



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

May 18, 2009

TO: Members of the Legislative Council
Interested persons
FROM: Dave Bohyer, Research Director
RE: Interim study poll - 2009

- **Introduction**

The attached table illustrates the final results of the Interim Study Poll for the 61st Legislature. The table includes the staff's recommendations.

- **The Poll**

- ✓ There were 17 separate pieces of legislation adopted during the 61st Session that *request* a legislative interim study to be conducted.¹ (This compares to 21 study requests in 2007, 22 in 2005, 13 in 2003, and 20 in 2001.)
- ✓ The poll ballots were mailed to legislators on Wednesday, April 29, 2009. The return deadline was Saturday, May 9. Ballots received through Tuesday, May 11, were included in the poll results. A few "straggler" ballots were received after May 12 and were not included in the poll results.

- **The Results**

- ✓ 97 ballots of a possible 150 were returned for a response rate of 65%; 94 (63%) of the ballots were determined to be valid.
- ✓ The poll used the Borda method of selection, which awarded "points" based on the rankings in individual ballots. Each top-ranked study -- rated #1 on an individual ballot -- received 17 points. Each second-ranked study -- rated #2 on a ballot -- received 16 points, and so on through the study ranked 17th, which received 1 point. A study that was not ranked on a ballot received zero points.
- ✓ The mean average number of points received by the 17 studies is 571. Seven studies received more than 571 points; 10 studies received fewer.
- ✓ The median number of points received among the 17 studies is 524 points, totaled for HJR 35. Eight studies received more than 524 points and eight studies received fewer than 524 points.

¹ SJR 9, which is not one of the 17 studies in the poll, is an 18th study resolution and requests a study of financial assistance available to students enrolled in higher education in Montana. The resolution specifically identifies the Legislative Finance Committee as the committee to which the study should be assigned, if the Legislative Council chooses to assign the study.

- **Staff Recommendations**

- ✓ The final column on the right in the table indicates the staff's recommended disposition for each of the studies requested. Staff recommends that 14 of the 17 studies be assigned to various legislative committees, either as a full study or as a "white paper" study.² Staff also recommends that three study requests not be assigned to an interim committee or to staff.
- ✓ Primary considerations underpinning the recommendations are: (1) each study's rank in the poll; (2) available committee resources, including committee time and budget; (3) available staff resources; and (4) alternatives to the study requested.
- ✓ A "Do Not Assign" recommendation results from the totality of circumstances, including: (1) the typically low priority given by legislators to the study; (2) the relative unavailability of committee and staff resources (because the resources are devoted to higher priorities); and (3) alternatives to the study requested. A "Do Not Assign" recommendation is not a commentary on the inherent merits of the study requested, but is instead an attempt to accommodate the Legislature's highest priorities within existing resources.
- ✓ **The staff's recommendations are advisory only.** The Legislative Council has the statutory authority and duty to assign each study. (See 5-5-217, MCA.)

- **"Do Not Study" Recommendations**

The staff makes a "Do Not Study" recommendation for three study requests, i.e., HJR 36 (family self-sufficiency and economic development); SJR 14 (cooperative arrangements between state agriculture labs); and SJR 3 (consider establishment of Montana Scholarship Program).

- ✓ The staff recommendation regarding HJR 36 is based on the following:
 1. A study similar to HJR 36 was largely undertaken during the 2007-08 interim by the *Advisory Council on Economic Security for Montana Families*.
 2. At the conclusion of the *Advisory Council's* meetings and deliberations, the AC's members made to the governor "a set of broad recommendations to ensure financial independence" of Montana families which, if implemented, were proposed as means to "...overcome barriers for families achieving economic security, improve efficiency of publicly provided programs, and build public and private partnerships to encourage development of assets for Montana families".

² A "White Paper" study is an overtly front-loaded study in which the study resolution poses or implies a number of questions that can largely be answered with objective, factual information. In contrast, a study resolution for which the study should be conducted by a committee poses or implies questions that necessitate stakeholder input, consideration by the committee, and refined directions to staff. Ultimately, the "white paper" prepared by staff would answer the questions posed in the study resolution and, most likely, describe issues or questions outstanding that might bear further examination and identify options for legislative consideration, either by the committee or by the full legislature.

3. Although the administration viewed the *Advisory Council's* recommendations as being "notable and consistent with the nationwide effort to reduce poverty", the recommendations were not included in or among the Governor's policy priorities -- or budget recommendations -- because the proposals were considered by the administration to be "not fiscally feasible".³
 4. Since the exclusion of the *Advisory Council's* recommendations from the administration's policy and budget recommendation (June 2008), the state's fiscal status has declined markedly. Because of the decline in the state's fiscal picture, the staff believes that the administration would again consider recommendations along the lines of the *Advisory Committee's* proposals and HJR 36 to be "not fiscally feasible".
- ✓ The staff recommendation regarding SJR 14 (cooperative arrangements between state laboratories) is based on the following:
 1. The study requested in SJR 14 ranked relatively low in the Interim Study Poll -- 14th out of 17.
 2. If the SJR 14 study were to be assigned, staff would have recommended assignment to the Economic Affairs Interim Committee.
 3. The staff has recommended that the studies requested in SJR 30 (workers compensation) and SJR 16 (cost of auto insurance and compliance with mandates) be assigned to the EAIC. If the Legislative Council assigns SJRs 14 and 16 to the EAIC, there would likely not be sufficient time or resources to also conduct the study requested in SJR 14.
 4. The only other committee to which the SJR 14 study might be assigned is the Environmental Quality Council. However, the staff has recommended that EQC undertake responsibility for four interim studies, which again highlights the limitations of time and resources.
 - ✓ The staff recommendation regarding SJR 3 (establishment of Montana Scholarship Program) is based on the following:
 1. The study requested in SJR 3 ranked relatively low in the Interim Study Poll -- 15th out of 17.
 2. The staff has recommended that the Legislative Council assign HJR 32 (impact of historic preservation and strategies for preservation) and SJR 2 (community college establishment process) to the Education and Local Government Interim Committee.
 3. Both schools (K-20) and local governments are anticipated to be substantial beneficiaries of the money allocated under the American Recovery and Reinvestment Act of 2009. Staff anticipates that the ELG Committee will invest a significant amount of its time in monitoring the ARRA projects (HB 645) which will, when combined with the HJR 32 and SJR 2 studies, consume much of the time and resources available to the ELG.

³ Memorandum from David Ewer, Governor's Budget Director, to Bruce Nelson, Governor's Chief of Staff, dated June 17, 2008.

4. Staff assigned to support the ELG are also assigned primary responsibilities to support the fire suppression study (HJR 30) and the State-Tribal Relations Committee.
 5. The study requested in SJR 3 could be undertaken, perhaps more appropriately, by the Board of Regents, the Commissioner of Higher Education, or the Board of Public Education, and legislative recommendations, including funding options, forwarded to the ELG.
- ✓ **The staff' recommendations are advisory only.** The Legislative Council has the statutory authority and duty to assign or not assign each study. (See 5-5-217, MCA.)

