

Economic Affairs Interim Committee Proposed Work Plan for the 2019-2020 Interim

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Summary

This draft work plan for the 2019-2020 Economic Affairs Interim Committee (EAIC or Committee) contains:

- an introduction regarding EAIC duties;
- details related to the EAIC's statutory duties;
- brief information on studies that may be assigned;
- a proposed schedule; and
- topics that EAIC members or staff have suggested pursuing.

This work plan may be revised periodically, taking into consideration budget, emerging issues, and timing.

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Introduction

The statutory duties of all interim committees include monitoring assigned agencies and conducting studies assigned by the Legislative Council. See Table 1 for the assigned agencies and entities to be monitored. In addition, the interim committees traditionally have taken the initiative to address areas of concern that may lead to legislation in their areas of influence.

Monitoring includes:

- reviewing rules;
- responding to questions about or issues raised regarding any of the monitored entities or their programs and reports;
- identifying issues from the past session or other issues that may lead to legislation in the next session; and
- providing a preliminary review of the monitored entities' draft legislation.

Other responsibilities include:

- studying and reporting to the 2021 Legislature on assigned studies; and

- naming (by the EAIC presiding officer) two EAIC members as liaisons to the Montana State Fund, a state entity that provides a guaranteed market for workers' compensation.

Statutory Obligations and Descriptions of Duties

The following statute lists the duties of interim committees, which are further described below:

- "5-5-215. Duties of interim committees.** (1) Each interim committee shall:
- (a) review administrative rules within its jurisdiction;
 - (b) subject to 5-5-217(3), conduct interim studies as assigned;
 - (c) monitor the operation of assigned executive branch agencies [see Table 1] with specific attention to the following:
 - (i) identification of issues likely to require future legislative attention;
 - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
 - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
 - (d) review, if requested by any member of the interim committee, the statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;
 - (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and
 - (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work.
- (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature.
- (3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee."

A. Rule Review

The ways of doing rule review range from in-depth analysis to general oversight, depending on the Committee's choice. In the past, EAIC legal staff typically reviewed rulemaking notices from all of the agencies that the EAIC monitors and provided information to the Committee on generally significant rules but only raised flags on a rule if the attorney considered the rule to be noncompliant with legislative intent or otherwise not meeting the Montana Administrative Procedure Act (MAPA). The EAIC could request the Committee attorney to pay particular attention to rules affecting constituent concerns, if any.

According to MAPA, the committee charged with reviewing agency rules may:

- request agency rulemaking records for ensuring compliance with MAPA;
- submit recommendations regarding the adoption, amendment, or rejection of a rule;
- require that a hearing be conducted;
- participate in proceedings; or
- review the conduct of administrative proceedings.

B. [Conduct Assigned Studies](#)

Legislative Council assigned three studies to the Economic Affairs Interim Committee in May:

- HJ 29, a study of meat inspection laws and activities in Montana;
- SJ 18, a study of occupational licensing barriers faced by those with criminal records; and
- SJ 24, a study of the uses of the lodging and facilities use tax.

The study resolutions require that interim committee work, including final reports, recommendations, and any proposals for legislation, be completed by Sept. 15, 2020.

C. [Program Monitoring](#)

The Committee is to monitor the operation of assigned agencies (listed in Table 1) with specific attention paid to:

- identifying emerging issues likely to require future legislative attention;
- improving existing law; and
- seeking the input of citizens regarding the operation of agencies.

EAIC members can use their opportunity to "accumulate, compile, analyze, and furnish information" (as related to EAIC assigned duties or existing or prospective legislation) through identifying emerging issues or member issues of concern. Guest speakers or agency personnel can be scheduled to provide information on relevant topics.

[Emerging Issues](#)

Members may propose investigation of emerging issues at any time during the interim. Agencies also may request that the Committee study an emerging issue that has resulted from court decisions, federal actions, or another cause.

Emerging issues are not necessarily member issues and may be raised by an agency or by staff. However, to be on the agenda, the presiding officer or other EAIC members must request agenda time. Staff resources are limited, so additions to a work plan must be accompanied by deletions to retain scheduling balance.

[Member Issues](#)

EAIC members have requested member issues to be listed under Appendix D, which also includes some staff-generated suggestions based on current or past topics or legislation. Depending on whether members put greater or less emphasis on their statutory duties related to interim studies and agency monitoring, they have more time to focus on EAIC-relevant member issues. A matrix in Table 3 provides an overview of duties along with choices for determining how much time the EAIC members and staff will devote to the topics.

D. [Draft Legislation Review](#)

According to Joint Rule 40-40(5)(a): "Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee." Draft legislation review is intended both for an interim committee's suggested legislation and for legislation to be

proposed by agencies monitored by the committee. When the interim committee is proposing its own legislation, it is listed under both "requester" and "requested by." A requester must be a legislative entity. The "requested by" entity may be a state agency.

The requester role sometimes is seen by the public as the committee endorsing the bill, when in fact the requester is just enabling drafting of the legislation and is not taking a stand on the contents of the bill.

However, an interim committee may choose not to request drafting of a particular bill requested by an agency, which means only that the agency must find a legislator who will introduce the bill (and the committee then, perhaps, generates some unnecessary ill will). Early review by legislators also allows for outside suggestions that agencies may or may not take under consideration.

Important for the 2020 Legislation Review

Because the current governor is term-limited, agencies under directors appointed by the governor are likely to have new directors and perhaps new policy directions in 2021. Often agency-requested bills in these cases are housekeeping or bills without policy overtones. That is not always true, however.

The State Auditor's Office also will be open to a new occupant and legislation requested by that office will be subject to Joint Rule 40-40(5)(b) and exempt from preintroduction deadlines.

Two reasons for review of agency legislation by interim committees are:

- to provide early drafting for agencies, which presumably know in advance which policies they are seeking to amend, remove, or establish; and
- to improve workflow so that staff can begin drafting legislation before November elections and the onslaught of newly elected legislators' bill requests.

Agencies are expected to submit their proposals to the Governor's Office by June in the year preceding the legislative session, which means interim legislative committees can begin as early as that June to review the legislation. The EAIC often has reviewed agency legislation at its last meeting of the interim. Typically, agency draft legislation is not ready by September, so the agencies present only the concepts.

E. Maintain Adequate Records of Activities

Under 2-3-212, MCA, if an audio recording is designated as the official record, written records of meetings must also be kept to provide assistance to the public in accessing relevant portions of the meeting. The Legislative Council has decided that the audio recording stands as the official record. Unless otherwise requested by the Committee, the written material regarding minutes will be a log or guideline to topics, the times that they were addressed, the names of those who spoke on the subject, and exhibits. For this type of record, there is no need for the Committee to approve the minutes log. The audio recording is the official record.

