Local Government Committee (LGIC)

WORK PLAN FOR THE 2021-2022 INTERIM

ADOPTED SEPTEMBER 24, 2021
**CONTENTS**

Local Government Interim Committee Members and Staff ................................................................. 3
Introduction and Purpose .......................................................................................................................... 4
Committee Procedures and Public Participation ..................................................................................... 4
History of the LGIC ................................................................................................................................ 4
LGIC Statutory Authority & Duties .......................................................................................................... 5
  Statutory Duties – Required Reports .................................................................................................. 6
General Topic Areas within the LGIC’s Jurisdiction ............................................................................. 7
How the LGIC Plans its Work ............................................................................................................... 7
Potential Work Plan Topics .................................................................................................................. 8
  Study Resolutions Assigned by Legislative Council ...................................................................... 8
    1. HJ 30: Study of county water and/or sewer districts ................................................................. 8
    2. SJ 13: Study of prevailing wage laws ......................................................................................... 9
    3. SJ 23: Study allowing public notice via certain electronic means ............................................. 10
  Member Requested Topics ................................................................................................................. 11
  Additional Agenda Items .................................................................................................................... 12
2021-2022 LGIC Work Plan Timeline - Draft .................................................................................. 14
## LOCAL GOVERNMENT INTERIM COMMITTEE MEMBERS AND STAFF

<table>
<thead>
<tr>
<th>Committee Members</th>
<th>Phone</th>
<th>Email</th>
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<tbody>
<tr>
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</tr>
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<tr>
<th>Staff</th>
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<tr>
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INTRODUCTION AND PURPOSE

The work plan provides guidance for the next 15 months and serves as a blueprint for the interim. The main purpose of the work plan is to outline the studies and topics that the LGIC may choose to investigate and the possible approaches the committee may take to meet its goals.

The work plan is intended to be a fluid document, subject to modification during the interim as questions arise and Committee decisions are made.

THE WORK PLAN INCLUDES:

- Background of the LGIC and its duties
- A description of draft work plan topics and plans to address those topics
- A draft work plan timeline

COMMITTEE PROCEDURES AND PUBLIC PARTICIPATION

The LGIC will operate under the Rules, Procedures, and Guidelines for Interim Committees adopted by the Legislative Council. As required by law, 10-day advance public notice will be given for all meetings and the public will be given an opportunity to comment on any matter that is within the jurisdiction of the committee. The Presiding Officer may establish time limits for public comment, if necessary. Interested persons may be added to the mailing list by visiting the LGIC website. By visiting the website, interested persons also may sign up for electronic meeting notifications.

Agendas, memos, links and other information can be found on the LGIC website: www.leg.mt.gov/committees/interim/lgic.

HISTORY OF THE LGIC

The Local Government Interim Committee is a newer interim committee, established by SB151 during the 2017 session. From 2001 to 2017, local government issues were included in the workload of the Education and Local Government Interim Committee. Despite a few legislative attempts to split the committee into two, the statute remained largely unchanged until 2017.

Prior to 2001, local government issues were usually addressed in other interim committees. However, the 1999 Legislature enacted SB 184 which established and appropriated funding for a Local Government Funding and Structure Committee (LFGSC) to conduct a study of funding local government to determine the best method of allocating resources. SB 184 revised property tax law, providing reimbursements to local governments for loss of property tax revenue resulting from other property-tax related bills that session.

The LFGSC produced a bill draft that later became known as “The Big Bill” during the 2001 session. HB 124 created an entitlement share program whose aim was to:

- simplify billing, collection, accounting, distribution, and reporting of all revenue;
- de-earmark revenue and eliminate expenditure mandates for local governments; and
The LGFSC also recommended the creation of a State and Local Government Relationship Committee comprised of legislators, representatives from local governments, the K-12 education community, the Department of Commerce, and the Department of Revenue. Ultimately, this specific committee was not created, but SB 10 passed in 2001 which created an Education and Local Government Committee. The wording establishing this committee was nearly identical to the duties outlined in the proposed State and Local Government Relationship Committee, resulting in a committee with the duties and goals recommended by the LGFSC but with a legislator-only membership similar to other interim committees.

From 2001 to 2017, the Education and Local Government Committee studied education and local government issues, both of which can be complicated and complex. Finally, in 2017, the committee was split, creating two independent committees.

