pay plans and how that data is generated.
2. Three panels to discuss:
  - a. how agencies use the pay plans to recruit, retain, and compensate employees;
  - b. the process of negotiating with unions and how that process affects the state pay plans;
  - c. how or if employee performance affects the salary of employees under the pay plans.

3. A final report to include background, discussion of major elements of the study, overview of committee deliberations, and recommendations, including draft legislation.

**Role for LFD or LAD staff?**       XXX      Yes     \_\_\_\_\_    No

HJR 17 asks that the study be assigned to the Legislative Finance Committee. If the Legislative Council complies, the LFD staff would provide primary staff support. The LSD or LAD staff would assist on request, e.g., by drafting legislation.

**Role for Executive agency?**       XXX      Yes     \_\_\_\_\_    No

Staff of the Department of Administration could/should have a significant role in each of the panels. Other departments might also want/deserve a seat at the table or the study committee might want to have other departments at the table.

**Additional costs, over meetings?**     \_\_\_\_\_    Yes       XXX      No

No additional costs are anticipated. However, if the study committee were to consider designing/implementing new pay plans, HR consultants might be called upon.

**Estimated LSD staff time:**       20 - 80      hours

The 20 - 80 hours of LSD staff time should not be an issue for LSD responsibilities because the time, if committed, would be to compile previous pay plan studies and for bill drafting. The primary workload for research, analysis, writing, presentation, and logistical support would fall on LFD staff. As such, each of the first three reports and the final report could take 40-100 hours for a total commitment of 160 - 400 hours. LFD staff time to prepare minutes of LFC meetings at which HJR 17 is an agenda item should be a regular part of LFD staff duties/time commitments.

**Other comments:** The pay plans were most recently redesigned in the late-1990s and early-2000s, when "Broadband" was introduced and implemented. Prior to that, a major pay study was conducted in the early 1990s, when the "open range plan" was introduced. Therefore, while there is some relevant historical material available, its usefulness is questionable. It would be highly advisable for the study committee to identify specific concerns with the current pay plans and perceived problems to be resolved. One of the outcomes of the study could/should be policy principles to be achieved by any pay plan, generally, and by any specific pay plan(s) that result from the study.

PRELIMINARY STUDY OUTLINE -- HJR 25  
Rep. Reichner

Study:   HJR 25   Interim Study Poll Rank:   6  

Short Title:   Study of Montana's Workers' Compensation System  

Staff Recommendation:   Assign to Economic Affairs Interim Committee  

**Preliminary Analysis**

**Issue(s) as listed in legislation:**

- Review subrogation as it relates to Montana Constitutional requirements and case law regarding making an injured worker "whole".
- Review the use of subrogation in civil actions and settlements.
- Review how other states handle subrogation.
- Examine the structure of the workers' compensation court and whether nonpolitical appointments are feasible or needed.
- Examine the structure of the State Compensation Insurance Fund as a state agency and the potential impacts if the State Fund were to no longer be a state agency. Determine what would be required for independence.
- Examine the implementation and use of medical utilization and treatment guidelines, including the guidelines related to narcotic prescriptions, and whether any cost savings are related to the use of the guidelines.
- Examine the use of stay-at-work and return-to-work forms and the interaction between medical providers and employers regarding an injured worker returning to work.
- Examine the impact on employees of benefit changes under HB 334 in the 2011 session, including the revised definition of permanent partial disability.
- Examine the actions taken or needed for improving workplace safety.

**Preliminary study approach:**

- Determine if the committee wants a subcommittee or the full committee for these topics and whether to reinstate a form of the Labor-Management Advisory Council.
- Prepare short briefing papers on each topic, with panel discussions from stakeholders
- Subcommittee/Committee recommendations on each topic

**Deliverables; end products:**

- Briefing papers, panel discussions, and committee recommendations/draft legislation

Role for LFD or LAD staff?     Yes     No    LFD staff

Role for Executive Agencies?     Yes     No    State Fund & DoLI

**Additional costs, over meetings?**     Yes     No    Potentially, if a subcommittee is used. There was talk during the Senate Business, Labor, and Economic Affairs Committee hearing on HJR 25 regarding an approach similar to the Labor-Management Advisory Council.