As for other records of activities, staff relies on communication with EAIC members using both e-mail and letters. If an EAIC member prefers communication in one form only, please let staff know and they will adjust to match preferences. Information will be sent to the EAIC members approximately 2 weeks prior to a meeting by mail and will be posted on the Committee website, unless the EAIC member directs electronic notification only. Material may be sent in

more than one mailing. Legislators may refer constituents or interested parties to the website for information or to sign up for electronic notification of EAIC activities. The website is: <https://leg.mt.gov/committees/interim/2019eaic/> or simply <http://leg.mt.gov/eaic>.

F. [Additional Statutory Duties](#)

- **Reports from Department of Administration on Advisory Council on Co-Located Laboratory for Facilities that Conduct Animal Testing for Pathogens**

House Bill No. 586 requires the Department of Administration to develop a plan for a lease that provides an option to purchase a co-located laboratory and requires an advisory council consisting of legislators and representatives of the Department of Livestock, the Department of Fish, Wildlife, and Parks, the Department of Agriculture, and two members representing Montana State University, one from the President's Office and one for MSU Extension. Reports to EAIC are to be made quarterly.

***New in 2019-2020**

- Advisory Council on Co-Located Laboratories
- Reports on Pesticide Applicator Training
- Report from Board of Horseracing on historical races video betting
- Report on Reinsurance Operations/Finances
- Last report of the Rail Service Competition Council

- **Reports from the Department of Agriculture regarding Pesticide Applicator Recertification Training and Online Recertification**

HB 221 says the Department of Agriculture is to report to the Economic Affairs Interim Committee by Sept. 1, 2020, on pesticide recertification and online training efforts.

- **Information from the Board of Horseracing as to historical horseracing options**

Under SB 183, the Board of Horseracing is specifically authorized to conduct public hearings and rulemaking, contract with the Department of Justice for a memorandum of understanding regarding parimutuel gambling, and otherwise develop legislation to present to the Economic Affairs Interim Committee regarding implementation of historical horseracing in Montana. The bill does not authorized historical horseracing.

- **Reinsurance Report**

SB 125 creating the Montana Reinsurance Association and program requires submission by June 30, 2020, of an annual review performed by an independent certified public accountant of the program's solvency and compliance with SB 125 requirements. Information on the association is at <http://reinsurance.mt.gov/>.

- **Review of the Montana State Fund Budget and Appointment of Liaisons**

Under 5-5-223, MCA, the statute creating the EAIC, subsection (2) states that Montana State Fund shall annually provide a report on its budget to the EAIC.

The statute referring to appointment of MSF liaisons by EAIC's presiding officer is 2-15-1019, MCA, which says liaisons must be from the majority party and the minority party. Liaisons can count on attending approximately four Montana State Fund meetings a year. Quarterly meetings are anticipated in March, June, September, and December.

- **Licensing Board or Program Review**

As part of its monitoring duties related to the Department of Labor and Industry, to which professional and occupational licensing boards are administratively attached, the EAIC is responsible for deciding:

- if any particular licensing board or program is not needed; or
- if the financial solvency of the board or program is questionable. Under 2-8-404, MCA, the EAIC is required to notify the department if the Committee itself wants to review boards or programs for the purpose of sunseting them or combining them with another board.

- **Monitoring of Anticompetitive Behavior of Licensing Boards**

House Bill No. 141 in 2017 required monitoring of the Department of Labor and Industry's determinations as to whether any board actions are considered by the Commissioner of Labor and Industry to be anticompetitive. The Commissioner of Labor and Industry is responsible for determining if any board actions violate antitrust laws. The EAIC may initiate further hearings, backstop the Commissioner of Labor and Industry, or provide an alternative process for those alleging possible antitrust activities by boards or licensees. The active supervision statute terminates July 1, 2021, unless the 2021 Legislature decides to remove the termination date.

- **Review of Indirect Administrative Rate Negotiated with Department of Commerce**

Under 22-3-1002(1), MCA, the EAIC is required to review the administrative fee negotiated between the Montana Heritage Preservation and Development Commission and the Department of Commerce.

- **Review of the Distressed Wood Products Industry Loan Account**

Under 90-1-503, MCA, the Department of Commerce is to report to the EAIC about the status of the distressed wood products industry loan account.

- **Report by the Rail Service Competition Council (RSCC)**

Under 2-15-2511(3), MCA, the Rail Service Competition Council is to "report to any standing or interim legislative committee that is assigned to study or has oversight duties for rail service competition issues." A report from June 2019 will be the last report, based on passage of HB 59, requested by the EAIC, to terminate the RSCC.

- **Review of Advisory Councils and Reports**

Each interim committee, at the request of any member of the interim committee, shall review advisory councils and reports that must be provided to the Legislature to determine whether they are serving their purpose or are no longer necessary. Among advisory councils eligible for EAIC review are:

- ▶ Tourism Advisory Council (Commerce) created under 2-15-1816, MCA;
- ▶ Advisory Council on Continuing Education for Insurance Licensees (SAO) created under 33-17-1204, MCA;

- ▶ Advisory Council on Risk Management Activities (SAO), related to medical malpractice concerns, created under 33-23-520, MCA;
- ▶ Noxious Weed Management Advisory Council (Agriculture) created under 80-7-805, MCA;
- ▶ Montana Noxious Weed Seed Free Forage Advisory Council (Agriculture) created under 80-7-904, MCA;
- ▶ Organic Commodity Advisory Council (Agriculture) created under 80-11-601, MCA; and
- ▶ Vertebrate Pest Management Advisory Council (Agriculture) established under 80-7-1104, MCA.

The following required reports are under EAIC auspices, whether because they say specifically that the EAIC is to receive the report or the report is under an agency for which the EAIC is responsible:

- ▶ State Agency and County Weed District Biennial Noxious Weed Report (Agriculture), 7-22-2151, MCA;
- ▶ Montana Board of Investments Annual Report (Commerce), 17-5-1650, MCA;
- ▶ Apprenticeship and Training Program Biennial Report (Labor and Industry), 39-6-101 and 5-11-210, MCA;
- ▶ Business and Industrial Development Corp. report if a BIDCO is created.
- ▶ Livestock Loss Reduction Report (to be made to the Legislature and the Board of Livestock), 2-15-3113, MCA;
- ▶ Distressed Wood Industry Report (Commerce), 90-1-503 and 5-11-210, MCA;
- ▶ Unemployment benefits for victims of domestic violence, sexual assault, or stalking (to be made to the Legislature), 39-51-2111, MCA;
- ▶ Montana State Fund, which is to provide a report on its approved budget to the EAIC (this happens annually after budget approval in the spring); and
- ▶ Reinsurance operations and finance annual report due to EAIC by June each year, starting in 2020 (pursuant to SB 125 in the 2019 session).

