

2023-2024 FINAL WORK PLAN

Economic Affairs Interim Committee

Erin Sullivan, Research Analyst September, 2023

2023-2024 WORK PLAN

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ECONOMIC AFFAIRS INTERIM COMMITTEE MEMBERSHIP

LEGISLATIVE MEMBERS

SENATORS	REPRESENTATIVES
Sen. Shane Morigeau (D – Missoula) – Vice Chair	Rep. Joshua Kassmier (R – Fort Benton) - Chair
Sen. Kenneth Bogner (R – Miles City)	Rep. Jonathan Karlen (D – Missoula)
Sen. Steve Fitzpatrick (R – Great Falls)	Rep. Brandon Ler (R – Savage)
Sen. Mark Noland (R – Big Fork)	Rep. Jennifer Lynch (D – Butte)
	Rep. Ron Marshall (R – Hamilton)
	Rep. Nelly Nicol (R - Billings)

STAFF MEMBERS

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COMMITTEE WEBSITE:

https://leg.mt.gov/comittees/interim/eaic/



INTRODUCTION

PURPOSE OF DRAFT WORK PLAN

This work plan details the Economic Affairs Interim Committee's (EAIC or Committee) study and agency oversight duties for the interim, which runs from July 2023 through September 15, 2024. The final work plan reflects the Committee's priorities, as indicated by the amount of time the Committee decides to spend on each of its tasks. Included in this document are:

- Committee decisions made at the organizational meeting for study, member topic, and oversight activities, FTE allocation, and meeting schedule
- Schedule of planned activities for the interim

COMMITTEE JURISDICTION

The EAIC is one of several interim committees established in section $\underline{5-5-202}$, MCA, and required to meet between legislative sessions. Interim committees are tasked with:

- 1) Reviewing administrative rules within its jurisdiction;
- 2) Conducting interim studies as assigned;
- 3) Monitoring the operation of assigned executive branch agencies;
- 4) Reviewing advisory councils and required reports;
- 5) Reviewing proposed legislation of assigned agencies;
- 6) Reviewing proposed ballot initiatives; and
- 7) Preparing bills and resolutions that committee members believe should be presented to the next Legislature.

EAIC is assigned to monitor the following executive branch agencies:

- 1) Department of Administration Division of Banking & Financial Institutions
- 2) Department of Agriculture
- 3) Department of Commerce
- 4) Department of Labor & Industry
- 5) Department of Livestock
- 6) Department of Revenue Alcoholic Beverage Control Division
- 7) Department of Revenue Cannabis Control Division
- 8) Governor's Office of Economic Development
- 9) Montana State Fund
- 10) State Auditor and Insurance Commissioner





INTERIM STUDIES

The 2023 Legislature approved 6 interim study resolutions, and the Legislative Council assigned those study requests to the various interim committees on May 18, 2023. The EAIC was assigned one interim study – SJ30.

BASIC STUDY PROCESS

An interim study typically involves information gathering, issue identification, and recommendations.



The first phase of the study is carried out over the first few meetings of the interim, when the Committee:

- Reviews staff research papers and other information materials on study topics;
- Hears presentations by people with experience and expertise on various aspects of the study topics; and
- Takes public comment from interested parties, who may offer specific study-related suggestions.

In the second phase, the Committee spends a meeting or two narrowing the focus of the study. Members identify topics or questions they'd like to analyze further. This phase helps members concentrate on the issues they consider to be of the greatest importance and obtain any additional information needed to make final recommendations.

During the final stage, members review and decide on options for action. Potential solutions, including legislation, are usually reviewed, and refined at multiple meetings before the Committee takes final action.



SJ 30: STUDY ON ALCOHOL LICENSING AND VITICULTURE

STUDY BACKGROUND

Sponsor: Sen. Bruce Gillespie

Poll Rank: 6

According to the Agricultural Marketing Resource Center, American consumption of wine has increased from 1.95 gallons for each resident in 1998 to 2.82 gallons in 2013. Research from the University of Arkansas' Food Science Department provides that, on a per-acre basis, vineyard returns greatly exceed returns from conventional crops, creating tremendous potential for value-added marketing of wine, grapes, and their byproducts at the farm level and increasing a farmer's share of the consumer's dollar. The Department of Agriculture has authority over the agricultural aspect of vineyards, but the Department of Revenue has authority over the distribution and sale of wine in the state, creating a need for a legislative review and study of the regulatory constraints and opportunities for Montana farmers and consumers.