**Estimated LSD staff time:**    ~ 1,200    hours

**Other comments:** The SB304 Committee in 2003-2004 was operated by the Montana State Fund and explored many of the independence topics. The information provided at that time should be updated. If each topic had just one committee meeting, it would be a full interim.



PRELIMINARY STUDY OUTLINE -- HJR 26  
Rep. Connell

Study: HJR 26 Interim Study Poll Rank: 12

Short Title: Study intersecting property interests of estate owners and ditch owners

Staff Recommendation: Assign to WPIC

**Preliminary Analysis**

**Issue(s) as listed in legislation:** (1) Residential development in irrigated river valleys is increasingly pitting the rights of homeowners against the rights of ditch easement owners. (2) Historical interpretations of dominant and servient estates do not always address competing uses of property between two interested owners. (3) In a ruling on secondary easements to maintain ditches, the Montana Supreme Court concluded that some permanent encroachments may not justify a finding of unreasonable interference.

**Preliminary study approach:** (1) Examine current statutes and case law in Montana and other states. (2) Short field trips from Helena (or in coordination with other WPIC travel) to investigate ditch relocation projects. (3) Panel discussions with property owners and ditch owners.

**Deliverables; end products:** (1) Study outline. (2) Report with findings and recommendations. (3) Decision tool. (4) Final report with recommendation, including proposed legislation, if any.

**Role for LFD or LAD staff?** \_\_\_\_\_ **Yes**        x   **No**

**Role for Executive agency?**        No  

**Additional costs, over meetings?**        Yes, but minimal. Van rental.  

**Estimated LSD staff time:**        (144 to 288)   hours

**Other comments:** This study should be easy to incorporate into regular WPIC workload and travel plans.

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PRELIMINARY STUDY OUTLINE -- HJR 30  
Rep. Hansen

Study: <u>  HJR 30  </u> Interim Study Poll Rank: <u>  17  </u>
Short Title: <u>  Study of Benefits Available to Military Personnel and Veterans  </u>
Staff Recommendation: <u>  Assign to staff as information request. Reports to several committees  </u>

**Preliminary Analysis**

**Issue(s) as listed in legislation:** (1) compile information on the benefits available to active-duty or reserve military personnel, members of the Montana National Guard, and veterans of each; (2) information compiled to include all types of benefits offered by state and local government, including but not limited to: (a) tax benefits, including treatment of pension income; (b) reduced or waived fees for government services; (c) hunting and fishing license benefits; (d) education benefits, including allowing military education and training to apply for certification or licensure; (e) employment preferences; and (f) health benefits; (3) the information is to clearly distinguish which benefits are available and the commensurate value of the benefits to active-duty or reserve military personnel, members of the Montana Army National Guard, and veterans of each; and (4) to the extent possible, the information compiled is to include federal benefits received by active-duty or reserve military personnel, members of the Montana National Guard, and veterans of each.

**Preliminary study approach:** (1) research MCA and compile all current state law concerning benefits, preferences, fee waivers, etc. for military personnel and veterans; (2) research and compile information available from all state and U.S. departments covering military affairs, veterans' affairs, public health and human services, commerce, labor, education, revenue, housing, hunting and fishing, and any other agencies that may administer benefits or programs for military personnel and veterans; and (3) analyze this information and categorize, clearly summarize, and fiscally assess the benefits provided.

**Deliverables; end products:** summary tables, indexes, final report as user-friendly directory

**Role for LFD or LAD staff?**               Yes          x   No

**Role for Executive agency?**           Yes          x   No

**Additional costs, over meetings?**           Yes          x   No

**Estimated LSD staff time:**      600 - 1,000   hours

**Other comments:** This study does not require committee work, but if assigned to staff, the staff person would be unavailable to support committee work to the extent the staff person is engaged in this study.

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PRELIMINARY STUDY OUTLINE -- SJR 3  
Sen. Murphy

Study: SJR 3 Interim Study Poll Rank: 10

Short Title: Study the operations of the Montana Board of Pardons and Parole

Staff Recommendation: Assign to Law and Justice Interim Committee

**Preliminary Analysis**

**Issue(s) as listed in legislation:**

Study the operation of the Montana Board of Pardons and Parole including:

- the parole philosophy of the Board;
- the statutes and rules administered by the Board;
- the degree to which the Board has prevented or contributed to the need for additional prison beds;
- the effect of the possible elimination of the Board; and
- other aspects of the Board's administration as appropriate.