The following boards, committees, or other entities may contain an advisory function but are neither specifically termed advisory councils or created statutorily. The following have not had a review since at least 2014. The 2019-2020 EAIC may choose to review one, none, or many.

- ▶ Montana Agriculture Development Council (Agriculture) provided for in 2-15-3015 and 90-9-103, MCA;
- ▶ Montana Alfalfa Seed Committee (Agriculture) under 2-15-3004, MCA;

- ▶ Montana Cherry Advisory Committee (Agriculture) under 80-11-510, MCA (a statute giving the department general creation authority);
- ▶ Montana Potato Advisory Committee (Agriculture);
- ▶ Montana Pulse Crop Committee (Agriculture) under 2-15-3007, MCA;
- ▶ Montana Wheat and Barley Committee (Agriculture) under 2-15-3002, MCA;
- ▶ Board of Hail Insurance (Agriculture) created under 2-15-3003 and Title 80, ch. 2, part 2, MCA;
- ▶ Montana State Workforce Innovation Board (Labor and Industry) under 53-2-1203, MCA;
- ▶ Board of Personnel Appeals (Labor and Industry) under 2-15-1705, MCA;
- ▶ Unemployment Insurance Appeals Board (Labor and Industry) under 2-15-1704, MCA;
- ▶ Board of Housing (Commerce) under 2-15-1814, MCA;
- ▶ Coal Board (Commerce) under 2-15-1821, MCA;
- ▶ Board of Research and Commercialization Technology (Commerce) under 2-15-1819, MCA -- repealed as of June 30, 2019;
- ▶ Hard-rock Mining Impact Board (Commerce) under 2-15-1822, MCA;
- ▶ State Tribal Economic Development Commission (Commerce) under 90-1-131, MCA;
- ▶ SBDC (Small Business Development Center) Advisory Council (Commerce);
- ▶ Montana Heritage Preservation and Development Commission (Commerce) under 22-3-1002, MCA;
- ▶ Montana Facility Finance Authority (Commerce) under 2-15-1815, MCA;
- ▶ Board of Investments (Commerce) under 2-15-1808, MCA; and
- ▶ Montana Council on Developmental Disabilities (Commerce) under 2-15-1869, MCA.

Budget/Meeting Dates

~ \$42,200 - EAIC The EAIC budget for the 2019-2020 biennium is about \$42,200, higher than in past interims with the addition of 2 more House members. For the first meeting, the EAIC tapped money left over from the last interim, which means the budgeted amount for the FY2019-FY2020 biennium is able to cover 9 proposed meeting days, with additional funds for travel, conferences, or a subcommittee if needed. A decision to have a subcommittee reduces the main EAIC staffing, budget, and meeting times.

The bulk of the budget is for members' travel and per diem costs for

meetings but allows for additional expenditures, such as the use of remote meeting technologies, meetings out of Helena, conferences, or other meetings related to the EAIC's work. Table 2 has meeting options.

~ \$7,738 for MSF liaisons

The cost for two EAIC members to serve as liaisons to the Montana State Fund, separately identified in the Legislative Services Division budget, is about \$7,700. Liaisons submit their claims separately to the Legislative Services Division.

Web Resources

Information about the Committee is available through the legislative website at:

<http://leg.mt.gov/eaic>

At that site, staff will post information regarding Committee activities, minutes, agendas, study reports, and relevant information. The site also provides links to the websites of agencies for which the Committee is responsible.

Interim Calendar

The schedule in Table 2 provides an overall road map for accomplishing required duties.

Table 2: Meeting Dates and Proposed Topics and Tasks

Date	Phase	Research Tasks/Policy Issues
June 6, 2019	Organizational Rule Review Studies	*Elect officers *Appoint liaisons to: 1) Montana State Fund 2) Rail Service Competition Council *Review work plan (involvement in rule review, extent of agency monitoring, member issues, meeting times) Review work plans related to assigned studies
September 11, 2019	Work Plan Agency Monitoring Rule Review Legislative Fiscal	*Determine final work plan: level of Intensity for studies, Advisory Council/Committees to review, number of meetings. *Overviews from: * State Auditor's Office (confirmed) * Dept. of Livestock (confirmed) * Montana State Fund and its 2019 budget (confirmed) Presentation by Amy Carlson, Legislative Fiscal Analyst

Date	Phase	Research Tasks/Policy Issues
November 6, 2019 NOTE PROPOSED CHANGE: (originally had Nov. 7)	Studies - HJ 29 Agency Monitoring Assigned Duties Rule Review Member Issues	Presentation: Department of Livestock Meat Inspectors Panel Discussion: Meat Processors from various regions Overviews from: *Financial Institutions Division (confirmed) *Department of Agriculture * Governor's Office of Economic Development *Quarterly Labs Report
Possible mid-January 2020	"Legislative Week"	Proposed joint meeting with Law and Justice Interim Committee on SJ 24 study or meet with fiscal if interim committees are required to meet the week of Jan. 13-17, 2020.
February 12-13, 2020	Studies Agency Monitoring Rule Review Member Issues	*Overviews from: *Department of Commerce (confirmed) *Liquor Control Division (confirmed) *Department of Labor and Industry
April 28, 2020	Studies Agency Monitoring Rule Review Member Issues	*Follow-up on agency presentations? Overviews from: Montana State Fund 2020 budget *Quarterly Labs Report *Presentation by Board of Horseracing on historical horseracing options

Date	Phase	Research Tasks/Policy Issues
June 30-July 1, 2020	Studies Agency Monitoring Rule Review Member Issues	*Report on Reinsurance *Possible early legislation presentation? *Quarterly Labs Report
Sept. 9, 2020	Studies Agency Monitoring Legislative Review Member Issues Rule Review	*Wrap-up: *Last meeting usually involves presentation of required reports -- in part because they are not completed earlier *Quarterly Labs Report *Committee bills? *All monitored agencies' bill drafts

Matrix for Prioritizing the Focus of Meetings

Table 3 outlines options for the Committee's involvement over the interim. Each segment shows options for allocating members' time. Choosing the most involvement for each activity is not possible in the allotted EAIC budget and meeting times, so members are urged to determine how best to use the meeting times, staff resources, and budget. Committee time corresponds to hours within the proposed 9 meeting days. Staff time is indicated by FTE, representing 2100 hours (the expected total available for research and legal review) for July 1, 2019, to September 2020.