STUDY TASKS LISTED IN LEGISLATION

SJ30 asks the EAIC to study the issues of production and regulation of wine, winemaking, grape-growing, and the use of byproducts. The study shall examine:

- Wine production, including processes of harvesting, crushing, fermentation, clarification, packaging, labeling, and storage;
- The marketing of wine, including demographics, wine tourism, and other consumer behavior;
- Regulatory requirements and constraints as provided in Title 16, MCA and by the United States Department of the Treasury; and
- Additional licensing opportunities for wine production, manufacturing, and sales.

This study presents an opportunity for the Committee to take one or more field trips to vineyards or wineries. Potential locations for field trips include the Flathead Valley, Bitterroot Valley, or other locations as suggested by the Committee.

COMMITTEE DECISION: APPROACH TO STUDY ASSIGNMENT

The amount of time that can be devoted to a study is primarily influenced by the amount of Committee time available and the Committee's level of interest in the study. The Committee considered four approaches outlined in the draft work plan for its study assignment. Those approaches ranged from no action at all to significant Committee involvement, including a travel meeting to tour a vineyard. *Members chose to have minimal involvement for the SJ30 study, with the opportunity to expand on the study later in the interim if time allows.*



AGENCY OVERSIGHT RESPONSIBILITIES

State law sets out several agency oversight duties for interim committees. Each responsibility is outlined below.

ADMINISTRATIVE RULE REVIEW

Interim committees are required to review administrative rule proposals of the agencies for which they have oversight responsibility. The committee's legislative attorney reviews rulemaking notices and provides regular updates, noting any rules that may be out of compliance with the Montana Administrative Procedure Act (MAPA). That law allows interim committees to:

- Obtain an agency's rulemaking records to review them for compliance;
- Submit written recommendations on adopting, amending, or rejecting a rule;
- Require that a rulemaking hearing be held;
- Require an economic impact statement relating to a rule adoption; and
- Poll the Legislature by mail to determine if a proposed rule is consistent with legislative intent.

Interim committees may also delay the adoption of proposed rules by objecting to proposals that members believe do not comply with the provisions of MAPA. Senate Bill 82, passed in 2021, allows the Speaker of the House and the Senate President to break a tie vote on any rule objection being considered by an interim committee.

PROGRAM MONITORING

EAIC's program monitoring duties require specific attention to:

- Identifying issues likely to require future legislative attention.
- Identifying opportunities to improve existing laws governing the agency's operations.
- Determining whether citizen experience with the agency may be improved on through legislative action.

LICENSING BOARD ACTIVE SUPERVISION REVIEW (HB141, 2017 SESSION)

As part of its monitoring duties to the Department of Labor and Industry, the EAIC monitors determinations as to whether any board actions are considered by the Commissioner to be anticompetitive. The Committee may initiate further hearings, backstop the Commissioner, or provide an alternative process for those alleging possible antitrust activities by boards or licensees.

Liaisons attend approximately four MSF meetings per year during the interim. Quarterly meetings are anticipated in March, June, September, and December. Liaisons are reimbursed for their time through a separate budget, and no committee time is dedicated to this statutory obligation.

REVIEW OF DRAFT LEGISLATION

The interim committee process allows for an early review of agency-requested legislation. Interim committees can begin reviewing proposed legislation as early as June in the year preceding the legislative session. This process frees up time for the Legislative Services Division to concentrate on legislator bill draft requests after the election. Agency bills drafted because of this process must be introduced before the 2025 legislative session begins.



ADVISORY COUNCIL REVIEW

Senate Bill 8 (2017) amended 5-5-215, MCA, to remove the requirement that interim committees review statutorily established advisory councils and required reports each interim and made the review discretionary. If any member of the committee requests that the EAIC review an advisory council or required report that is attached to an agency under the Committee's purview, the Committee must do so.