- **Preliminary Study Outlines**

- ✓ A preliminary study outline (PSO) is included for each of the 17 studies requested by resolution. The PSOs were developed by staff prior to compilation of the interim study poll ballots, thus eliminating the potential influence of any study's rank within the poll and maximizing objectivity about the study requested.
- ✓ The PSO for each study ultimately assigned by the Legislative Council will likely, at the appropriate time, provide a basis for the draft study plan and work schedule that LSD lead staff will prepare for the committee assigned a study.
- ✓ The concept of "preliminary" is literal as used in the context of the outlines. The staff and the committee to which the Legislative Council assigns a study will work together to design and execute a formal study plan and work plan for each study assigned.

- **Legislative Council meeting and study assignment**

The Legislative Council is scheduled to meet on Wednesday, May 27 at 1 p.m. at the State Capitol to consider the results of the interim study poll and to assign interim study requests as the Council members determine is most beneficial.

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

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OVERVIEW OF THE 2009 INTERIM STUDY POLL

61ST LEGISLATIVE SESSION

(Compiled as of May 12, 1009)

Rank	Bill #	Points	Short Title/Subject of Legislation	LSD Staff Recommendation to Legislative Council*
1	SJR 30	1130	Study work comp rates and Montana State Fund	Economic Affairs
2	SJR 35	849	Study health care	Children and Families
3	HJR 1	829	Interim study of biomass	Environmental Quality Council
4	SJR 39	769	Study DUI laws and enforcement	Law and Justice
5	HJR 36	724	Interim study of family self-sufficiency and economic development	Do Not Study
6	SJR 16	621	Study cost of auto insurance and compliance with mandatory requirements	Economic Affairs
7	HJR 30	596	Study fire suppression issues	Environmental Quality Council
8	SJR 28	547	Resolution requesting an interim study on recycling and solid waste recovery	Environmental Quality Council (as white paper)
9	HJR 35	524	Interim study of state employee bonus payments	State Administration and Veterans' Affairs
10	HJR 32	496	Study impact of historic preservation and strategies for preservation	Education and Local Government (as white paper)
11	SJR 29	493	Study retention of DNA evidence by state and local law enforcement agencies	Law and Justice
12	SJR 37	491	Resolution to study income tax filing by married taxpayers	Revenue and Transportation
13	HJR 39	395	Study development of additional community services for developmentally disabled	Children and Families (as white paper)
14	SJR 14	352	Study cooperative arrangements between state agriculture labs	Do Not Study
15	SJR 3	300	Interim study to consider establishment of Montana Scholarship Program	Do Not Study
16	HJR 15	299	Study resolution on funding for a recreation and tourism enhancement program	Environmental Quality Council (as white paper)
17	SJR 2	285	Study community college establishment process	Education and Local Government (as white paper)
	SJR 9	NA	Study student loan system	Legislative Finance Committee

MEAN = 571 MEDIAN = 524 BALLOTS = 97 returned as of May 12, 2009 (65%); 94/150 valid (63%)

* The Legislative Council has the statutory responsibility and discretion to assign the interim studies requested by resolution.

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Staff Recommendations Regarding the Assignment of Interim Studies to Interim Committees 2009-10 Interim

Children, Families, Health and Human Services Interim Committee	
Statutory duties: 5-5-215 and 5-5-225, MCA	
HJR 35	Study health care
HJR 39	Study development of additional community services for developmentally disabled (white paper)
<p>Other considerations</p> <ul style="list-style-type: none"> • Three resolutions passed that specifically require CFHHS to conduct ongoing monitoring: <ul style="list-style-type: none"> ✓ HJR 17, which requires DPHHS to study the use of medication aides in nursing homes and provide quarterly reports to CFHHS. ✓ HJR 26, which requires DPHHS to study the Medicaid eligibility determination process for nursing home care and provide quarterly reports to CFHHS. ✓ HJR 5, which requires CFHHS to continue to monitor private sector efforts to make health care pricing information more available to the public (which can be folded into the health care study to some degree). • SB 330 requires DPHHS to provide quarterly reports to CFHHS on its progress in establishing goals and performance expectations for services provided to older Montanans. • CFHHS last interim asked both DPHHS and DOC to continue to report on how they're putting recommendations from the contracted mental health study into effect. • CFHHS members have indicated that they'll want to monitor DPHHS's work in putting the three major mental health bills from this session into effect (HB 130, 131, 132). • DPHHS was a big recipient of federal stimulus funds; part of those funds freed up general fund for other uses and the committee may want to monitor that, particularly the Medicaid money. 	

Economic Affairs Interim Committee	
Statutory duties 5-5-215 and 5-5-223, MCA	
SJR 30	Study work comp rates and Montana State Fund
SJR 16	Study cost of auto insurance and compliance with mandatory requirements
<p>Other considerations: The nature and scope of the SJR 30 and SJR 16 studies is somewhat daunting. The Committee, with those two studies assigned and the duties assigned by statute, will be challenged to successfully complete the tasks within the available time and resources.</p>	

Education and Local Government Interim Committee	
Statutory duties: 5-5-215 and 5-5-224, MCA	
HJR 32	Study impact of historic preservation and strategies for preservation (as white paper)
SJR 2	Study community college establishment process (as white paper)
<p>Other considerations</p> <ul style="list-style-type: none"> • House Bill No. 645, appropriating the federal stimulus funds, directed substantial sums for local government and school infrastructure, among other things. Staff anticipates that the Committee members will want periodic briefings on projects funded with HB 645 federal stimulus funds. • HJR 6 urges the Superintendent of Public Instruction and the Board of Public Education to work with the Committee on developing K-12 shared policy goals and accountability measures that can be used by legislators, the education community, and the public to evaluate progress toward the goals and used by the legislature to guide funding decisions. The ELG will be in close communication with the study entities over the course of the interim, particularly during committee meetings. • SJR 8 urges the Board of Regents, Commissioner of Higher Education, Superintendent of Public Instruction, and Board of Public Education to work with the Committee on developing K-20 shared policy goals and accountability measures that can be used by legislators, the education community, and the public to evaluate progress toward the goals and by the legislature to guide its funding decisions. The ELG will be in close communication with the study entities over the course of the interim, particularly during committee meetings. 	

Energy and Telecommunications Interim Committee	
Statutory duties: Ch. 454, L. 2009	
SB 290	Review the state energy policy/plan
Other considerations <ul style="list-style-type: none"> SB 290 directs the Committee to "review the state energy policy and recommend potential changes to the state energy policy". However, it is not clear that a "state energy policy", <i>per se</i>, exists. Therefore, the Committee may be undertaking the legislative design of a state energy policy, rather than reviewing and revising. 	