Table 3: EAIC Matrix for Setting Priorities for Interim Committee Activities

ACTIVITY	Most Involvement	Moderate Involvement	Minimal Involvement
<p>RULE REVIEW</p> <p><i>Committee Time:</i> <i>Minimum of 10 minutes per meeting (more if questions raised)</i></p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Include items from "Minimal" and "Moderate" Involvement except that reports would be more in-depth and include analysis by legal staff of reported public concerns. ▶ Request copies of rules from agencies for legislators' personal review. ▶ Seek public comment on rules of concern. <p>~ 0.15 FTE (315 hrs)</p>	<ul style="list-style-type: none"> ▶ Request brief written description of all rules prior to Committee meetings (from this meeting). ▶ Review topics in Committee that: ▶ 1) legislators flag as important or of concern; or ▶ 2) a member of the Committee asks be placed on the EAIC agenda. ▶ Public comment on rules that legislators flag. <p>~ 0.1 FTE (210 hrs)</p>	<ul style="list-style-type: none"> ▶ Brief written description of all rules prior to Committee meetings (from this meeting). ▶ Hear information only on issues that Committee or legal staff considers to be out of compliance with statutes or legislative intent. <p>~ 0.075 FTE (~160 hrs)</p>
<i>Subtotal</i>			
ACTIVITY	Most Involvement	Moderate Involvement	Minimal Involvement
<p>ACTIVE SUPERVISION REVIEW</p> <p><i>Committee Time:</i> <i>~ 10 minutes at one or more meetings - min</i> <i>~ 0.5 to 2.5 hrs - med</i> <i>~3-5 hrs - max</i> <i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Incorporate minimal and moderate options and decide if polling of the Legislature is needed to determine legislative intent for issues under consideration. ▶ Conduct more than one public comment. at more than one meeting. <p>~ 0.2 FTE depending on # of issues, degree of interest (420 hrs)</p>	<ul style="list-style-type: none"> ▶ Incorporate minimal options and decide if briefing paper or more information is needed, including comparisons with other states. ▶ Require reports back to the committee. <p>~ 0.1 FTE depending on number of issues (210 hrs)</p>	<ul style="list-style-type: none"> ▶ Hear information only on issues that Commissioner of Labor and Industry considers to be anticompetitive. ▶ Decide if letters need to be written. ▶ Hold public comment if letters sent. <p>~.01 FTE (21 hrs)</p>

ACTIVITY	Most Involvement	Moderate Involvement	Minimal Involvement
<p>AGENCY LEGISLATION REVIEW</p> <p><i>Committee Time:</i> <i>Minimum of 0 to 15 mins to 1 hr for each agency</i></p> <p><i>~ 2-3 hours - med</i> <i>~ 4 hours - max</i></p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Incorporate panel presentations after February 2020 on potential legislative requests from agencies related to proposals submitted in early 2020 to the Office of Budget and Program Planning, recognizing that agency turnover may result when new Governor is elected. <p>~ 0.02 FTE (42 hrs)</p>	<ul style="list-style-type: none"> ▶ Provide time at June and September 2020 meetings, one for initial concept preview and the other a follow-up briefing. <p>~ 0.015 FTE (31 hrs)</p>	<ul style="list-style-type: none"> ▶ Overview of concepts on each item of legislation at final meeting. ▶ Staff time involves checking for availability, listing bill subjects. <p>NOTE: Some agencies do not propose legislation.</p> <p>~ 0.01 FTE (21 hrs)</p>
ACTIVITY	Most Involvement	Moderate Involvement	Minimal Involvement
<p>AGENCY MONITORING</p> <p><i>Committee Time:</i> <i>~ 9 hours - min</i> <i>up to 6 additional hours or 15 hrs total if there's a subcommittee - max</i></p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Include minimal and moderate involvement activities. ▶ Form subcommittee to study areas germane to emerging issues related to the agency. ▶ Staff briefing papers on emerging issues identified for subcommittee review. <p>~0.3 FTE (630 hrs)</p>	<ul style="list-style-type: none"> ▶ Minimal involvement activities plus: ▶ EAIC members specify follow-up reports on existing program specifics with additional briefing papers if not covered earlier. <p>~ 0.25 FTE (525 hrs)</p>	<ul style="list-style-type: none"> ▶ Each agency head would provide a brief overview of activities. ▶ Any agency with further statutory reporting requirement would give an oral report. ▶ Briefing paper on each agency. <p>~ 0.175 FTE (367 hrs)</p>
Subtotal			

ACTIVITY	Most Involvement	Moderate Involvement	Minimal Involvement
<p>HB 142 REVIEWS <i>A review of the necessity of advisory councils, etc., or reports by agencies that EAIC monitors.</i></p> <p><i>Committee Time:</i> ~ 0.5 hrs - min ~ 1 - 9 hrs - med ~ 10-17 hrs - max</p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Review the 35 or so advisory councils/reports and advisory groups of all types associated with agencies monitored by the EAIC. ▶ Include: briefing papers, presentations by key persons, public comment for each. ▶ Determine if EAIC needs to do a "sunset" review with public comment and vote on whether to retain or revise. <p>~ 0.5 FTE (~32 hrs each x 35) or ~ 1,050 hrs.</p>	<ul style="list-style-type: none"> ▶ Have presentations on up to all 13 statutory advisory councils and reports required for review, with public comment and votes by the Committee to retain or revise. See councils and reports on pp. 7-8. <p>~ 0.2 FTE (same as minimum staff time)</p>	<ul style="list-style-type: none"> ▶ Provide a briefing paper for each of the 13 statutory advisory councils and reports, with the committee deciding if up to 2 need a review. If a review is sought, there would be public comment and a vote of the Committee on whether to retain or revise. <p>~ 0.2 FTE (~32 hrs each x 13) = 416 hrs</p>
ACTIVITY	Most Involvement	Moderate Involvement	Minimum Involvement
<p>MONITORING IMPORTANT ACTIVITIES <i>(may be based on member issues below)</i></p> <p><i>Committee Time:</i> ~ 0.5-1 hr - min ~ 2-4 hrs - med ~ 5-8 hrs - max</p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Outline up to 5 topics chosen to include in the work plan. ▶ Include staff-prepared briefing papers on each topic. ▶ Panel presentations on selected topics. <p>~ 0.25 FTE (520 hrs)</p>	<ul style="list-style-type: none"> ▶ Outline up to 3 topics chosen at the first/second meeting to be addressed at subsequent meetings. ▶ Staff briefing papers on topics of interest. ▶ Panel presentations. <p>~ 0.1 FTE (210 hrs)</p>	<ul style="list-style-type: none"> ▶ Topics limited to those presented by interested persons who ask to be on agenda. ▶ Copies of relevant reports provided to Committee. ▶ No staff briefing or "white papers." <p>~ 0.005 FTE (10 hours)</p>
Subtotal			