Among advisory councils eligible for EAIC review are:

Agency	Entity	Statutory Authority
Dept. of Agriculture	Noxious Weed Management Advisory CouncilOrganic Commodity Advisory Council	80-7-80580-11-601
Dept. of Commerce	Tourism Advisory Council	• 2-15-1816
Dept. of Labor & Industry	 Licensing Boards - Monitor for potential sunsetting or combining 	• 2-8-404

The following boards, committees, or other entities may contain an advisory function, but either are not specifically termed advisory councils or created statutorily. Many have not had a review since 2014. The 2023-2024 EAIC may choose to review one, none, or many:

	Statutory Authority
Board of Hail Insurance	• 2-15-3003
	• 2-15-3015
Alfalfa Seed Committee	• 2-15-3004
Potato Advisory Committee	• 80-11-510
•	• 2-15-3007
Wheat and Barley Committee	• 2-15-3002
·	
 Board of Horseracing 	• 2-15-1809
 Board of Housing 	• 2-15-1814
 Coal Board 	• 2-15-1821
 Hard Rock Mining Impact Board 	• 2-15-1822
- · · · · · · · · · · · · · · · · · · ·	• 2-15-1869
•	• 2-15-1815
State Tribal Economic Development Commission	• 90-1-131
Board of Personnel Appeals	• 2-15-1705
• •	• 53-2-1203
	• 2-15-1704
	 Agricultural Development Council Alfalfa Seed Committee Potato Advisory Committee Pulse Crop Committee Wheat and Barley Committee Board of Horseracing Board of Housing Coal Board Hard Rock Mining Impact Board Montana Council on Developmental Disabilities Montana Facility Finance Authority

REPORTS

Senate Bill 57 (2021) was a major housekeeping/revision bill that, among other things, created a more standardized procedure for entities submitting statutorily required reports to the legislature. Unless otherwise directed in statute, reports to the legislature, including reports to specific interim committees, are biennial reports and need to be submitted by September 1 of the year preceding a legislative session. House Bill 400 (2023)



eliminated the option for an executive agency to provide an oral report to an interim committee so beginning this interim all required reports must be provided in written form.

NEW IN 2023

In addition to the existing statutorily required reports, the following bills were passed in 2023 session that include reporting to or monitoring by the EAIC:

- <u>House Bill 948:</u> Prohibits the manufacture and distribution of synthetic marijuana products. The bill creates a temporary advisory council to review available research, data, and regulations related to synthetic marijuana products and determine if potential regulation of the products is possible in the future or if the products should continue to be banned. The advisory council must compile its findings and make recommendations in a report to the EAIC by September 15, 2024.
- Senate Bill 53: Revises laws relating to weights and measures fees collected by the Department of Labor and Industry. The bill requires biennial reporting to the EAIC concerning license fees and cost increases under 30-12-203, MCA licensing of weighing devices.
- **Senate Bill 397:** Establishes the Facial Recognition for Government Use Act. The bill prohibits the use of facial recognition technology in certain instances but provides exemptions for law enforcement and state agencies under certain conditions and requires reporting by the Department of Justice and any state or local government agency using facial recognition technology to the EAIC by September 1 of each year.

Reports that are statutorily required to be submitted to the EAIC are:

Report	Entity	Deadline	Statute
Dispensing of drugs by medical practitioners (one-time)	Board of Pharmacy	9/30/2023	SB 374 (2021)
General marijuana regulation reports	CCD	9/1/2024	16-12-110
Medical marijuana registry reports	CCD	9/1/2024	16-12-532
Distressed Wood Products Industry Loan Account (annual report)	DOC	Annual	90-1-503
MT Heritage Preservation & Development Commission Administrative Rate (annual report)	DOC	Annual	22-3-1002
Coal Ash Markets and Hydrocarbon & Geology Investigation Programs	DOC	If Established	90-2-201 90-2-202
Reports concerning board attendance	DLI	9/1/2024	37-1-107
Drug registry (annual report)	Board of Pharmacy	Annual	37-7-1514
Complaints against physicians certifying medical marijuana use (annual report)	Board of Medical Examiners	Annual	16-12-532 37-3-203
Status of special revenue account	Board of Funeral Services	9/1/2024	37-19-204
Unemployment Insurance Program Integrity Act	DLI	9/1/2024	39-51-706
Montana State Fund Annual Report	MSF	Annual	5-5-223
Montana Reinsurance Association Annual Report	SAO	Annual	33-22-1308