Environmental Quality Council	
Statutory duties: 5-5-202, 5-5-215, and 5-16-101, et seq., MCA	
HJR 1	Study of biomass
HJR 15	Study on funding for a recreation and tourism enhancement program (as white paper)
HJR 30	Study fire suppression issues
SJR 28	Study on recycling and solid waste recovery (as white paper)

Law and Justice Interim Committee	
Statutory duties: 5-5-215 and 5-5-225, MCA	
SJR 39	Study DUI laws and enforcement
SJR 29	Study retention of DNA evidence by state and local law enforcement agencies
Other considerations <ul style="list-style-type: none"> A preliminary recommendation by a task for commissioned by the governor calls for constructing facilities for about 900 prison inmates in the Billings area or perhaps elsewhere. Such a facility would be planned for a slightly larger population than the state prison in Deer Lodge. The \$370 million dollar prison envisioned would hold all classes of inmates. A \$370 million facility would dwarf any state building project previously undertaken. The issue is likely to be addressed in some manner by the Committee during the interim. 	

Revenue and Transportation Interim Committee	
Statutory duties: 5-5-215 and 5-5-227, MCA	
HB 657	Study taxation of oil and natural gas property
HB 658	Study property tax reappraisal. Although the request is made by bill, <i>the study is a request only.</i>
SJR 37	Study income tax filing by married taxpayers
<p>Other considerations</p> <ul style="list-style-type: none"> The House Taxation Committee prepared and has sent a letter to the RATIC requesting the RATIC to undertake an analysis of the individual income tax, natural resource taxes, and property reappraisal to develop a general understanding of how each of these taxes operates and how they fit within the state's overall tax policy. More specifically, the letter requests the RATIC to: (a) in regard to individual income taxation, evaluate the efficacy of the state's own exclusions, exemptions, deductions, credits, and filing statuses and tax benefits enacted to encourage a desired behavior or to provide relief to a particular class of taxpayers; (b) conduct more in-depth analysis of Montana's taxation of natural resource production activities and how other states tax natural resource production activities to independently establish how Montana compares with other states in terms of fairness, incidence, effective tax rates, efficiency, stability, and accountability; (c) monitor the effects of reappraisal and consider property tax mitigation strategies as ongoing RATIC activities; and (d) examine the so-called "tax gap", or the difference between tax liability and tax payments. 	

State Administration and Veterans' Affairs Interim Committee	
Statutory duties: 5-5-215 and 5-5-228, MCA	
HB 659	Study public retirement systems; redesign Teachers' Retirement System
HJR 35	Study of state employee bonus payments
<p>Other considerations</p> <ul style="list-style-type: none"> The Committee is required under 5-2-228, MCA, to: (a) consider the actuarial and fiscal soundness of the state's public employee retirement systems and study and evaluate the equity and benefit structure of the state's public employee retirement systems; (b) establish principles of sound fiscal and public policy as guidelines; (c) as necessary, develop legislation to keep the retirement systems consistent with sound policy principles; (d) solicit and review proposed statutory changes to any of the state's public employee retirement systems; (e) report to the legislature on each legislative proposal reviewed by the committee. The Committee has not met the requirement in the past, but the 2008-09 Committee's members reiterated the need for and potential value of pre-session vetting of the proposals. 	

State-Tribal Relations Committee	
Statutory duties: 5-5-202, 5-5-215, and 5-5-229, MCA	
<p>Other considerations</p> <ul style="list-style-type: none"> The Committee traditionally visits two Indian reservations each interim as an integral aspect of it's liaison responsibilities. The Committee has also traditionally provided inter-group communication regarding water compacts, a role that is anticipated to continue in 2009-10. The Committee has overseen the publication of <i>The State-Tribal Handbook</i>, which needs to be updated. 	

Water Policy Interim Committee	
Statutory duties: Ch. 285, L. 2009	
HB 22	Establishes Water Policy Committee and defines its duties and responsibilities

PRELIMINARY STUDY OUTLINE

Study: SJR 30 Interim Study Poll Rank: 1

Short Title: Study of workers' compensation premium cost drivers and Montana State Fund

Staff Recommendation: Assign to Economic Affairs Interim Committee

Preliminary Analysis Prepared by Pat Murdo

Issue(s) as listed in legislation: 1) Conduct a review of premium cost drivers in Montana and other Western states with similar industries to include: a) frequency of claims by type; b) medical costs including duration, availability, and access; c) a review of the impact of changes to the medical fee schedules; research into presumptions of occupational diseases associated with certain professions; review and recommendations on attorney fee payments for cases involving medical benefits; evaluation of and recommendations of exemptions; and structural issues related to Montana's three-tiered system of self-insurers, private insurers, and the Montana State fund. 2) Work with the Labor-Management Advisory Council on Workers' Compensation to identify additional areas that may impact premium cost drivers. 3) Incorporate reports from the Labor-Management Advisory Council and other stakeholders. 4) Examine the operation and structure of the Montana State Fund, the Montana State Fund's relationship with state government and other insurers, and the state's oversight of the Montana State Fund.

Preliminary study approach: Compile information produced by the Labor-Management Advisory Council related to premium cost drivers. Identify areas not included in existing data and requested by study. Work with the Labor-Management Advisory Council and the National Council on Compensation Insurance to gather information on claims, costs, presumptions, exemptions, and attorney fees. Provide background information from previous studies related to the Montana State Fund, self-insurers and other insurers. Organize stakeholder meetings on these subjects for reports to the committee studying SJR 30.

Deliverables; end products: Study outline. Panel discussions. Recommendations on ways to impact premium cost drivers for both big and small employers, based on review of Montana and other states' experiences. Reports providing analysis on the use of medical fee schedules and cost containment and access issues in Montana and other jurisdictions related to the medical component of premium cost drivers. Preliminary reports on structural issues and potential changes in policy that would be needed to bring about new structures. Draft legislation.

Role for LFD or LAD staff? x Yes No

Role for Executive Agencies? x Yes No

Additional costs, over meetings? Yes x No

Estimated LSD staff time: 720-900 hours

Other comments: Past studies on some of these issues can be updated. Legislation from 2009 will impact some of these issues. It will be important to have a division of labor to maximize LSD and LFD staff time, presuming their respective commitment, and work by the Labor-Management Advisory Council.