**LGIC STATUTORY AUTHORITY & DUTIES**

The LGIC draws its statutory authority from one source: 5-5-232, MCA.

**5-5-232. Local government committee.** There is a local government committee. The committee is treated as an interim committee for the purposes of 5-5-211 through 5-5-214. The local government committee shall:

1. act as a liaison with local governments;
2. promote and strengthen local government through recognition of the principle that strong communities with effective, democratic governmental institutions are one of the best assurances of a strong Montana;
3. bring together representatives of state and local government for consideration of common problems;
4. provide a forum for discussing state oversight of local functions, realistic local autonomy, and intergovernmental cooperation;
5. identify and promote the most desirable allocation of state and local government functions, responsibilities, and revenue;
6. promote concise, consistent, and uniform regulation for local government;
7. coordinate and simplify laws, rules, and administrative practices in order to achieve more orderly and less competitive fiscal and administrative relationships between and among state and local governments;
8. review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;
9. make recommendations to the legislature, executive branch agencies, and local governing bodies concerning:
   a. changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and uniform guidance and regulations for local government;
   b. changes in tax laws that will achieve more orderly and less competitive fiscal relationships between levels of government;
   c. methods of coordinating and simplifying competitive practices to achieve more orderly administrative relationships among levels of government; and
   d. training programs and technical assistance for local government officers and employees that will promote effectiveness and efficiency in local government;
10. conduct interim studies as assigned pursuant to 5-5-217; and
11. report its activities, findings, recommendations, and any proposed legislation as provided in 5-11-210.
**STATUTORY DUTIES – REQUIRED REPORTS**

**Sand and Gravel Deposit Program: Section 82-2-701, MCA**

The Bureau of Mines and Geology shall establish a Sand and Gravel Deposit Program to investigate, if funding allows, sand and gravel deposits in areas where of conflict between development and sand and gravel operations. In prioritizing areas for investigation, the Bureau must consider the largest counties (based on census data) and the counties with the most opencut mining permits and subdivision applications. Within 1 year of starting an investigation, the Bureau is required to report the results to the county in which the investigation occurred, the Environmental Quality Council, and the LGIC.

**NEW for 2021-2022 Interim:**

**Experimental On-site Wastewater Systems Review: Section 76-4-104, MCA**

*(Enacted through SB 54 – a bill drafted and introduced by the 2019-2020 LGIC)*

The Department of Environmental Quality shall conduct biennial reviews of experimental on-site wastewater systems that receive a waiver or deviation for installation to determine if a system may be adopted into rule as an accepted system. Each interim, the department shall report to the LGIC the number and type of systems reviewed and those approved and also provide reasoning why a system was reviewed but not approved.

**Assistance to Local Governments on Federal Land Management Proposals: Section 90-1-182, MCA:**

*(Enacted through SB 57 – report originally sent to "an appropriate legislative interim committee")*

Local governments may request that the Department of Commerce conduct socioeconomic impact reviews and analysis of significant federal land management proposals that impact local governments. The department shall advocate on the behalf of local governments using said reports before the agency issuing a federal land management proposal. The department shall report to the Local Government Interim Committee regarding the number of requests, the types of requests, and the number of responses handled annually.

**Emergency Financial Assistance to Local Governments: Section 90-6-703, MCA:**

*(Enacted through SB 57 – report originally sent to only the governor and the legislative fiscal analyst)*

The Department of Commerce may provide emergency grants to local governments for infrastructure projects necessary to remedy conditions that may endanger public health or safety and expose the applicant to significant financial risk. The emergency grants may be used during a time period when legislative approval is not available. The department shall report biennially to the Governor, the Legislative Fiscal Analyst, and the LGIC regarding emergency infrastructure grants.

**Ballot Initiative Review:**

*House Bill. No. 651 (Ch. 554, L. 2021) amended 5-5-215 to require interim committees to review proposed ballot initiatives within the interim committee's subject area and vote to either support or not support the placement of the text of an initiative on the ballot.*

The bill also amends 13-27-202(5) to provide for the interim committee hearing and voting process and for notification of the outcome of the vote to the secretary of state:

"(c) The appropriate interim committee or legislative council shall meet and hold a public hearing after receiving the information and vote to either support or not support the placement of the proposed initiative text on the ballot. The outcome of the vote must be submitted to the secretary of state no later than 14 days after receipt of the final text of the proposed issue and ballot statements. Nothing in this section prevents the interim committee***
from meeting remotely or via conference call. Proxies must be allowed for legislators unable to participate if a quorum of the committee or council meets to fulfill the requirements of this section.