Reports that are statutorily required to be submitted to the legislature, but may be of interest to the EAIC include:



Report	Entity	Deadline	Statute
Noxious plant report (if prepared)	Agriculture	9/1/2024	80-7-713
Board of Investments (annual report)	Board of Investments (DOC)	Annual	17-5-1650
Community Property-Assessed Capital Enhancement Program	Montana Facility Finance Authority (DOC)	9/1/2024	90-4-1303
Veterans' home loan mortgage loan reports	Board of Housing (DOC)	9/1/2024	90-6-604
Matching infrastructure planning grant awards	DOC	9/1/2024	90-6-703
Treasure State Endowment Program awards	DOC	9/1/2024	90-6-710
Apprenticeship & Training (annual reports)	DLI	Annual	39-6-101
Report on unemployment benefits for victims of domestic violence, sexual assault, or stalking	DLI	Annual	39-51-2111
Interstate medical licensure compact reports	DLI	9/1/2024	37-3-356
Livestock Loss Board activities	LIV	9/1/2024	2-15-3111 - 2-15-3113
Interstate Insurance Product Regulation Compact reports	SAO	9/1/2024	33-39-101

COMMITTEE DECISIONS: AGENCY OVERSIGHT

The Committee plans to generally have a minimum level of involvement in most of its agency oversight duties, with the idea that agency monitoring can occur in conjunction with the Committee's study and planned member topics. Members made the following decisions specific to monitoring and other agency activities:

- Administrative Rule Review: The Committee will have a <u>moderate</u> level of involvement, with members
 receiving brief written descriptions of each rule prior to each meeting. The Committee Attorney will note
 any issues of concern.
- **Agency Monitoring:** The Committee will have <u>moderate</u> involvement, with each agency providing a brief overview of activities at one or more meeting during the interim. Any agency with further statutory reporting requirements or relevancy to the SJ30 study or a member topic will be asked to participate in additional meetings.
- **Licensing Board Active Supervision Review:** The Committee will have a *minimum* level of involvement and will hear information only on issues the Commissioner of the Department of Labor & Industry considers to be anticompetitive and will then decide if letters need to be written and will take public comment on the issue.
- **Agency Legislation:** The Committee will have a *moderate* level of involvement, which will consist of time allotted during the final two meetings of the interim for agencies to present concepts of legislation and follow-up briefings for any complex legislation.
- **Advisory Council (HB142) Review:** The Committee chose to take *no action* on this discretionary duty at this time.
- **Required Reports:** The Committee chose to have <u>minimal</u> involvement and will receive copies of written reports in their meeting packets. Committee members may request follow up from the agency if desired.



MEMBER TOPICS & EMERGING ISSUES

Interim committees may take up other matters related to the agencies and topic areas they oversee. 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.

Members may propose investigation of emerging issues at any time during the interim. Agencies may also 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 member must request agenda time. Staff resources are limited, so additions to a work plan must be accompanied by deletions to retain scheduling balance.

COMMITTEE DECISION: MEMBER TOPICS

The Committee decided to categorize its member topics into four studies, and plans to devote significant time to one topic, moderate time to one topic, and minimal time to two topics. The Committee also identified two topics as agenda items to explore:

Topic	Level of Involvement	Possible Issues to Explore
Workforce & Labor	Significant	Childcare & the workforce Benefit cliffs Review of DLI legislation implementation Licensing law revisions Montana Microbusiness Loan Program (HB898) Montana State Fund review
Agriculture	Moderate	2023 Farm Bill monitoring, including hemp changes Ag production in Montana Ag data collection
Marijuana	Minimal	Marijuana consumption lounges Marijuana metrics Synthetic Marijuana Task Force updates Administrative rule review
Housing	Minimal	Housing affordability and availability HB819 (housing programs) implementation monitoring
HB828	Agenda Item	Ambulance provider assessment program bill
SB351	Agenda Item	Biometric privacy bill



