

## **Addendum to SAVA Draft Work Plan - Part I, Section B: Interim Study Activities**

The Legislative Council did not assign any studies requested by resolution to the State Administration and Veterans' Affairs Interim Committee (SAVA). This will give the Committee some flexibility to study topics of interest to Committee members.

The following is a list of possible topics of study as submitted by Committee members. This list is updated from the list included in the SAVA draft work plan.

1. Examination of agency use of policy rather than rule for internal management that does not affect private rights or procedures available to the public (rules implementing the state personnel classification plan, the state wage and salary plan, or the statewide accounting, budgeting, and human resource system). Potential areas of concern surrounding the use of policy rather than rule include lack of legislative oversight of policies, limited notice and comment opportunities for interested parties in the development of policies, and potential for diminished enforcement under policies as compared with rules.
2. Exploration of funding ideas for the retirement systems other than increased employee/employer contributions. An example is House Bill No. 632, sponsored by Rep. Janna Taylor, to use the expendable portion of the coal severance tax (which currently goes to the General Fund) to fund the unfunded actuarial liability of the Public Employees' Retirement System, the Sheriffs' Retirement System, the Game Wardens' and Peace Officers' Retirement System, and the Teachers' Retirement System. HB 632 failed to pass second reading in the Senate.
3. Study of issues surrounding the state broadband pay plan. Areas of interest include whether pay plans are being followed (this may be best achieved with a request for a legislative audit) and how the plans address bonus and incentive pay.
4. Review of how other states are addressing pension problems. Staff could provide the Committee with outside reports, and the Committee can identify specific topics of interest for additional study. The 2008 SAVA report, "[A Legislator's Guide to Montana's Public Retirement Systems, 2008](#)", provides background on the state's retirement systems.
5. Study of combining school board, municipal, and primary elections. Rep. Mike Miller introduced House Bill No. 242 in the 62nd legislative session. The bill would have moved the primary election from June to May and combined the primary election and the municipal and school board elections. HB 242 was tabled in the House State Administration Committee and a motion to take the bill from the committee and place it on second reading failed.
6. Study of state agency advertising and public service announcements. The 62nd Legislature considered one resolution and three bills on this topic:
  - a. The House State Administration Committee requested and Rep. Gordon Hendrick

sponsored House Joint Resolution 34. The resolution requested an interim study to identify the purpose of and develop definitions for "advertising" and "public service announcements" by state governmental entities, investigate expenditures by state governmental entities for advertising and public service announcements, and develop recommendations about how state agency expenditures and public service announcements should be managed by and reported to the Legislature. HJR 34 failed in the House on a tie vote on second reading.

- b. Senate Bill No. 227, sponsored by Sen. Jason Priest, would have required a state agency to report to SAVA money spent on advertising. The report was to include the amount expended, the source of the funding expended, the type of advertising, the legal authority for the advertising, and the results of the advertising and the method used to determine the results. SB 227 was tabled in the House State Administration Committee.
- c. Sen. Ryan Zinke sponsored Senate Bill No. 291 to require a state agency to disclose the total estimated cost of advertising at the beginning of a broadcast and on the cover of any printed material. SB 291 was tabled in the House State Administration Committee.
- d. Senate Bill No. 338 was introduced by Sen. Ron Arthun and signed by the Governor. SB 338 prohibits a state officer to "use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a newspaper, on radio, or on television that contains the state officer's name, picture, or voice except in the case of a state or national emergency if the announcement is reasonably necessary to the state officer's official functions or in the case of any announcement directly related to a program or activity under the jurisdiction of the office or position to which the state officer was elected or appointed". The Commissioner of Political Practices is responsible for enforcement and the penalty for a violation is between \$500 and \$10,000.