



## State Administration and Veterans' Affairs Interim Committee

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### 63rd Montana Legislature

#### SENATE MEMBERS

DEE BROWN--Chair  
LARRY JENT  
DAVE LEWIS  
SUE MALEK

#### HOUSE MEMBERS

BRYCE BENNETT--Vice Chair  
JOANNE BLYTON  
DOUG KARY  
KATHY SWANSON

#### COMMITTEE STAFF

SHERI SCURR, Lead Staff  
GINGER ALDRICH, Staff Attorney  
KRISTINA LIMING, Secretary

## MINUTES LOG

August 15, 2014  
Rm. 137, State Capitol  
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

### **COMMITTEE MEMBERS PRESENT**

SEN. DEE BROWN, Chair  
REP. BRYCE BENNETT, Vice Chair

SEN. LARRY JENT  
SEN. DAVE LEWIS  
SEN. SUE MALEK

REP. JOANNE BLYTON  
REP. DOUG KARY  
REP. KATHY SWANSON

### **STAFF PRESENT**

SHERI SCURR, Lead Staff  
GINGER ALDRICH, Staff Attorney  
KRISTINA LIMING, Secretary

### **AGENDA & VISITORS' LIST**

Agenda, [Attachment #1](#).  
Visitors' list, [Attachment #2](#).

### **COMMITTEE ACTION**

- REP. BENNETT **moved** to authorize the drafting of the legislative proposals presented from the COPP. Motion passed unanimously by voice vote.
- SEN. JENT **moved** to approve bill draft LCsa01 to revise appointment of the COPP as a committee bill. Motion passed unanimously by voice vote. SEN. BROWN to sponsor the bill.
- REP. BENNETT **moved** to approve LC0146 to revise disclosures on election material as a committee bill. Motion passed 5 - 3, roll call vote ([Attachment #4](#)). SEN. MALEK offered to sponsor the bill.
- REP. BENNETT **moved** to authorize the drafting of the legislative proposals from the Department of Administration and the Montana Tax Appeal Board. Motion passed unanimously by voice vote.
- REP. BENNETT **moved** to draft a committee bill to move oversight duties of the Montana Tax Appeal Board to the RTIC, and any other boards that do not belong under SAVA's oversight to the appropriate committee. Motion passed unanimously by voice vote.
- SEN. JENT **moved** to authorize for drafting purposes both proposed bills from TRS. Motion passed unanimously by voice vote.
- SEN. JENT **moved** to authorize for drafting purposes the proposals presented by PERS. Motion passed unanimously by voice vote.
- The committee agreed by consensus to hold the next State Administration and Veterans' Affairs meeting on November 17, 2014.
- SEN. BROWN stated that the committee had decided by general consensus to split LC 144 revising contributions in PERS into two separate bills and to eliminate from the bill the revisions on page 7 concerning how the contributions to the disability fund in the DC plan would be allocated.
- REP KARY **moved** to approve LC0145 allowing the Secretary of State to adopt by rule certain fees as a committee bill. Motion passed unanimously by voice vote. Rep. Kary is to carry the bill.

### **CALL TO ORDER AND ROLL CALL**

00:00:01      The secretary called the roll ([Attachment #3](#)), and SEN BROWN recognized Senator Jent for receiving a public service award from the Montana Trial Lawyers Association.

00:01:14 **Sheri Scurr, staff research analyst**, explained the staff performance appraisal form provided to the committee.

### **OFFICE OF COMMISSIONER OF POLITICAL PRACTICES**

00:02:47 **Jonathan Motl, Commissioner of Political Practices (COPP)**, explained the current status of the docket and litigation numbers from his office. He also made reference to the legislative proposals from the COPP, previously submitted to the committee. (**EXHIBIT 1**)

#### Committee Questions and Discussion

00:05:48 SEN. BROWN

#### Motion

00:07:01 REP. BENNETT **moved** to authorize the drafting of the legislative proposals presented from the COPP. Motion passed unanimously by voice vote.

