



# State Administration, Public Retirement, and Veterans' Affairs Interim Committee

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## 56th Montana Legislature

### SENATE MEMBERS

SUE BARTLETT, VICE-CHAIR  
E.P. "PETE" EKEGREN  
DON HARGROVE  
GLENN A. ROUSH

### HOUSE MEMBERS

MATT BRAINARD, CHAIRMAN  
EDITH J. CLARK  
TOM DELL  
CAROL WILLIAMS

### COMMITTEE STAFF

SHERI HEFFELFINGER  
RESEARCH ANALYST  
JOHN MacMASTER, ATTORNEY  
DAVID NISS, ATTORNEY  
JOANN JONES, SECRETARY

# MINUTES

## VETERANS' AFFAIRS SUBCOMMITTEE

AUGUST 3, 2000  
CAPITOL BUILDING  
HELENA, MONTANA

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

### COMMITTEE MEMBERS PRESENT

Sen. Don Hargrove, Chairman  
Sen. Glenn A. Roush  
Rep. Edith J. Clark

### COMMITTEE MEMBERS EXCUSED

Rep. Carol Williams

### STAFF PRESENT

Sheri Heffelfinger, Research Analyst  
David Niss, Attorney  
Jo Ann Jones, Secretary

### VISITORS

Visitors' list, Attachment #1.

### COMMITTEE ACTION

- C Instructed staff to develop draft legislation for an interim study of veterans' issues.
- C Instructed staff to develop draft legislation to narrowly limit contingent liability on nursing homes so that unclaimed veteran remains can be interred in veterans' cemeteries by various veterans' organizations.
- C Instructed staff to develop draft legislation to allow Montanans on active duty in military service to possess a resident hunting or fishing license from the another state without forfeiting the right to a resident Montana license.
- C Instructed staff to develop draft legislation to increase the GVW limit to 5 tons on trucks in order to obtain license plates at the special rate for 100% disabled veterans

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

Sen. Hargrove called the meeting to order 1:05 p.m. Roll call was noted, see Attachment #2. Sen. Hargrove noted that Rep. Williams was excused due to illness.

Rep. Clark moved to adopt the minutes as distributed. The motion passed on a unanimous voice vote.

### **BACKGROUND REPORT ON VETERANS' SERVICES**

#### **Exhibit #1: Veterans' Services: Background and Overview**

Sheri Heffelfinger, Research Analyst, presented Exhibit #1, a history of the Department of Veteran's Affairs and its current organizational structure.

Rep. Clark asked how many people serve on the Board of Veterans' Affairs. Patricia Crowley, Veterans Service Officer (VSO), Montana Veterans Affairs Division (MVAD), said there are five board members. Lee Logan, Veterans Administration (VA), Ft. Harrison, said it is somewhat of a misnomer to call them a board because they are actually claims examiners.

Sen. Hargrove asked if claims are returned for merit or because of workload. Ms. Logan said a claim is usually returned for lack of documentation. Cindy Stanger, VA, Ft.

Harrison, said many veterans have multiple issues for consideration. Some of those claims may go to appeal, and some may be approved. She said that it's better if a veteran makes a claim within a few months of discharge because the longer the intervening time period, the more difficult documentation may be to obtain. Sen. Hargrove asked Ms. Stanger if her office is swamped with work. She replied that it's getting better since they converted to a customer service center. Staff has received better and more training, and they have added personnel. Ms. Logan said the national Veterans' Benefits Administration (VBA) is very backlogged and is not proud of that fact, but initiatives are being implemented to address that issue. She said that the situation at Ft. Harrison is not as bad as the national statistics might indicate.

Sen. Hargrove asked if the active military services are cooperating well. Ms. Stanger said her office works exclusively with Malmstrom AFB and has a 2-day orientation for personnel who are about to be discharged. She said that regional offices have similar programs across the nation.

Sen. Roush asked for suggestions to improve state/federal relations. Jim Jacobsen, Administrator, MVAD, said he has a regular monthly meeting with Joe Underkofler, the administrator of the Ft. Harrison VA Center, and has regular interaction with other VA staff. Ms. Logan said the director of their Veterans Integrated Services Network (VISN) travels from Denver annually to meet with local VSOs and directors of service organizations.