PRELIMINARY STUDY OUTLINE

Study: **SJR 35** Interim Study Poll Rank: **2**

Short Title: **Study of health care**

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

Preliminary Analysis

Prepared by Sue O'Connell

Issue(s) as listed in legislation:

- Compile existing information on the uninsured and underinsured population in Montana and the extent to which publicly funded programs provide coverage
- Compile existing information on the number and location of health care providers to determine how to strengthen the primary care system, including whether medical education opportunities need to be strengthened
- Monitor and evaluate health care changes at the federal level in order to recommend state action that may be necessary to take advantage of federal changes
- Monitor how federal and other funds are used to create a health information technology system in Montana
- Monitor state and federal efforts related to preventing and managing chronic diseases
- Monitor and consider health care reforms proposed by Montana groups that are involved in health care issues, to determine whether legislative action is needed in 2011

Preliminary study approach:

- Meet with DPHHS staff (Medicaid, CHIP, Public Health) to compile information on publicly funded health insurance programs and the number of Montanans covered by the programs and to discuss state programs for preventing/managing chronic diseases.
- Meet with University System staff to compile information on current medical training programs and incentive programs for health care professionals who practice in Montana.
- Meet with State Auditor's Office to compile information on the number of Montanans covered by the Insure Montana program and the Montana Comprehensive Health Association plan for individuals who can't otherwise obtain health insurance.
- Review existing state and national studies on the uninsured and underinsured.
- Attend meetings of the Montana Healthcare Forum to monitor that group's efforts on health care issues and report back to committee
- Ongoing monitoring and analysis of federal health care reform efforts and health care reform in other states, including contact with Baucus's office and use of NCSL and CSG resources

Deliverables; end products:

- Briefing papers on:
 - 1) uninsured/underinsured/publicly insured populations;
 - 2) promising state/federal practices in chronic disease prevention and management;
 - 3) current distribution of physicians and mid-level practitioners and current medical education opportunities for Montana students;
 - 4) implementation of health information technology system in Montana;
 - 5) federal health care reforms and potential effects on Montana health care system; and
 - 6) how 2009 changes to CHIP/Medicaid and the Insure Montana program are affecting coverage.
- Panel or other presentations as needed on:
 - 1) health information technology developments;
 - 2) Montana Healthcare Forum developments;
 - 3) changes to Medicaid and CHIP due to federal reforms, the stimulus act, and the Healthy Montana Kids Initiative;
 - 4) changes to the Insure Montana program; and
 - 5) federal reforms and their effects in Montana.
- Options for discussion/action and bill drafts as requested.
- Final report

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

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

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

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

Other comments:

During hearings and floor debate on this study resolution, legislators discussed the ways in which an unsuccessful study resolution on health care disparities among low-income and Native American Montanans (SJR 38) could be folded into this study. It's possible that committee members may want additional information in this area and on the role of the Indian Health Service in Montana's health care system. If so, the study may require additional time.

Past interim committees have studied some of the topics raised in this study resolution. The findings and recommendations of those studies should be reviewed and presented to the interim committee during the early meetings on the study.

PRELIMINARY STUDY OUTLINE

Study: HJ 1 Interim Study Poll Rank: 3

Short Title: Study to evaluate the feasibility of expanded use of biomass feedstocks for energy use in Montana

Staff Recommendation: Assign to Environmental Quality Council

Preliminary Analysis

Prepared by Todd Everts

Issue(s) as listed in legislation: (1) The expanded use of biomass from forests, agriculture, and other sources for energy may provide substantial economic and environmental benefits to Montanans. (2) The Environmental Quality Council (EQC), in conducting a climate change interim study during the 2007-08, identified the expanded use of biomass feedstocks for energy use in Montana as a potentially important policy directive that deserves further evaluation. (3) The EQC identified specific issues with respect to biomass feedstocks for energy use that need further analysis, including funding alternatives for research and development, use of tax and loan incentives, use of pilot projects, documentation of emission impacts and mitigation, and the availability of the forest biomass resource.

Preliminary study approach: (1) Examine existing state loan programs to evaluate the feasibility of expanding those programs to include biomass feedstock projects. (2) Evaluate adequacy/efficacy of current state biomass feedstock tax incentives for reducing the capital costs of biomass energy production. (3) Analyze the potential use of pilot projects to determine the feasibility of using different forestry and agriculture residues and liquid fuel production process. (4) Evaluate potential funding mechanisms for research and development. (5) Document existing research regarding emission characterization and mitigation. (6) Evaluate and document primary research conducted on the availability of the forest biomass resources in the state.

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

Role for LFD or LAD staff? X Yes No

Role for Executive agency? X Yes No

Additional costs, over meetings? Yes X No

Estimated LSD staff time: (250- 350) hours

Other comments: Preliminary research indicates that the EQC spent time during the 2007-08 interim looking at this issue during its Climate Change study. Staff at the Department of Environmental Quality and the Department of Natural Resources and Conservation have extensive information on this subject. The study would also involve soliciting information from the University System.

PRELIMINARY STUDY OUTLINE

Study: SJ 39 Interim Study Poll Rank: 4

Short Title: Study of DUI laws and enforcement

Staff Recommendation: Assign to staff or Law and Justice Interim Committee

Preliminary Analysis

Prepared by Sheri Heffelfinger and Rachel Weiss

Issue(s) as listed in legislation: Montana law prohibits individuals from driving under the influence of alcohol or drugs, but the statutes have become a complex patchwork of statutes. Statistics reveal that Montana has a continuing problem with driving under the influence, including implied consent refusals, repeat offenses, and a conviction-to-arrest rate that fluctuates from the low to the very high. Montana might also have a cultural acceptance of driving under the influence that might account for the prevalence of driving under the influence.

Preliminary study approach: (1) Examine existing statutes governing driving under the influence, including punishment provisions. (2) Examine other states' approaches to the DUI problem and the corresponding DUI offense rates. (3) Examine existing facilities and resources for incarceration and rehabilitation and investigate whether there are other alternatives that the state could offer. (4) Determine areas where statutory changes might help reduce DUI offenses and simplify existing law. (5) Examine what cultural attitudes and factors, if any, might contribute to the high DUI rates in Montana and what, if anything, the Legislature might consider as a remedy.

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

Role for LFD or LAD staff? _____ Yes X No

Role for Executive agency? X Yes _____ No

Department of Justice and possibly the Department of Transportation, mainly for information and panelists, if necessary.

Additional costs, over meetings? _____ Yes X No

Estimated LSD staff time: (100-400) hours

Other comments: It might be worth having a panel discussion on the subject, even if the study is assigned to staff as a white paper, because the topic of whether or not there is a cultural acceptance of driving under the influence in Montana will be hard to research and quantify.

PRELIMINARY STUDY OUTLINE

Study: HJR 36 Interim Study Poll Rank: 5

Short Title: Study of how to enhance economic security of Montanans

Staff Recommendation: Do Not Assign

Preliminary Analysis

Prepared by Pat Murdo

Issue(s) as listed in legislation: (1) Examine the tools available through public or private entities that can be used to: (a) build family assets, including individual development accounts; (b) expand workforce capabilities through training, education, and economic development opportunities; (c) address credit, lending, and associated counseling issues; and (d) provide safety nets for those unable to build assets, retrain, or access credit. (2) Examine ways to improve delivery of services to those in poverty. (3) Solicit input from stakeholders involved in serving those in poverty or providing financial services or other assistance to those in poverty.