(d) The executive director shall provide written correspondence to the secretary of state providing the name of the interim committee or the administrative committee that voted on the proposal, the date of the vote, and the outcome of the vote conducted in accordance with subsection (5)(e)."

This requirement may result in additional committee meetings because the committee vote must be provided no later than 14 days after receipt of the final text of the ballot initiative.

GENERAL TOPIC AREAS WITHIN THE LGIC’S JURISDICTION

The following list provides topic areas directly applicable to the LGIC’s purpose, function, and expertise. Most areas are integral to many, if not all, local government entities. The list offers topic areas that most likely will not receive attention in other interim committees, and thus may be areas that the LGIC may like to prioritize.

- Local government administration
  - Alternate forms of government
  - Officers and employees (county & municipal levels)
  - Budgeting and accounting
  - Ordinances and resolutions
- Special districts
- Public utilities (water, sewer, solid waste, lighting, etc.)
- County roads
- Fire protection
- Land use planning (local subdivision review, zoning, growth policies, etc.)

HOW THE LGIC PLANS ITS WORK

During the legislative interim, the LGIC focuses most of its time on its assigned study topics. Since the LGIC is one of the few interim committee without agency oversight or rule review requirements, the committee has broad authority to address issues it considers in the best interest of the state and local governments.

The Legislative Council assigned the Committee three studies in the form of joint study resolutions ranked by legislators:

- House Joint Resolution No. 30, a study of county water and/or sewer districts
- Senate Joint Resolution No. 13, a study of prevailing wage laws
- Senate Joint Resolution No. 23, a study allowing public notice via certain electronic publications

In May and June, staff also visited with LGIC members about potential topics for discussion.

The LGIC establishes its work plan at the beginning of the interim. The primary constraint limiting the agenda for the interim is the number of issues to effectively address within the available time and resources of the committee members and its staff.

The LGIC Work Plan Decision Matrix, a separate document, offers additional aid to review time allocations for each topic.
**POTENTIAL WORK PLAN TOPICS**

**STUDY RESOLUTIONS ASSIGNED BY LEGISLATIVE COUNCIL**

1. **HJ 30: STUDY OF COUNTY WATER AND/OR SEWER DISTRICTS**

   **Sponsor:** Representative Brewster at the request of the House Local Government Committee

   **Legislative Poll Rank:** #18 of 28

   **Background:** Few amendments have been made to the statutory framework governing county water and/or sewer districts during the last 40 years. The governance structure and language may be antiquated, as demonstrated by bills introduced during the last two sessions that attempted to fix localized issues experienced in various areas of the state. The hearing for HB255 during the 2021 session prompted the House Local Government Committee to introduce a study bill to investigate county water and/or sewer districts further.

   The study resolution requests that the committee:

   - Conduct a comprehensive review of current statutes and review the current governance structures for efficiency and effectiveness;
   - Review and assess the processes available to appoint, elect, and remove a director of a county water and/or sewer district board;
   - Identify and analyze any possible oversight processes available at the county or city level and assess if additional methods to correct ineffectiveness are needed; and
   - Potentially determine if a new statutory framework is more beneficial to both the state and to local governments.

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<tr>
<th>Option A</th>
<th>Option B</th>
<th>Option C</th>
<th>Option D</th>
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<tr>
<td>.30 FTE</td>
<td>.20 FTE</td>
<td>.10 FTE</td>
<td>No Action</td>
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<tr>
<td>° Option B</td>
<td>° Option C</td>
<td>° Panel discussion</td>
<td>° Option</td>
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<tr>
<td>° Potential re-write of statutory framework</td>
<td>° Multiple panel discussions from stakeholders, focusing on representation from diverse locations in the state</td>
<td>° Review/summary of current statutes</td>
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<td>° Analysis of other comparable state statutes that address issues identified in panel discussions or other committee work</td>
<td>° Analysis of statutes, with focus on current effectiveness</td>
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<tr>
<td>° Additional panel discussions as needed</td>
<td>° Summary of current processes to elect/appoint/remove a director</td>
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<tr>
<td>Deliverables: ° Interim report</td>
<td>° Analysis of water and/or sewer district oversight</td>
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<tr>
<td>° Legislation</td>
<td>° Legislation</td>
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*The committee will also examine special district oversight, generally, with the time allocated to HJ30.*
2. **SJ 13: STUDY OF PREVAILING WAGE LAWS**

