A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM LEGISLATIVE STUDY ON ACCESSIBILITY FOR ELECTORS WITH DISABILITIES.

WHEREAS, the State Administration and Veterans' Affairs Interim Committee during the 2017-2018 interim learned about accessible voting technology for electors with disabilities and conducted a preliminary review of related state statutes; and

WHEREAS, the preliminary review revealed that Montana statutes could be updated with respect to federal law references and statutory language concerning accessible voting machines and technology; and

WHEREAS, the review also raised significant policy questions about how to improve accessibility for electors with disabilities; and

WHEREAS, an interim study would allow for a systematic review of federal and state laws concerning accessibility for electors with disabilities and a careful examination of related policy issues with the participation of all interested stakeholder groups.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to:

(1) examine federal and state laws related to accessibility for electors with disabilities;

(2) solicit and consider comments, concerns, and suggestions from all interested stakeholder groups, including but not limited to the elections staff in the Office of the Secretary of State, the Office of Public Instruction, election administrators, counties, school districts, elderly electors, and electors with disabilities;

(3) identify and analyze relevant policy and logistical issues and options; and

(4) if appropriate, develop a committee bill to update or revise related state laws based on the committee's study findings and recommendations.

BE IT FURTHER RESOLVED, that all aspects of the study be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 3 **Interim Study Poll Rank:** ___

Short Title: Study accessibility for electors with disabilities

Staff Recommendation: Assign to State Administration and Veterans' Affairs Interim Committee (SAVA)

Preliminary Analysis

Issue(s) as listed in legislation:

The resolution asks the committee to:

- Examine federal and state laws related to accessibility for electors with disabilities.
- Solicit and consider comments, concerns, and suggestions from all interested stakeholders.
- Identify and analyze relevant policy and logical issues and options.
- If appropriate, develop a committee bill to update or revise related state laws.

Preliminary study approach:

- Review the 2017-18 SAVA discussion and testimony related to this study, which was by request of SAVA.
- Fine tune the preliminary staff matrix from the 2017-18 interim that provides an inventory of statutes and rules related to accessibility for electors with disabilities and that presents comments and questions related to updating or revising the statutes.
- Invite focused testimony from electors with disabilities, disability rights advocates, and all interested stakeholders on each statute and rule identified in the staff matrix for potential updating or revision.
    - Panels/testimony related to:
        - concerns and needs of electors with disabilities
        - federal laws
        - physical accessibility and accessible voting technology
        - school, local government, and statewide elections

- Based on research and testimony, engage in committee discussion about the policy and logistical issues raised in testimony.

- Develop committee legislation if appropriate to update or revise statutes on accessibility for electors with disabilities.

Deliverables; end products:

- Matrix of federal laws and state statues and rules on accessibility for electors with disabilities.

- Briefing papers as requested by the committee, which may cover the following topics:
  - federal laws
  - state laws
  - rules by Sec. of State
  - training and guidance to county election administrators

- Final report.

- Any committee legislation.

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

Role for Executive agency? **Yes, Office of the Secretary of State**

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

Estimated LSD staff time: **720** **hours**

Other comments:

Interim FTE Equivalents
1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO IDENTIFY AND ADDRESS BARRIERS TO VOTING BY MONTANA NATIVE AMERICANS WHILE ENSURING ELECTION SECURITY.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate the State-Tribal Relations Committee, pursuant to section 5-5-217, MCA, to study barriers to voting by Montana Native Americans and how those findings can be addressed in Montana election laws and procedures.

BE IT FURTHER RESOLVED, that the study:

(1) examine existing deadlines and procedures for Montana elections, including requirements for physical addresses and identification, and any obstacles to those requirements on reservations in Montana;

(2) analyze options for addressing any barriers while ensuring election security;

(3) review mail ballot requirements and options, and the impact of those requirements on reservations; and

(4) consider any other matters relating to voting by Montana Native Americans that the committee deems appropriate.

BE IT FURTHER RESOLVED, that the State-Tribal Relations Committee request the participation of stakeholders in the study process, including election administrators, representatives from each of the tribal governments in Montana, and other interested parties as determined by the committee.

BE IT FURTHER RESOLVED, that the State-Tribal Relations Committee in conducting the study visit reservations in Montana.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by the State-Tribal Relations Committee.

BE IT FURTHER RESOLVED, that the committee provide progress reports and a final report to the State Administration and Veterans' Affairs Interim Committee.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the committee, be reported to the 67th Legislature.

- END -

Study: HJ 10 **Interim Study Poll Rank:** ___

Short Title: Study on barriers to voting by Montana Native Americans

Staff Recommendation: Assign to State – Tribal Relations Committee (STRC), as requested by resolution

Preliminary Analysis

Issue(s) as listed in legislation:

The resolution asks the committee to:

- Examine existing deadlines and procedures for Montana elections, including requirements for physical addresses and identification, and any obstacles to those requirements on reservations.
- Analyze options for addressing any barriers while ensuring election security.
- Review mail ballot requirements and options and the impact of those requirements on reservations.
- Consider any other matters relating to voting by Montana Native Americans that the committee deems appropriate.

Preliminary study approach:

- Background information and presentations from the Office of the Secretary of State and county election administrators in counties with reservations, with special attention to:
  - voter registration requirements and the statewide voter registration data base
  - current law and practices on address and id requirements
  - mail ballot elections
  - election security
- Testimony and panel discussion with tribal representatives and Native American voters to identify barriers to voting and explore options.

- Staff to prepare issues and options analysis based on issues/options identified by full committee after consideration of background information and testimony.

Deliverables; end products:

- Staff background paper.
- Decision brief/issues and options paper.
- Final report.
- Any committee legislation.

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

Role for Executive agency? **Yes, Office of the Secretary of State – general information on election security and statewide voter registration system**

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

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

Other comments:

- Per the study resolution, staff to provide regular progress reports and the final report to the State Administration and Veterans' Affairs Interim Committee.

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO ASSESS THE STATE'S ABILITY TO DEFEND ITS INFRASTRUCTURE, DEVELOP GUIDELINES FOR INFRASTRUCTURE PROTECTION, INVESTIGATE AND CONSIDER NEW ADVANCED TRANSMISSION TECHNOLOGIES THAT OFFER PERFORMANCE BENEFITS WHEN REPLACING AGED TRANSMISSION INFRASTRUCTURE, AND ANALYZE ECONOMIC OPPORTUNITIES.

WHEREAS, Montana's electric transmission grid serves the vital function of moving power from many different generating plants to customers and their electric loads; and

WHEREAS, the state has taken steps to ensure the reliability of the transmission grid, but the grid is not currently able to withstand major electromagnetic pulse, terrorism, or wildfire events; and

WHEREAS, failure of the transmission system could cause disruptions to the state's infrastructure, creating adverse impacts to the health, safety, and economy of the state; and

WHEREAS, Montana routinely experiences large wildfires that pose risks not only to homes and businesses but also to electrical transmission lines; and

WHEREAS, a better understanding of the grid can allow for future economic developments; and

WHEREAS, Montana's energy grid is an important component of the state's economy; and

WHEREAS, new and advanced replacement transmission facilities can be designed and deployed to enable a wide variety of new generating resources and can address technical issues that could impede or limit the development and operation of resources so states can achieve public policy goals; and

WHEREAS, crowded and aged utility corridors often allow little room for expansion and innovation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to assess the state's transmission infrastructure, including:

(1) its ability to withstand attacks such as electromagnetic pulse, terrorism, and wildfire;

(2) opportunities to develop transmission infrastructure to export energy; and

(3) the costs of maintenance and updates to the system.

BE IT FURTHER RESOLVED, that the study:

(1) gather, analyze, and assess data related to the current condition of the state's infrastructure, with primary focus on the electrical transmission grid;

(2) identify key weaknesses in defending the state's infrastructure against natural and manmade threats;

(3) evaluate new advanced transmission technologies to determine whether they are best able to cost-effectively ensure the continued reliable delivery of electricity while providing greater capacity and enhanced efficiency;

(4) consider the ability of new advanced technologies to reduce the overall cost of energy delivery;

(5) analyze the costs and benefits of the appropriate use of cost-effective advanced electric transmission technologies in support of the continued, timely provision of affordable, reliable electricity to consumers;

(6) identify economic opportunities to upgrade the system to address bottlenecks or limitations and economic opportunities to export Montana energy resources;

(7) assess maintenance and upgrade costs to fully utilize transmission;

(8) assess the viability of installing black start diesel generators in more hydroelectric dams; and

(9) determine actionable steps the state can take to harden and protect the electrical transmission grid from electromagnetic pulse occurrences, terrorist attacks, and wildfires.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 12 **Interim Study Poll Rank:** _____

Short Title: Study resolution on defense of state infrastructure

Staff Recommendation: **Assign to the Energy and Telecommunications Interim Committee**

Preliminary Analysis

Issue(s) as listed in legislation:

The study resolution asks the committee to review the state's electric transmission infrastructure, including:

- its ability to withstand attacks such as electromagnetic pulse, terrorism, and wildfire;
- opportunities to develop transmission infrastructure to export energy; and
- the costs of maintenance and updates to the system.

Preliminary study approach:

- Gather, analyze, and assess data related to the current condition of the transmission grid in the state
- Identify key weaknesses in defending the state's infrastructure against natural and manmade threats
- Evaluate new advanced transmission technology, cost-effectiveness, reliability and efficiency.
- Research technology's ability to reduce the cost of energy
- Research economic opportunities to upgrade the system to address capacity constraints and export energy
- Research actionable steps for grid hardening in the state.

Deliverables; end products:

- White papers related to:
  - Grid hardening
  - Energy exports
  - Advanced grid technology
  - Defending the grid against threats such as wildfire and terrorism

- Panel presentations on:
  - the current condition of the transmission grid in the state
  - key weaknesses in defending the state's infrastructure against natural and manmade threats
  - advanced transmission technology

- Legislation, if requested by the committee

- Final report on committee activities

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

Role for Executive agency? __Yes__

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

Estimated LSD staff time: __300-500__ **hours**

Other comments:

Interim FTE Equivalents
1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE FUTURE OF THE MONTANA WATER COURT; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, the Montana Supreme Court finally recognized the prior appropriation doctrine in 1921, providing a system for water distribution and an important private property right; and

WHEREAS, the 1973 Montana Water Use Act created an adjudication process to centralize a system of water right administration and to determine many undefined water rights; and

WHEREAS, the 1979 Legislature created the Montana Water Court to conduct the litigation phase of adjudication and to issue final decrees, which determine the priority dates and flow rates for all water claimed before 1973; and

WHEREAS, the Montana Water Court will have a diminished role after decrees are issued for all of the state's 85 hydrologic basins, which is estimated to be 2028; and

WHEREAS, the Montana Water Court, its judges, and its water masters retain a broad depth of historical and contemporary knowledge of water rights in Montana, and it may be wise to retain such expertise for future decades of water right administration in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review the future role of the Montana Water Court and, if possible, make recommendations for the Water Court.

BE IT FURTHER RESOLVED, that the study consider:

(1) reports and analyses related to the Water Court, and the adjudication, permitting, and change of water right processes;

(2) input from the Water Court, state agencies, water users, and others involved in the change process;

(3) similar courts in other arid western states; and

(4) other relevant information.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ14 **Interim Study Poll Rank: __**

Short Title: Study of Water Court

Staff Recommendation: Assign to Water Policy Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

- The Legislature created the Water Court in 1979, and the court has been primarily responsible for determining pre-1973 water rights, which comprise more than 60 percent of all water rights in the state.
- Once the Water Court has determined all pre-1973 water rights in the state's 85 hydrologic basins, the court is expected to sunset under current law.
- The Water Court's "broad depth of historical and contemporary knowledge of water rights in Montana" may make the body useful for future water rights administration in Montana.

Preliminary study approach:

- Consideration of past WPIC studies of the Water Court, including reports to the 59th, 61st, and 65th legislatures, a 2009 LAD audit, the 1988 Ross Report, and a 2014 review by the UM Law School.
- Analysis of how water rights are processed in the DNRC, Water Court, and district courts, including input from the agency, judges/water masters, water rights holders, and other water users
- Workload analysis of the Water Court, based on quarterly adjudication reports, to determine the "sunset" of court
- Discussion of 2017 expansion of Water Court duties (SB28)
- Field trip, public meeting at Water Court offices in Bozeman
- Summary of the workings of similar courts in other arid, Western states, including Colorado and Idaho

Deliverables; end products:

- Report, including findings, recommendations, and draft legislation

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

Role for Executive agency? __input from DNRC___

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

Estimated LSD staff time: __720__ **hours**

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM LEGISLATIVE STUDY OF THE STRUCTURE, FUNDING, AND OUTREACH OF THE MONTANA VETERANS' AFFAIRS DIVISION OF THE DEPARTMENT OF MILITARY AFFAIRS.