Preliminary study approach: Review literature related to educating and changing attitudes and behaviors. Convene stakeholders to determine work groups needed for: (a) individual training issues, including issues related to personal responsibility and delayed gratification associated with building assets; (b) workforce training; (c) policy determinations for individual development accounts and use of credit; and (d) improved delivery of services. Hold panel discussions on recommendations by work groups for policy changes or state agency actions not needing legislative changes.

Deliverables; end products: Study outline. Literature review. Review of other states' actions or policy groups' recommendations to promote asset building. Recommendations from stakeholders' work groups. Panel discussions. Proposed recommendations, including curricula, or draft legislation.

Role for LFD or LAD staff? x Yes No

Role for Executive Agencies? x Yes No

Additional costs, over meetings? Yes x No

Estimated LSD staff time: 700 - 900 hours

Other comments: This study builds on a January 2006 seminar, "Promoting Economic Success for Montana Families", coordinated by the National Conference of State Legislatures. If the study is selected, an effective approach might be to encourage participation from various interim committees, including Economic Affairs (for banking, housing, credit, workforce training, and economic development issues), Children, Families, Health, and Human Services (for the use of safety nets and the delivery of services to those in poverty), and Education and Local Government (for training in financial responsibility within the elementary and high school curricula). But if assigned to one committee, the use of work groups -- while time consuming -- may allow for participation by varied interests.

PRELIMINARY STUDY OUTLINE

Study: SJR 16 Interim Study Poll Rank: 6

Short Title: Study of uninsured and underinsured motorists in Montana

Staff Recommendation: Assign to Economic Affairs Interim Committee

Preliminary Analysis

Prepared by Pat Murdo

Issue(s) as listed in legislation: 1) Study issues of uninsured and underinsured motorists to determine the extent of each and the impacts of each on law enforcement, transportation, local government, the health care community, the insurance industry, and Montanans impacted by underinsured or uninsured motorists. 2) Review policies implemented in other states to improve compliance with motor vehicle insurance coverage. 3) Develop legislative proposals or recommendations to state agencies to increase compliance.

Preliminary study approach: Review the Legislative Audit Division's January 2006 survey and other states' reports on issues of uninsured and underinsured motorists. Review actions taken in other states, including no-fault insurance or insurance pools, to determine if the actions resulted in changes in insurance coverage. Work with the Motor Vehicle Division and appropriate stakeholders to review accident data and implementation of SB 508 regarding the new online system for verifying motor vehicle insurance. Work with tribal governments to address concerns of uninsured and underinsured motorists on reservations, particularly related to the new online verification system. Review Montana mandatory insurance coverage policies and underinsured motorist options to determine possible changes that may improve affordability or coverage. Hold panel discussions with insurers to determine if or why Montana's average annual motor vehicle premiums are higher uniformly than nearby states.

Deliverables; end products: Study outline. Panel discussions. Reports comparing actions in other states to improve compliance with insurance coverage. Reports on suggested legislative changes to improve coverage. Draft legislation.

Role for LFD or LAD staff? Yes No

Role for Executive Agencies? Yes No

Additional costs, over meetings? Yes No

Estimated LSD staff time: 300-450 hours

Other comments: There is an opportunity to be on the front-end of implementation of the online verification system to see what problems might arise. However, very little data will be available regarding implementation in the first six months. This study is best performed with discussions early in the interim to determine other states' actions and monitor preliminary work for the online verification system, followed by stakeholder meetings, reviews of any recommendations or possible legislation.

PRELIMINARY STUDY OUTLINE

Study: HJR 30 Interim Study Poll Rank: 7

Short Title: Study of wildland fire suppression

Staff Recommendation: Assign to Environmental Quality Council (see comments)

Preliminary Analysis

Prepared by Leanne Heisel

Issue(s) as listed in legislation:

- Wildland fire seasons are predicted to increase in duration, severity, and costs.
- The Fire Suppression Committee (2007-08 interim) arrived at a number of conclusions and made dozens of recommendations for action, some of which took the form of legislation and others that were intended to be considered by the public; by local, state, and federal governmental agencies; and by private industry.
- The legislature, through an interim entity, should follow up on the Fire Suppression Committee's recommendations and monitor the implementation of bills and resolutions that were enacted, as well as monitor the portions of DNRC's budget that are impacted by wildland fire mitigation and suppression.

Preliminary study approach:

- Review the work of the Fire Suppression Committee and its predictions, conclusions, and recommendations;
- Provide summary and analysis of the legislation (bills and resolutions) that were enacted;
- Provide summary and analysis of DNRC's wildland fire mitigation and suppression budget;
- Provide ongoing monitoring of each of the Fire Suppression Committee's recommendations and, through the experiences of the 2009 and 2010 wildland fire seasons, determine whether those recommendations should be reinforced or amended.
- Monitor implementation of the federal FLAME Act and use of ARRA (federal stimulus) money with regard to wildland fire mitigation and suppression.
- As opportunities arise, committee members may wish to accompany DNRC fire staff on initial attack or visit fire camps.

Deliverables; end products:

- A determination of whether the Fire Suppression Committee's recommendations are being considered and implemented;
- An analysis, over the course of two wildland fire seasons, of additional measures that may be taken by legislature; the public; local, state or federal agencies; or private industry to mitigate the severity of wildland fires or to enhance the safety of firefighters and the public during wildland fire seasons.
- The information will be compiled in a final report.
- There may be legislation or funding recommendations.

Role for LFD or LAD staff? X Yes (LFD) No
Role for Executive agency? X Yes (DNRC) No
Additional costs, over meetings? Yes X No
Estimated LSD staff time: 500-800 hours

Other comments: For logistical ease and to facilitate focus on the items listed in the resolution, it is recommended that the EQC, if assigned this study, designate a distinct Fire Suppression Subcommittee.

PRELIMINARY STUDY OUTLINE

Study: SJR 28 Interim Study Poll Rank: 8

Short Title: Study methods to increase solid waste recovery and recycling in Montana

Staff Recommendation: Assign to Environmental Quality Council (as white paper)

Preliminary Analysis

Prepared by Sonja Nowakowski

Issue(s) as listed in legislation: (1) Recycling is a value-added manufacturing process that provides jobs for Montanans. (2) Recycling reduces energy consumption associated with the manufacturing of products from raw materials and reduces landfill usage by diverting solid waste. (3) Rural areas have a need for infrastructure support to increase recycling. (4) Electronic waste and household hazardous waste present unique recycling challenges that may require additional programs. (5) Increased recycling rates will provide substantial economic and environmental benefits to Montanans. (6) The Montana Integrated Waste Management Act proposes increasing Montana solid waste recycling rates to 19% by 2011, 22% by 2015 using a variety of methods, including source reduction, reuse, recycling, and composting.

Preliminary study approach: (1) Examine existing statutes that guide recycling, reuse, and solid waste recovery. (2) Determine areas where the state can play a different, increased, or reduced role. (3) Examine barriers, such as market prices, variability of waste, and rural vs. urban costs, to recycling and determine what role, if any, the state can play in mitigating these barriers. (4) Determine financial mechanisms available to assist the state in promoting recycling, reuse, and solid waste recovery.