Sen. Roush asked if it would be more helpful if more VA clinics (CBOCs) were established across Montana. Ms. Logan said there are ten clinics in operation now and, of course, more would be better because of the distances that veterans have to travel but she said there is no money to open more clinics. She said the budget is flatlined and there are no dollars to hire additional staff.

Sen. Hargrove asked if the VA or MVAD feels frustrated by the complex bureaucracy and federal regulations. Ms. Logan said her main problem is budgetary and reiterated that the budget is flatline. Sen. Hargrove said he would like to have the Subcommittee

provided with budgetary information that would indicate where there is flexibility or if everything is on a flatline basis, i.e., where the obstacles are, how the state's allocation of funds enters in. Ms. Logan said that she could provide budget figures to Ms. Heffelfinger for distribution to the Subcommittee. She said the National Balanced Budget Act has flatlined the budgets for independent agencies. The Congressional delegation is well aware of their problems and works well with them. She said another area of concern is the cost of prescriptions.

#### **OVERVIEW OF THE VA NURSING HOME IN MILES CITY**

Ms. Logan said there are three types of nursing home providers: the VA, state veterans' homes, and contract providers within the local community. She said they feel that it is important to place a veteran near home and family. A team works with the veteran and the family to consider the special needs of the patient. There is a follow-up with the patient and family every 30 days after placement.

Ms. Logan said the Miles City facility is the only VA-owned and operated facility in Montana. She said there are no plans to close the Miles City facility. As a national policy, the VA will not be going into the nursing home business because it is more cost effective to contract out those services than to pay for the construction and maintenance of nursing home facilities. The average patient load at Miles City is 29 and there are 16 staff members. The VA contracts with over 40 community nursing homes across the state. Annual inspections are carried out by state inspectors and by VA inspectors.

Ms. Logan said there are two types of eligibility, long-term and short-term care. Long-term care is for veterans with 70% to 100% service-connected disabilities. All other veterans are eligible for up to 35 days at a nursing home at VA expense.

Thorne Silverberg, VA, Ft. Harrison, said the state of Washington has established a task force to address nursing home issues and state/federal relations. They will be issuing

a report on state/federal cooperation later. Sen. Roush said he would like a copy of that report when it is published.

### **STATE NURSING HOMES IN GLENDIVE AND COLUMBIA FALLS**

#### **Exhibit #2: Montana's Veterans' Nursing Homes**

Mike Hanshew, Administrator, Senior and Long-Term Care Division, Department of Public Health and Human Services (DPHHS), discussed Exhibit #2 and said the number one issue at Columbia Falls is the reduction of staff due to difficulty in recruitment and retainment of qualified staff. He said that the DPHHS has made an agreement with the VA to put a pharmacy into the nursing home itself. He said that the cost of remodeling to accommodate the pharmacy will be paid off in four years and it is estimated that approximately \$20,000 per year will be saved in prescription costs.

### **VETERANS' RESOURCE COALITION UPDATE**

#### **Exhibit #3: Veterans Resource Coalition memorandum, dated July 21, 2000**

#### **Exhibit #4: A Quick Guide [to] Resources for the Homeless Veteran**

#### **Exhibit #5: Montana Homeless Survey Summary Results**

Major General John Prendergast, Adjutant General, Montana, discussed Exhibits #3 and #4. He said the DAV has been making stops at God's Love four times a day for transportation to the Ft. Harrison VA Center, a Public Health Department nurse is now located on site at God's Love for basic health screening and medications. The Local Area Resource Guide was developed and printed, and the Department of Veterans' Affairs is searching for grants that will provide beds and services at local homeless shelters.

James Nolan, DPHHS, presented Exhibit #5, indicating that out of 1,331 respondents, 142 were veterans and 20 were family members of veterans.

Sen. Hargrove asked if the differences between homeless veterans and other homeless people complicate the issues. Mr. Nolan said the issue has created a gray area of service responsibility between state social service agencies and the VA.

Sen. Roush complimented Gen. Prendergast for his work with the Veterans Resource Coalition.