**Sponsor:** Senator Hinebauch

**Legislative Poll Rank:** #21 of 28

**Background:** Montana's prevailing wage law applies to public works contracts entered into for construction services or nonconstruction services by the state, county, municipality, school district, or political subdivision for contracts totaling $25,000 or more. The Compliance and Investigations Bureau of the Department of Labor & Industry determines prevailing wage rates which are currently established using wage surveys, special project rates, valid collective bargaining agreements, and rates determined by the federal government. Prevailing wage rates impact not only the economies of local areas but also the state's workforce and economy generally.

The resolution requests that the committee:

- Review and examine the current method to establish prevailing wage rates;
- Compare Montana's prevailing wage rates to other states;
- Review the current responsibilities of parties involved and the methods to receive and respond to wage complaints; and
- Analyze the impact that prevailing wage determinations have on overall labor force earnings, statewide and local economies, the ability to secure public contracts, and the maximization of public dollars throughout the state's economy.

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<th>Option A</th>
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<td><strong>.25 FTE</strong></td>
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<td><strong>Option C</strong></td>
<td><strong>Option C</strong></td>
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<tr>
<td>Fiscal B</td>
<td>Comparative analysis of MT's prevailing wage rates to other states</td>
<td>Summary of responsibilities of all parties involved at the state, local, and private levels</td>
<td></td>
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<tr>
<td>Prevailing wage rates to labor force earnings</td>
<td>Summary of current prevailing wage calculation method, including the identification of relevant federal policies</td>
<td>Agency presentation</td>
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<tr>
<td>Panel discussion focusing on ability to secure contracts</td>
<td>Stakeholder panel</td>
<td>Stakeholder panel</td>
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<tr>
<td>Analysis of state and local economic impacts</td>
<td>Stakeholder panel</td>
<td>Stakeholder panel</td>
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<td><strong>Deliverables:</strong></td>
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<tr>
<td>Interim report</td>
<td>Staff report</td>
<td>Summary</td>
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3. **SJ 23: STUDY ALLOWING PUBLIC NOTICE VIA CERTAIN ELECTRONIC MEANS**

**Sponsor:** Senator Jacobson

**Legislative Poll Rank:** #27 of 28

**Background:** Currently, many if not most public notices at both the state and local level must be published in a newspaper of local circulation. Statutory requirements for public notice vary, with some notices posted electronically, mailed, or posted physically, leading to possible confusion. The advent of the worldwide internet offers additional, possibly simplified, and cost-effective methods to meet state and local public notice needs. However, the use of electronic means carries complications and questions such as how to determine which types of electronic publications are relevant, local, and widely available to the populations affected by government actions and how to ensure the timeliness and validity of electronic notices.

The resolution requests that the committee:

- Review electronic public notice proposals and statutes of other states;
- Investigate methods to ensure the validity of electronic publications such as proving that proper public notice was provided and for the requisite amount of time without substantive content changes;
- Consider the consolidation of public notice requirements and examine the retention policies of digital records; and
- Determine which publications are appropriate to promulgate public notice in the digital age and possibly consider their use for state and local government entities.

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<td><strong>Option B</strong></td>
<td><strong>Option C</strong></td>
<td><strong>Option D</strong></td>
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<tr>
<td>- Consolidation of public notice requirements in statute</td>
<td>- Summary of methods used to ensure electronic notice validity and security</td>
<td>- Summary of public notice statutes in other states</td>
<td></td>
</tr>
<tr>
<td>- Summary of current digital record retention policies and identification of potential areas of revision</td>
<td>- Analysis of types of electronic publications considered appropriate</td>
<td>- Identification of statutes requiring public notice</td>
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<tr>
<td><strong>Deliverables:</strong></td>
<td><strong>Deliverables:</strong></td>
<td><strong>Deliverables:</strong></td>
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<tr>
<td>- Interim report</td>
<td>- White paper &amp; Interim report</td>
<td>- Panel discussion with stakeholders</td>
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<tr>
<td>- Legislation</td>
<td>- Legislation</td>
<td>- Summary</td>
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**Deliverables:**
- White paper & Interim report
- Legislation
- Summary
- Panel discussion with stakeholders