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

Role for LFD or LAD staff? Yes X No

Role for Executive agency? X Yes No

Additional costs, over meetings? Yes X No

Estimated LSD staff time: 300-500 hours

Other comments: Preliminary research indicates that the Environmental Quality Council spent time during the 2007-08 interim looking at this issue during its Climate Change study. Staff at the Department of Environmental Quality have extensive information on this subject. The state's Solid Waste Plan Task Force, which reviews the Montana Integrated Solid Waste Management Plan and makes recommendations to update the plan, will be a useful asset. The Integrated Waste Management Act requires the involvement of local officials, citizens, solid waste and recycling industries, environmental organizations, and others involved in the management of solid waste. The task force's recommendations include policies, potential legislation, education, technical assistance, and other suggestions in the areas of source reduction, reuse, recycling, and market development.

PRELIMINARY STUDY OUTLINE

Study: <u> HJR 35 </u> Interim Study Poll Rank: <u> 9 </u>
Short Title: <u> Study of state employee bonus payments </u>
Staff Recommendation: <u> Assign to State Administration and Veterans' Affairs </u>

Preliminary Analysis

Prepared by Rachel Weiss

Issue(s) as listed in legislation: Although the topic of bonus payments for state employees generated significant controversy during the 61st Legislative Session, none of the three bills introduced to address bonuses made it through the legislative process. House Bills 358, 576 and 594 each took a different approach to the issue, and the House State Administration committee tabled each bill to allow for more research to be done so legislators would have additional information and possibly legislation that encompasses all facets of the bonus issue, not just one or two. HJR 35 limits the scope of the study to only those employees whose compensation is within the scope of House Bill No. 13, the state pay plan bill.

Preliminary study approach: (1) Examine HB 13 to determine scope of study. (2) Determine if the committee intends to limit the study to HB 13-covered employees. (3) Review current state statutes and agency practices and policies for bonuses. (4) Provide additional background information to the committee on the broadband pay plan, if necessary. (5) Acquire and examine appropriation and expenditure information to determine how section 2-18-303(2), MCA, money was used by the agencies in the 2009 biennium. (6) Examine if bonuses paid since July 1, 2007, were paid according to established practices and if they were effective and necessary. (7) Identify issues and options on how bonuses currently are or should be paid. (8) Develop conclusions and recommendations and draft legislation as needed to best meet the policy goals established in the study resolution.

Deliverables; end products: (1) Study outline; (2) Issue paper(s); (3) Possibly a panel on agencies' bonus practices; (4) Final report or staff white paper with draft legislation.

Role for LFD or LAD staff? X Yes No

Possibly, if one or the other wanted to participate in determining how money appropriated under section 2-18-303(2), MCA, was used for the intended purposes, including but not limited to market progression, job performance, or employee competencies.

Role for Executive agency? X Yes No

Agencies will need to provide copies of policies regarding bonuses, as well as information on current practices that might not be in the written policy, and expenditure information.

Additional costs, over meetings? Yes X No

Estimated LSD staff time: (600-900) hours

Other comments: HJ 35 directs that the bonus study be conducted in the context of the following policy goals: (1) transparency; (2) accountability and oversight; (3) equity within and among agencies; (4) definition and clarity in statewide and agency standards and guidelines governing bonuses.

PRELIMINARY STUDY OUTLINE

Study: HJR 32 Interim Study Poll Rank: 10

Short Title: **Study of historic preservation impacts and strategies for historic preservation**

Staff Recommendation: **Assign to Education and Local Government Interim Committee (as white paper)**

Preliminary Analysis

Prepared by Leanne Heisel

Issue(s) as listed in legislation:

- The State of Montana owns over 1,000 historic and cultural properties and is responsible for maintaining those properties on behalf of the state's citizens.
- Additional historic and cultural properties are owned by local, federal, and tribal entities and by private citizens who wish to restore and maintain them.
- Appropriately-maintained historic and cultural properties attract tourism and provide economic benefits to communities.
- A number of programs exist in which citizens and communities can participate to enhance their cultural properties, but funding is spotty and sources of funding are not well known or understood.
- Many who own historic and cultural properties are not aware of the benefits of restoring and maintaining those properties and are not aware of the available funding assistance.
- State and local support for funding of historic and cultural property restoration and maintenance takes many forms, all of which should be evaluated--along with federal funding sources--to determine whether changes or enhancements may be appropriate.
- Historic preservation programs and opportunities should be evaluated to determine their impacts on the state and local economies and on tourism.

Preliminary study approach:

The study should begin with an inventory of all of the historic and cultural preservation programs in the state (Montana Main Street, SHPO, FWP Parks, Heritage Preservation and Development Commission, local preservation programs, etc.) and their funding constructs.

According to those who testified at the hearing, there is extensive information from the Brookings Institute on similar studies that have been conducted in other states, and that information will be procured.

Representatives of the historic preservation community will be enlisted to participate in the study, including staff from the State Historic Preservation Office, FWP Parks Division, the

Montana Heritage Preservation and Development Commission, the Department of Commerce's Main Street Program and tourism promotion program, Montana Preservation Alliance, local preservation offices, and others.

Once the background information is in place, the study will focus on the items listed in the resolution with an eye toward:

1. Determining if state-level funding needs to be changed or enhanced to promote historic and cultural preservation and provide match for federal funding opportunities;
2. Determining if any statutory changes are needed to facilitate historic and cultural preservation;
3. Developing a "historic and cultural preservation guidebook" that would be available to property owners and that provides information on the benefits of preservation, as well as the available programs and funding sources.

Deliverables; end products:

A suggested outcome would be a guide to historic and cultural preservation programs and funding which would be made available to current and potential historic and cultural property owners. It was testified to in the hearing that there is no such comprehensive guide available to property owners, so they not only don't know what is available, but they aren't aware of the benefits of preservation.

A portion of ELG's final report would also be dedicated to the analyses conducted during the study. There may be legislation or recommendations for funding.

Role for LFD or LAD staff? X **Yes (minimal)** **No**

Role for Executive agency? X **Yes (Historical Society/State Historic Preservation Office; FWP Parks Division; Department of Commerce)** **No**

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

Estimated LSD staff time: 500 **hours**

Other comments: The guide envisioned may be similar in depth of content and length to those produced by EQC on eminent domain, water rights, and energy.

PRELIMINARY STUDY OUTLINE

Study: **SJR 29** Interim Study Poll Rank: **11**

Short Title: **Study retention and preservation of biological evidence by state and local law enforcement agencies**

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

Preliminary Analysis

Prepared by Sheri Heffelfinger and Rachel Weiss

Issue(s) as listed in legislation: (1) The value of properly preserved biological evidence has been enhanced by the discovery of modern DNA testing methods. (2) Tapping the potential of preserved biological evidence requires the proper identification, collection, preservation, storage, cataloguing, and organization of the evidence. (3) Updating preservation policies can save valuable law enforcement resources, personnel hours, and storage space. (4) "Cold" case investigations are hindered by an inability to access biological evidence that was collected in connection with criminal investigations. (5) Innocent people mistakenly convicted of the serious crimes for which biological evidence is probative cannot prove their innocence if the evidence is not available for testing in appropriate circumstances. (6) Simple but crucial enhancements to protocols for properly preserving biological evidence can solve old crimes, enhance public safety, and settle claims of innocence.