Sen. Hargrove asked Gen. Prendergast if legislation proposing an FTE to operate the Veterans Resource Coalition is being considered. Gen. Prendergast said yes, but the main question is in what agency or office will the FTE be placed.

Sen. Hargrove asked if Gen. Prendergast felt anyone had been or had felt left out by the StandDown. Gen. Prendergast said the StandDown is now being called the Homeless StandDown instead of the Veterans StandDown so that if anyone was left out, or felt left out, that person would now feel included.

Sen. Hargrove asked about plans to continue the effort. Gen. Prendergast said the main difficulty lies in the day-to-day operation. Sen. Hargrove said a lot of services are available that are not being used to their maximum potential, and there is a problem with communication in regard to those resources. He said he feels a certain amount of responsibility as a member of this Subcommittee to ensure those things occur. At this point, there may not be anything else to do but lay the responsibility on to the shoulders of the volunteer point person. Coordination between department is very important, and an extra dimension is added through the veterans themselves. Sen. Hargrove said he would appreciate a recommendation from Gen. Prendergast for what it will take to continue this work.

**DISASTER AND EMERGENCY SERVICES DIVISION RESPONSIBILITIES: DISCUSSION OF RELATED PUBLIC EVENTS**

**Exhibit #6: Request for information paper on emergency planning and procedures, dated July 19, 2000**

**Exhibit #7: The Role of MT-DES in the recent "Rainbow Family Annual Gathering"**

Jim Greene, Disaster and Emergency Services Division (DES), said that Lincoln County officials had contacted the DES in regard to a planned public rally in Libby and told the DES that they anticipated asking for assistance. The officials then made a formal request for assistance, so a DES representative was sent to Libby to assess the situation. Mr. Greene said the Department of Justice also had some concerns about the proposed rally, but did not elaborate on the nature of the concerns. He said a determination that there would be no problem was made on the morning of the second day of the rally, so the DES shut down their operations at Libby. The DES office was open that weekend in Helena, in case some assistance would be required.

Sen. Roush asked for an estimation of the costs associated with the Rainbow Family Gathering in Beaverhead County. Mr. Greene said there was an emergency county levy of two mils, so he would estimate a \$50,000 to \$100,000 reimbursement to Beaverhead County.

Sen. Hargrove asked for explanation of the Forest Service Emergency Reaction organization. Mr. Greene said it is a national incident management team that was created to track the Rainbow Family because their annual gatherings always take place on National Forest land.

Mr. Greene said that he has copies of thank you letters for DES assistance from both Lincoln and Beaverhead Counties and that he would provide copies of them for the Subcommittee, if desired.

Sen. Hargrove asked how far did DES participation extend in Libby. Mr. Greene said a field representative was sent to Libby from Missoula. He said the city of Libby and Lincoln County set up their own joint command center. The DES office in Helena was kept open that weekend in case something might be needed.

#### **PUBLIC COMMENT**

Art Heffelfinger, Vietnam Veterans of America (VVA), Chapter 626, presented **Exhibit #8: A copy of personal testimony calling for the inclusion of Vietnam era veterans in decision making areas of veterans' assistance programs**

Mike Secrease, VVA Chapter No. 626, presented testimony about the inclusion of Vietnam era veterans in veterans' assistance programs and the expansion of outreach to veterans, see **Exhibit #9**.

Mike Hampson, President, VVA, Chapter No. 626, presented a proposal for a bill to establish a Veterans' Advisory Council to conduct a study of veterans' issues, see **Exhibit #10**. Exhibit #10 states:

...to establish a Veterans Advisory Council comprised of veterans appointed or elected by only Congressionally chartered and recognized veterans organizations in addition to representatives appointed by the Legislature...[to] oversee: 1. A study that could examine how grant programs for veterans service officers could be designed, implemented and administered in an expediant [sic] manner...streamline all state programs in order to effectively obtain federal benefits due to all of Montanas [sic] veterans.

Debra Daggett, past commander, Disabled American Veterans (DAV), spoke in support of Exhibit #10.

Sen. Hargrove thanked the participants for a concrete proposal and instructed staff to begin drafting legislation incorporating the provisions of Exhibit #10.