00:07:34 SEN. LEWIS - Mr. Motl  
00:12:27 SEN. BROWN - Mr. Motl  
00:16:15 **Mary Baker**, Program Supervisor, COPP  
00:17:12 SEN. BROWN  
00:19:38 Mr. Motl  
00:20:28 REP. KARY - Mr. Motl  
00:22:00 SEN. BROWN - Mr. Motl  
00:25:01 REP. KARY  
00:25:41 SEN. BROWN

#### Public Comment on COPP

00:26:36 **Ed Argenbright, Helena resident (former Commissioner)**  
Commented about his previous experience serving as the Commissioner of Political Practices, he also gave his personal suggestions for those considering running for office.

#### Committee Questions and Discussion

00:30:04 SEN. BROWN  
00:30:44 SEN. MALEK  
00:32:05 SEN. BROWN

### **COMMITTEE BILL - LCsa01 - REVISING APPOINTMENT OF COMMISSIONER**

00:32:32 Ms. Scurr provided a brief overview of changes made to LCsa01, as requested by the committee. (**EXHIBIT 2**)

00:34:34 Sen. Jent presented the committee with his opinions and suggestions for LCsa01, and expressed his hope to advance the bill forward.

#### Committee Questions and Discussion

00:36:10 REP. KARY  
00:37:07 SEN. BROWN

00:37:44 SEN. BROWN stated that she is willing to sponsor LCsa01 during the session.

Public Comment on LCsa01

00:38:06 None.

Motion

00:38:24 SEN. JENT **moved** to approve bill draft LCsa01 as a committee bill. Motion passed unanimously by voice vote. SEN. BROWN to sponsor the bill.

**COMMITTEE BILL - LC0146 - REVISING DISCLOSURE ON ELECTION MATERIALS**

00:38:57 **Ginger Aldrich, Staff Attorney**, provided a brief overview of LC0146 and the process in which it was drafted. **(EXHIBIT 3)**

Committee Questions and Discussion

00:41:41 SEN. MALEK  
00:42:14 Ms. Aldrich  
00:42:45 REP. BENNETT  
00:42:59 Ms. Aldrich  
00:43:25 SEN. BROWN - Ms. Aldrich  
00:45:03 REP. BENNETT  
00:46:16 SEN. MALEK

**Public Comment on LC0146**

00:47:22 **Steve Gibson, House District 78**  
Spoke about the intent of LC0146 with respect to disclosure when election material references a voting record. He explained the past session amendments made to the original bill that he sponsored. He commented about the issue regarding the 3rd reading votes that has been presented by the committee.

00:50:32 **Chris Gallus, Attorney**  
Commented about the issues presented regarding LC0146. He provided his suggestions on possible ways to prevent the bill from failing next session.

00:54:56 **Jonathan Motl, Commissioner of Political Practices**  
Provided explanation for the current language in LC0146.

Committee Questions and Discussion

00:56:48 SEN. MALEK  
00:57:17 SEN. LEWIS  
00:58:23 Ms. Aldrich  
00:58:44 SEN. BROWN  
00:58:59 Ms. Aldrich  
00:59:08 SEN. BROWN  
00:59:22 Ms. Aldrich  
00:59:35 SEN. LEWIS  
01:00:08 SEN. JENT  
01:01:48 REP. BENNETT

Motion

01:02:51 REP. BENNETT **moved** to approve LC0146 as a committee bill. Motion passed 5 - 3, roll call vote ([Attachment #4](#)). SEN. MALEK offered to sponsor the bill.

**DEPARTMENT OF ADMINISTRATION - LEGISLATIVE PROPOSALS**

01:04:57 **Sheila Hogan, Director, Department of Administration**, presented the 2015 Department of Administration bill proposals and provided an explanation of each. ([EXHIBIT 4](#))

01:11:09 **Karen Powell, Presiding Officer, Montana Tax Appeal Board**, presented the committee with documentation regarding the proposed legislation by the board and briefly explained the bill. ([EXHIBIT 5](#))

Public Comment on Department of Administration Bill Proposals

01:13:51 None.