WHEREAS, more than 98,000 veterans live in Montana, which is more than 9% of our state's total population; and

WHEREAS, our veterans and their families rely on the state-level Montana Veterans' Affairs Division of the Department of Military Affairs (MVAD) to help veterans submit claims to access the U.S. Department of Veterans Affairs benefits and health care services to which they are entitled; and

WHEREAS, outreach is critical and the MVAD has only nine state veteran service offices to service the entire state; and

WHEREAS, examination of how many veterans MVAD actually reaches and services county-by-county will provide the Legislature with insight and a better understanding of the opportunities and challenges involved; and

WHEREAS, for fiscal year 2019, the Legislature appropriated $1,180,298 in general fund and $835,373 in special revenue for the MVAD's services, not including for cemeteries, and the Legislature should evaluate whether this is sufficient to meet the need; and

WHEREAS, other models for delivering veteran benefit claims services, including community-based county offices, should be explored; and

WHEREAS, a legislative interim study would also help determine how to improve outreach and increase the number of veterans served.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to

section 5-5-217, MCA, to:

(1) gather information about the current organizational structure, funding, number of veterans served, and outreach efforts of the Montana Veterans' Affairs Division;

(2) evaluate other service delivery models, such as county-based models and the service structures used in other states;

(3) examine options for improving outreach and increasing the number of veterans served, including in Indian country;

(4) solicit input and recommendations from the Board of Veterans' Affairs, counties, veterans and their families, and all other stakeholders and interested persons about how to maintain and improve the services of the Montana Veterans' Affairs Division; and

(5) develop recommendations as appropriate based on the study's findings.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 23 **Interim Study Poll Rank:** ___

Short Title: Study on structure and funding of the Montana Veterans' Affairs Division (MVAD)

Staff Recommendation: Assign to State Administration and Veterans' Affairs Interim Committee (SAVA)

Preliminary Analysis

Issue(s) as listed in legislation:

The resolution asks the committee to:

- Gather information about the current structure and funding of the MVAD, including the number of veterans served and outreach efforts.
- Evaluate other service delivery models, such as county-based models and the veteran service structures in other states.
- Examine options for improving outreach and increasing the number of veterans served by MVAD, including in Indian country.
- Solicit input and recommendations from the Board of Veterans' Affairs, counties, veterans and their families, and all other interested stakeholders.

Preliminary study approach:

- Provide basic background information on current structure and funding of MVAD.
- Staff briefing paper and potential guest speakers on models and funding in other states.
- Testimony and panel discussions from stakeholders, including MVAD, the federal VA, counties, veterans, and others.
- Committee discussion and action on possible revisions to current law and funding.

Deliverables; end products:

- Staff background paper/presentation on MVAD and current service delivery model.
- Staff research and presentation on service delivery models in other states, particularly related to county models.
- Decision brief/issues and options work session matrix.
- Final report.
- Any committee legislation.

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

Role for Executive agency? **Yes, Board of Veterans' Affairs/MVAD**

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

Estimated LSD staff time: __1000__ **hours**

Other comments:

Interim FTE Equivalents
1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY OF MEAT INSPECTION LAWS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, Congress passed the Meat Inspection Act in 1906 to ensure and provide the public with a safe, wholesome meat supply; and

WHEREAS, the Meat Inspection Act, along with the subsequent Poultry Products Inspection Act and the Humane Methods of Slaughter Act, provide the regulatory basis for Montana's meat inspection program; and

WHEREAS, a study of the relationship between federal and state regulators and Montana meatpackers deserves examination to ensure an appropriate balance between public health and private enterprise.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the regulation of Montana meatpackers and, if possible, make recommendations for the state and federal regulatory systems.

BE IT FURTHER RESOLVED, that the study consider:

(1) relevant, applicable state and federal laws and rules;

(2) federal and state inspection practices;

(3) reports and analyses related to state and federal regulatory procedures;

(4) input from meatpackers, custom butchers, consumers, meat inspectors, public health officials, and others affected by meat inspection laws; and

(5) any other relevant information.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review

requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ29 **Interim Study Poll Rank: __**

Short Title: Study of meat inspection laws

Staff Recommendation: Assign to Economic Affairs Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

- Federal meat packing laws form the basis for inspections of Montana meatpackers
- Federal inspectors regulate meatpackers that sell products across state lines, state inspectors regulate those who don't sell outside of Montana, and custom butchers are exempt from certain inspection provisions
- A study of the relationship between federal, state, and exempt regulations is warranted to answer questions posed by some in the meatpacking industry

Preliminary study approach:

- Review relevant state and federal laws and rules
- Review state and federal inspection practices and processes
- Seek input from meatpackers, custom butchers, consumers, inspectors, public health officials, and others

Deliverables; end products:

- Report, including findings, recommendations, and draft legislation

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

Role for Executive agency? __input from Department of Livestock__

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

Estimated LSD staff time: 288 **hours**

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE TRANSFER OF THE BOARD OF CRIME CONTROL FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF CORRECTIONS.

WHEREAS, Senate Bill No. 95 (SB 95) during the 65th Legislature created a Bureau of Crime Control within the Office of the Director of the Department of Corrections; and

WHEREAS, SB 95 also amended section 2-15-2006, MCA, which has since been renumbered as 2-15-2306, MCA, to remove language that allocated the Board of Crime Control to the Department of Justice for administrative purposes only and replaced it with language that allocated the board to the Department of Corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review the basis for and the legislative history of the transfer of the Montana Board of Crime Control from the Department of Justice to the Department of Corrections.

BE IT FURTHER RESOLVED, that the study evaluate the board's performance before and after the transfer by reviewing:

(1) the allocation and utilization of grant funds before and after the transfer;

(2) program evaluations performed on board grantees;

(3) whether the board has applied for discretionary grant money between 2014 through 2019 and the outcomes of those applications;

(4) the number and type of vacant positions before and after the transfer, including whether the board has adequate staff to seek, distribute, and administer grant funds and deliver other required services;

(5) changes to the authority of board members;

(6) the executive branch agencies that serve as the state administering agency for similar grant programs

in other states to determine how Montana's organization compares;

(7) whether the board has fully allocated all grant dollars available to it; and

(8) any other aspects of the transfer relevant to a better understanding of the function of the board and the results of the transfer.

BE IT FURTHER RESOLVED, that the interim committee determine whether:

(1) the current organizational structure of the board meets the intent of SB 95;

(2) the board has experienced any loss of functions attributable to the transfer;

(3) there is any difference in the ability of the board regarding formula and discretionary grant allocation; and

(4) the current configuration of the board and its decisions are more or less likely to control crime.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 31 **Interim Study Poll Rank:** __

Short Title: Study Montana Board of Crime Control

Staff Recommendation: Assign to Law and Justice Interim Committee

Preliminary Analysis

Issues as listed in legislation: The resolution notes that Senate Bill No. 95 (SB 95) from the 2017 Legislature changed the Board of Crime Control (Board) from a board that was attached for administrative purposes only to the Department of Justice (DOJ) to a board that was attached to the Department of Corrections (DOC). The same bill changed the staffing of the Board from a staff hired and directed by the Board to staff provided by a bureau of the DOC.

The resolution requests an interim committee or legislative staff review the basis for and the legislative history of the transfer of the Board from the DOJ to the DOC.

In addition, the resolution requests an evaluation of the Board's performance before and after the transfer that would include a review of:

- the allocation and utilization of grant funds before and after the transfer;
- program evaluations performed on board grantees;
- whether the board has applied for discretionary grant money between 2014 through 2019 and the outcomes of those applications;
- the number and type of vacant positions before and after the transfer, including whether the board has adequate staff to seek, distribute, and administer grant funds and deliver other required services;
- changes to the authority of board members;
- the executive branch agencies that serve as the state administering agency for similar grant programs in other states to determine how Montana's organization compares;
- whether the board has fully allocated all grant dollars available to it; and
- any other aspects of the transfer relevant to a better understanding of the function of the board and the results of the transfer.

The resolution requests the interim committee determine whether:

- the current organizational structure of the board meets the intent of SB 95;
- the board has experienced any loss of functions attributable to the transfer;
- there is any difference in the ability of the board regarding formula and discretionary grant allocation; and

- the current configuration of the board and whether its decisions are more or less likely to control crime than decisions made before the 2017 transition.

Preliminary study approach:
The committee and staff should:

- review and understand the history and functions of the Board, including the federal legislation encouraging states to designate a statewide criminal justice planning agency;
- review the legislative history of and differences between bills or bill drafts considered in the 2017 Legislature that provided for a transfer of the Board including SB 95, House Bill No. 650, and LC 910;
- gather and analyze data relating to grants, including applications for funding and allocations and uses of grant funds;
- gather and review data on the number and function of Board staff;
- analyze the Board's structure and authority before and after the transfer; and
- research the structure of other states' crime grant administering agencies.

By the end of the study, the committee should have gathered enough information and testimony to make determinations about the sufficiency of the Board's organizational structure and if the transfer resulted in any loss of Board functions, ability to direct grants, or prevent crime.

Deliverables; end products:
Study outline

Possible staff papers on:

- the current structure and functions of the Board;
- the legislative history of the 2017 bills relating to the Board's transfer; and
- the structure and administrative attachment of other states' designated planning agencies.

Panel discussions or stakeholder presentations on:

- Board's decision-making processes prior to and after the transfer;
- how grant funds are sought and allocated, including performance evaluations for grantees;
- changes in staffing levels, Board member roles, and Board authority;
- stakeholders' views of the Board's performance and work; and
- other information requested by the interim committee.

Legislation, if desired

Written summary of study OR interim final report, depending on scope of study

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

The analysis of staffing levels and utilization of grant funding could offer an opportunity for collaboration between staff from the Legislative Services Division and the Legislative Fiscal Division.

The study also seems like it could fit well in the Audit Division as a performance audit.

Role for Executive agency? __X___
DOC staff, particularly the bureau chief from the Crime Control Bureau, will need to be involved to the extent that the committee will need to request information from and direct questions to the bureau staff. Board members would also need to be available for questions, presentations, and comments.

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

Estimated LSD staff time: ___**750 hours**___

Other comments:

Interim FTE Equivalents
1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

HOUSE JOINT RESOLUTION NO. 32

INTRODUCED BY J. WINDY BOY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS TO PREVENT PRENATAL DRUG USE AND MITIGATE THE EFFECTS OF NEONATAL ABSTINENCE SYNDROME; AND REQUIRING THAT FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, babies who are exposed to certain drugs in the womb, including opioids, may suffer the effects of withdrawal in a condition known as neonatal abstinence syndrome; and

WHEREAS, these infants often are also at risk for low birth weights or other complications at birth; and

WHEREAS, a recent National Institute on Drug Abuse analysis concluded that the incidence of neonatal substance abuse increased five-fold from 2004 to 2014; and

WHEREAS, the same analysis showed that $563 million was spent in 2014 to treat 32,000 babies born with neonatal abstinence syndrome, with more than 80% of those costs paid through state Medicaid programs; and

WHEREAS, the 2017 Montana State Health Assessment by the Department of Public Health and Human Services reported that the rate of neonatal abstinence syndrome births in Montana increased from 1.7 per 1,000 live births in 2006 to 8.6 per 1,000 live births in 2015; and

WHEREAS, drug use during pregnancy may result in the need not only for specialized health care services but also in an increased need for social services, including foster care services for drug-exposed children.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to study best practices for reducing opioid and other drug use by pregnant women and the occurrence of neonatal abstinence syndrome in newborns.

BE IT FURTHER RESOLVED, that the study examine:

(1) the prevalence of neonatal abstinence syndrome in Montana;

(2) whether certain areas of the state or certain populations experience a greater-than-average prevalence of neonatal abstinence syndrome;

(3) the short-term and long-term effects that prenatal exposure to opioids and other drugs has on children and on a family's need for both health care and social services;

(4) efforts being undertaken in Montana communities and in other states to decrease opioid use by pregnant women and to mitigate the effects of opioid withdrawal in infants; and

(5) best practices for approaching the health problems caused by the use of opioids or illicit drugs during pregnancy and neonatal abstinence syndrome.

BE IT FURTHER RESOLVED, that the study determine whether practices in use in Montana communities or in other states could be effectively replicated to reduce the prevalence and effects of the use of opioids or illicit drugs by pregnant women throughout Montana.

BE IT FURTHER RESOLVED, that the study include representatives of the department of public health and human services, local county health departments, hospitals, health care providers, substance use disorder treatment providers, and other parties interested in preventing prenatal drug use and in mitigating the effects of neonatal abstinence syndrome.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJR 32 **Interim Study Poll Rank:** __

Short Title: Study best practices for reducing opioid/drug use by pregnant women

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

Preliminary Analysis

Issue(s) as listed in legislation:

The study resolution asks that the committee study best practices for reducing opioid and other drug use by pregnant women and reducing the occurrence of neonatal abstinence syndrome in newborns. The resolution specifically asks that the study review:

- the prevalence of neonatal abstinence syndrome in Montana;
- whether certain areas of the state or certain populations experience a greater-than-average prevalence of neonatal abstinence syndrome;
- the short-term and long-term effects of prenatal exposure to opioids and other drugs on children and on a family's need for health care and social services;
- efforts being undertaken in Montana and in other states to decrease opioid use by pregnant women and to mitigate the effects of opioid withdrawal in infants; and
- best practices for approaching the health problems caused by the use of opioids or illicit drugs during pregnancy and by neonatal abstinence syndrome.

Preliminary study approach:

- Research the prevalence of neonatal abstinence syndrome and the demographics of women who are using opioids or illicit drugs during pregnancy
- Research short- and long-term effects of prenatal exposure to opioids and other drugs
- Research approaches being used in Montana and elsewhere to reduce prenatal drug use and neonatal abstinence syndrome and to mitigate the effects of prenatal drug use on infants

- Meet with stakeholders to learn about extent of the problem and efforts being undertaken to address it. Stakeholders include the Department of Public Health and Human Services, the Montana Healthcare Foundation, the Montana Medical Association, tribal representatives, health care providers, and public health officials.