ACTIVITY	Most Involvement	Moderate Involvement	Minimum Involvement
<p>MEMBER ISSUES</p> <p>(See Appendix E and also see Monitoring Important Activities above)</p> <p>Committee Time: ~ 0.5-1 hr - min ~ 2-4 hrs - med ~ 5-6 hrs - max</p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Each meeting would have 1 member issue on the agenda (up to 10 topics in total or multiples of a topic) ▶ Briefing papers on designated issues. ▶ Presentation by an identified expert or panel discussions ▶ Possible draft legislation. <p>-- OR --</p> <ul style="list-style-type: none"> ▶ Committee as a whole could choose 1-2 issues to explore at 3 to 5 meetings. <p>~ 0.25 FTE (520 hrs)</p>	<ul style="list-style-type: none"> ▶ 3 to 4 member issues, with presentations by an identified expert or panel discussions. (Panel discussions take more time to set up than single speakers.) ▶ Staff to prepare briefing papers or draft legislation as issues arise. <p>~ 0.175 FTE (~360 hrs)</p>	<ul style="list-style-type: none"> ▶ Address no more than 2 member issues as time allows, with staff providing copies of relevant outside reports to EAIC. ▶ No staff briefing or white papers. ▶ Up to 2 presentations, if any. <p>~ 0.1 FTE (~200 hrs)</p>
Subtotal			
ACTIVITY	Most Involvement	Moderate Involvement	Minimum Involvement
<p>ASSIGNED STUDY :</p> <p>HJ29 - Study of Meat Inspection Laws</p> <p>Committee time: 1-2 hrs min. 2-3 hrs med. 3-4 hrs max.</p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Overview ▶ Briefing papers for min/med involvement ▶ 2-3 presentations of which: <ul style="list-style-type: none"> ▶ 1 panel presentation from stakeholders regarding their views and concerns. ▶ 1 on custom butchers ▶ 1 on wild game issues ▶ Legislation ▶ Public comment opportunity. <p>~ 0.4 FTE (840 hrs)</p>	<ul style="list-style-type: none"> ▶ Overview ▶ Briefing papers (federal laws, Montana situation) ▶ 1 panel presentation from stakeholders regarding their views and concerns. ▶ Public comment opportunity. <p>~ 0.25 FTE (520 hrs)</p>	<ul style="list-style-type: none"> ▶ Overview of issues behind the study ▶ Briefing paper on federal laws followed by state meat inspectors. ▶ Public comment opportunity. <p>~ 0.1 FTE (~200 hrs)</p>
Subtotal			

ACTIVITY	Most Involvement	Moderate Involvement	Minimum Involvement
<p>ASSIGNED STUDY :</p> <p>SJ 18 - Study of occupational licensing barriers for those with criminal convictions</p> <p><i>Committee time</i> 1-2 hrs - min 2-4 hrs - med 5-8 hrs- max</p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Overview ▶ Briefing papers listed at right (restoration of rights, legislative efforts, and what other states are doing). ▶ 2 to 3 panel or individual presentations on changing laws to help those with criminal convictions get evaluated on skills and merits. Include model legislation or guidelines for licensing boards in evaluating applicants. ▶ Determine if legislation is to be introduced and, if so, convene related presentations. ▶ Public comment opportunity. <p>~ 0.25 FTE (525 hrs)</p>	<ul style="list-style-type: none"> ▶ Overview ▶ Briefing papers listed at right plus briefing paper on what other states are doing to address employment of those with criminal records. ▶ Panel presentation from stakeholders, including applicants with criminal convictions and board members. ▶ Determine if legislation is to be introduced and, if so, have presentations related to bill drafts. ▶ Public comment opportunity. <p>~ 0.1 FTE (~210 hrs)</p>	<ul style="list-style-type: none"> ▶ Overview. ▶ Briefing paper on legal issues regarding restoration of rights ▶ Briefing paper on past legislative efforts regarding criminal convictions and employment. ▶ Determine if legislation is to be introduced and, if so, have presentations related to bill drafts. ▶ Public comment opportunity. <p>~ 0.05 FTE (105 hrs)</p>
Subtotal			
ACTIVITY	Most Involvement	Moderate Involvement	Minimum Involvement
<p>ASSIGNED STUDY :</p> <p>SJ 24 - Study of the distribution of lodging facility use taxes</p> <p><i>Committee time</i> 2-4 hrs - min 5-6 hrs - med 7-8 hrs - max</p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> ▶ Overview ▶ More in-depth briefing papers on Tourism Advisory Council and local tourism commissions' recommendations related to distributions. ▶ Fiscal overview of all tourism-related funding and unmet tourism needs ▶ Determine if legislation is to be introduced ▶ 2-3 presentations related to bill drafts if any are proposed. ▶ Public comment opportunity. <p>~ 0.2 FTE (420 hrs)</p>	<ul style="list-style-type: none"> ▶ Overview ▶ Grant briefing paper ▶ More in-depth briefing papers on Tourism Advisory Council and local tourism commissions' recommendations related to distributions. ▶ Determine if legislation is to be introduced ▶ 1-2 presentations related to bill drafts if any are proposed. ▶ Public comment. <p>~ 0.15 FTE (310 hrs)</p>	<ul style="list-style-type: none"> ▶ Overview ▶ Briefing paper on grant process ▶ Briefing paper related to Tourism Advisory Council and local tourism commissions' recommendations as related to distributions. ▶ 1 panel presentation on ways to improve distributions ▶ Public comment opportunity. <p>~ 0.1 FTE (210 hrs)</p>
Subtotal			

Summary =			
Total Committee Time = 9 days 2 two-day meets 5 one-day ~ 60 hrs (9x6.7)	about 7 hours per meeting	Staff time = 7/2019 - 9/2020 Approximately 1 FTE (includes JW+PM time) 0.01 = 21 hrs 0.1 = 210 hrs 0.25 = 525 hrs 0.5 = 1,050 hrs. 1 FTE = 2100 hours	All Pat's time (1524) + half of Jameson's time (580) = 2104 or 2100 for convenience (Removes comp, vacation, and time spent on other duties.)

In calculating the EAIC's allocation of its meeting time, the following table may be helpful.