Committee Questions and Discussion

01:14:05 REP. KARY

01:14:08 Ms. Powell

Motion

01:15:31 REP. BENNETT **moved** to authorize the drafting of the legislative proposals from the Department of Administration and the Montana Tax Appeal Board. Motion passed unanimously by voice vote.

01:16:00 Ms. Scurr asked if the committee would like to move the oversight responsibility for the state tax appeal board from the committee to the Revenue and Transportation Interim Committee (RTIC). She explained it would require legislation.

Committee Questions and Discussion

01:17:36 SEN. BROWN

01:17:51 Ms. Scurr

01:18:20 REP. BENNETT

01:18:48 Ms. Hogan

Motion

01:19:07 REP. BENNETT **moved** to draft a committee bill to move oversight duties of the Montana Tax Appeal Board to the Revenue and Transportation Interim Committee.

01:19:44 SEN. BROWN asked the bill draft include moving oversight of any other boards that do not belong under SAVA's oversight to the appropriate committee. Motion passed unanimously by voice vote.

01:20:16 SEN. MALEK

01:20:42 Ms. Scurr

01:21:08 SEN. MALEK

### **DEPARTMENT OF ADMINISTRATION - STATUTORILY-REQUIRED REPORTS**

01:21:34 Ms. Scurr made reference to the overview of HB 142 (2011 Session) and SAVA's statutory duties. **(EXHIBIT 6)** She also noted a packet included in documents previously submitted to the committee including the Information Technology Report, the Capitol Complex Advisory Council Report, the Electronic Government Services Report and the Employee Program Report. **(EXHIBIT 7)**

#### **Committee Questions and Discussion**

01:24:02 SEN. LEWIS

01:25:31 Ms. Hogan

01:25:53 SEN. BROWN

01:26:30 SEN. MALEK - Ms. Hogan

01:28:34 **Ron Baldwin**, Chief Information Officer for State of Montana

01:31:08 SEN. BROWN - Mr. Baldwin

01:37:06 Ms. Scurr commented about statutory duties of the committee and asked if the committee wanted to add or remove any statutory committees or required reports from the statutes.

01:38:35 SEN. BROWN

01:38:48 BRIEF RECESS

### **VETERAN'S SERVICES**

02:00:41 Ms. Scurr provided a brief overview of HJR 30, the study resolution requesting an inventory of benefits for veterans. **(EXHIBIT 8)**

02:03:15 Sen. Brown presented a document asking for information that she would like gathered for further understanding of veteran needs. **(EXHIBIT 9)** She also asked that the information requested be available by the November committee meeting.

02:06:59 Ms. Scurr informed the committee that the biennial report is included from the Montana Board of Veterans Affairs. **(EXHIBIT 10)**

### **Legislative Fiscal Division Report**

02:08:23 Sen. Brown made reference to the fiscal report included in the committee documents. **(EXHIBIT 11)**

#### **Committee Questions and Discussion**

02:09:12 SEN. BROWN

02:11:00 **Kris Wilkenson**, Legislative Fiscal Division

02:12:10 SEN. BROWN

02:12:18 **Joe Foster**, Administrator, Montana Veteran's Affairs Division  
02:13:29 SEN. BROWN  
02:14:00 Mr. Foster  
02:14:18 Ms. Wilkenson  
02:14:25 SEN. BROWN  
02:14:45 Ms. Wilkenson  
02:15:33 SEN. BROWN  
02:16:20 Ms. Wilkenson  
02:16:35 SEN. BROWN  
02:16:39 Mr. Foster

**Panel presentations and discussion with committee members:**

**Introductions:**

02:20:06 **Bruce Knutson**, U.S. Sen. Jon Tester's Office  
02:20:34 **Siobhan Gilmartin**, Veteran Case Worker, U.S. Sen. Jon Tester's Office  
02:20:49 **Joe Foster**, Administrator, Montana Veteran's Affairs Division  
02:20:59 **Joe Walsh**, Veteran  
02:21:06 **Connie LaSalle**, Senior and Long Term Care Ombudsman Office

02:21:36 Ms. LaSalle provided the committee with a history on the state ombudsman program.