Deliverables; end products:

- Briefing papers and panel presentations related to:
  - neonatal abstinence syndrome, generally and in Montana
  - approaches used in Montana communities and other states for reducing prenatal drug use and mitigating neonatal abstinence syndrome and its effects

- Legislation, if requested by the committee

- Final report on committee activities

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

Role for Executive agency? Yes

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

Estimated LSD staff time: 220-260 **hours**

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18 days
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS TO IMPROVE PASSENGER TRANSPORTATION SERVICE IN MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, passenger rail, air, and bus services provide mobility for senior citizens, persons with disabilities, students, tourists, and business people; and

WHEREAS, some communities in Montana are poorly served by public transportation, and options for passenger transportation services in Montana continue to decline; and

WHEREAS, if state services are unavailable, many Montanans need local, tribal, or county transportation services for help getting to appointments for medical or other physical needs; and

WHEREAS, Amtrak's North Coast Hiawatha ceased operation through southern Montana in 1979, and transportation to and from the major population centers of southern Montana would be greatly enhanced by passenger rail service; and

WHEREAS, additional passenger transportation services will increase passenger transportation-related employment because of the need for upgraded infrastructure and operating personnel; and

WHEREAS, tourism is Montana's second-largest industry and would be enhanced by improved passenger transportation services; and

WHEREAS, the Empire Builder is one of the most popular long-distance passenger trains in the United States, and it is greatly needed for the citizens of Montana's Hi-Line who have limited public transportation options but is challenged by lack of rail capacity causing frequent delays; and

WHEREAS, there is currently no board or commission within the state of Montana that is charged with the sole responsibility of overseeing and advocating for passenger transportation services, including passenger rail, passenger air, and passenger bus services; and

WHEREAS, autonomous vehicles may provide one option for transportation needs in Montana in the future, and more study is needed to determine whether laws need changing to accommodate autonomous

vehicles and whether policies are necessary to address safety, licensing, and other issues of public concern.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to investigate ways to improve passenger transportation services in Montana, including but not limited to the establishment of a passenger transportation commission and a review of laws that may need changing to allow use of autonomous vehicles and provide for public safety.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJR 34 **Interim Study Poll Rank:** #

Short Title: Interim study on passenger transportation

Staff Recommendation: Assign to the Transportation Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

- Passenger rail, air, and bus services provide necessary services for many Montanan's; however, many communities are poorly served by public transportation and options for passenger transportation services continue to decline.
- Local, tribal, and county transportation are often relied on to provide services for help getting to appointments for medical or other physical needs, and often those governmental entities struggle to provide adequate service due to logistical and financial restraints.
- Options for passenger rail service in Montana has steadily declined with few rail services connecting the major population centers of the state.
- Increased passenger rail, air, and bus services would enhance and encourage tourism.
- The state currently lacks a board or commission whose sole responsibility is to oversee and advocate for passenger transportation services.
- Looking toward the future, the possibility of autonomous vehicles creates another area of study that could require the creation and revision of laws and policies that address safety, licensing, and other issues of public concern.

Preliminary study approach:

- Research current available passenger transportation options, focusing on areas of the state that are underserved.
- Review passenger transportation opportunities and laws in some other rural states.
- Investigate the potential and effectiveness of a passenger transportation commission.
- Analyze current laws and policies that would require revision to accommodate autonomous vehicles and determine areas of current law and policy that is lacking.

Deliverables; end products:

- Briefing papers related to:
  - Passenger transportation options in other rural states
  - Options for structure/costs related to transportation commission

- Panel presentations on:
    - Existing passenger rail with opportunities/options/concerns
    - Existing passenger bus with opportunities/options/concerns

- Legislation, if requested by the committee

- Final report on committee activities

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

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

- MDT and possibly DLI and DOR?

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

Estimated LSD staff time: __250_____ **hours**

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

HOUSE JOINT RESOLUTION NO. 35

INTRODUCED BY A. REDFIELD

BY REQUEST OF THE HOUSE TAXATION STANDING COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A REVENUE AND TRANSPORTATION INTERIM COMMITTEE STUDY OF MONTANA'S STATE AND LOCAL TAX SYSTEMS USING A SUBCOMMITTEE THAT INCLUDES NONLEGISLATIVE MEMBERS.

WHEREAS, a comprehensive study of the state and local tax system has not been undertaken in many years; and

WHEREAS, the Montana economy is changing, and commerce is increasingly taking place on the Internet; and

WHEREAS, the state's increasing population and changing demographics impact the state tax system; and

WHEREAS, the 66th Legislature considered multiple pieces of legislation to revise state and local taxes; and

WHEREAS, a study of the state's tax policies should include legislators and nonlegislators that represent a broad array of stakeholders and provide opportunity for public involvement.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate that the revenue and transportation interim committee, established in section 5-5-227, MCA, study Montana's state and local tax systems and make recommendations about whether to revise the state's current tax structure to:

(1) establish a tax structure that works with the current economy;

(2) stabilize state revenue and reduce volatility;

(3) promote the long-term economic prosperity of the state and its citizens;

(4) reflect principles of sound tax policy, including simplicity, competitiveness, efficiency, predictability, stability, and ease of compliance and administration;

(5) ensure the tax structure is fair and equitable; and

(6) allow Montana to compete with other states and nations for jobs and investments.

BE IT FURTHER RESOLVED, that the committee be directed to appoint a subcommittee, pursuant to section 5-5-211(7), MCA, to undertake the study for the purpose of including nonlegislative members in the study process. Members of the subcommittee ~~must~~ MAY include BUT ARE NOT LIMITED TO:

(1) a representative of city government;

(2) a representative of county government;

(3) a representative of a school district;

(4) a tax policy expert;

(5) an infrastructure expert;

(6) a representative of business or industry;

(7) an economist or other academic with tax policy expertise; and

(8) a representative of the department of revenue as a nonvoting member.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 35 **Interim Study Poll Rank:** __

Short Title: Interim study of state and local tax policy

Staff Recommendation: Assign to Revenue Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation: This is intended to be a comprehensive study of the state's state and local tax systems. The Legislature has not conducted such a study in many years and the economy, population, and demographics of the state are changing. The study will focus on whether to revise the state's current tax structure to reflect the current economy, stabilize state revenue, promote long-term economic prosperity, reflect principles of sound tax policy, ensure a fair and equitable tax structure, and allow Montana to compete for jobs and investments.

Preliminary study approach: The study resolution requests appointment of a subcommittee to undertake the study for the purposes of including non-legislators and the resolution includes a list of the types of subcommittee members that may be appointed. The expectation is that the entire committee will be appointed to the subcommittee along with the non-legislative subcommittee members.

The subcommittee will need to start by focusing its efforts and determining over the first few meetings the problems to be solved (volatility, sufficiency, incidence, equitability, etc.). After the committee identifies areas of concern, the approach will be to consider alternatives. The committee may wish to look to other states' policies, request additional stakeholder involvement through panel discussions, and request modeling of any policy changes being considered.

Deliverables; end products: One-page overviews of current tax types, summary of committee findings related to the current tax system, briefing papers as requested, summary of options considered (including estimation of revenue impacts), possible draft legislation, and a final report.

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

LFD will be involved in estimation and analysis of revenue as the committee considers the current tax system. Some of this work was done last interim and the committee may request updates or additional analysis. LFD will also be involved in estimating revenue if the committee considers revisions to the current tax system.

Role for Executive agency? Yes
The study resolution suggests that a representative of the Department of Revenue be appointed to the subcommittee as a nonvoting member. DOR will also likely be involved in providing input on how the current tax system works and how changes to it could impact taxpayers and the state.

Additional costs, over meetings? X Yes ____ No
The use of a subcommittee may incur some additional materials and mailing costs. The law allows subcommittee members who are not state employees to claim salary and expenses, but the expectation is that most will not because they will be participating in a professional capacity and will be paid by their employers.

Estimated LSD staff time: 2000 hours

Other comments:

Interim FTE Equivalents
1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF APPROPRIATE COMPENSATION FOR WRONGFULLY CONVICTED INDIVIDUALS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORT TO THE 67TH LEGISLATURE.

WHEREAS, wrongfully convicted persons have been unjustly deprived of their lives and liberty by the state; and

WHEREAS, wrongfully convicted persons often spend decades in prison for crimes they did not commit, sacrificing time with their families and communities; and

WHEREAS, wrongfully convicted persons suffer financially, including losing income, assets, and opportunities to build careers and establish savings; and

WHEREAS, wrongfully convicted people who are exonerated face unique challenges when reentering society; and

WHEREAS, upon release, exonerees need immediate services, including housing, health care, and transportation; and

WHEREAS, state compensation laws that provide a fixed monetary award for each year of wrongful conviction can assist exonerees in rebuilding their lives; and

WHEREAS, 33 states, the federal government, and the District of Columbia have enacted statutes to compensate exonerees; and

WHEREAS, 16 states, the federal government, and the District of Columbia provide exonerees with $50,000 or more for each year of wrongful incarceration; and

WHEREAS, Montana enacted section 53-1-214, MCA, in 2003 to provide educational aid at the state's expense to wrongfully convicted persons exonerated with postconviction DNA testing but the law has not been funded; and

WHEREAS, Montana has the only wrongful conviction compensation statute in the country that does not provide for monetary compensation to exonerees.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to:

(1) gather information from experts in the field, stakeholders, and interested persons concerning the appropriate compensation of wrongfully convicted persons;

(2) develop and analyze policy options concerning the appropriate compensation of wrongfully convicted persons;

(3) study compensation plans that rely on funding sources from the bonds of public employees who were directly involved with the wrongful convictions, as well as the county and state agencies that prosecuted the original cases rather than funding from taxes; and

(4) make recommendations about laws that should be enacted in Montana concerning the appropriate compensation of wrongfully convicted persons.

BE IT FURTHER RESOLVED, that the committee's recommendations include:

(1) the amount of fixed monetary compensation that should be provided for each year of wrongful conviction;

(2) eligibility requirements for compensation;

(3) the entity that should adjudicate claims for compensation;

(4) the process for filing and adjudicating claims, including time limits for filing claims;

(5) the entity that should administer the state compensation fund;

(6) interaction between state compensation awards and civil awards stemming from the wrongful conviction;

(7) the source of state funding for claims (e.g. state insurance fund, general revenue fund, etc.);

(8) any additional monetary compensation that should be provided for years spent on death row or on postrelease supervision; and

(9) social services that should be provided to exonerees, such as health care, counseling, and reentry and housing assistance.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 36 **Interim Study Poll Rank:** __

Short Title: Study compensation for wrongly convicted

Staff Recommendation: Assign to Law and Justice Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:
The resolution asks an interim committee to:

- gather information from experts in the field, stakeholders, and interested persons concerning the appropriate compensation of wrongfully convicted persons;
- develop and analyze policy options concerning the appropriate compensation of wrongfully convicted persons;
- study compensation plans that rely on funding sources from the bonds of public employees who were directly involved in the wrongful convictions, as well as the county and state agencies that prosecuted the original cases rather than funding from taxes; and
- make recommendations about laws that should be enacted in Montana concerning the appropriate compensation of wrongfully convicted persons.

The resolutions requests that any recommendations made by the committee include recommendations on the type of compensation, eligibility requirements, application and adjudication processes, the entity to administer the compensation, any additional services or compensation, and the sources of funding for the claims.

Preliminary study approach:

- research existing Montana statute
- determine number of Montana individuals who were subject to a wrongful conviction
- research other states' programs
- gather input from stakeholders
- discuss and determine the structure and funding sources of possible compensation program

Deliverables; end products:
Study outline

Possible staff papers on:

- the legislative history of section 53-1-214, MCA, which provides educational aid at the state's expense to wrongfully convicted persons exonerated with postconviction DNA testing. The law has never been funded; and
- compensation provisions in other states and the District of Columbia, as well as federal law.

Panel discussions or stakeholder presentations on:

- types of bonds carried by public employees or officers responsible for investigating and prosecuting criminal offenses;
- post-exoneration experiences of individuals who were wrongfully convicted in Montana;
- ideas for compensation programs, including models to emulate or avoid;
- compensation types, amounts, and structure; and
- input on any proposed legislation.

Legislation, if desired

Written summary of study

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

Role for Executive agency? __None anticipated___

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

Estimated LSD staff time: ___400_____ **hours**

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF BONDING AND RECLAMATION REQUIREMENTS FOR ENERGY GENERATION FACILITIES.

WHEREAS, bonding requirements for energy generation facilities are important for addressing risks to ground water, surface water, land contamination, and on-site reclamation; and

WHEREAS, it is important to facilitate responsible development of energy resources in Montana while sustaining the health, diversity, and productivity of the property where development occurs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to:

(1) examine existing state laws related to bonding, decommissioning, and reclamation for energy generation facilities in Montana;

(2) solicit and consider comments, concerns, and suggestions from all interested stakeholder groups;

(3) identify and analyze relevant policy and logistical issues and options; and

(4) if appropriate, develop a committee bill to expand, update, or revise related state laws based on the committee's study findings and recommendations.

BE IT FURTHER RESOLVED, that all aspects of the study be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 38 **Interim Study Poll Rank:** ____

Short Title: Study Bonding, Decommissioning and Remediation for Energy Facilities

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

Preliminary Analysis

Issue(s) as listed in legislation:

The study resolution asks the committee to:

- examine existing state laws related to bonding, decommissioning, and reclamation for energy generation facilities in Montana
- solicit and consider comments, concerns, and suggestions from all interested stakeholder groups
- identify and analyze relevant policy and logistical issues and options
- if appropriate, develop a committee bill to expand, update, or revise related state laws based on the committee's study findings and recommendations

Preliminary study approach:

- Gather, analyze, and assess Montana statute and administrative rules related bonding, decommissioning, and reclamation for energy generation facilities in Montana
- Conduct panel discussions to gain stakeholder opinion surrounding bonding and decommissioning practice
- Review risks to ground water, surface water, land contamination, and on-site reclamation
- Review other states' bonding and decommissioning practices

Deliverables; end products:

- White papers related to:
  - Existing statute and administrative rules
  - Other states' bonding and decommissioning practice
  - Review risks to ground water, surface water, land contamination, on-site reclamation

- Panel presentations on:
  - The role and function of bonding and decommissioning
  - Other states' bonding and decommissioning approaches

- Legislation, if requested by the committee
- Final report on committee activities

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

Role for Executive agency? __Yes__

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

Estimated LSD staff time: __250-300__ **hours**

Other comments:

Interim FTE Equivalents
1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

HOUSE JOINT RESOLUTION NO. 39

INTRODUCED BY T. BURNETT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE AUDIT COMMITTEE PRIORITIZE A PERFORMANCE AUDIT OF ADMINISTRATIVE OPERATIONS AND COSTS OF THE TEACHERS' RETIREMENT SYSTEM AND THE MONTANA PUBLIC EMPLOYEES' RETIREMENT ADMINISTRATION FOR POTENTIAL SAVINGS IF ADMINISTRATION WAS COMBINED AND THAT THE LEGISLATIVE AUDITOR PRESENT THE FINDINGS TO THE 67TH LEGISLATURE.