Responsibilities	Time Needed	Total Meeting Hours
Administrative & statutory duties <ul style="list-style-type: none"> ▶ Rule review ▶ Agency monitoring ▶ Agency legislation review 	<ul style="list-style-type: none"> ▶ 10 minutes for rule review at each meeting unless there's a concern ▶ Up to 1 hour for each agency monitored ▶ Varies from 15 minutes for 1 agency to ~ an hour 	1 hour rule review 9 hours possible for agency monitoring 3 hours for legislation review ~ 13 hours (depending on rule review contention and monitoring level)
<ul style="list-style-type: none"> ▶ HB 142 reviews 	<ul style="list-style-type: none"> ▶ 20 minutes to 45 minutes for each (approximately) 	Depends on number of reviews chosen, including final report review at last meeting. 0.5 hr total if only briefing papers and reports offered.
<ul style="list-style-type: none"> • Review of active guidance on board antitrust issues. 	<ul style="list-style-type: none"> • 5 minutes to 10 minutes for each issue 	Not expecting many issues so 30 minutes to about an hour (with public comment) total.
Studies	As determined for work plan	TBD
Member issues	As determined for work plan	TBD
		Total?

<p>Total - Approximately 60 hours (9 days x 7)</p>	<p>Required activities..13 hours Advisory Councils .. Studies Member issues</p>	<p>Budget allows ~ \$3,000 for 1-day meeting (an average) 1 meeting is on 2018 budget</p> <table border="1"> <thead> <tr> <th><u>Mileage</u></th> <th><u>Salary</u></th> <th><u>Lodging</u></th> <th><u>Meals</u></th> </tr> </thead> <tbody> <tr> <td>\$1,406</td> <td>\$90.64</td> <td>\$103</td> <td></td> </tr> </tbody> </table> <p>Salary, Lodging, Meals x 10 legislators x # of meeting days + extra day salary for some legislators on 2-day meetings + extra lodging if 1st day starts early.</p>	<u>Mileage</u>	<u>Salary</u>	<u>Lodging</u>	<u>Meals</u>	\$1,406	\$90.64	\$103	
<u>Mileage</u>	<u>Salary</u>	<u>Lodging</u>	<u>Meals</u>							
\$1,406	\$90.64	\$103								

APPENDIX A

Study: <u>HJ 29</u> Interim Study Poll Rank: <u>18</u>
Short Title: <u>Study of meat inspection laws</u>
Staff Recommendation: <u>Assign to Economic Affairs Interim Committee</u>

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. 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** xx **No**

Role for Executive agency? Yes – Input from the Department of Livestock

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

Estimated LSD staff time: 288 **hours** (**Interim FTE Equivalent**s 1 Interim FTE = 16.5 months)

Appendix B

Study: <u>SJ 18</u>	Interim Study Poll Rank: <u>15</u>
Short Title: <u>Study occupational licensing barriers for those with criminal convictions</u>	
Staff Recommendation: <u>Assign to Economic Affairs Interim Committee</u>	

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.

Appendix C

Study: <u>SJ 24</u>	Interim Study Poll Rank: <u>4</u>
Short Title: <u>Requesting an interim study of the revenue and distribution of the lodging facility use tax</u>	
Staff Recommendation: <u>Assign to Economic Affairs Interim Committee</u>	

Preliminary Analysis

Issue(s) as listed in legislation:

- 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.
- Collection of both accommodation taxes is handled by the lodging facilities.
- 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.
- 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 is primarily aimed at the portion of the lodging facility accommodations tax that is distributed by the Department of Commerce, although discussions may include the 3% (soon to be 4%) tax that goes to the general fund.

APPENDIX D

Member Issues and Possible Emerging Issues

The following table includes suggestions from EAIC members (and staff) and provides space for you to include suggestions for "other" topics of consideration. Dates TBD.

Topic	Possible Activity	Date
Agriculture		
Population declines in rural communities and options for jobs, income	1) Review federal programs like the conservation reserve program, H2-1B Visas, regarding links to population declines and workarounds. Examine changes in technology, including broadband, that help ag jobs.	
Genetically modified or engineered organisms -- current status in Montana	2) Although a proposed study of GMO impacts on Montana agriculture crops did not pass, some people are concerned about GMO impacts on agricultural trade. A panel discussion on the pros/cons and concerns may be informative.	
Trade issues	3) Congressional approval of the United States, Mexico, Canada Agreement is pending. Trade with Canada and Mexico has impacts on Montana agriculture in particular. A panel on trade with Canada and Mexico might shed light on the importance of these countries in Montana trade.	
Other?		
Alcohol		
Montana's quota system	4) Review Dept. of Revenue implementation of HB 35 and SB 5 from the 2017 special session regarding license auctions.	
All alcohol licensing in general	5) HJ 54 (2019) was a liquor study resolution that might provide some components that EAIC members could incorporate into member issues either in part or in total.	
Montana's 3-tiered system	6) Changes have occurred in the alcohol industry since 1999 when the legislature allowed small brewers to have tasting rooms and charge. These changes may be among the reasons for the lines being blurred between the 3 tiers of manufacturing, distribution, and retail of liquor in Montana. Are the laws equitable among the 3 tiers? Is there a need to explore changes in the statutes?	
Examine education and related programs intended to reduce driving under the influence.	7) Alcohol laws are intended to protect public health, welfare, and safety. What measures can the industry take to help reduce the number of driving under the influence charges that occur each year?	
Other?		

Economic Development		
<p>Broadband, Cellular and Satellite Uses</p> <p>For map - see p. 3 of data from the Montana State Library website: https://mslservices.mt.gov/legislative_snapshot/Broadband/Default.aspx#Maps</p> <p>Also see Pew Charitable Trusts' State Broadband Policy Explorer Tool at Pew Trusts.org (and article).</p>	<p>8) Federal money is available to states that have a broadband plan. Montana's plan was compiled by key industry leaders as part of the Main Street Montana Program prior to 2019. The Montana Telecommunications Association publishes a map showing wide variation in access. In looking at options for broadband assistance:</p> <ul style="list-style-type: none"> ● Could the state lead coordination to improve siting of cell towers, fiber distribution, etc.? ● What are the impacts on businesses, students, government, and others if Montana's broadband access lags other states? Will Montana be disadvantaged if download speeds are lower than in other states? ● Is broadband access a question of: less regulation or more funding? ● What can legislators do to boost access/affordability? 	
Other?		
Employment/Unemployment/Labor		
Workforce development	<p>9) Reports on:</p> <ul style="list-style-type: none"> ● the imbalance between supply and demand in various Montana labor markets; ● incumbent worker training; ● foreign labor certification program. 	
Ban the box options for employment applications	<p>10) This subject area may be part of the SJ18 study on occupational licensing and barriers to those with criminal convictions. But the issue is greater than licensing. In both the 2017 and 2019 sessions bills sought to change the way job applications ask for information. Other states also are looking at:</p> <ul style="list-style-type: none"> ● banning questions about how much an employee made in previous jobs; ● banning a requirement to put a first name on a job application or a box regarding gender; and ● banning a question as to whether an applicant has a criminal record. <p>What, if anything, should the state do to facilitate employment and public safety? Panel presentations?</p>	
Gambling		
Implementation of SB183 regarding public hearings and possible rulemaking for historical horseracing	<p>11) SB183 says the Board of Horseracing is to present the findings of its public hearings and any proposed legislation regarding historical horseracing to the Economic Affairs Interim Committee.</p>	