**Deliverables:**
- Interim report
- Legislation
**MEMBER REQUESTED TOPICS**

**Authority:** Individual Members

**Background:** The following table identifies topics requested by members that may be considered for further study and inclusion in the LGIC’s workplan.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Source</th>
<th>Option A</th>
<th>Option B</th>
<th>Option C</th>
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<tbody>
<tr>
<td>1. Workforce/Affordable Housing</td>
<td>Rep. Fern &amp; Senator Boldman</td>
<td>.15 FTE</td>
<td>.10 FTE</td>
<td>No Action</td>
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<tr>
<td>2. Special District Oversight</td>
<td>Rep. Gist</td>
<td>.08 FTE</td>
<td>.05 FTE</td>
<td>No Action</td>
</tr>
<tr>
<td>Past legislation: HB 694 (2021)</td>
<td>© Option B © Panel discussion © Case studies</td>
<td>© Review HB 694 © Draft legislation</td>
<td>Include in HJ30 discussions</td>
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<tr>
<td>4. Local Fire Protection Agency Consolidation Strategies</td>
<td>Rep. Gist</td>
<td>.05 FTE</td>
<td>.03 FTE</td>
<td>No Action *</td>
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<tr>
<td>5. Local Option Sales Taxes</td>
<td>Senator Boldman</td>
<td>.08 FTE</td>
<td>.05 FTE</td>
<td>No Action *</td>
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<tr>
<td>© Option B © Legal analysis of bill language © Analysis of projected impacts © Regular updates on implementation on local level</td>
<td>© Panel discussion © Summary of areas with current implementation issues/confusion</td>
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<td>7. Combatting Homelessness on Local Level</td>
<td>Rep. Dunwell</td>
<td>.15 FTE</td>
<td>.08 FTE</td>
<td>No Action *</td>
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<tr>
<td>© Option B © Comparative analysis of effective regulations in other states/local areas</td>
<td>© Summary of current issues © Analysis of impacts of homelessness</td>
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8. Special District Statutory and Fiscal Review
   Background Material: 2019-2020 LGIC Interim Matrix (Topic was not covered due to COVID-related issues taking precedence)
   Rep. Dunwell
   0.25 FTE
   ° Option B
   ° Summaries of related fiscal work
   ° Analysis of special district use and property taxes
   0.10 FTE
   ° Summary of statutory guidance
   ° Analysis of current assessment methods available
   No Action
   Topic may be addressed by MARA committee

9. Improving Public Transit
   Rep. Dunwell
   0.10 FTE
   ° Option B
   ° Panel discussion
   ° Analysis of inefficiencies/deficiencies in current transit systems and possible methods of correction
   0.08 FTE
   ° Summary of current issues including use rates and areas of deficiency
   No Action*

10. On-site Wastewater Treatment System
    Environmental Health
    Background Material: 2019-2020 LGIC SJ3 Materials (Includes information regarding failed/failing systems)
    Rep. Dunwell
    0.05 FTE
    ° Option B
    ° Additional analysis of specific environmental concerns
    ° Additional case studies
    0.03 FTE
    ° Review of last interim work
    ° Draft legislation
    No Action*

ADDITIONAL AGENDA ITEMS

Since the LGIC does not have agency oversight, the committee may have time to review or follow other items. The following topics are not considered “study topics” and thus would require a lesser amount of committee resources.

Keep in mind that these items still require staff time and, if adopted, should be considered when developing the LGIC overall workplan.

1. COMPREHENSIVE LAND USE PLANNING STATUTE REVISION UPDATES

Authority: Suggested by House and Senate Local Government Standing Committees

Background: Both the House and Senate Local Government Standing Committees heard multiple bills related to land use planning topics such as state and local subdivision review and city and county zoning. The volume of bills introduced suggests that revisions to the land use statutes are on the minds of many legislators, and, though them, their constituents. Both committees heard testimony that a group of land use personnel from across the state, including land use attorneys, planners, realtors, and developers, intend to undertake a comprehensive review of Montana’s land use planning laws and possibly bring forward a suite of bills to the 2023 session. The LGIC was invited to receive regular updates on the work done during the interim if it chooses.