Solicit the views of the law enforcement community, the Judicial Branch, providers of community services, the Department of Corrections, and other appropriate stakeholders

**Preliminary study approach:**

- Review applicable statutes and administrative rules concerning the Board and probation and parole
- Identify additional stakeholders
- Review existing criminal justice processes from judgement through parole/probation hearings, release, etc.
- Interview Board members and staff and representatives from the other interested stakeholders to identify issues the committee should cover
- Review probation and parole workings in other states
- Gather and distribute existing data on Corrections' budget, number of prisoners, number and type of parole hearings, etc, for consideration
- In-depth review of states that do not have a board or similar structure to oversee probation and parole. Determine what statutory (or constitutional) changes would need to occur if Montana were to eliminate the Board.

**Deliverables; end products:**

- Study outline
- Staff papers on:
  - current structure and operation of the Board
  - data available to the committee on prison beds and budgets
  - review of other state's laws and probation and parole procedures
  - other papers as requested.
- Likely staff visit to at least 1 hearing; possible committee member visits to hearings, as possible
- Panel discussions or other presentations on:
  - Board's parole philosophy
  - Stakeholders' views on what is working/what is not working in current system and suggestions on what parts of the process should be retained or eliminated
  - Experiences of states that recently eliminated a similar body to identify issues the committee might need to consider
  - Options for committee consideration
  - Legislation, if desired by committee
  - Final report

**Role for LFD or LAD staff?**      x      **Yes**                  **No**

Possibly for the budget discussions

**Role for Executive agency?**      x      **Yes**                  **No**

The study requests that the committee involve the Department of Corrections. In addition, the committee will need to work closely with the Board to gather information and Board members' and staff views on the operations of the Board

**Additional costs, over meetings?**              **Yes**          x      **No**

Any presenters from out of state could present via telephone or internet (if possible). Any committee members who wish to attend a parole hearing would ideally attend a hearing at a location near them. The members of the Board hold hearings across the state each month.

**Estimated LSD staff time:**      800-1200      **hours**

**Other comments:**

This study will likely be an emotionally charged topic for many interested parties. It will require the committee to dedicate significant time and effort to understand existing Board operations, hear comment from various stakeholders with differing perspectives, and analyze various options presented to it for changes to the Board and its operations.

PRELIMINARY STUDY OUTLINE -- SJR 4  
Sen. Keane

Study:   **SJR 4**   Interim Study Poll Rank:   **16**  

Short Title:   **Study ways to improve the marketing, management, operation, maintenance, and funding of state-owned sites at Virginia and Nevada Cities and Reeder's Alley in Helena**  

Staff Recommendation:   **Assign to Environmental Quality Council**  

**Preliminary Analysis**

**Issue(s) as listed in legislation:**

- the 1997 Legislature authorized the purchase of historic properties in Virginia and Nevada Cities and stipulated that the sites be managed to become self-sufficient and that no general fund money be given to them in the future;
- the Montana Heritage Preservation and Development Commission MHC., which manages the sites along with Reeder's Alley in Helena, has struggled to achieve that goal of self-sufficiency;
- the sites have extensive preservation, stabilization, and maintenance needs;
- the MHC has had limited maintenance resources and budget available;
- long-range building program money was not appropriated to the MHC by the 2011 or 2013 Legislatures;
- the MHC has reorganized its staff and implemented a new business plan;
- the Environmental Quality Council studied the MHC in the 2011-2012 Interim and found much opportunity and greater need for state support of the MHC and its properties.

**Preliminary study approach:**

1. Provide the EQC with an overview of its 2011-2012 Interim study of the MHC;
2. provide continued oversight of the MHC's administration of its properties;
3. review in greater detail the myriad properties and artifacts administered by the MHC to determine whether the statutory mission should be redefined or recommendations made regarding deaccession of any properties or artifacts;
4. identify overall preservation needs and evaluate scale and scope based on available resources;
5. review and identify marketing efforts;
6. review the MHC's funding and revenue;
7. identify opportunities to integrate and coordinate the administration of the MHC properties with other recreational and heritage resources; and
8. evaluate the makeup of the MHC and whether its membership, powers, and duties should be restructured or redefined.