Implementation of gambling laws enacted in 2019	12) Gambling falls under the purview of the Dept. of Justice, which is monitored by the Law and Justice Interim Committee. The gambling bills enacted in 2019 went before the House/Senate Business and Labor Committees. Two questions: <ul style="list-style-type: none"> • Does EAIC want to be apprised of implementation? • Does EAIC want the gambling division moved in statute to its duties (as happened with the Alcohol Division)? This would require a committee or legislator bill draft. 	
Other?		
Housing/Finance/Investments		
Housing affordability in Montana	13) Two studies were proposed in 2019 but did not pass both houses. Both looked at affordability, with one seeking to formulate regulations to ease use of tiny homes and the other looking at both rent and purchase of affordable homes in general. The issue is particularly problematic in certain areas of the state.	
Successor liability -- for unpaid water bills, etc.	14) A 2017 bill to allow liens for unpaid water bills failed due to some technical concerns, which remain unaddressed. Although this is probably a local government issue, the use of liens often is a business/labor issue. This also relates to real estate sales. Possible panel discussion.	
Landlord-tenant laws	15) As a real estate business, home rentals and property management are an area that come under the EAIC's purview. Various changes in the landlord-tenant act were made in the 2017 and 2019 Legislatures. What have the impacts of these changes been on the balance of landlord-tenant rights and adequate rental housing supply? What is the role of government, if any, related to rentals of private property? Possible panel discussion.	
Montana's Board of Housing and the Veterans Home Loan Program - How are they working?	16) The Board of Housing in the Department of Commerce is under the EAIC oversight/monitoring umbrella. Is the Board of Housing fulfilling its responsibilities? Are changes needed in legislation to improve its success? Are veteran home loans being made statewide? Possible presentation.	
How investments in cows, liquor licenses, or other nontraditional items affect business developments in Montana	17) How lending works outside the normal boxes would involve a discussion among panelists from the State Auditor's Securities Office and the Commissioner of Banking and Financial Institutions. Possible discussion would include loans or investments based on a tangible commodity other than land, like an all-beverage license.	
Other?		
Insurance		
Health insurance changes	18) What impacts are expected in Montana's health insurance market from Congressional actions and from bills passed in 2019? Updates from the State Auditor's Office on this subject once or twice or more?	

Insurance competition	19) The committee may want to examine competition in the insurance industry, whether related to workers' compensation insurance, medical malpractice insurance, health insurance, or other types of insurance. Would changes in law be needed to encourage competition or is lack of population a driving factor?	
Other?		
Livestock		
Budget issues	20) Review the Dept. of Livestock budget and structural balances to determine whether the department is on solid footing. This was an issue in 2016 and remains a concern.	
Per Capita Fee issues	21) Review how the Dept. of Livestock and Dept. of Revenue conduct the per capita fee notification and collection. Determine if large groups are not responding.	
Brucellosis and the Designated Surveillance Area	22) Follow up on work of the 2009-2010 EAIC regarding the Board of Livestock and the Department of Livestock actions related to brucellosis in the areas near Yellowstone National Park. Among issues are: <ul style="list-style-type: none"> • Are veterinarians paid too much, too little for brucellosis checks/vaccinations? • What action is the Interagency Bison Management group taking to limit the spread of brucellosis in elk? Schedule at least one presentation regarding the Interagency Management Plan and the work of multiple agencies related to bison.	
Veterinary Diagnostic Laboratory and other laboratories	23) Quarterly reports are due to the EAIC from an advisory council on co-located labs. Additional followup on the issue may be of interest.	
Other?		
Professional/Occupational Licensing		
Monitor use of active supervision (as allowed under HB 141)	24) Determine the Commissioner of Labor's workload under HB 141, the active supervision bill. The active supervision law expires July 1, 2021. Has the law been effective in answering questions about anticompetitiveness within licensing boards?	
Monitor boards, including solvency and whether funding for boards should be part of the main state budget or offline, like an enterprise fund.	25) Determine which boards need additional oversight or monitoring based on budget, numbers of complaints, etc.? 26) Look at the Board of Public Accountants' approach to budgeting and determine if that is a model for other boards. 27) A 2017 federal law allows over-the-counter sales of hearing aids. Will hearing aid dispensers still need licensing?	
Other?		
Workers' Compensation		

Presumptive illness for firefighters	28) Monitor SB 160 implementation regarding presumptive illness for firefighters, to determine if volunteer firefighters have dropped workers' compensation coverage or if premiums went up. Presentation by insurers, firefighters, state auditor's office regarding whether premiums are discriminatory, excessive, or inadequate as provided in 33-16-201, MCA.	
Drug formulary development	29) Monitor implementation now that a drug formulary is in effect. Presentation from the Department of Labor and Industry	
Workplace safety	30) Follow up on the work of WorkSafeMT and reports from OSHA regarding private-sector contacts, whether for citations or recommended changes.	
Authorization to share medical information	31) Is there an approach to sharing medical information that protects injured workers' privacy (particularly related to medical conditions that may impact healing of a work-related injury) and that satisfies the need-to-know about return-to-work by the employer but still protects private medical information? What do other states allow?	
Examine the use of mod factors, subrogation, and no fault in work comp in light of pooled insurance risk	32) Even if an employer is not at fault for an injury, the employer's premiums may go up based on claims, which affect the employer's mod factor for 3 years. Is there a way of distinguishing for no-fault situations, including 3rd party cases that are difficult to subrogate, so that the no-fault employer is held harmless or harmed for less time? Panel discussion.	
Other?		

APPENDIX E

Member issues may be included in the EAIC work plan depending on available time. They fall under the statutory duties of identifying emerging issues likely to require future legislative attention and improving existing laws.

The following topics are listed in Appendix D and were mentioned by EAIC members at the June 2019 organizational meeting. The true "minimum involvement" can be zero time spent. However, for purposes of planning time for the interim, each option is given some "meat" for each level of involvement. Minimum involvement is greater for staff time if the subject area is complex and not a typical EAIC topic.