02:24:23 Mr. Walsh spoke about his experiences with the VA and the navigation difficulties for a variety of individuals facing crisis situations, and the issues with outreach to specific individuals that have no interest in being involved with the military after they leave.

02:27:21 The panel discussed community outreach in smaller communities and contracting local health care providers to assist veterans, instead of requiring them to travel distances for VA healthcare. They also discussed Senator Jon Tester's expressed support for private facilities located in rural settings to assist veterans.

02:38:10 The panel discussed ways to reach out to veterans that seem to want to remain silent, and resist required treatment.

02:41:01 **Brian Becker, Outreach Coordinator, Missoula Vet Center, VA** arrived and began a discussion about the importance of community outreach and educating not only veterans, but their families and the communities in which they reside.

02:49:10 The panel discussed the Yellow Ribbon Program and providing college education to veterans.

02:53:00 Ms. Gilmartin provided a handout regarding the different types of casework that Senator Tester's office handles. (**EXHIBIT 12**) She also gave further explanation to what that office does and how they handle complaints from veterans.

- 02:57:43 The group again considered approaching local physicians about providing VA services to veterans in their communities.
- 03:06:20 The panel discussed the opportunity to locate veterans after they leave the military, and why this is not an option.
- 03:25:02 The panel discussed different approaches for educating the community and providing veterans with information about resources offered to them.
- 03:56:08 LUNCH

#### Public Comment on Veteran Services

- 04:29:38 **Mike Clouse, Disabled American Veterans**  
Commented about the issues presented about veteran services and the history of VA services. He stated that the medical and mental health positions need to be filled at the hospital. He also commented about the U.S. Census and the importance of tracking veterans.
- 04:44:28 **Gary White, American Legion**  
Commented about the need for more service officers and that he believes that all service officers need to be veterans.
- 04:50:27 **Joe Walsh, Veteran**  
Commented about his planning to put together the panel.
- 04:52:17 **Tim Gavin, American Legion**  
Spoke about business planning and costs related to veteran services. He also suggested that a piece of legislation or funding to train those who are going out in the communities to assist with veteran benefits and opportunities.

#### Committee Questions and Discussion

- 04:55:41 REP. BENNETT  
04:56:11 Mr. White  
04:57:09 SEN. BROWN

#### Committee Work Session

- 04:57:45 Ms. Scurr  
04:58:41 REP. BLYTON  
04:59:47 SEN. BROWN  
05:00:06 SEN. JENT  
05:01:59 SEN. MALEK  
05:02:36 REP. BENNETT  
05:03:47 SEN. BROWN  
05:03:53 REP. BENNETT  
05:05:26 SEN. LEWIS  
05:06:22 SEN. BROWN  
05:06:52 SEN. MALEK  
05:08:42 SEN. BROWN  
05:09:50 REP. KARY

05:11:17 SEN. BROWN requested that staff solicit ideas from stakeholders, consolidate them, and forward them to the committee members and stated that, based on the comments received, the committee could consider at the next meeting two or three bill drafts related to statewide and community outreach to veterans.

### **TEACHERS' RETIREMENT SYSTEM (TRS) BILL PROPOSALS**

05:12:54 **Shawn Graham**, Executive Director, TRS, presented the bill proposals for the Teachers' Retirement System. (**EXHIBIT 13**)

#### Committee Questions and Discussion

05:26:59 SEN. MALEK - Mr. Graham

05:29:20 SEN. LEWIS

05:29:46 Mr. Graham

#### Public Comment on TRS Bill Proposals

05:30:11 None.

#### Motion

05:30:23 SEN. JENT **moved** to authorize for drafting purposes both proposed bills from TRS. Motion passed unanimously by voice vote.