**Deliverables/end products:**

1. Study outline.
2. Issue paper.
3. Decision tool.
4. Final report with recommendation, including proposed legislation, if any.

**Role for LFD or LAD staff?**       X      **Yes**                      **No**

**Role for Executive agency?**      X      **Yes**                      **No**

**Additional costs, over meetings?**              **Yes**              X      **No**

**Estimated LSD staff time:**     150-250     **hours**



PRELIMINARY STUDY OUTLINE -- SJR 6  
Sen. Olson

Study:   SJR 6   Interim Study Poll Rank:   3  

Short Title:   Study of Montana's Renewable Energy Portfolio Standard  

Staff Recommendation:   Assign to Energy and Telecommunications  

**Preliminary Analysis**

**Issue(s) as listed in legislation:** (1) Since 2008, the Montana Renewable Power Production and Rural Economic Development Act required certain utilities to procure a percentage of their resources from renewable resources. (2) Beginning in 2015, and in each succeeding year, a public utility and competitive electricity supplier must procure a minimum of 15% of its retail sales of electrical energy in Montana from renewable resources. (3) There are ongoing discussions about increasing the renewable portfolio standard or abolishing the requirement. (4) There has been limited analysis of the impact the Renewable Power Production and Rural Economic Development Act has had in Montana.

**Preliminary study approach:** (1) Examine the economic impacts of the renewable portfolio standard by reviewing the renewable portfolio standard's contribution to new electrical generation in Montana, the short-term and long-term jobs created by the standard, industries working in Montana due in part to the standard, the use of renewable energy credits in Montana by the renewable energy industry, and how the standard has been used to leverage Montana's competitive advantages in developing new electric transmission. (2) Analyze the environmental benefits of the renewable portfolio standard, including the standard's contribution to diversified generation in Montana and to reduced dependence on fossil fuels, the types of renewable energy generation used in meeting the standard; and potential contributions to air quality improvements attributable to the standard. (3) Review the impacts the renewable portfolio standard has had on Montana consumers by determining whether the standard has mitigated or contributed to higher energy costs for consumers and how the standard has been used to hedge against volatility in fossil fuel prices.

**Deliverables; end products:** (1) Study outline. (2) Report with findings and recommendations. (3) Decision tool. (4) Final report with recommendation, including proposed legislation, if any.

**Role for LFD or LAD staff?**  Yes  No

**Role for Executive agency?**  Yes  No The PSC will play a role in the analysis. The Consumer Counsel also will assist in addressing impacts to consumers.)

**Additional costs, over meetings?**   x   **Yes**        **No** Staff anticipates there will be some travel with this study, perhaps two meetings on the road.

**Estimated LSD staff time:**   1,000 to 1,440   **hours**

**Other comments:** This study will require a significant amount of analysis. There is limited information, if any, related to the economic impacts of the RPS. Staff will need to gather most of the information through inquiry of various stakeholders. This will be a full interim project.

PRELIMINARY STUDY OUTLINE -- SJR 14  
Sen. Olson

Study:   **SJR 14**   Interim Study Poll Rank:   **14**  

Short Title:   **Study changes needed in order to implement combined primary and school elections**  

Staff Recommendation:   **Education and Local Government**  

**Preliminary Analysis**

**Issue(s) as listed in legislation:**

Develop a "plan" to make combined school and primary elections feasible by identifying the policy choices and technical elements of election administration that would need to be reconciled in order to run the elections concurrently.

Issues cited in testimony by the sponsor and proponents as reasons for the importance of this study were the possibility of: (1) improving school elections turnout by holding them concurrently with government primary elections, (2) lessening any confusion caused due to holding different elections at different times, and (2) cost savings through combining elections.

**Preliminary study approach:**

SJR 14 directs an interim committee to examine not *if* combined elections should be implemented but rather *how*. The focus then is not on the merits of this policy direction but on what policy decisions and technical remedies would be needed in order to accomplish such combined elections.

The study plan must ensure that all the key stakeholders who would be impacted by and are knowledgeable of these election processes be invited to the table from the beginning. Sequentially, if the committee is amenable, staff can first convene stakeholder meetings to begin fashioning the statutory and regulatory changes that would be needed, and then bring this draft framework to the assigned interim committee for discussion, refinement, and decision.