Member Option 1	Most Involvement	Moderate Involvement	Minimum Involvement
<p>Alcohol Industry Concerns</p> <p>Subtopics:</p> <ul style="list-style-type: none"> • (1A) Quota system • (1B) Alcohol licensing • (1C) 3-tiered system • (1D) Education and programs to reduce driving under the influence. <p>Committee Time: ~ 0.5-1 hr - min ~ 2-3 hrs - med ~ 4-8 hrs - max</p> <p>Chosen option</p>	<p>Incorporate minimum and moderate involvement and expand number of topics considered from 1A through 1D to include 3 or all topics. This option includes presentations, committee bill(s), and public comment.</p> <p>~ 0.15 FTE (~310 hrs)</p>	<p>Incorporate minimum involvement and offer more depth on one or two of (1A through 1D) issues.</p> <ul style="list-style-type: none"> • One or two presentations related to chosen topics from 1A through 1D. • Public comment on topic and proposed committee bill(s). • Briefing papers on chosen topics. <p>~ 0.1 FTE (~210 hrs)</p>	<p>High-level review of (1A) through (1D):</p> <ul style="list-style-type: none"> • Reports on issues of agreement (if any) from alcohol coalition members at 2/2020 meeting. • Overview from Alcohol Control Division. • Propose legislative changes. <p>~ 0.002 FTE (~40 hrs)</p>
Member Option 2	Most Involvement	Moderate Involvement	Minimum Involvement
<p>Implementation of Firefighter Presumptive Disease statutes</p> <p>Committee Time: ~ 0.5-1 hr - min ~ 2 hrs - med ~ 3 hrs - max</p> <p>Chosen option</p>	<ul style="list-style-type: none"> • Overview, presentation, and panel discussion. • NCCI presentation of implementation in other states and whether costs increased, decreased, or stayed the same. <p>~ 0.05 FTE (~ 80 hrs)</p>	<ul style="list-style-type: none"> • Overview and comment opportunity (listed at right) • Panel discussion by insurers and firefighter representatives. <p>~ 0.03 FTE (~60 hrs)</p>	<ul style="list-style-type: none"> • Overview of changes in law and implementation by workers' compensation insurers. • Public comment opportunity <p>~ 0.02 FTE (~40 hrs)</p>

Member Option 3	Most Involvement	Moderate Involvement	Minimum Involvement
<p>Insurance - In particular homeowner policy awareness</p> <p>Committee Time: ~ 0.5-1 hr - min ~ 2 - med ~ 3-6 hrs - max</p> <p><i>Chosen option</i></p>	<ul style="list-style-type: none"> • Overview, presentation, and panel discussion. • Subcommittee to review proposed changes to legislation. <p>~ ~ 0.075 FTE (60 hrs plus 40-100 hrs. subcommittee prep/meet)</p>	<ul style="list-style-type: none"> • Overview and Presentation (listed at right) • Panel discussion among insurers and those representing policyholders. <p>~ 0.03 FTE (~60 hrs)</p>	<ul style="list-style-type: none"> • Overview of state statutes related to insurance policies. • Presentation by the State Auditor's Policyholder Insurance Office <p>~ 0.02 FTE (~40 hrs)</p>
Member Option 4	Most Involvement	Moderate Involvement	Minimum Involvement
<p>Broadband and Fiber Optic Cable as Economic Development Factors</p> <p>Committee Time: ~ 0.5-1 hr - min ~ 2-3 hrs- med ~ 4-6 hrs - max</p> <p><i>Chosen option</i></p>	<p>Minimum and moderate involvement plus:</p> <ul style="list-style-type: none"> ▶ Panel Discussion on increasing competition in Montana. ▶ Bill draft options. <p>~ 0.15 FTE (~310 hrs)</p>	<p>Minimum involvement plus:</p> <ul style="list-style-type: none"> ▶ Panel Discussion regarding financing options. ▶ Panel Discussion about public-private partnerships in broadband/cable placements. <p>~ 0.1 FTE (~210 hrs)</p>	<ul style="list-style-type: none"> ▶ Overview of state statutes related to broadband oversight (Public Service Commission duty) ▶ Update from state's economic development officer and broadband representatives. <p>~ 0.05 FTE (~105 hrs)</p>
Member Option 5	Most Involvement	Moderate Involvement	Minimum Involvement
<p>Gambling Subtopics:</p> <p>1) Historic horseracing 2) Implementation of gambling laws</p> <p>Committee Time: ~ 0.5-1 hr - min ~ 2 - med ~ 3 hrs - max</p> <p><i>Chosen option</i></p>	<p>Add moderate involvement plus one additional report each from DOG and Lottery Commission regarding implementation of bills.</p> <p>~ 0.03 FTE (~ 60 hrs)</p>	<p>Add to minimum involvement:</p> <p>1) Additional report on horseracing. 2) Two reports from DOJ and from the Lottery Commission on implementation of HB 368 (cee-lo), HB 725 (fantasy sports lottery), HB 727 (disconnect of premises and license application + concession agreements), SB 1 (lottery rule exemption), SB 25 (overall gambling bill), SB 119 (access control).</p> <p>~ 0.02 FTE (~42 hrs)</p>	<p>1) Historic horseracing report already planned for April meeting.</p> <p>2) Gambling laws implementation: report by: a) DOJ on all gambling legislation; and b) Lottery Commission on fantasy sports lottery.</p> <p>~ 0.01 FTE (~ 21 hrs)</p>

Member Option 6	Most Involvement	Moderate Involvement	Minimum Involvement
Franchising Committee Time: ~ 0.5-1 hr - min ~ 2 - med ~ 3-4 hrs - max <i>Chosen option</i>	Minimum and moderate involvement tasks plus development of bill draft for each area in which changes in franchise law may be desired. ~ 0.25 FTE (~525 hrs)	Minimum involvement tasks plus panel discussion or presentation by franchising expert on uniform vs. 50-state approach, various types. ~ 0.2 FTE (~420 hrs)	Overview and briefing paper regarding franchise statutes in general, with examples from auto dealership and sports vehicle dealership franchises. ~ 0.15 FTE (~310 hrs)
Member Option 7	Most Involvement	Moderate Involvement	Minimum Involvement
Credit Cards and Financial Exchange Update Committee Time: ~ 0.5-1 hr - min ~ 2 hrs - med ~ 3-4 hrs - max <i>Chosen option</i>	Minimum and moderate involvement plus panel discussions regarding <ul style="list-style-type: none"> ▶ Constituent concerns as to credit card company charges; and ▶ Future of money and credit card usage panel discussion. ~0.3 FTE (630 hrs)	Minimum involvement plus a presentation by a credit reporting agency representative on how state regulation and federal regulation coexist. ~ 0.25 FTE (525 hrs)	Overview and briefing paper regarding state vs. federal regulations regarding credit card usage. This would be a combination of banking commissioner & staff. ~ 0.2 FTE (420 hrs)
Member Option 8	Most Involvement	Moderate Involvement	Minimum Involvement
Other? Committee Time: ~ 0.5-1 hr - min ~ 2 - med ~ 3-6 hrs - max <i>Chosen option</i>			
Subtotal			

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Updated:

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