WHEREAS, administration of the Teachers' Retirement System and the systems administered by the Montana Public Employees' Retirement Administration involves similar activities, such as contracting for actuarial services, maintaining information technology systems and infrastructure, receiving contributions, tracking membership and service credits, and paying benefits; and

WHEREAS, both administrative entities have similar operational and personal services needs for accounting and payroll for staff; and

WHEREAS, administrative expenses as reported in the January 2019 financial compliance audit report of the Legislative Audit Division were about $6.5 million for the Montana Public Employees' Retirement Administration and about $2.8 million for the Teachers' Retirement System; and

WHEREAS, a deeper examination of these administrative activities and expenses would provide insight into whether there is unnecessary duplication and whether consolidating the administration of the Teachers' Retirement System and the Montana Public Employees' Retirement Administration would produce efficiencies and cost savings and, if so, how much.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Audit Committee be requested to prioritize a performance audit addressing the methods and costs of administering Montana's public employee retirement systems and that the audit include but is not limited to:

(1) examination of the administrative structures and expenses of the Montana Public Employees'

Retirement Administration and the Teachers' Retirement System;

(2) evaluation of whether combining the two administrative entities into one would save money or result in other operational efficiencies; and

(3) development of recommendations based on the findings.

BE IT FURTHER RESOLVED, that the final results of the performance audit, including any findings, conclusions, comments, or recommendations be reported to the Legislative Audit Committee and the 67th Legislature.

- END -

Study: HJ39__ **Interim Study Poll Rank: _NA_**

Short Title: ____Requesting Legislative Performance Audit on combining admin of TRS and MPERA_____

Staff Recommendation: **_Assign to: _Legislative Audit Committee**

Preliminary Analysis

Issue(s) as listed in legislation:

The performance audit request asks that the committee prioritize a performance audit addressing the methods and costs of administering Montana's public employee retirement systems and that the audit include but is not limited to:

(1) examination of the administrative structures and expenses of the Montana Public Employees Retirement Administration and the Teachers' Retirement System;
(2) evaluation of whether combining the two administrative entities into one would save money or result in other operational efficiencies; and
(3) development of recommendations based on the findings.

BE IT FURTHER RESOLVED, that the final results of the performance audit, including any findings, conclusions, comments, or recommendations be reported to the Legislative Audit Committee and the 67th Legislature.

Preliminary study approach:

In Montana, there are two main state government administrative bodies which are responsible for the oversight of retirement benefits for public employees. The Montana Public Employee Retirement Administration (MPERA) administers eight different retirement systems, including those for public employees, judges, game wardens, firefighters, and various law enforcement. Presently, MPERA has over 32,000 active members and almost 21,000 retirees. Assets for MPERA totaled over $6 billion for FY18. There is also the Montana Teachers' Retirement System (TRS) which serves active and retired teachers, administering their pension plan. TRS currently has a membership of nearly 20,000 members and manages approximately $4 billion in assets. Collectively, these two administrative bodies are responsible for about 90 percent of state employee pensions. Both MPERA and TRS maintain separate administrative structures and offices, including separate staff and oversight boards. Currently, TRS has 21 FTE to manage its activities, while MPERA has 47 FTE. In an environment where there are public concerns over the sustainability of public pensions, there have been legislative questions raised regarding if it makes sense for there to be two administrative bodies to manage retirement assets for

public employees in the state. Similar administrative duties performed by both MPERA and TRS include functions related to legal guidance, benefit disbursement, communication outreach, and information technology (IT). For example, both MPERA and TRS recently made significant upgrades to their individual IT systems used to manage employee pensions, totaling approximately $16 million between the two organizations. A potential performance audit could examine if there are opportunities for the consolidation of these two administrative bodies which manage pension assets, including identifying areas of potential overlap and duplication, such as IT systems, and benefit calculation and distribution.

Deliverables; end products:

A final performance audit report will be issued at the conclusion of audit work.

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

Role for Executive agency? ____**Yes**_

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

Estimated LSD staff time: **NA** **hours**

Audit planning will direct the audit scope and objectives, with audit budget/staff time to be determined at that time.

Other comments:

Interim FTE Equivalents
1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

HOUSE JOINT RESOLUTION NO. 40

INTRODUCED BY R. SHAW

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY OF WEATHER MODIFICATION LAWS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, weather modification is an environmentally friendly way to generate more precipitation from clouds in the form of rain or snow; and

WHEREAS, weather modification is also known as "cloud seeding" and can improve a cloud's efficiency; and

WHEREAS, weather modification techniques are known to enhance precipitation, suppress damaging hail, and mitigate fog; and

WHEREAS, the technology was developed in the 1940s, and Montana's regulations on the subject date to that time; and

WHEREAS, weather modification has proven to increase snowpack and rainfall under proper administration; and

WHEREAS, Montana's regulatory framework for weather modification needs to be reexamined to allow for increased use of the technique; and

WHEREAS, the Montana Legislature recognizes the importance of robust water supplies and the threat of drought through the efforts of the Water Policy Interim Committee, which may be best suited to conduct this legislative study.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review current state laws related to weather modification and to propose changes in order to encourage use of this scientific technique.

BE IT FURTHER RESOLVED, that the study consider:

(1) reports and analyses from university, government, and private industry researchers and engineers;

(2) regulatory practices in other states and Canadian provinces;

(3) input from agricultural producers, airport authorities, conservationists, conservation districts, irrigators, practitioners, private industry, researchers, ski resorts, state and local governments, water users, and other potentially affected parties.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ40 **Interim Study Poll Rank: __**

Short Title: Study of weather modification

Staff Recommendation: Assign to Water Policy Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

- Weather modification techniques began in the 1940s, which may enhance precipitation, suppress damaging hail, and mitigate fog
- Weather modification is also known as "cloud seeding," which may improve a cloud's efficiency to increase rainfall or snowfall
- Montana's regulatory framework for weather modification activities was adopted in the 1940s and revised in the 1990s
- Montana's regulatory framework may provide barriers to an increased use of weather modification activities

Preliminary study approach:

- Discuss reports and analyses about weather modification techniques from university, government, and private industry researchers
- Compare regulatory schemes for weather modification activities in other arid Western states and provinces
- Potential field trip to weather modification site(s) in Idaho or Wyoming

Deliverables; end products:

- Report, including findings, recommendations, and draft legislation

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

Role for Executive agency? __input from DNRC__

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

Estimated LSD staff time: __288-720__ **hours**

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ALTERNATIVE METHODS TO CONDUCT POSTCONVICTION RELIEF HEARINGS AND ANALYZE WHETHER TYPES OF EVIDENCE ARE EQUALLY CONSIDERED WHEN DETERMINING POSTCONVICTION RELIEF; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, the criminal justice system has an obligation to the citizens of Montana to utilize the most effective system when conducting postconviction relief hearings and to ensure that all types of evidence are gathered, investigated, and allowed fair consideration in order to secure not only the public's safety but also the due process of those convicted; and

WHEREAS, the judicial system currently lacks oversight of postconviction hearings, and a study of the methods and models available to evaluate the possible exoneration of those convicted of crime could create a stronger, more robust system that allows for the smallest margin of error when reviewing the cases of those persons already convicted by a jury; and

WHEREAS, many other states have instituted task forces or commissions to investigate in a neutral and impartial manner the circumstances of a postconviction case, the admission of new evidence, the strength of evidence submitted during the original trial, and the main reasons the person was originally convicted; and

WHEREAS, jury convictions are often overturned solely on new DNA evidence when more consideration could be given to the possibility that the collection, application, and attribution of DNA evidence may be inherently flawed; and

WHEREAS, DNA evidence may be considered circumstantial evidence and should not have a lesser standard to prove a reasonable probability of a different outcome in postconviction relief requests than other forms of evidence; and

WHEREAS, the judges who preside over postconviction hearings should allow all forms of evidence available to the court that may create a reasonable probability of a different outcome at trial, including all pertinent witness testimony as well as DNA evidence; and

WHEREAS, the equal use and application of various forms of evidence allowed in postconviction hearings benefit from review and evaluation to ensure justice for both the convicted and the victims of crime and their families; and

WHEREAS, the state would benefit from further research to evaluate the real or perceived bias that may exist between different forms of evidence to ensure that rightful persons are released from prison and back into the public.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to study alternative methods to conduct postconviction relief hearings and analyze whether types of evidence are equally considered when determining postconviction relief.

BE IT FURTHER RESOLVED, that the study:

(1) examine alternative methods of conducting postconviction relief hearings, focusing on methods and systems used in other states;

(2) consider the benefits of creating a task force or commission to examine and analyze original evidence and information as well as potential new evidence available at the time of a postconviction hearing;

(3) identify current practices related to evidence collection, consideration, and acceptance into criminal courts of jurisdiction;

(4) review national best practices related to the consideration of DNA evidence in postconviction relief hearings; and

(5) if appropriate, develop a committee bill to address any inefficiencies identified in the committee's findings and recommendations.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 43 **Interim Study Poll Rank:** __

Short Title: Study of post-conviction procedures and DNA evidence

Staff Recommendation: Assign to Law and Justice Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation: The resolution requests that an interim committee study alternative methods of conducting postconviction relief hearings and analyze whether different types of evidence are equally considered when determining postconviction relief. Specifically, the resolution asks that the committee:

- examine alternative methods of conducting postconviction relief hearings, focusing on methods and systems used in other states;
- consider the benefits of creating a task force or commission to examine and analyze original evidence and information as well as potential new evidence available at the time of a postconviction hearing;
- identify current practices related to evidence collection, consideration, and acceptance into criminal courts of jurisdiction; and
- review national best practices related to the consideration of DNA evidence in postconviction relief hearings.

Preliminary study approach:

- research existing laws governing post-conviction appeals, particularly those involving newly discovered or tested DNA evidence
- research existing statutes and case law governing evidence in criminal cases from collection to admissibility in court
- research other states' practices and any best practices for appeals
- research existence and structure of other bodies used to conduct post-conviction appeals
- gather input from stakeholders including attorneys, law enforcement, judges, families of victims, offenders, and other advocates

Deliverables; end products:
Study outline

Possible staff papers on:

- Montana processes and legal standards used in criminal cases after convictions;
- other states' methods for considering post-conviction appeals;

- Montana DNA collection and retention statues and practices, as well as the process for accepting DNA as evidence at trial;
- a review of national best practices related to use of DNA evidence; and
- any alternative methods that can be identified for handling post-conviction reviews.

Panel discussions or stakeholder presentations on:

- Montana processes and legal standards used in criminal cases after convictions;
- identifying possible gaps in the current processes or procedures that work well;
- recommendations for change; and
- other state models that the committee might wish to consider.

Legislation, if desired

Interim final report

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

Role for Executive agency? __DOJ and possibly OPD___

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

Estimated LSD staff time: ___**750-1000**_____ **hours**

Other comments: The need for research into evidence standards and case law will require significant attorney time.

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROVIDING FOR AN INTERIM STUDY OF BICYCLE AND PEDESTRIAN PATHS.

WHEREAS, residents and tourists are attracted to lifelong activities including bicycling and walking; and

WHEREAS, a 2015 survey of Montana residents indicates that 46% of respondents bicycled in the previous year, 48% of bicycling was on paved paths, and only 13% of respondents felt "somewhat safe" or "very safe" when bicycling; and

WHEREAS, bicyclists are utilizing a legal, valid, and recognized mode of transportation and have defined responsibilities and considerations, including a higher need for protection and accommodating infrastructure; and

WHEREAS, bicycle and pedestrian paths are often situated in the rights of way of county and municipal roadways maintained by the Montana Department of Transportation, and funding for maintenance of the paths lacks coordination and alignment; and

WHEREAS, the State of Montana has instituted fee-for-use systems, including activities on Department of Natural Resources and Conservation lands, Fish, Wildlife, and Parks sites, state highways, and snowmobile trails for maintenance and construction of trails.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to study bicycle and pedestrian paths, including:

(1) the purposes for which bicycle and pedestrian paths are used, including but not limited to transportation, recreation, and tourism;

(2) safety implications related to bicycle and pedestrian paths;

(3) economic impacts of bicycle and pedestrian paths;

(4) current levels of funding for bicycle and pedestrian paths provided by the state and local governments;

(5) consideration of funding options; and

(6) how other states and adjacent provinces establish, fund, and manage bicycle and pedestrian paths.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJR 45 **Interim Study Poll Rank:** #

Short Title: Interim study on bicycle and pedestrian paths
Staff Recommendation: Assign to the Transportation Interim Committee or Local Government Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

- A 2015 survey of Montana residents indicated that only 13% of bicyclists felt "somewhat safe" or "very safe" when bicycling.
- A bicycle is a legal, valid, and recognized mode of transportation with its own responsibilities and considerations, including a higher need for protection and accommodating infrastructure.
- The funding and maintenance of bicycle and pedestrian paths lacks coordination and alignment between local governments and the Montana Department of Transportation.
- Other public systems, such as state highways and hiking and snowmobile trails, and activities on Department of Natural Resources and Conservation lands and Fish, Wildlife, and Parks sites have instituted fee-for-use systems to fund construction and maintenance needs.