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° Receive regular updates from the land use planning revision group. Depending on the outcomes, the committee may decide to request a committee bill related to their work.
2. LEGISLATIVE FINANCE COMMITTEE HB 330 (MARA) STUDY

Authority: Letter Received from Chairman Llew Jones

Background: The 67th Legislature enacted HB 330 which creates a "Financial Modernization and Risk Analysis" (MARA) committee to study the "long-term future budget and revenue needs with changing economics and demographics."

The study "may include but is not limited to:
(a) identifying structural revenue challenges with economic, demographic, and geographical variability considerations;
(b) exploring revenue sufficiency and probable long-term expenditures by state and local government for services, including but not limited to:
(i) health care;
(ii) human services;
(iii) elementary and secondary education;
(iv) higher education;
(v) pensions;
(vi) public safety and corrections;
(vii) infrastructure and public works; and
(viii) programs historically funded by revenue generated from natural resource taxes.
(c) creating data sets and models for future analysis by the legislature; and
(d) proposing potential solutions and possible legislation for consideration by the 2023 legislature."

The committee received a letter from MARA committee Chair Llew Jones asking the committee to join the committee for one or more meetings. The letter does not specify the topics to explore or the role of the LGIC if it chooses to participate in a meeting.

<table>
<thead>
<tr>
<th>Option B</th>
<th>Option C</th>
<th>Option D</th>
</tr>
</thead>
<tbody>
<tr>
<td>.01+ FTE</td>
<td>.005 FTE</td>
<td>No Action</td>
</tr>
<tr>
<td>º Option C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>º Schedule one or more joint meetings with the MARA committee.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>º Receive updates from MARA staff on topics that relate to local government revenue, expenditures, and infrastructure.</td>
<td></td>
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</tr>
</tbody>
</table>

3. UPDATES ON HJ6: STUDY OF THE COAL SEVERANCE TAX TRUST FUND

Authority: Suggested by Rep. Fern

Background: Legislative Council assigned HJ 6 to the Revenue Interim Committee (RIC). However, the LGIC may be interested in receiving updates from RIC staff as the study progresses. The study may find connections or impacts to local government infrastructure and other findings the committee may find useful.

<table>
<thead>
<tr>
<th>Option C</th>
<th>Option D</th>
</tr>
</thead>
<tbody>
<tr>
<td>.003 FTE</td>
<td>No Action</td>
</tr>
<tr>
<td>º Receive updates as appropriate from the RIC staff as the HJ 6 study progresses.</td>
<td></td>
</tr>
</tbody>
</table>
Total Resources Utilized/Total Resources Available: **.853/1 FTE**

* The committee decided to reserve a portion of its time (.147 FTE) to the member topics not currently chosen on the work plan and/or to emerging issues. The committee shall revisit the work plan as needed and adjust accordingly.

### 2021-2022 LGIC WORK PLAN TIMELINE - DRAFT

This draft timeline provides a framework so the LGIC can complete its work on time. A span of dates is provided to allow for alternatives. The committee may decide to hold one or two-day meetings depending on its budget.

*Per Interim Rules adopted by Legislative Council, all meetings will be hybrid, allowing for both in-person and remote participation.*

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 13, 2021</td>
<td>LGIC Meeting</td>
</tr>
<tr>
<td>September 22-23, 2021</td>
<td>LGIC Meeting</td>
</tr>
<tr>
<td>November 18-19, 2021</td>
<td>LGIC Meeting</td>
</tr>
<tr>
<td>January 27-28, 2022</td>
<td>LGIC Meeting</td>
</tr>
<tr>
<td>March 15-16, 2022</td>
<td>LGIC Meeting</td>
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<tr>
<td>May 17-18, 2022</td>
<td>LGIC Meeting</td>
</tr>
<tr>
<td>July 12-13, 2022</td>
<td>LGIC Meeting</td>
</tr>
<tr>
<td>September 7, 2022</td>
<td>LGIC Meeting</td>
</tr>
</tbody>
</table>

Helena