Preliminary study approach: Through document review, interviews, panel presentations, and possibly a survey of local/county law enforcement agencies:

(1) Examine existing statutes, policies, and actual law enforcement practices that guide retention and preservation of biological evidence.

(2) Examine training methods for law enforcement officials responsible for collecting, preserving, and retrieving biological evidence.

(3) Determine what barriers exist for state and local law enforcement agencies when dealing with biological evidence collection and preservation.

(4) Determine if there are existing "best practices" for biological evidence retention and preservation and training of relevant officers and employees, including practices of other states, federal law enforcement agencies, and forensic science associations.

(5) Determine where access to biological evidence and the efficiency of agencies in collecting and preserving evidence can be improved by revising statutes or adopting statewide standards.

(6) Determine what additional training or other resources might be available or necessary for officers and other employees responsible for gathering, storing, and retrieving biological evidence.

Deliverables; end products: (1) Study outline; (2) Survey instrument (if desired); (3) Survey results (if desired); (4) Issue paper(s) outlining issues discussed above and options for committee consideration; (6) Final report with recommendations; (7) Draft legislation, if desired.

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

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

Department of Justice and Office of the Public Defender - perhaps one could take on or assist with a survey of county/other local law enforcement agencies. Both would undoubtedly be a part of any panel presentations or stakeholder meetings the committee wished to convene.

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

Survey costs

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

Other comments: The number of hours will depend on the committee's decision regarding a survey of law enforcement agencies. Preliminary research indicates this topic has not been studied recently by an interim committee, if ever. Because much of the study involves identifying problems and gaps faced by state and local law enforcement agencies, a survey of county and perhaps some or all of the city law enforcement agencies is recommended to gather information. The committee and research analyst assigned to the study would probably need outside assistance to identify potential survey questions, if a survey is pursued. The resolution requests the committee to use working groups, public hearings, or panel discussion to elicit additional information from various stakeholders.

PRELIMINARY STUDY OUTLINE

Study: SJR 37 Interim Study Poll Rank: 12

Short Title: Study the filing options available to married taxpayers under the state individual income tax

Staff Recommendation: Assign to Revenue & Transportation Interim Committee

Preliminary Analysis

Prepared by Jeff Martin

Issue(s) as listed in legislation: Simplify the compliance with and administration of the individual income tax for married taxpayers. Most states require that individual income taxpayers use the same filing status as was used to file federal income returns. Montana is one of a few states that allows taxpayers to file separately on the same form.

Preliminary study approach: (1) Review legislative history and rationale for allowing married taxpayers to file separately on the same form in Montana.

(2) Review state legislation enacted to allow married taxpayers filing separately to claim deductions that were otherwise limited at the state level because of the filing status of the federal income tax return (e.g., capital loss deduction, IRA deduction, and certain education expenses).

(3) Evaluate the allocation of income and deductions between spouses (administrative rule and income tax instructions).

(4) Inventory other states that allow taxpayers to file married filing separately.

(5) Determine the advantages and disadvantages of allowing married taxpayers to file separately on the same return, including compliance and administration.

(6) Analyze the variance in tax liability of similarly situated married taxpayers based on filing status and statutory provisions.

(7) Develop tax tables for married filing jointly that would minimize shifts in tax liability if the option to file separately on the same return were eliminated (i.e. filing status for federal return must be used on state return).

Deliverables; end products: Study plan, interim reports, panel discussions, recommendations regarding the taxation of married taxpayers

Role for LFD or LAD staff? Maybe Yes No

Role for Executive agency? XXX Yes No

Estimated LSD staff time: 200 - 400 hours

Other comments: None

PRELIMINARY STUDY OUTLINE

Study: HJR 39 Interim Study Poll Rank: 13

Short Title: Study of Community Services for Individuals with Developmental Disabilities and Mental Illness

Staff Recommendation: Assign to Children, Families, Health, and Human Services Interim Committee (as white paper)

Preliminary Analysis

Prepared by Sue O'Connell

Issue(s) as listed in legislation:

- Assess the availability and location of community services for developmentally disabled individuals who also have mental illness.
- Identify issues that have limited the development of community services for this target population.
- Identify ways in which community services should be planned for, prioritized, developed, and provided at the community level, including ways to encourage cooperation between and within communities.
- Identify the types of community services that should be available and the people they could appropriately serve.
- Identify funding and cost considerations.
- Determine how to best identify individuals who could benefit from community services at the youngest age possible.

Preliminary study approach:

- Meet with DPHHS staff (Developmental Disabilities Division, Addictive and Mental Disorders Divisions, Children's Mental Health Bureau) to compile information on what services are currently available, what services might be lacking, and the number of individuals on the DD waiting list who also have mental health issues.
- Meet with Department of Corrections staff and with juvenile justice agencies to determine, if possible, the number of DD individuals who are in those systems because of mental health issues.
- Contact DD advocates and providers to identify issues of concern and their ideas for solutions.
- Research what has been done in other states to provide community services to this target population.

Deliverables; end products:

- Briefing papers on:
 - 1) current services and number of people using the services, as well as current waiting list for services;
 - 2) promising practices in other states, if they exist;
 - 3) potential issues for committee consideration/action.
- Panel or other presentations as needed on:
 - 1) available services (state agency staff and DD providers);
 - 2) issues involved in providing additional services (advocates and DD providers); and
 - 3) funding considerations (state agency and LFD staff).
- Options for discussion/action and bill drafts as requested.
- Final report

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

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

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

Estimated LSD staff time: 200-400 **hours**

Other comments:

It's possible this study could be done as a white paper with little committee time and few presentations other than, perhaps, a panel or public comment to gather ideas on how to address the problem(s). The development of community services is largely dependent on funding, so that pretty well defines the issues of the study.

PRELIMINARY STUDY OUTLINE

Study: <u> SJR 14 </u> Interim Study Poll Rank: <u> 14 </u>
Short Title: <u> Study developing/maintaining joint lab facilities for testing related to wildlife, livestock, agriculture, and public health </u>
Staff Recommendation: <u> Do Not Assign </u>

Preliminary Analysis

Prepared by Hope Stockwell

Issue(s) as listed in legislation: (1) Several state agencies maintain separate laboratories for testing related to wildlife, livestock, agriculture, and public health, and some of the labs face space and budget constraints. (2) Potential efficiencies could exist to encourage development/maintenance of shared facilities. (3) The consolidation of facilities may result in cost savings.