Preliminary study approach:

- Research the purposes for which bicycle and pedestrian paths are used
- Research safety implications related to bicycle and pedestrian paths
- Analyze the economic impacts of bicycle and pedestrian paths
- Compare how other states and adjacent provinces establish, fund, and manage bicycle and pedestrian paths
- Review funding options

Deliverables; end products:

- Briefing papers related to:
  - Current safety challenges bicyclists and pedestrians face
  - Current funding and alternative funding options in other states and provinces
- Legislation, if requested by the committee
- White paper with information concerning existing options and funding scenarios

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

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

- MDT

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

Estimated LSD staff time: __350__

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS IN WHICH FAMILIES IN THE CHILD PROTECTIVE SERVICES SYSTEM CAN BE SUPPORTED; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, the number of children in foster care in Montana has increased from about 2,500 in February 2015 to more than 4,000 in August 2018; and

WHEREAS, it is the policy of the state of Montana, as stated in section 41-3-101, MCA, to "preserve the unity and welfare of the family whenever possible" and to ensure that a child is not removed from a family unless the state has reasonable cause to suspect the child is at imminent risk of harm; and

WHEREAS, Congress passed the Families First Prevention Services Act in 2018 with a stated purpose of allowing states to use federal funds to "prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services".

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to study ways to support families and reduce the number of children removed from their homes pursuant to Title 41, chapter 3.

BE IT FURTHER RESOLVED, that the study examine:

(1) the rights of parents and the rights of children and any infringements on those rights that may occur under current law and the current practices of the Department of Public Health and Human Services;

(2) the rights of parents to parent their children;

(3) barriers to reunifying children with their parents after the children have been removed from their homes, including but not limited to barriers related to mental health and substance abuse problems;

(4) resources that are or could be made available to strengthen families, improve the rate of family reunification, or speed up the reunification process;

(5) steps that could be taken to mitigate the power differential between child protective services workers and their clients;

(6) whether Department of Public Health and Human Services practices or models related to child removal and family reunification must be changed to:

(a) reduce child removals and increase family reunifications;

(b) mitigate the power differential between child protective services workers and their clients; and

(c) support activities that will be supported under the Families First Prevention Services Act; and

(7) steps the department is taking or needs to take to prepare to obtain funding under the Families First Prevention Services Act.

BE IT FURTHER RESOLVED, that the study include work on a parent bill of rights.

BE IT FURTHER RESOLVED, that the study involve representatives of the Department of Public Health and Human Services, the federal Administration for Children and Families, the Office of the Child and Family Ombudsman, the Office of the State Public Defender, court-appointed special advocates, organizations that advocate on behalf of families and children, families involved in the child protective services system, and other interested parties.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJR 48 **Interim Study Poll Rank:** __

Short Title: Study ways of supporting families in the child protective services system

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

Preliminary Analysis

Issue(s) as listed in legislation:

The study resolution asks that the committee study ways to support families and reduce the number of children removed from their homes because of child abuse and neglect investigations. The resolution specifically asks that the committee review:

- the rights of parents and children, including the rights of parents to parent their children, and any infringements on those rights that may occur under current law and the current practices of the Department of Public Health and Human Services (DPHHS);
- barriers to reunifying children with their parents after the children have been removed from their homes, including but not limited to barriers related to mental health and substance abuse problems;
- resources that are or could be made available to strengthen families, improve the rate of family reunification, or speed up the reunification process;
- steps that could be taken to mitigate the power differential between child protective services workers and their clients;
- whether DPHHS practices related to child removal and family reunification should be changed to reduce the number of removals, increase reunifications, and reduce the power differential between the department and CPS clients; and
- whether DPHHS practices should be changed to support activities that will be funded under the Family First Prevention Services Act and steps DPHHS is taking or should be taking to obtain funding under that federal act.

The resolution also asks that the study include work on a parent bill of rights.

Preliminary study approach:

- Research the laws and court cases related to rights of parents and children and analyze whether current laws or practices conflict with those rights

- Research barriers to reunifying children with their parents after removal from the home
- Research resources for strengthening families and improving the reunification rates
- Discuss with affected parties how DPHHS interacts with families in the CPS system
- Review child removals and family reunification practices in Montana and other states
- Review the opportunities presented by the Family First Prevention Services Act
- Work on study topics with stakeholders, including DPHHS, the Office of the Child and Family Ombudsman, Office of the State Public Defender, court-appointed special advocates, organizations representing the interests of children and families involved in the CPS system, and family members affected by the system.

Deliverables; end products:

- Briefing papers and/or panel presentations related to:
  - current law and practices in cases of suspected child abuse and neglect
  - the rights of children and parents in CPS cases
  - barriers to reunifying children with parents after removal from the home
  - perceptions on the balance of power between DPHHS and families
  - requirements of/changes allowed by the federal Family First Prevention Services Act and how DPHHS plans to change its practices as allowed by the new law
- Legislation, if requested by the committee
- Final report on committee activities

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

Role for Executive agency? Yes

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

Estimated LSD staff time: 660-710 **hours**

Other comments: Because the study asks that the committee review the rights of parents and children in abuse and neglect cases, it's anticipated that the study will require more legal review and analysis than a typical study entails and would thus require a higher level of involvement by the committee attorney.

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18 days
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE EFFECTS OF MONTANA CHILD PROTECTIVE SERVICES LAWS AND PRACTICES ON LAW ENFORCEMENT AND THE JUDICIAL SYSTEM; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, cases involving alleged child abuse and neglect are required by law to be handled within expedited timeframes; and

WHEREAS, the number of district court cases involving child abuse and neglect has increased from 1,006 in calendar year 2009 to 2,519 in 2018; and

WHEREAS, local law enforcement officers are often called upon to assist in child removal when allegations of abuse or neglect are made.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to study the role of law enforcement and the courts in the child protective services system.

BE IT FURTHER RESOLVED, that the study examine:

(1) the effects that child abuse and neglect cases have on local law enforcement officers, county attorneys, and district courts;

(2) the interaction of the Office of the Child and Family Ombudsman with the Department of Public Health and Human Services, law enforcement officials, and the court system;

(3) issues affecting the interaction of the Child and Family Services Division with the judicial system;

(4) the use of court orders in child removal cases;

(5) the historical role of law enforcement officers with the Child and Family Services Division during removal of children from their homes;

(6) whether any changes are needed to the ensure the appropriate role of law enforcement officials in

cases involving child removal; and

(7) the work being done by groups outside of the legislative and executive branches on issues related to the role of law enforcement and the judicial system in the child protective services system.

BE IT FURTHER RESOLVED, that the study involve representatives of the Department of Public Health and Human Services, the Office of the Child and Family Ombudsman, the Office of State Public Defender, the Court Administrator's Office, the Montana Association of Chiefs of Police, the Montana Sheriffs and Peace Officers Association, the Montana County Attorneys Association, court-appointed special advocates, organizations that advocate on behalf of families and children, families involved in the child protective services system, and other interested parties.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJR 49 **Interim Study Poll Rank:** __

Short Title: Study law enforcement and court roles in the child protective services system

Staff Recommendation: Assign to Children, Families, Health, and Human Services OR Law and Justice Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

The study resolution asks that the committee study the role of law enforcement and the courts in the child protective services (CPS) system, with a specific review of:

- the effects that child abuse and neglect cases have on local law enforcement officers, county attorneys, and district courts;
- the interaction of the Office of the Child and Family Ombudsman with the Department of Public Health and Human Services (DPHHS), law enforcement, and the court system;
- issues affecting the interaction of the DPHHS Child and Family Services Division with the judicial system;
- the use of court orders in child removal cases;
- the historical role of law enforcement officers with the Child and Family Services Division during removal of children from their homes and whether any changes are needed to ensure the appropriate role of law enforcement in those removals; and
- any work being done by groups outside of the legislative and executive branches on issues related to the role of law enforcement and the judicial system in the CPS system.

Preliminary study approach:

- Research the number of and trends in child abuse and neglect cases handled by local law enforcement agencies and district courts
- Research the role of the Office of the Child and Family Ombudsman to determine the extent to which it interacts with DPHHS, law enforcement, and the courts
- Research and identify issues, including laws and administrative rules, that affect the manner in which the Child and Family Services Division interacts with the judicial system, including the statutory timelines for handling of abuse and neglect cases and the use of court orders in child removal cases

- Research the historical role of law enforcement in child removals

- Meet with stakeholders and with groups that are working on CPS-related issues involving law enforcement and the courts. Stakeholders include DPHHS, the Office of the Child and Family Ombudsman, Office of the State Public Defender, the Court Administrator's Office, the Montana Association of Chiefs of Police, the Montana Sheriffs and Peace Officers Association, the Montana County Attorneys Association, court-appointed special advocates, organizations representing the interests of children and families involved in the CPS system, and family members affected by the system.

Deliverables; end products:

- Briefing papers and/or panel presentations related to:
    - trends in CPS cases handled by law enforcement, the courts, and the Office of the Child and Family Ombudsman
    - laws, rules, and practices affecting the manner in which the Child and Family Services Division interacts with the law enforcement and judicial systems and, if appropriate, how Montana's laws and practices differ from other states
    - work by and recommendations from other groups reviewing the roles of law enforcement and the courts in child removals in and abuse and neglect cases

- Legislation, if requested by the committee

- Final report on committee activities

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

Role for Executive agency? Yes

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

Estimated LSD staff time: 450-500 **hours**

Other Comments: Some stakeholders plan to work on many similar items during the interim; it may be possible to scale back the study to have staff monitor the work of the stakeholders and have stakeholders update the committee on their efforts and make recommendations to the committee if legislative action is considered necessary. That approach could reduce staff time substantially – perhaps by as much as 50% to 60%.

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18 days
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF POLICIES AND PRACTICES RELATED TO SERVICES FOR SENIOR CITIZENS AND PEOPLE WITH PHYSICAL DISABILITIES; AND REQUIRING THE FINAL RESULTS OF THE STUDY TO BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, programs in the Senior and Long-Term Care Division of the Department of Public Health and Human Services have undergone changes, including program cuts and changes to policy and policy interpretation, that have affected services and Montanans in the last several years; and

WHEREAS, some of the funding appropriated for the division in recent years has been diverted for other purposes within the department or reverted to the general fund despite the existence of waiting lists for services; and

WHEREAS, it is important for the Legislature to understand the services provided by the division, the factors related to the waiting lists for those services, and the policies and barriers to effectively and efficiently serving individuals on waiting lists and others who use senior and long-term care services.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to study matters related to the Senior and Long-Term Care Division of the Department of Public Health and Human Services, including:

(1) access to services under the Community First Choice Program, the Personal Assistance Services Program, and the Big Sky Waiver for the elderly and people with physical disabilities, including the availability of both basic and adult residential waiver slots;

(2) barriers that prevent individuals from accessing services and that prevent the division from fully using appropriated funding in the Big Sky Waiver, including but not limited to workforce issues and Medicaid reimbursement rates;

(3) recent changes to the division's policies and interpretations of policy and how the changes have affected the level of services provided to people served by or eligible for the Community First Choice Program, the Personal Assistance Services Program, and the Big Sky Waiver;

(4) the manner in which waiver slots are created and filled, including the process used to maintain the waiting list for the Big Sky Waiver and select people for services when openings occur;

(5) the status of cuts that were made in services as a result of budget issues in the 2019 biennium and the manner in which funds restored because of budget triggers were used by the department for services provided by the division;

(6) access to aging services programs for seniors of all ages; and

(7) other matters related to senior and long-term care services as determined appropriate to the study.

BE IT FURTHER RESOLVED, that the study include representatives of the Department of Public Health and Human Services, nursing homes, assisted living facilities, organizations representing individuals who receive services provided through the waiver or the division, and individuals and family members affected by department policies involving services for the elderly and the physically disabled.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJR 50 **Interim Study Poll Rank:** __

Short Title: Study matters related to senior and long-term care

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

Preliminary Analysis

Issue(s) as listed in legislation:

The study resolution asks that the committee study matters related to the Senior and Long-Term Care Division of the Department of Public Health and Human Services, including:

- access to services under the Community First Choice Program, the Personal Assistance Services Program, and the Big Sky Waiver;
- barriers that prevent individuals from accessing services under those programs and that prevent the division from fully using the funds appropriated for the Big Sky Waiver, including workforce issues and Medicaid reimbursement rates;
- recent changes to the division's policies and interpretations of policies, including how the changes have affected the level of services provided under the programs;
- the manner in which waiver slots are created and filled and the process used to maintain the waiting list and to select people for waiver services when openings occur;
- the status of cuts that were made in services because of budget reductions in the 2019 biennium and the use of funding restored under budget triggers that biennium; and
- access to aging services programs for seniors of all ages

Preliminary study approach:

- Research the eligibility requirements for and the services provided under the Community First Choice Program, the Personal Assistance Program, and the Big Sky waiver, the waiting lists for those programs, and the manner in which people are selected from the waiting lists when openings occur in the programs
- Research barriers that prevent people from accessing the services and that prevent the division from fully using appropriated funding, including but not limited to:
    - the recruitment and retention of workers;
    - the role of Medicaid reimbursement rates;

- geographical distribution or availability of waiver slots; and
- current policies and/or interpretation of policies related to applying for and being selected for services

- Review the budget cuts made during the 2019 biennium because of the budget triggers in Senate Bill No. 261 (2017), actions taken in the 2017 special session, and the governor's action under 17-7-140, MCA, and research the use of funding that was restored to the division pursuant to Senate Bill No. 9 (2017 special session)

- Meet with stakeholders to discuss study topics. Stakeholders include the Department of Public Health and Human Services, Area Agencies on Aging, the Montana Health Care Association, AARP, the Montana Alzheimer's Association, Disability Rights Montana, the Montana Independent Living Project, and individual providers who operated nursing homes, assisted living facilities, and other services for seniors and the physically disabled

Deliverables; end products:

- Briefing papers and/or panel presentations related to:
  - the Community First Choice Program, Personal Assistance Services Program, and the Big Sky Waiver, including papers outlining the services provided, the policies and practices for determining eligibility for the programs and for selecting people from waiting lists for services
  - barriers to serving individuals through the programs, including workforce issues, Medicaid reimbursement rates, geographical barriers, and other matters identified through research
  - other aging services programs provided through the division and any barriers to accessing those programs

- Legislation, if requested by the committee

- Final report on committee activities

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

Role for Executive agency? Yes

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

Estimated LSD staff time: 450-540 **hours**

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18 days
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

HOUSE JOINT RESOLUTION NO. 56

INTRODUCED BY B. USHER

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF BULLYING; AND REQUIRING THAT THE FINAL RESULTS BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, the Legislature enacted The Bully-Free Montana Act in 2015; and

WHEREAS, bullying remains a significant problem; and

WHEREAS, modern technology and social media can exacerbate the harm done through bullying.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) examine the problem of bullying in Montana schools;

(2) review policies in other states that have proven effective in addressing bullying;

(3) analyze the impacts of the Bully-Free Montana Act;

(4) determine whether changes to the Bully-Free Montana Act would be beneficial in addressing the problem of bullying; and

(5) consider policies that:

(a) prevent bullying behavior from developing;

(b) ensure protection from further bullying for victims; and

(c) promote recovery for victims.