Key areas to be clarified include:

1. existing dates, deadlines, and other procedures in Montana law that would require adjustment in order to conduct combined elections; and

2. changes that election administrators would need to implement to combine primary and school elections, including:
  - a. accommodating various administrative boundaries for jurisdictions holding elections, including state legislative, county, school district, city, and other district elections, and reducing voter confusion about these boundaries;
  - b. administering the technical elements of combined elections, including the effects on overseas and military voters, different poll locations and opening and closing times, and which local government authority is responsible for election costs; and
  - c. determining the responsibility for conducting combined elections that involve county election administrators and school district officials.

Key stakeholders participating in SJR 14 would likely be:

- the Office of the Secretary of State
- the Montana Association of Clerks and Recorders
- the Montana Association of Counties
- the Montana League of Cities and Towns
- the Office of the Superintendent for Public Instruction
- the Montana School Boards' Association
- the School Administrators of Montana
- the Montana Association of School Business Officials
- any other entities requested by the assigned interim committee

**Deliverables; end products:** A "plan" for running school and primary elections concurrently based upon a **committee bill** that makes the statutory changes necessary and provides agencies the rulemaking authority and guidelines for its implementation.

**Role for LFD or LAD staff?**             Yes        X   No

**Role for Executive agency?**        X   Yes             No

**Additional costs, over meetings?**             Yes        X   No

**Estimated LSD staff time:**        750 - 1,000   hours

**Other comments:**      None

PRELIMINARY STUDY OUTLINE -- SJR 15  
Sen. Fielder

Study:   **SJR 15**   Interim Study Poll Rank:   **2**  

Short Title:   **Study public land management**  

Staff Recommendation:   **Assign to Environmental Quality Council**  

**Preliminary Analysis**

**Issue(s) as listed in legislation:**

- Much of the acreage in Montana is managed by the U.S. Forest Service or the federal Bureau of Land Management;
- Management of these lands affects Montana's environment, economy, culture, wildlife, and health and safety of its citizens;
- Future federal funding levels may impact the level of management provided by the federal government for these federal lands; and
- Beetle kills, invasive species, watershed degradation, access and wildfires will affect management decisions.

**Preliminary study approach:**

- Identify measures to ensure public lands are managed responsibly;
- Evaluate lands managed by the USFS and BLM;
- Analyze information about USFS and BLM land to identify risks related to environmental quality, economic productivity and sustainability, public health and welfare, state and local objectives, and ownership/jurisdictional responsibilities;
- Survey counties with at least 15 percent of the land area under USFS, BLM management regarding this resolution;
- Investigate actions other states may have taken related to management of USFS, BLM lands.

**Deliverables/end products:**

- Study outline
- Issue papers
- Decision tools
- Final report with recommendations, including proposed legislation, if any.

Role for LFD or LAD staff?  Yes  No

Role for Executive agency?  Yes  No Because this study focuses on two federal agencies, input from both state and federal executive branch agencies will likely be necessary.

Additional costs, over meetings?  Yes  No

Estimated LSD staff time: 1,000 - 1,440 hours

Other comments: None

PRELIMINARY STUDY OUTLINE -- SJR 20  
Sen. Webb

Study:   **SJR 20**   Interim Study Poll Rank:   **7**  

Short Title:   **Study of Prescription Drug Abuse**  

Staff Recommendation:   **Assign to Children, Families, Health, and Human Services Interim Committee**  

**Preliminary Analysis**

**Issue(s) as listed in legislation:**

- Compile data on major illicit sources of prescription drugs by using information from available sources
- Evaluate the extent and impact of current state efforts to prevent prescription drug abuse and mitigate the effects of the abuse
- Identify a comprehensive and coordinated statewide strategy for restricting access to prescription drugs for illicit use while ensuring access for individuals with a legitimate need
- Identify opportunities for collaboration among interested parties
- Identify communities most in need of prevention and mitigation efforts
- Identify steps policymakers could take