### **PUBLIC EMPLOYEES' RETIREMENT BOARD BILL PROPOSALS**

05:31:26 **Dore Schwinden**, Executive Director, MPERA, presented and summarized the 7 bill proposals from PERS. (**EXHIBIT 14**)

#### Committee Questions and Discussion

05:35:03 SEN. BROWN

05:35:23 **Melanie Symons**, Chief Legal Counsel

05:36:13 SEN. LEWIS

#### Public Comment on PERS Bill Proposals

05:36:57 None

#### Motion

05:37:14 SEN. JENT moved to authorize for drafting purposes the proposals presented by PERS. Motion passed unanimously by voice vote.

05:38:08 SEN. JENT

05:38:37 Mr. Schwinden

### **RULE REVIEW ON MAR NOTICE # 2-43-509 BY MPERA**

05:39:27 **Ginger Aldrich**, Legislative Attorney, provided clarification to the meaning of "socially responsible" and explained the reason for the agenda item.

05:41:44 Mr. Schwinden provided further explanation to the term "socially responsible" and gave the committee a brief overview of the term's history.

Committee Questions and Discussion

05:43:47 SEN. BROWN - Mr. Schwinden  
05:46:39 Ms. Symans  
05:47:08 SEN. MALEK  
05:48:07 SEN. BROWN

Public Comment on MAR Notice 2-43-509

05:48:55 None

**NOVEMBER MEETING DATE**

05:49:34 Ms. Scurr  
05:50:10 SEN. BROWN

**INSTRUCTIONS TO STAFF**

05:51:38 Ms. Scurr provided the committee with an explanation of what she will be working on between now and the next meeting regarding bill drafts and research based on the committee's instructions.

05:54:28 SEN. BROWN  
05:54:52 Ms. Scurr  
05:55:33 SEN. BROWN

05:56:42 BRIEF RECESS

**NOVEMBER MEETING DATE**

06:21:31 The committee agreed by consensus to hold the next State Administration and Veterans' Affairs meeting one November 17, 2014.

**COMMITTEE BILL - LC0144 (FORMERLY LCSA03) - REVISING TERMINATION TRIGGERS FOR CERTAIN PERS CONTRIBUTIONS**

06:23:17 Ms. Scurr provided the committee with a review of LC0144, revising contributions in PERS. She explained the changes that were made to the bill at the request of the committee since the last meeting. (**EXHIBIT 15**)

Committee Questions and Discussion

06:29:30 REP. KARY  
06:29:39 Ms. Scurr  
06:31:53 REP. KARY  
06:32:05 Ms. Scurr  
06:33:33 SEN. LEWIS  
06:34:15 Ms. Scurr continued her presentation on LC0144.

Public Comment on LC0144

- 06:44:12 **Dore Schwinden, Executive Director, MPERA**, distributed a handout identifying the concerns with LC0144. **(EXHIBIT 16)**
- 06:46:02 **Melanie Symons, Chief Legal Counsel, MPERA**  
Commented about the concerns of LC0144, from a legal viewpoint.
- 06:49:32 Ms. Scurr commented about the tax qualification issue and the fiduciary concern in regards to employee vs. employer contribution rates. She stated that more definition in statute specifying exactly how to adjust the contribute rates could address the IRS concerns.

#### Committee Questions and Discussion

- 06:52:09 SEN. JENT
- 06:54:13 SEN. MALEK
- 06:54:57 Ms. Symons
- 06:56:14 SEN. MALEK
- 06:56:35 Ms. Symons
- 06:57:33 Ms. Scurr
- 06:58:49 SEN. MALEK - Mr. Schwinden
- 07:00:15 Ms. Symons
- 07:01:38 Ms. Scurr

#### Consensus action

- 07:05:35 SEN. BROWN stated that the committee had decided by general consensus to split the bill in to two separate bills and to eliminate from the bill the revisions on page 7 concerning how the contributions to the disability fund in the DC plan would be allocated.
- 07:05:54 SEN. LEWIS
- 07:07:30 SEN. MALEK

#### Public Comment on LC0144 (continued)

- 07:08:33 **Sheryl Wood, Montana Association of Counties**  
Commented that MACo agrees that the bill needs to be separated into 2 bills. She also expressed other concerns with LC0144 including the differences between TRS and PERS, the underfunded Sheriff's Retirement System, and the need for long-term sustainable funding.
- 07:16:16 **Diane Fladmo, MEA-MFT**  
Commented about the contributions and the importance of sustaining the system.