BE IT FURTHER RESOLVED, that the study should seek out the assistance and involvement of the Office of Public Instruction, the Board of Public Education, the Department of Public Health and Human Services, school counselors and psychologists, school resource officers, representatives from the youth court system, and appropriate K-12 education stakeholders.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: HJ 56 **Interim Study Poll Rank: TBD**

Short Title: Request interim study on bullying

Staff Recommendation: Assign to Education Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation: Bullying remains a significant problem, despite the passage of The Bully-Free Montana Act in 2015, and the harm resulting from bullying can be exacerbated by technology and social media.

This study resolution came about after the failure of HB 199 (Usher) in House Judiciary. HB 199 proposed to amend 20-5-209, MCA, which prohibits bullying in public schools, by adding criminal penalties and seemed to be motivated by a desire to further deter bullying by putting more punitive "teeth" in Montana's anti-bullying law. Opponents of HB 199 were concerned about criminalizing bullying due to the costs and burdens that might put on the criminal justice system as well as the possible increase in youth incarceration rates. One opponent expressed concern about placing too much emphasis on punishing the bully rather than attending to victims' needs and contributing to the "school-to-prison pipeline." Another suggested a study to look at the problem of bullying from 'the broadest perspective possible." In closing, Rep. Usher stated that one of the motivations was to ensure that bullying was stopped prior to a victim becoming desperate and contemplating suicide. House Judiciary tabled HB 199 and Rep. Usher pursued an interim study resolution, HJ 56.

Several opponents to HB 199 were proponents for HJ 56. The sponsor and proponents emphasized a more holistic examination of bullying that moved beyond solely a criminal justice approach. One proponent stated this was "an ounce-of-prevention-beats-a-pound-of-cure issue" and appreciated the study resolution's emphasis on ensuring the safety and recovery of victims of bullying. A lobbyist for Disability Rights Montana supported the study resolution and requested that the effort include a perspective on how bullying impacts students with disabilities. Another proponent proclaimed HJ 56 "a study whose time has come."

Preliminary study approach: The committee might start by reviewing Montana's statute and rule regarding bullying, as well as examples of school district bullying policies. The committee can seek longitudinal data from OPI and school districts to consider the problem of bullying and how it has changed over time. Staff can gather information and arrange for subject matter experts to describe current best practices in preventing bullying behavior, including promising statewide policy enactments in other states. Staff can also assemble various panels to discuss with the committee ideas for strengthening statewide policy aimed at reducing bullying and the

kinds of anti-bullying programs that currently exist in Montana schools. These panels could include teachers, students, administrators, parents, school resource officers, youth court representatives, school counselors and psychologists, and other mental health professionals.

Deliverables; end products: Study outline and meeting schedule; any requested staff reports; panel discussions and testimony from subject matter experts and stakeholders; final report with recommendations, including any draft legislation.

Role for LFD or LAD staff? No

Role for Executive agency? Yes, OPI, Board of Public Education, DPHHS

Additional costs, over meetings? No

Estimated LSD staff time: 100 hours

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ALTERNATIVE SEPTIC SYSTEMS AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, according to the Environmental Protection Agency, more than one in five households in the United States depend on septic systems to treat wastewater through both natural and technological processes, typically beginning with solids settling in a septic tank, and ending with wastewater treatment in the soil via the drainfield; and

WHEREAS, septic systems can protect public health, preserve valuable water resources, and maintain economic vitality in a community; and

WHEREAS, septic systems are a cost-effective and long-term option for treating wastewater, particularly in less densely populated areas; and

WHEREAS, there is no one-size-fits-all type of septic system; septic system design is specific to the soil type, site conditions, and usage levels; and

WHEREAS, a thorough review of septic system regulations in Montana and other states that includes an examination of alternative septic systems would benefit public health, the environment, and residents in rural communities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) evaluate current state and local regulations for designing and permitting septic systems and compare those regulations to other states;

(2) assimilate information from case studies and research on septic system programs in Montana and other states;

(3) research funding needs and potential funding sources; and

(4) examine alternative septic systems and provide recommendations to encourage the use of alternative septic systems.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: SJR 3 **Interim Study Poll Rank:** #

Short Title: Interim study on optional septic drain fields

Staff Recommendation: Assign to the Local Government Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

- Septic systems are a cost-effective and long-term option for treating wastewater, particularly in less densely populated areas.
- The design of a septic system is specific to the soil type, site conditions, and usage levels, resulting in no standard type of septic system.
- Septic system regulations in Montana and other states need to be reviewed and additional benefits could be provided by examining alternative septic systems.

Preliminary study approach:

- Evaluate current state and local regulations for designing and permitting septic systems and compare those regulations to other states
- Assimilate information from case studies and research on septic system programs in Montana and other states
- Research funding needs and potential funding sources
- Examine alternative septic systems and provide recommendations to encourage the use of alternative septic systems

Deliverables; end products:

- Briefing papers related to:
  - State and local regulations
  - Comparable regulations in other states
  - Alternative septic systems

- Panel presentations on:
  - Department of Environmental Quality's current standards and regulations
  - Local government entities' role in the regulation of septic systems
  - Methods of constructing and installing septic systems in various types of conditions

- Legislation, if requested by the committee
- Final report on committee activities

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

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

- DEQ

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

Estimated LSD staff time: __300-400__ **hours**

Other comments:

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF OCCUPATIONAL LICENSING BARRIERS FACED BY INDIVIDUALS WITH CRIMINAL RECORDS.

WHEREAS, according to the National Conference of State Legislatures, one in three American adults have a criminal record; and

WHEREAS, finding and keeping employment after release from prison can be difficult for many reasons, including the lack of relevant skills, stigmas surrounding hiring an individual with a criminal record, and the individual's criminal history; and

WHEREAS, requirements placed on applicants for professional licensure can create additional barriers to employment to those already faced by individuals returning from prison or who have a criminal record; and

WHEREAS, Article II, section 28, of Montana's Constitution declares that the laws for punishment of crimes are to be "founded on the principles of prevention, reformation, public safety, and restitution for victims"; and

WHEREAS, all of those principles are furthered when an individual punished for a crime who has served a criminal sentence can find appropriate employment; and

WHEREAS, licensing barriers for individuals with a criminal record can bar otherwise qualified individuals from higher-paying employment and reduce the number of employees available for businesses to hire; and

WHEREAS, while some barriers to employment for an individual with a criminal record could be eliminated or lowered, others are necessary to preserve public safety and avoid creating additional crime victims; and

WHEREAS, a legislative interim committee is well-positioned to determine the balance between the importance of ensuring individuals with a criminal conviction can find and keep jobs and reducing recidivism with the need to preserve the public safety, health, and well-being of all Montanans through occupational licensing practices.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine state laws, administrative rules, and licensing board practices that might bar individuals with a criminal history from obtaining a professional license.

BE IT FURTHER RESOLVED, that the study analyze:

(1) the statutory and constitutional provisions related to restoration of rights after a criminal conviction, as well as recent legislative efforts to revise laws related to criminal convictions and employment;

(2) current practices of licensing boards when the boards consider a license application from an individual with a criminal history;

(3) any data related to the current numbers of individuals with a criminal history who have been granted a professional license in the state of Montana compared to those who have applied; and

(4) the actions other states have taken to revise professional licensing requirements to account for individuals with a criminal conviction.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: SJ 18 **Interim Study Poll Rank:** __

Short Title: Requesting an interim study of occupational licensing barriers faced by individuals with criminal records

Staff Recommendation: Assign to Economic Affairs Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

1) As many as 1 in 3 American adults has a criminal record.
2) Finding and retaining employment after release from prison is difficult for many reasons, including lack of relevant skills and stigmas regarding a criminal record.
3) Employment of a person with a criminal record is seen as a way to further the principles outlined in the Montana Constitution in which crimes are to be punished in light of "prevention, reformation, public safety, and restitution for victims".
4) The application process for professional licensure can create additional barriers for a person with a criminal record and may keep someone with a criminal record from accessing higher-paying employment, which means fewer potentially eligible employees in the hiring pool.
5) A balance is needed between protecting public safety and enabling an individual with a criminal record to achieve the goals of prevention, restitution, and avoiding recidivism.
6) A legislative interim committee is well-positioned to weigh the balance for appropriate occupational licensing practices, preservation of public safety, health, and well-being, and enabling those with a criminal record to succeed in a job.

Preliminary study approach:

- Review:
  - the Montana Constitution regarding restoration of rights after a criminal conviction and related statutes, for licensing boards and for crimes monitored after the convicted individual has paid a debt to society. Review case law, if any.
  - Montana legislative efforts regarding criminal convictions and employment.
  - licensing boards' use of sex-offender registries or other information not on license applications to determine if applicants have criminal records.
  - actions taken in other states to handle applications for professional licensing from those with a criminal conviction and federal requirements for compliance with re-entry provisions.
- Request data for all professional and occupational licensing boards as to:
  - applicants with criminal records compared with those who receive licenses; and
  - the number of licensees with criminal records who have had licenses revoked because of new crimes.

- Compile practices of licensing boards for considering an applicant with a criminal history, including use of criminal background reports and reasons for denying licenses.

Deliverables; end products:

- Briefing paper detailing the number of individuals with a criminal record who apply for an occupational or professional license, the number denied, the number granted, the number of licenses revoked because of a subsequent offense or the finding of an application with discrepancies as to criminal records.
- Briefing paper regarding actions in other states and federal compliance requirements related to licensing of those with criminal records.
- Panel discussions or presentations regarding constitutional and statutory aspects of restoration of rights after a criminal conviction.
- Panel discussion by selected board members to describe how they weigh public safety with restoration of rights to a person with a criminal conviction, including whether any analysis is done of system requirements for an applicant licensed in another state who may have a criminal record.
- Legislation, if recommended by the committee, to set guidelines for licensing boards to use in balancing public safety and the restored rights of individuals with criminal records.
- Legislation on other issues determined by the committee to improve appropriate hiring or licensing of those with criminal backgrounds, including a review of the appropriate use of registries or publications and time frames for which posting or consideration of the record is appropriate.

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

Role for Executive agency? Yes – The Business Standards Division of the Department of Labor and Industry, which handles licensing boards. Possible role for the Department of Justice and the Department of Corrections.

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

Estimated LSD staff time: __144__ **hours**

Other comments: This study has a split focus. One aspect relates to what licensing boards do when faced with applicants with a criminal record. The other relates to what the justice community consider as barriers to employment. The Economic Affairs Interim Committee deals with licensing boards. The Law and Justice Committee deals with reentry concerns and sex offender registries. Regardless of committee assignment the study may not achieve both.

Interim FTE Equivalents 1 Interim FTE = 16.5 months = 2880 hrs.

.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE MONTANA SEXUAL AND VIOLENT OFFENDER REGISTRY.

WHEREAS, Montana established a registry for sexual offenders in 1989 and has regularly revised and expanded the authorizing statutes in the subsequent 3 decades in response to federal enactments as well as state legislative priorities; and

WHEREAS, the registry now includes information on sexual and violent offenders and provides the public access to the data on an internet website maintained by the Department of Justice; and

WHEREAS, Montana is currently out of compliance with the federal Sex Offender Registration and Notification Act (SORNA), in part because the state classifies its offenders by risk of reoffense rather than by the offense for which the offender was convicted as is required by federal law; and

WHEREAS, not all offenders on the registry have been assigned risk tier levels as required by state law, though the state has made progress in reducing those number of offenders without a designated tier level; and

WHEREAS, noncompliance with SORNA meant Montana lost $59,000 in 2017 federal JAG Byrne grant funds and $60,000 in 2018 funds as a penalty; and

WHEREAS, while the Law and Justice Interim Committee has discussed the state sex offender and violent offender registry during at least two interims and the Legislative Audit Division performed an information systems audit of the registry in 2011, the registry structure, purpose, and effectiveness have not undergone a thorough legislative review for years; and

WHEREAS, the Legislature must strike the delicate balance between preserving public safety and ensuring state policies for sex offender management provide an effective and efficient use of state resources.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to

section 5-5-217, MCA, or direct sufficient staff resources to study the Montana Sexual and Violent Offender Registry program.