**Preliminary study approach:**

- Meet with stakeholders to identify the work that has already been done on this topic and identify areas of continuing concern. Stakeholders include the Attorney General's Office, Department of Public Health and Human Services, Montana Hospital Association, individual hospitals, Montana Medical Association, MONTANA Pharmacy Association, the Board of Medical Examiners, law enforcement agencies, and drug treatment professionals and programs.
- Work with the Board of Pharmacy to determine the types of prescription drug registry data that might be available to the committee
- Attend all Board of Pharmacy meetings related to the prescription drug registry, to follow ongoing developments with the registry.
- Review existing state and national studies on prescription drug abuse
- Monitor the National Governors' Association's five-state project on prescription drug abuse for information that may be relevant to the committee's efforts
- Review available information on drug abuse in Montana, to identify communities that may be most in need of prevention and mitigation efforts
- Compile information on available drug treatment programs in Montana
- Review legislation/outcomes in other states

• **Deliverables; end products:**

- Briefing papers on:
  1. Montana's prescription drug registry and any issues related to the ability to obtain or analyze information from prescribers and pharmacists.
  2. relevant data from the prescription drug registry and any other data from surveys by Montana organizations/providers on prescription drug abuse, prescribing practices, etc.
  3. drug treatment options in Montana
  4. legislation and results in other states
  5. options for committee consideration
  6. other topics as needed, based on direction from the committee
- Panel or other presentations as needed on:
  1. the prescription drug registry and information it can provide the committee
  2. prescribing practices, particularly in hospital emergency rooms
  3. health care provider views of additional controls that may be needed on prescribers, hospitals, etc.
  4. drug treatment programs and gaps in services
  5. efforts in other states/NGA project
  6. other topics as needed, based on direction from the committee
- Legislation, if requested by committee
- Final report of committee activities

**Role for LFD or LAD staff?**      \_\_\_\_\_ **Yes**        **x**   **No**

**Role for Executive agency?**        **x**   **Yes**      \_\_\_\_\_ **No**

**Additional costs, over meetings?**      \_\_\_\_\_ **Yes**        **x**   **No**

**Estimated LSD staff time:**        **670-900**   **hours**

**Other comments:** The Attorney General conducted an extensive study of prescription drug abuse in 2008, including the creation of a Prescription Drug Abuse Task Force. That group's efforts resulted in the passage of legislation in 2011 to establish the prescription drug registry. Materials from the AG's effort will provide a starting point for the committee so that members can focus their attention on the effectiveness of the state's current efforts and on additional approaches, rather than on identifying whether a problem exists.

Materials from that study should be reviewed, updated, and presented to the interim committee during the early meetings on the study.



PRELIMINARY STUDY OUTLINE -- SJR 22  
Sen. Jent

Study: **SJR 22** Interim Study Poll Rank: **9**

Short Title: **Evaluate current court procedures in family law cases and identifying alternative solutions**

Staff Recommendation: **Assign to Law and Justice Interim Committee**

**Preliminary Analysis**

Issue(s) as listed in legislation:

- Evaluate the cost and effectiveness of Montana's current court processes in addressing domestic relations matters
- Research family laws models and approaches (legislative or otherwise) being used in other states
- Identify measures that will help improve the administration of justice and promote nonadversarial resolutions in family law disputes.

**Preliminary study approach:**

The study is focused and could be either a smaller committee-driven study or a study done by a working group with periodic review and direction by the committee. A working group would be structured and conducted similar to that used in the 2007-2008 SAVA study on HJR 46, which studied election laws. Based on testimony given to the Legislature by proponents and initial staff research, it appears there might be existing groups that have an interest in the study or that might be doing research that could dovetail with the work on this study. The Montana Bar Association and the Montana Supreme Court are two such groups. The study process would be similar regardless of how the committee decides to structure its approach.

- Identify interested stakeholders including any existing work groups covering similar topics
- Review existing Montana laws pertaining to domestic relations (marriage, divorce, custody, alimony, etc)
- As much as possible, evaluate the costs of the current approach and the effectiveness of that approach. The costs might be hard to quantify but a general idea of what works and what doesn't and the possible costs could be obtained via testimony from the public and a panel of current judges, attorneys, and court administrators
- Identify other states (or jurisdictions such as cities or counties) that have alternative approaches for family law disputes

- Review and evaluate processes (and statutes) used by those states using feedback from stakeholders in the system
- Identify possible changes to Montana statutes or procedures
- Draft legislation, if needed and requested by the committee

If a working group model is used, the working group would report back to the committee at times requested by the committee. Draft legislation would have to be requested by the committee.