Preliminary study approach: (1) Review existing state laboratory facilities (approx. 6-8) used for testing related to wildlife, livestock, agriculture, and public health. (2) Identify areas of potential overlap or similarity in testing procedures. (3) Analyze the pros and cons of consolidation. (4) Analyze results of consolidation in other states (Michigan, New Mexico). (5) Identify potential arrangements for effectively sharing laboratory space. (6) Identify the potential cost savings of consolidating any combination of laboratories.

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

Role for LFD or LAD staff? X Yes No

Role for Executive agency? X Yes No

Additional costs, over meetings? X (if visits to labs) Yes X (if no visits) No

Estimated LSD staff time: 250 hours

Other comments: Review of existing laboratories would include university facilities, such as the veterinary diagnostic lab and the Montana seed lab at MSU, whose representatives testified in favor of inclusion during a hearing of the Senate State Administration Committee. These laboratories already collaborate in some ways with state agencies. There's indication the Department of Livestock has already begun some analysis of this issue.

PRELIMINARY STUDY OUTLINE

Study: SJR 3 Interim study poll rank: 15

Short Title: Consider establishment of a Montana Scholarship Program

Staff Recommendation: Do Not Assign

Preliminary Analysis

Prepared by Casey Barrs

Issues listed in legislation: (1) Scholarship programs should provide financial incentives as a reward for good academic performance, promote academic success by requiring completion of a rigorous high school core curriculum, and keep Montana's students in the state to pursue postsecondary education opportunities. (2) Only 50% of Montana high school graduates go on to college and only 20% get a 4-year degree from the Montana University System in 4 years. (3) Montana ranks 38th in terms of state funding per student. (4) Montana's current student financial aid portfolio is loan-driven, but student access to higher education comes more from grants than loans. (5) The affordability of and accessibility to higher education is emphasized in the first "shared policy goal" agreed to by the Commissioner of Higher Education, the Montana Board of Regents, and the Postsecondary Education Policy and Budget Interim Subcommittee of the Montana Legislature.

Preliminary study approach: (1) Prepare a comprehensive inventory and description of the financial assistance programs available to Montana students. (2) Study the possibility of consolidating the state funds that are currently dedicated to Baker Grants, Montana Higher Education Grants, Supplemental Educational Opportunity Grants, Perkins Loans, Governor's Postsecondary Scholarships, and Montana University System Honors Scholarships into one centrally administered comprehensive Montana Scholarship Program. (3) Consider if and how student financial aid that is currently derived from waivers and university foundations might also support a Montana Scholarship Program. (4) Consider if and how nontraditional students, including displaced workers, trying to reenter the educational system might also use a Montana Scholarship Program.

Deliverables; end products: (1) Study plan. (2) Information gathering through document review, interviews, and committee panel presentations. Prime sources of in-state information to include the Board of Regents, Commissioner of Higher Education, Montana University System, Superintendent of Public Instruction, Board of Public Education, and members of the public. (3) Out-of-state information sources to include the Western Interstate Commission for Higher Education and the National Conference of State Legislatures. (4) Final report that documents findings and any recommendations and/or legislation that result.

Role for LFD or LAD staff? XXX (LFD) Yes No

Role for Executive agencies? XXX Yes No

Estimated LSD staff time: 750 – 1,000 hours

Other comments: none

PRELIMINARY STUDY OUTLINE

Study: HJR 15 Interim Study Poll Rank: 16

Short Title: **Study feasibility and funding sources for a monetary incentive program for private landowners providing public access for recreational and tourism-related activities**

Staff Recommendation: **Assign to Environmental Quality Council (white paper)**

Preliminary Analysis

Prepared by Hope Stockwell

Issue(s) as listed in legislation: (1) Recreational and tourism-related activities benefit all Montanans and the state economy. (2) A respectful balance between public access and private property rights should be struck. (3) Public access to private land is in jeopardy as private land is dedicated to other income generators (i.e. private hunting leases). (4) Monetary incentives provided through the block management program have been an effective tool to secure public access to private land. (5) Providing similar incentives for recreational and tourism-related activities may be as effective in securing public access and less costly than the state purchasing property or easements.

Preliminary study approach: (1) Examine incentive framework of the block management program. (2) Quantify benefits paid and analyze the correlation between those benefits and increased public access since the program's inception. (3) Determine interest of landowners in providing recreational and tourism-related access. (4) Determine public interest in having such access and providing funding for it. (5) Determine whether monetary incentives for recreational and tourism-related access could be incorporated within the existing block management program. (6) Examine possible scope of the program, such as limits on the number of acres to be enrolled versus perpetual enrollment. (7) Examine possible funding sources, including sustainability, diversion from other programs, new fees, grants, federal funds. (8) Examine barriers, such as competition for access and market prices for land use (i.e. hunting leases).

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

Role for LFD or LAD staff? X (LFD) Yes No

Role for Executive agency? X (FWP) Yes No

Additional costs, over meetings? Yes X No

Estimated LSD staff time: 130 hours

Other comments: Preliminary research indicates that the Legislative Fiscal Division has spent time in at least the past two interims reviewing the funding for and use of the block management program. Questions have been raised about the sustainability of funding for the program, trends in the number of acres enrolled, and legislative oversight (as block management and its incentives operate almost entirely by administrative rule). The data is expected to be useful in several ways, including identifying possible funding sources and analyzing whether block management would be an effective model to follow.

PRELIMINARY STUDY OUTLINE

Study: SJR 2 Interim study poll rank: 17

Short Title: Study community college establishment process

Staff Recommendation: Assign to Education and Local Government Interim Committee / PEPB Subcommittee (as white paper)

Preliminary Analysis

Prepared by Casey Barrs

Issue listed in legislation: The community college establishment provided process for in Title 20, chapter 15, part 2, MCA, was used for the first time during the 2007-2008 interim. That first test of the process raised questions as to what entity is best suited to bear certain responsibilities and costs of the process.

Preliminary study approach: (1) Conduct a comprehensive review of the community college establishment process. (2) Identify the entities best suited to take responsibility for receiving voter petitions, order the election of trustees, call for the nominations of trustee candidates, give election notices, conduct elections, certify election results, and take statutory steps to create a new community college district. (3) Identify the costs incurred in fulfilling these responsibilities and how those costs might be funded.

Deliverables; end products: (1) Study plan. (2) Information gathering through document review (including papers and testimony pertaining to SJR 2, SB 41, and SJR 12 of the 2007-08 interim and the 2009 session), interviews, and committee presentations. Prime sources of in-state information to include Office of the Commissioner of Higher Education, the Montana Secretary of State, and the former participants in the Bitterroot Valley Community College establishment process. (3) Final report that documents findings and any recommendations or legislation that result.

Role for LFD or LAD staff? XXX (LFD) Yes No

Role for Executive agencies? XXX Yes No

Estimated LSD staff time: 750 – 1,000 hours

Other comments: none

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