BE IT FURTHER RESOLVED, that the study review:

(1) the statutes and case law governing sentencing, registration, and monitoring of sexual offenders;

(2) information made available to the public and law enforcement regarding sexual offenders;

(3) the effectiveness of a tiered classification system based on the risk of reoffense compared to the effectiveness of an offense-based classification system;

(4) methods to reduce and eliminate recidivism by individuals convicted of a sexual offense;

(5) methods and practice for removal from the sexual and violent offender registry; and

(6) options for postsentence appeals concerning the registry status of a sexual offender.

BE IT FURTHER RESOLVED, that the study include:

(1) a review of the risk assessment, treatment, and management of sexual offenders in prison and community settings; and

(2) victim and survivor needs and services, as well as community education methods.

BE IT FURTHER RESOLVED, that the study incorporate information and comment from appropriate stakeholders, including the Department of Justice, the Department of Corrections, local law enforcement, victims and survivors of sexual offenses, sex offender treatment providers, civil rights advocates, county attorneys, and advocates for offenders and their families.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: SJ 19__ **Interim Study Poll Rank: __**

Short Title: ____Study sex offender and violent offender registries_____

Staff Recommendation: _Assign to Law and Justice Interim Committee_

Preliminary Analysis

Issue(s) as listed in legislation: The resolution notes the Sexual and Violent Offender Registry, which was enacted in 1989, has been revised and expanded in the subsequent years but never studied in depth by an interim committee. The resolution requests a review of:

- the statutes and case law governing sentencing, registration, and monitoring of sexual offenders;
- information made available to the public and law enforcement regarding sexual offenders;
- the effectiveness of a tiered classification system based on the risk of reoffense compared to the effectiveness of an offense-based classification system;
- methods to reduce and eliminate recidivism by individuals convicted of a sexual offense;
- methods and practice for removal from the sexual and violent offender registry;
- options for postsentence appeals concerning the registry status of a sexual offender;
- the risk assessment, treatment, and management of sexual offenders in prison and community settings; and
- victim and survivor needs and services, as well as community education methods.

Preliminary study approach:

- Research legislative history of registry, current statutes, and case law
- Research federal requirements and tiering
- Review existing statutes and actual practice for removing offenders from the list
- Work with stakeholders to understand interaction of local websites with state database
- Review existing assessment, treatment, and management of sex offenders and any national best practices
- Review research on recidivism reduction and effectiveness of a tier-based classification system
- Solicit feedback from stakeholders on possible changes and elements of the existing registry to keep

Deliverables; end products:

Study outline

Possible staff papers on:

- existing statutory structure both federal and state and legislative history;
- legal review of governing case law on sentencing, registration, and monitoring of sex offenders; and
- best practices for management of offenders and the effectiveness of tier-based system.

Panel discussions or stakeholder presentations on:

- state and local database structures and uses and the needs of the public and law enforcement;
- needs of victims and survivors and opportunities for public education;
- tier system used in Montana compared to federal system;
- ideas for changes or elements to retain.

Legislation, if desired

Written final report

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

Role for Executive agency? __DOJ and DOC for information___

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

Estimated LSD staff time: **____750 to 1000____** **hours**

Other comments: Considerable attorney time will be needed

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF CERTAIN WILDERNESS STUDY AREAS IN MONTANA TO CONVENE STAKEHOLDERS, DISCUSS OPTIONS FOR FUTURE MANAGEMENT AND PLANNING, AND PROVIDE RECOMMENDATIONS TO CONGRESS.

WHEREAS, the 95th Congress passed the Montana Wilderness Study Act of 1977; and

WHEREAS, the Montana Wilderness Study Act required the Secretary of Agriculture to review certain lands within 5 years to determine suitability for preservation as wilderness and report the findings to the President; and

WHEREAS, almost 663,000 acres of land in Montana are designated under the Montana Wilderness Study Act, including the:

(1) West Pioneer Wilderness Study Area comprising approximately 151,000 acres;

(2) Blue Joint Wilderness Study Area comprising approximately 61,000 acres;

(3) Sapphire Wilderness Study Area comprising approximately 94,000 acres;

(4) Ten Lakes Wilderness Study Area comprising approximately 34,000 acres;

(5) Middle Fork Judith Wilderness Study Area comprising approximately 81,000 acres;

(6) Big Snowies Wilderness Study Area comprising approximately 91,000 acres; and

(7) Hyalite-Porcupine-Buffalo Horn Wilderness Study Area comprising approximately 151,000 acres; and

WHEREAS, the 5-year period for review mandated by the Montana Wilderness Study Act expired in 1982; and

WHEREAS, no legislation has yet been passed by Congress and signed by a president regarding these wilderness study areas despite past attempts to address the issue; and

WHEREAS, the long-term sustainability of public lands depends on good stewardship and professional scientific site-specific management of forest resources, including timber harvest, grazing management, stewardship contracts, and conservation designations and management; and

WHEREAS, 40 years of legal uncertainty have resulted in untenable conflicts between various user

groups, a lack of forest management, decreasing livestock use, reduced motorized opportunities, and decreased funding for noxious weed management; and

WHEREAS, Montana's historic heritage, customs, and culture are linked to the proper stewardship and use of the state's natural resources; and

WHEREAS, these lands are de facto wilderness in lieu of congressional action, a situation that has resulted in a waste of forest assets, no management of public forests, and a harmful reduction in forest road construction and multiple-use access improvements; and

WHEREAS, the failure by Congress to release the lands locked up by the Montana Wilderness Study Act of 1977 severely harms agriculture, timber harvesting, and multiple-use interests, as well as Montana communities and Montana families economically supported by those activities; and

WHEREAS, it is the consensus of the Montana Legislature that more than sufficient time has passed for the study of these lands as to their suitability for preservation as wilderness to be completed under the Montana Wilderness Study Act; and

WHEREAS, national forest lands released from wilderness study would still be subject to the National Forest Management Act, which requires extensive public involvement as the agency develops and updates plans for the management and use of resources in each forest; and

WHEREAS, Montanans have a long history of working together to find common ground on contentious issues related to natural resource management and planning; and

WHEREAS, Montanans have expressed a deep desire to develop and enact sensible legislation for Montana's public lands and wilderness study areas that meet a variety of diverse interests and produce mutual benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to convene stakeholders with an interest in wilderness study areas to study the history and policy issues related to wilderness study areas.

BE IT FURTHER RESOLVED, that the committee provide public forums for stakeholders to formulate options for Congress to address the disposition of these lands.

BE IT FURTHER RESOLVED, that the committee learn about different stakeholder working groups and agency planning processes addressing this issue to better inform their decisions.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: SJ20 **Interim Study Poll Rank:** __

Short Title: Wilderness Study Areas

Staff Recommendation: Assign to Environmental Quality Council

Preliminary Analysis

Issue(s) as listed in legislation:

- The Montana Wilderness Study Act designated almost 663,000 acres of federal land in 1977 to be reviewed for preservation potential, but congress and presidents have yet to act on disposition of those lands;
- The long-term sustainability of public lands depends on good stewardship and professional scientific site-specific management of forest resources, including timber harvest, grazing management, stewardship contracts, and conservation designations and management;
- Legal uncertainty over wilderness study areas affects forest management, road construction, grazing, motorized recreation, weed management, timber harvesting and local communities;
- It is the consensus of the Montana Legislature that more than sufficient time has passed for the study of these lands as to their suitability for preservation as wilderness to be completed under the Montana Wilderness Study Act; and
- Montanans have a long history of working together to find common ground on contentious issues related to natural resource management and planning and have expressed a deep desire to develop and enact sensible legislation for Montana's public lands and wilderness study areas that meet a variety of diverse interests and produce mutual benefits.

Preliminary study approach: Provide overview and history of wilderness study areas, including policy history and management. Engage stakeholders and provide options for stakeholder involvement.

- Convene stakeholders to study history and policy issues of federal wilderness study areas;
- Provide a forum for stakeholders to formulate options for Congress to address disposition of wilderness study lands;
- Learn about processes employed by existing stakeholder working groups and agencies

Deliverables; end products:

- Briefing papers related to:
    - History and policy
    - Management
    - Current disposition efforts
- Panel discussions
    - Possible forums outside Helena
    - Possible field trips
- Final report

Role for LFD or LAD staff? ____ **Yes** __x__ **No**
Role for Executive agency? __x_
Additional costs, over meetings? ____ **Yes** ____ **No**
Estimated LSD staff time: **360 to 1440 hours**

Other comments: Aspects of study depend on significant involvement from Forest Service and BLM as well as cross section of stakeholder groups. Staff time also depends on how much research the EQC desires on individual study areas and issues specific to those areas.

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

SENATE JOINT RESOLUTION NO. 24

INTRODUCED BY D. BROWN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE REVENUES AND DISTRIBUTION OF THE LODGING FACILITY USE TAX; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, the lodging facility use tax is one of Montana's few sales taxes at a rate of 4% of the accommodation charge, requested by the lodging industry in 1987 as a way of promoting tourism; and

WHEREAS, collection of the lodging facility use tax involves a public-private partnership in which the lodging facilities collect and forward taxes to the state for the purposes of marketing tourism; and

WHEREAS, in 2003 the Legislature enacted an additional 3% lodging tax, along with a 4% rental car sales tax, which both mainly go to the general fund, with a small percentage allowed to be paid back to vendors for their collection efforts; and

WHEREAS, 64.4% of the 4% lodging facility use tax, after deductions have been made as provided in law, is statutorily appropriated to the Department of Commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials while the remainder is parceled out to various entities including regional nonprofit tourism corporations and local nonprofit convention and visitors bureaus; and

WHEREAS, the directive to the Department of Commerce to promote tourism and the state as a location for the production of motion pictures and television commercials is broad, with the money statutorily appropriated, which contrasts with many state-funded programs that have specific directives and closer financial oversight; and

WHEREAS, transparency regarding the expenditure of a state tax suggests that periodic legislative review is important to help determine whether the public-private partnership continues to benefit the state from the perspectives of the hospitality and tourism industry, their customers, and the state as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to

section 5-5-217, MCA, or direct sufficient staff resources to examine the revenues received in the past 5 years from the lodging facility use tax and the uses on which the Department of Commerce has expended those revenues.

BE IT FURTHER RESOLVED, that the interim committee seek to:

(1) obtain and review recommendations from the Tourism Advisory Council and local heritage preservation and cultural tourism commissions to see how expenditures align with recommendations; and

(2) involve these industry-related associations in determining recommendations for the study.

BE IT FURTHER RESOLVED, that the interim committee work with stakeholders in the tourism industry to determine if changes are necessary for distribution of the 22.5% of funding that goes to regional nonprofit tourism corporations or to nonprofit convention and visitors bureaus.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: SJ 24 **Interim Study Poll Rank:** __

Short Title: **Requesting an interim study of the revenue and distribution of the lodging facility use tax**

Staff Recommendation: Assign to Economic Affairs Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

1) The lodging facility use tax of 4% of the accommodation charge has been in effect since enacted in 1987 and preceded the 3% lodging sales tax imposed in 2003 along with a 4% rental car sales tax. The 3% lodging sales tax will increase as of January 1, 2020, by 1% under Senate Bill No. 338. The distribution of each lodging tax differs by statute.
2) Collection of both accommodation taxes is handled by the lodging facilities.
3) There is a broad distribution of the lodging facility use tax, minus certain deductions, to the Department of Commerce for tourism promotion and promotion of the state as a location for motion pictures and television commercials as well as to regional nonprofit tourism corporations and local nonprofit convention and visitors bureaus.
4) The resolution suggests the importance of periodic legislative review to determine if the public-private partnership continues to benefit the state from various stakeholders' views.

Preliminary study approach:

- Obtain and review recommendations for expenditures from the Tourism Advisory Council and from local heritage preservation and cultural tourism commissions and obtain information on expenditures to see alignment with recommendations.
- Request input from stakeholders in the tourism industry on whether changes are necessary in how the 22.5% of funding that goes to regional nonprofit tourism corporations or to nonprofit convention and visitors bureaus is being spent.
- Compile information on the grant-making process from the Department of Commerce and others who make grants from the accommodations tax to determine if the playing field is level, made unnecessarily complicated, or equitable.

Deliverables; end products:

- Briefing paper regarding grants made under the accommodations tax.
- Briefing paper regarding processes used to make grants.
- Presentations from stakeholders about the key uses of the accommodations tax.
- Panel discussion from stakeholders about proposed changes in accommodation tax uses.
- Legislation, if recommended by the committee, to implement changes.

Role for LFD or LAD staff? __xx__ **Yes (LFD help in determining grants)** ____ **No**

Role for Executive agency? Yes – The Department of Commerce regarding its grants and grant processes.

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

Estimated LSD staff time: __288__ **hours**

Other comments: This study has a split focus. One aspect relates to what licensing boards do when faced with applicants with a criminal record. The other relates to what the justice community consider as barriers to employment. The Economic Affairs Interim Committee deals with licensing boards. The Law and Justice Committee deals with reentry concerns and sex offender registries. Regardless of committee assignment the study may not achieve both.

Interim FTE Equivalents 1 Interim FTE = 16.5 months = 2880 hrs.