**Deliverables; end products:**

- Study outline
- Staff papers on:
  - existing procedures in Montana
  - approaches used by other states and jurisdictions and opportunities for implementation in Montana
  - other topics as requested by the committee
- Panel discussions or other presentations on:
  - current system for resolving family law disputes: what works and what doesn't
  - possibly a panel on alternatives that promote less adversarial approaches to conflict resolution
- Options for committee consideration
- Legislation, if desired by committee
- Short final report

**Role for LFD or LAD staff?**     **Yes**         **No**

Possibly for the evaluation of possible costs of new approaches (such as a family law court) or a program to divert more disputes to mediation

**Role for Executive agency?**     **Yes**         **No**

There is a role for the Judicial Branch. The committee and/or working group would want to work closely with the court administrator at the Montana Supreme Court and various clerks and judges of the district courts.

**Additional costs, over meetings?**     **Yes**         **No**

Any presenters from out of state could present via telephone or internet (if possible).

**Estimated LSD staff time:**    600-800    **hours**

**Other comments:**

PRELIMINARY STUDY OUTLINE -- SJR 23  
Sen. Tutvedt

Study:   SJR 23   Interim Study Poll Rank:   8  

Short Title:   Study resolution on the tax appeal process  

Staff Recommendation:   Assign to Revenue and Transportation Interim Committee  

**Preliminary Analysis**

**Issue(s) as listed in legislation:** (1) Montana tax laws include numerous complicated tax types, tax rates, and tax applications all of which are subject to an appeals process. (2) The Montana Constitution requires the Legislature to provide independent appeal procedures for taxpayer grievances with respect to property appraisals, assessments, equalization, and taxes, including a review procedure at the local government level. (3) Mediation can be an important component of the taxpayer appeal process. (4) Appeals of centrally assessed properties and large industrial facility properties can be especially protracted and complicated, and require specific expertise in taxation. (5) It is in the interest of the state to ensure that taxpayer appeals are fair, time efficient, and equitable.

**Preliminary study approach:** (1) Review the current local government and state tax appeal processes. (2) Analyze whether the current local government and state tax appeal processes shall be maintained. (3) Analyze whether there should be changes generally to the current local government tax appeal process and state tax appeal process to improve access and efficiency. (4) Analyze the appropriateness and timeliness of formal mandatory or voluntary mediation processes as part of the taxpayer appeal process. (5) Analyze whether changes to the appeal process would make appeals of centrally assessed properties and large industrial facilities more efficient and make appeals less likely. (6) Determine whether to recommend a process other than the current one including consideration of specific education, experience, and continuing education of state tax appeal board members; implementation of a tax court system; and implementation of a rotating district judge to handle direct appeals from centrally assessed and large industrial taxpayers. (7) Ensure any recommendations are in accordance with Article VIII, section 7, of the Montana Constitution.

**Deliverables; end products:** (1) Study outline (2) Issue paper (3) Decision tool (4) Final report with recommendation, including proposed legislation, if any.

**Role for LFD or LAD staff?**       ?    **Yes**               **No**

LFD may have a role if the RTIC wishes to analyze how property taxes paid in protest affect revenue or if the committee wants information on how the property tax model for the revenue estimate accounts for appeals.

**Role for Executive agency?**       x    **Yes**               **No**

Department of Revenue can provide overview of current review procedures before the tax appeal board level. State Tax Appeal Board can provide overview process when appeals reach this level and talk about case load, member qualifications, etc.

**Additional costs, over meetings?**           **Yes**           x    **No**

**Estimated LSD staff time:**      800 - 1200   **hours**

**Other comments:** The amount of time spent on this study depends on whether the study considers appeals broadly or narrows to focus more on centrally assessed and large industrial property tax appeals.

PRELIMINARY STUDY OUTLINE -- SJR 24  
Sen. Buttrey

Study:   **SJR 24**   Interim Study Poll Rank:   **15**  

Short Title:   **Study of military training and its application to civilian licensing/job certifications**  

Staff Recommendation:   **Assign to Economic Affairs Interim Committee**  

**Preliminary Analysis**

**Issue(s) as listed in legislation:**

- Monitor work done by professional and occupational licensing boards to incorporate military training reciprocity for licensing requirements.
- Identify other certifications or licensure requirements for civilian or state or local government jobs for which military training and skills may be acceptable equivalents.
- Identify any statutes that may need to be amended to allow reciprocity for military training.