Public comment was previously submitted in writing from Mr. Terrence M. Smith and was presented to the committee for review. **(EXHIBIT 17)**

#### Committee Questions and Discussion

- 07:17:35 SEN. BROWN
- 07:18:13 SEN. MALEK
- 07:18:15 Ms. Scurr

07:18:52 SEN. MALEK  
07:19:12 Ms. Scurr

**POTENTIAL COMMITTEE BILL - REMEDY FOR ELECTION ADMINISTRATION  
IRREGULARITIES**

07:19:36 Ms. Aldrich provided a summary of ideas received concerning who has authority to act when their appears to irregularities in how an election is being conducted.

Committee Questions and Discussion

07:21:23 REP. BLYTON - Ms. Aldrich  
07:23:48 SEN. BROWN  
07:24:23 REP. BLYTON  
07:24:46 Ms. Aldrich  
07:25:12 SEN. BROWN  
07:25:17 SEN. JENT  
07:25:31 SEN. BROWN  
07:25:39 REP. BENNETT  
07:26:26 SEN. BROWN

Public Comment

07:26:35 **Mary Beveridge, Public Member**  
Commented about the issues with the school violations and the citizens not being able to do anything about it and her concerns with illegal elections taking place when nobody holds responsibility.

**COMMITTEE BILL - LC0143 (FORMERLY LC0A02) - GENERALLY REVISING ELECTION LAWS**

07:30:17 Ms. Scurr presented a review of changes made to LC0143 since the last meeting, **(EXHIBIT 18)** and a comparison of candidate, ballot, cancellation, acclamation, and canvass deadlines. **(EXHIBIT 19)**

Committee Questions and Discussion

07:45:54 REP. BENNETT  
07:47:32 SEN. BROWN emphasized the importance of uniformity in state election laws.

Public Comment

07:48:55 **Steve Molloy, School Board's Association**  
Presented the committee with a document regarding sections of concern with LC0143, and provided a brief review of that information. **(EXHIBIT 20)**

07:52:05 **Shantil Siaperas, Montana Association of Counties**  
Thanked the committee for the work on this bill and said MACo would be submitting comments at a later date.

07:53:16 **Linda Stoll, Montana Association of Clerks and Records and Election Administrators**  
Expressed her appreciation for all the staff work put forth on this committee bill

and stated that she does not see any immediate concerns with the addendum presented to the committee. She also commented on a specific section regarding polling hours for clarification to whether there was changes to be made or left as is in statute. She continued to express concerns with the ballot mailing deadlines, and requirement of all school elections to be ran by county administrators.

08:05:45 **Nicole Thuotte, Office of Public Instruction**  
Expressed her appreciation to staff for the work and inclusion of OPI in the bill draft process. Ms. Thuotte presented and read aloud a document to the committee about the concerns with the bill draft from Dennis Parman, Deputy Superintendent, Office of Public Instruction. **(EXHIBIT 21)**

Committee Questions and Discussion

08:10:08 REP. BENNETT stated that committee action for election laws would be place on the November meeting agenda.

08:10:43 SEN. BROWN

**COMMITTEE BILL - LC0145 - CLARIFY AUTHORITY OF SOS TO CHARGE CERTAIN FEES**

08:11:27 Ms. Aldrich provided an overview of LC0145. **(EXHIBIT 22)**

Committee Questions and Discussion

08:13:21 SEN. BROWN

08:13:36 Ms. Aldrich

Public Comment on LC0145

08:14:04 None.

Motion

08:14:09 REP KARY **moved** to approve LC0145 as a committee bill. Motion passed unanimously by voice vote. Rep. Kary is to carry the bill.

**RULE REVIEW ACTIVITY**

08:14:59 Ms. Aldrich reviewed the document presented to the committee explaining MAR 44-22-199, 2-43-510, and 2-43-509. **(EXHIBIT 23)**

08:17:28 SEN. BROWN adjourned the meeting at 4:51p.m.

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