.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

SENATE JOINT RESOLUTION NO. 28

INTRODUCED BY D. SANDS, G. VANCE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF TRAFFIC SAFETY SYSTEMS AND POLICY; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, a 2017 study conducted by the National Transportation Safety Board cited speeding as a deadly national problem with an estimated 10,000 fatalities occurring on United States roadways each year; and

WHEREAS, in 2014 the Montana Department of Transportation adopted Vision Zero policies that utilize interdisciplinary, data-driven approaches in order to address and combat roadway fatalities; and

WHEREAS, statewide crash data from the Montana Department of Transportation reports that in 2017, 3,571 crashes occurred on the state's roadways, down from the 3,739 crashes that occurred in 2014 when the department adopted Vision Zero policies; and

WHEREAS, policies adopted in 2014 have proven successful, and thus instituting further related policies utilizing diverse stakeholders has the potential to keep drivers, passengers, bike riders, and pedestrians safe on Montana's roadways.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study traffic policies that utilize a more dynamic system to create safer roadways.

BE IT FURTHER RESOLVED, that the study:

(1) gather and analyze data related to the current highway safety plan adopted by the Montana Department of Transportation, including infrastructure and policy components;

(2) gather and analyze data to further understand traffic safety issues in the state and determine areas needing improvement;

(3) GATHER AND ANALYZE DATA REGARDING THE AVAILABILITY, USE, AND SAFETY OF ADAPTIVE DRIVING EQUIPMENT AND ADAPTIVE TECHNOLOGIES USED TO ASSIST PEOPLE WITH DISABILITIES WITH DRIVING, INCLUDING THE

LEGAL AND REGULATORY FRAMEWORKS THAT HAVE BEEN ADOPTED BY OTHER STATES;

~~(3)~~(4) assess current methods used to engage citizens in areas with high instances of traffic issues and seek feedback from citizens on how to best rectify safety issues;

~~(4)~~(5) determine if current policies meet the needs of citizens and traffic enforcement and whether further policies need to be adopted in order to promote and secure road safety; and

~~(5)~~(6) seek input from various stakeholders, including city and county government entities and applicable state agencies.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: SJ 28 **Interim Study Poll Rank:** #

Short Title: Interim study of Traffic Safety Systems and Policies
Staff Recommendation: Assign to the Transportation Interim Committee

Preliminary Analysis

Issue(s) as listed in legislation:

- A 2017 survey by the NTSB cited speeding as a deadly national problem, and in 2014 the Montana DOT adopted Vision Zero policies to address and combat roadway fatalities.
- DOT collects and reports statewide crash data, tracking aspects outlined in the Vision Zero policies.
- Vision Zero policies have demonstrated success. Stakeholders indicate it is time to take additional, future steps.

Preliminary study approach:

- Analyze Vision Zero implementation and related data and reports
- Research traffic safety data in other rural states, along with implementation and funding
- Assess DOT and DOJ public outreach programs, successes and opportunities for improvement.
- Examine adaptive technologies used to assist people with disabilities

Deliverables; end products:

- Briefing papers related to:
  - Implementation of Vision Zero and public outreach programs
  - Traffic safety data and policies in other rural states
  - Use of adaptive technologies
- Legislation, if requested by the committee
- Final report

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

Role for Executive agency? __X__ **Yes** _____ **No**
- MDT and DOJ

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

Estimated LSD staff time: 400

Other comments: Stakeholders will need play an active role in this study, including those who developed and implemented Vision Zero.

Interim FTE Equivalents

1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
.50 FTE = 1440 hrs = 180 days
.75 FTE = 2160 hrs = 270 days
1 FTE = 2880 hrs = 360 days

SENATE JOINT RESOLUTION NO. 30

INTRODUCED BY J. COHENOUR

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF ISSUES RELATED TO THE DISSEMINATION OF FISH AND WILDLIFE LOCATION DATA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 67TH LEGISLATURE.

WHEREAS, debates during the 66th Legislature have raised many issues concerning the dissemination of location data for fish and wildlife; and

WHEREAS, there is a continuing need to research and debate how or whether the state should protect fish and wildlife location data, including den and nest sites, spawning locations, congregation areas, courtship display grounds, and harvest locations; and

WHEREAS, it is the role of the Legislature to guide the Fish and Wildlife Commission and the Department of Fish, Wildlife, and Parks in the areas of protection, preservation, management, and propagation of fish and wildlife in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to 5-5-217, MCA, to:

(1) examine existing state laws related to dissemination of fish and wildlife data, the history of those laws, and rules implementing those laws;

(2) review how other states manage fish and wildlife data;

(3) solicit and consider comments, concerns, and suggestions from all interested stakeholder groups and the public;

(4) identify and analyze relevant policy and logistical issues and options; and

(5) if appropriate, develop a committee bill to address the committee's study findings and recommendations.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review

requirements, be concluded prior to September 15, 2020.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

- END -

Study: SJ30 **Interim Study Poll Rank:** __

Short Title: Dissemination of Wildlife Location Data

Staff Recommendation: Assign to Environmental Quality Council

Preliminary Analysis

Issue(s) as listed in legislation:

- Debates during the 66th Legislature raised issues concerning the dissemination of location data for fish and wildlife;
- There is a continuing need to research and debate how or whether the state should protect fish and wildlife location data, including den and nest sites, spawning locations, congregation areas, courtship display grounds, and harvest locations;
- It is the role of the Legislature to guide the Fish and Wildlife Commission and the Department of Fish, Wildlife, and Parks in the areas of protection, preservation, management, and propagation of fish and wildlife in Montana.

Preliminary study approach:

- Examine current Montana laws and policy that may relate to disseminating fish and wildlife data as well as requests for the data;
- Compare laws and policies in other states
- Engage stakeholders through panel discussions.

Deliverables; end products:

- Briefing papers and panel discussions on current Montana regulations and requests;
- Briefing paper on other state regulations;
- Possible legal analysis of public information issues;
- Panel discussion with stakeholders
- Final report

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

Role for Executive agency? FWP

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

Estimated LSD staff time: 144-288 **hours**

AN ACT CREATING THE MONTANA UNIVERSITY SYSTEM 2-YEAR EDUCATION RESTRUCTURING REVIEW COMMISSION; PROVIDING FOR COMMISSION MEMBERS AND DUTIES; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

WHEREAS, the Board of Regents and the Legislature incorporated the vocational-technical institutions into the Montana University System over 25 years ago; and

WHEREAS, enrollment at 2-year colleges remains relatively low compared to other states; and

WHEREAS, a reexamination of the structure of 2-year education in Montana is warranted.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Montana university system restructuring review commission -- membership. (1) There is a Montana university system restructuring review commission. The commission is allocated to the legislative services division for staffing services and administrative purposes only.

(2) The commission consists of the following members:

(a) four members of the house of representatives, two of whom must be appointed by the speaker of the house and two of whom must be appointed by the house minority leader;

(b) four members of the senate, two of whom must be appointed by the senate president and two of whom must be appointed by the senate minority leader;

(c) two members of the board of regents, appointed by the presiding officer of the board of regents;

(d) a member of the board of public education, appointed by the presiding officer of the board of public education;

(e) the president of Montana associated students, or the president's designee;

(f) two members appointed by the governor, one of whom must be a representative of the tribal colleges; and

(g) two members of the public, one of whom must be appointed by the senate president, and one of

whom must be appointed by the speaker of the house.

(3) Appointments under subsection (2) must be made within 60 days after [the effective date of this act].

(4) A vacancy on the commission must be filled in the same manner as the original appointment.

(5) The commission shall select a presiding officer from among its legislative members.

(6) The commission shall meet at least quarterly.

(7) Decisions of the commission must be made by majority vote of the commission members.

(8) Members of the commission must be compensated as provided in 2-15-124 and must be reimbursed for travel expenses as provided in 2-18-501 through 2-18-503. Members of the commission who are full-time salaried officers or employees of this state or of any political subdivision of this state are entitled to their regular compensation. Legislator members must be compensated as provided in 5-2-302.

(9) The legislative services division shall provide staff assistance to the commission. The legislative fiscal division, the governor's office of budget and program planning, and the Montana university system shall provide information upon request.

Section 2. Duties. The commission shall:

(1) review the history and reasons for the Montana university system incorporating vocational-technical institutions in the system;

(2) analyze the impacts of the restructuring on the efficiency and effectiveness of 2-year education in the university system;

(3) consider how the university system addresses student demand for career and technical education training within its 2-year colleges;

(4) examine the potential for restructuring 2-year education in the Montana university system to enhance offerings in career and technical education;

(5) review the governance and organizational structures of university systems in other states and consider whether a different structure would lead to a more effective and efficient university system in Montana; and

(6) prepare a report of findings and recommendations for submission to the 67th legislature.

Section 3. Appropriation. There is appropriated $57,000 from the general fund to the legislative

services division for fiscal years 2020 and 2021 for the purposes of funding the commission and the study as provided in [sections 1 and 2].

Section 4. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.

(2) If the appropriation in [section 3] is vetoed, then [this act] is void.

Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 3] is effective July 1, 2019.

Section 6. Termination. [This act] terminates June 30, 2021.

- END -

Study: HB 754 **Interim Study Poll Rank: NA**

Short Title: MUS Restructuring Commission (2-year education focus)

Staff Recommendation: Pad can lead staff and work with Laura Sankey-Keip and Shauna Albrecht

Preliminary Analysis

Issue(s) as listed in legislation: MUS incorporated the five 2-year campuses (formerly known as the "vo-techs" and "colleges of technology") in Billings (City College), Butte (Highlands College), Great Falls, Helena, and Missoula in 1994, and added additional 2-year campuses in Bozeman (Gallatin College) in 2010 and Hamilton (Bitterroot College) in 2012. The resolution acknowledges that enrollment at 2-year colleges in Montana is low compared to other states and that a reexamination of the structure of 2-year education in Montana is warranted.

Preliminary study approach: The bill creates a temporary commission with prescribed membership and lists the following duties:

(1) review the history and reasons for the Montana university system incorporating vocational-technical institutions in the system;

(2) analyze the impacts of the restructuring on the efficiency and effectiveness of 2-year education in the university system;

(3) consider how the university system addresses student demand for career and technical education training within its 2-year colleges;

(4) examine the potential for restructuring 2-year education in the Montana university system to enhance offerings in career and technical education;

(5) review the governance and organizational structures of university systems in other states and consider whether a different structure would lead to a more effective and efficient university system in Montana; and

(6) prepare a report of findings and recommendations for submission to the 67th legislature.

These duties provide a good framework for the committee's work, and it is likely that other issues will emerge that the commission may choose to pursue. Staff can provide the resources and research required by the commission and assemble panels to discuss issues with the commission. For the review of governance structures in other states, staff can seek assistance from organizations like Education Commission of the States, WICHE, and NCHEMS.

The commission is charged to meet at least quarterly, starting when its appropriation is effective, July 1, 2019, and is required to report to the 67th Legislature, so the commission will likely wrap up its work by the fall of 2020 after meeting 5-6 times.

Deliverables; end products: Study outline and meeting schedule; any requested staff reports; panel discussions and testimony from subject matter experts and stakeholders; final report with recommendations, including any draft legislation.

Role for LFD or LAD staff? Yes, LFD – Shauna Albrecht; Possibly LAD

Role for Executive agency? Yes, OCHE, Board of Regents, Board of Public Education

Additional costs, over meetings? No

Estimated LSD staff time: 400 hours

Other comments:

<u>Interim FTE Equivalents</u>
1 Interim FTE = 16.5 months = 2880 hrs.
.05 FTE = 144 hrs = 18
.10 FTE = 288 hrs = 36 days
.25 FTE = 720 hrs = 90 days
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Montana State Senate

The Big Sky Country

April 16, 2019

President, Scott Sales
Minority Leader, Jon Sesso
Montana Senate
State Capitol Building
Helena, MT 59624

Speaker, Greg Hertz
Minority leader, Casey Schreiner
Montana House of Representatives
State Capitol Building
Helena, MT 59624

Dear Ex Officio members of the Legislative Council,

The Senate Judiciary Committee for the 2019 Legislative Session requests that the Legislative Council for the 2019 - 2020 interim study the issues and complexities raised in Senate Bill 202. Senate Bill 202 generally revised guardianship and conservator laws, and sought adoption of the Uniform Guardianship, Conservatorship, and other Protective Arrangements Act.

Sincerely,

Keith Regier

Senator Keith Regier
Chairman, Senate Judiciary Committee

CAPITOL ADDRESS • PO BOX 200500 • HELENA, MT 59620-0500 • (406) 444-3064

Senate Judiciary Request: Study Issues Raised in SB 202

Background: The Senate Judiciary Committee heard and tabled Senate Bill No. 202, which would have adopted the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act. The law was developed by the Uniform Law Commission, a body that prepares legislation for adoption in all 50 states to allow for standard statutory language on topics of common interest. SB 202 would have repealed many of Montana's existing law on guardianships and conservatorships, generally enacted in 1974 and 1981, and replaced them with the uniform law that was developed in 2017.

While many advocates for the elderly supported SB 202, the Court Administrator's Office opposed it on behalf of the state's district courts because of the financial and workload impacts it would have. The office suggested that instead, an interim committee look into the appropriate court process for guardianships and conservatorships.

Likely Study Issues: A study would focus primarily on the impact the uniform law would have on affected parties and whether that impact could be mitigated by adopting only certain portions of the uniform law or adapting some provisions to better fit circumstances unique to Montana. The study would focus primarily on legal issues and implications, rather than policy options.

Expected Committee Involvement: An interim committee probably would spend time hearing from stakeholders on the issues involved, providing direction to staff on how to redraft the uniform law, and reviewing a revised draft for possible introduction in the 2021 Legislature. *Time estimate*: 4 to 8 hours, at a minimum

Expected Staff Attorney Involvement: The committee attorney would review the uniform law against existing law, prepare background materials for the committee, meet with stakeholders to identify areas that could be adopted or revised, and draft legislation for committee review. *Time estimate*: 80 to 100 hours