**Preliminary study approach:**

- Contact stakeholders, including Dept. of Military Affairs and reserve, Guard, and veterans organizations to seek input on reciprocity issues.
- Compile list of professional and occupational licensing boards that are studying reciprocity issues for military training with the help of Military Affairs and Dept. of Labor and Industry.
- Review military's efforts nationally to address educational reciprocity.
- Develop list of civilian jobs for which licensure or certification may be compatible with military jobs and review implementation of HB 508 regarding the commercial drivers' license test being waived for members of the military with experience in driving commercial vehicles.
- Compile Montana statutes regarding licensure or certification and review to determine whether amendments are needed to allow reciprocity

**Deliverables; end products:**

- Presentations by Dept. of Military Affairs, providing opportunity for veterans and members of armed forces to highlight areas where reciprocity may be helpful or needed
- White papers
- Recommendations for statutory changes, if any

Role for LFD or LAD staff?     Yes     No

Role for Executive Agencies?     Yes     No    DoLI & DMA

Additional costs, over meetings?     Yes     No

Estimated LSD staff time:    700 - 900 hours

**Other comments:** The professional and occupational licensing boards are required to determine what military training is equivalent to licensing requirements; licensing boards would handle that part of the study.

PRELIMINARY STUDY OUTLINE -- SJR 26  
Sen. Arntzen

Study:   SJR 26   Interim Study Poll Rank:   13  

Short Title:   Study of commerce corridors along Montana highways  

Staff Recommendation:   Assign to Revenue and Transportation Interim Committee  

**Preliminary Analysis**

**Issue(s) as listed in legislation:** (1) There are compelling reasons to establish a predictable, timely, and cost-effective process that will allow numerous manufacturing firms, contractors, motor carriers, and others involved in commerce to transport oversize loads through Montana efficiently and in a cost-effective manner. (2) The Legislature is committed to fostering economic activity generated by transporting the loads, with substantial benefits accruing to Montana workers, small businesses, and local communities. (3) There are compelling reasons to reduce project costs and expedite the movement of people and goods by eliminating delays, reducing regulatory burdens, improving agencies' work practices, lowering costs, and accelerating completion of transportation projects. (4) Montana has an obligation to improve its portion and the whole of the national freight network, strengthen the ability of communities to access national and international trade markets, and support economic development. (5) In conjunction with other states and federal transportation authorities, Montana is committed to fostering actions that do not result in significant environmental impacts and, therefore, expediting the review processes and project delivery in furtherance of the objectives envisioned by the Moving Ahead for Progress in the 21st Century Act (MAP-21).

**Preliminary study approach:** (1) Identify any impediments in Montana law that preclude or discourage transporting oversize loads through the state. (2) Identify options to remove or mitigate the impediments to efficiently and in a cost-effective manner transport oversize and other loads through Montana. (3) Review methods used in other states and Canada to foster the transportation of oversize loads through various public jurisdictions, including by establishing or authorizing the establishment of commerce corridors.

**Deliverables; end products:** (1) Study outline (2) Issue paper (3) Decision tool (4) Final report with recommendation, including proposed legislation, if any.

**Role for LFD or LAD staff?**       x   Yes            No

LFD can model revenue impacts of modifying the special permit fees for oversized vehicles if the committee wishes to consider adjusting these fees.

**Role for Executive agency?**      x   **Yes**               **No**

Resolution requests information and expertise from Montana Department of Transportation, Montana Department of Environmental Quality, local governments, highway user groups, and the U.S. Department of Transportation.

**Additional costs, over meetings?**           **Yes**          x   **No**

**Estimated LSD staff time:**      500 - 800   **hours**

**Other comments:** The committee (and staff) would probably benefit from the following information: physical impediments to moving oversized vehicles, how often the oversized vehicles are required to stop and let other vehicles pass, and other safety requirements. This information is not specifically requested in the resolution but seems necessary when discussing movement of oversized loads in a "cost-effective manner."