Herb Ballou, Military Order of the Purple Heart, spoke in support of the establishment of a veterans nursing home at Ft. Harrison and the possibility of the closure of the hospital at Ft. Harrison, see **Exhibit #11**.

John DenHerder and Gen. Emil Eschenburg spoke in support of the veterans issues presented during public comment.

Joe Walsh, a member of the audience, said that he has attended Veterans Resource Coalition meetings and he is currently writing a request for a \$250,000 grant from Merck Pharmaceutical for which the Veterans Resource Coalition would be eligible if it legally established itself as a non-profit entity. He said his intention is to fill the gaps between the veteran and non-veteran homeless.

Mike Hankins, audience member, said that he recently became aware of veterans' remains being stored in funeral home vaults because there was no next-of-kin to claim them, or they were not claimed for other reasons. He said that, according to his investigation of the issue, the funeral homes would be pleased to have veterans' organization inter the remains in the veterans' cemeteries, but the problem for them is that contingent liability prevents the funeral homes from releasing the remains to anyone but family. Mr. Hankins said that he would like to see legislation enacted that would release a funeral home from contingent liability after a certain period of time.

Alan Armstrong, VVA Chapter No. 626, said his uncle died in 1981 and he had assumed that the ashes had been disposed of, but he recently found out that they had not been. He was able to claim his uncle's ashes in 1994 from Retz Funeral Home in Helena, and said that there are currently over 100 remains in storage at Retz.

Sen. Hargrove instructed staff to draft legislation to resolve the issue.

Tim Busby, chairman, Montana Homeless Outreach Program, formerly Montana Veterans StandDown, said that although there were many dedicated people who were willing to

devote their time, the funding was very limited. The program had to change to the Homeless Outreach in order to access private funding sources for homeless services.

W. Lee Smith, Desert Storm veteran, said he was homeless for the first year after he returned from active duty. He said he would like the Subcommittee to consider pushing the federal government to make it their responsibility to inform soldiers of their benefits, so they don't have to fight to access the benefits to which they are entitled.

### **OTHER BUSINESS**

Ms. Heffelfinger said one unresolved issue previously brought to the Subcommittee involved an soldier on active duty who had received a complimentary fishing and hunting license from the state where he was stationed, and was subsequently denied a similar license in Montana for that reason, though he was a Montana resident. (See **Exhibit #12**) She said the Fish, Wildlife, and Parks (FW&P) were asked to report back to the Subcommittee and were informed of meeting schedules, but have not attended this meeting.

Sen. Hargrove said he has had a couple of letters from constituents complaining of having trouble with law enforcement officials because they possessed complimentary hunting and fishing licenses from other states. He said that he would like to see a bill drafted that would take care of that situation. Mr. Niss said that the FW&P attorneys had volunteered to undertake an inquiry within the Department to determine how big a problem it may be, and how best to remedy it, but said that he does not believe that the issue has been addressed at all.

Mr. Niss said an issue forward to Subcommittee staff since the last meeting relates to information received from Sen. Burns' staff and involves the payment of resident tuition in the University system for veterans without requiring the one-year residency or halftime attendance. He said the one-year residency requirement is just the beginning of a determination of whether a veteran can receive the tuition break. Rep. Clark asked

that more information be obtained as to why this is being requested before action is taken. Sen. Hargrove concurred with Rep. Clark's request.

Mr. Niss said the second request from Sen. Burns' staff involves a disabled veteran who could not get the less expensive license plates because his truck was over the statutory GVW limit to qualify. The veteran claims he needs the heavier vehicle in order to tow his motor home. Motor vehicle code authorizes that state registration can be sold to a 100% disabled veteran for \$5, but applies to only one passenger vehicle, or to a vehicle no more than 1 ton GVW. Mr. Niss said the request is to raise the GVW limit to 5 tons. Fees on trucks are based on the theory that they do more damage to the highway system than passenger vehicles. Sen. Hargrove asked if a 5-ton GVW limit would preclude commercial trucks from being licensed with the disabled veteran plates. Mr. Niss said that it would. Sen. Hargrove instructed staff to proceed with drafting the legislation.

#### **ADJOURNMENT**

There being no further business to come before the Subcommittee, the meeting was adjourned at 5:40 p.m.

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