COMMITTEE DECISION: MEETING SCHEDULE

The Committee agreed to the following schedule:

Date of Meeting			
Tuesday	July 11, 2023		
Tuesday-Wednesday	September 26, 2023		
Tuesday	November 14, 2023		
Wednesday	January 17, 2024		
Monday-Tuesday	March 11-12, 2024		
Wednesday-Thursday	May 8-9, 2024		
Thursday	June 27, 2024		
Thursday	August 29, 2024		

COMMITTEE DECISION: ALLOCATION OF FTE

The Committee prioritized its statutory duties and assigned study during the July 2023 meeting, leaving the remainder of time to work on the member-produced studies and agenda items previously identified. The table below shows a potential allocation of the Committee's FTE based on the discussion at the July meeting:

Discretionary Activities	FTE Allocation	Statutory Duties	FTE Allocation
Workforce Study	0.30	Administrative Rule Review*	0.10
Agriculture Study	0.15	Agency Monitoring	0.10
Marijuana Study	0.10	Required Reports	0.01
Viticulture Study (SJ30)	0.10	Agency Legislation	0.02
Housing Study	0.05	Advisory Councils	0.00
Agenda Items (HB828 & SB351 reviews)	0.02	DLI Active Supervision	0.05
Subtotal	0.72		0.18
Total			0.90

^{*}The calculation of 1.0 FTE is for the staff researcher and does not include the FTE allotment for the staff attorney, who conducts Administrative Rule Review.



APPENDIX A: COMMITTEE DECISIONS ON STUDY AND OVERSIGHT ACTIVITIES

The table below reflects the decisions that Committee members made during their July 2021 organizational meeting regarding their level of involvement in their various duties. The table also shows the scope of activities that are anticipated at each level of committee involvement.

	LEVEL OF	COMMITTEE INVOLVEMENT		
Activity	Minimal Involvement: SJ30, Active Supervision Review, Required Reports, Marijuana Topic, Housing Topic	Moderate Involvement: Rule Review, Agency Monitoring, Agency Legislation, Agriculture Topic	Significant Involvement: Workforce Topic	No Action: Advisory Council Review
Assigned Study	Panel discussion on one or two study topics as identified by the committee			
Administrative Rule Review		 Receive brief written descriptions of each rule prior to each meeting Legal staff will note issues of concern 		
Agency Monitoring		 Each agency provides a brief overview of activities Any agency with further statutory reporting requirements gives an oral report 		
Active Supervision Review (DLI)	 Hear information only on issues the Commissioner of DLI considers to be anticompetitive Decide if letters need to be written Public comment 			
Agency Legislation		 Provide time during June and August meetings; one for initial concept review and the other for follow-up briefings for complex legislation 		



<u>Activity</u>	Minimal Involvement:	Moderate Involvement:	Significant Involvement:	No Action:
Required Reports	 Receive copy of written reports in meeting packets Committee members may request follow up from agency 			
HB 142 Review				No action if no review requested
Member Issues	 Address topic as time allows, with staff providing copies of relevant outside reports No staff briefing or white papers 1 or 2 presentations, if any 	 Presentations or panel discussions with stakeholders Committee discussion Briefing papers or memos Draft legislation, if requested 	 Presentations or panel discussions on several topics Background and briefing papers Committee discussion Final report Draft legislation, if requested 	



APPENDIX B: SCHEDULE OF PLANNED ACTIVITIES

The following timeline provides an outline of how the EAIC will accomplish the items in its work plan. The timeline may be updated or revised to address scheduling, emerging issues, or to reallocate staff time to other topics.

DATE	ACTIVITIES	TASKS/POLICY DECISIONS
July 2023	Organizational	 ♦ Elect officers ♦ Review, adopt work plan ♦ Review, adopt calendar
	Assigned Study	SJ 30 - Viticulture
		◊ Introduction of resolution◊ Engage stakeholders◊ Prioritize study
	Agency Oversight	 ♦ Department of Commerce ♦ Governor's Office of Economic Development ♦ Department of Labor & Industry ♦ Department of Livestock ♦ Division of Banking & Financial Services ♦ State Auditor's Office ♦ Department of Agriculture ♦ Cannabis Control Division ♦ Alcohol Beverage Control Division ♦ Montana State Fund ♦ Administrative Rule Review
	Other Issues	♦ Discuss member topics & assign preliminary priorities
	Organizational	♦ Adopt final work plan
	Assigned Study	SJ 30 - Viticulture
		 ◇ Topic introduction; review of options ◇ Background information ◇ Determine scope of study
	Member Topics	Workforce
		 ◇ Topic introduction; review of options ◇ Presentation ◇ Determine scope of study
September 2023		Marijuana
		 ◇ Topic introduction; review of options ◇ Presentation ◇ Determine scope of study
		Agriculture
		 ◇ Topic introduction; review of options ◇ Presentation ◇ Determine scope of study



		Housing
		 ♦ Topic introduction; review of options ♦ Determine scope of study
	Agency Oversight (Agency involvement is based on each study timeline proposed and subject to change)	 ♦ Administrative Rule Review ♦ Agency Involvement: ♦ Alcoholic Beverage Control Division ♦ Cannabis Control Division ♦ Department of Agriculture ♦ Department of Labor & Industry
	Other Issues	♦ HB828 Review♦ SB351 Review
November 2023	Assigned Study	SJ 30 - Viticulture
	Member Topics	Workforce
		Marijuana♦ To be determined♦ Identify further issues and options
		Agriculture
	Agency Oversight (Agency involvement is based on each study timeline proposed and subject to change)	 ♦ Administrative Rule Review ♦ Agency Involvement: • Department of Agriculture • Department of Commerce • Department of Labor & Industry • Department of Livestock
	Other Issues	
January 2024	Assigned Study	SJ 30 - Viticulture
	Member Topics	Workforce



		Agriculture
		◇ Panel or presentation◇ Identify further issues and options
		Housing
		◊ Presentations◊ Identify further issues and options
	Agency Oversight (Agency involvement is based on each study timeline proposed and subject to change)	 ♦ Administrative Rule Review ♦ Agency Involvement: • Department of Commerce • Governor's Office of Economic Development • Department of Labor & Industry
	Other Issues	
	Assigned Study	SJ 30 - Viticulture
		◊ Identify further issues and options, if necessary◊ Field trip, if desired
	Member Topics	Workforce
		◊ Presentations◊ Identify further issues and options
		Marijuana
March 2024		◊ Presentation◊ Identify further issues and options
		Agriculture
		◊ To be determined◊ Identify further issues and options
		Housing
		◊ Panel or presentation◊ Identify further issues and options
	Agency Oversight	 ♦ Administrative Rule Review ♦ Agency Involvement: • Cannabis Control Division • Department of Commerce • Montana State Fund (2024 budget; tentative)
	Other Issues	V Prontana State I ana (2021 States to its active)
	Assigned Study	SJ 30 - Viticulture
		♦ Discuss options♦ Propose recommendations
May 2024	Member Topics	Housing
Mdy 2024		♦ Possible presentation
		All
		♦ Discuss options♦ Propose recommendations



	Agency Oversight	♦ Administrative Rule Review
	Other Issues	♦ LAD Presentation (tentative)
	Assigned Study	SJ 30 - Viticulture
June 2024		◊ Draft recommendations, legislation◊ Discuss draft report
	Member Topics	All
		♦ Draft recommendations, legislation
		♦ Discuss draft report
	Agency Oversight	♦ Administrative Rule Review
	Other Issues	♦ Agency legislation proposals
	5c. 1332.33	
	Assigned Study	SJ 30 - Viticulture
August 2024		 ◇ Review public comment on draft report, committee legislation ◇ Review & approve any draft legislation ◇ Adopt final report
	Member Topics	All
		♦ Review & approve any draft legislation
	Agency Oversight	♦ Administrative Rule Review
		♦ Agency legislation proposals
	Other Issues	♦ Finalize committee reports on member topics, if necessary♦ Select bill sponsors

