



State Administration and Veterans' Affairs Interim Committee

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

57th Montana Legislature

SENATE MEMBERS
DON HARGROVE - CHAIRMAN
JOHN BOHLINGER
GLENN A. ROUSH
KEN TOOLE

HOUSE MEMBERS
LARRY JENT - VICE - CHAIRMAN
EDITH J. CLARK
RALPH L. LENHART
ALLAN WALTERS

COMMITTEE STAFF
SHERI HEFFELFINGER
RESEARCH ANALYST
DAVID NISS, STAFF ATTORNEY
LOIS O'CONNOR, SECRETARY

June 20, 2002

MINUTES

Room 102, State Capitol
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. Hargrove
Sen. Roush
Rep. Clark
Rep. Lenhart

STAFF PRESENT

Sheri Heffelfinger, Research Analyst
Miko Owa, Secretary

AGENDA & VISITORS

Agenda (ATTACHMENT #1)
Visitors' list (ATTACHMENT #2)

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:05 a.m. by Sen. Roush. Roll call was taken (ATTACHMENT #3) with all members present. Rep. Clark moved that the minutes from the January 25, 2002 (EXHIBIT #1) meeting be approved. The motion passed unanimously.

LEGISLATIVE PERFORMANCE AUDIT

Tom Cooper, Legislative Auditor, Legislative Audit Division, presented to the Subcommittee the performance audit of the Montanan Board of Veterans' Affairs and the Montana Veterans' Affairs Division (EXHIBIT #2 and #3). Mr. Cooper said that the eight recommendations made to the Board are:

- The Board and Department of Military Affairs should revise appropriate statutes to reflect cemetery oversight by the Board.

Sen. Hargrove asked if there is a comprehensive plan as to what Mr. Jacobsen would like to have in place in terms of computers and information management systems. Mr. Jacobsen said yes.

Sen. Roush asked how the state could better coordinate with the Veterans' Administration in Montana. Mr. Jacobsen said that the VA is in a position of authority and the state is in a position of advocacy. He said that the Board would continue to support and advocate on behalf of the veterans. He said that the Board is committed to communicate and operate with the VA.

Sen. Roush asked if the Board has asked the Congressional delegation for any kind of verbal or written support in trying to enforce coordination activities with the VA. Mr. Jacobsen said no, but he does make an annual visit to the Congressional offices in Washington.

Sen. Roush said that he is frustrated because a U.S. Senator or Congressman has not come to one of the Subcommittee's meetings. He said that the language in the SJR 5 resolution addresses that and without support of the Congressional delegation, there may not be successful coordination.

Mr. Jacobsen said that he has created the Montana Veterans Resource Council where one congressional staff member did attend. Mr. Jacobsen also reviewed for the Subcommittee the results of the first meeting of the council.

Sen. Hargrove said that the group has a lot of potential, but that he does not feel a statutory requirement for the group is appropriate. He asked if Mr. Jacobsen is providing a framework in case he is unavailable for future meetings. Mr. Jacobsen said he is beginning that process and the Board is committed to continuing that.

Betsy Allen, Sen. Burns's Office, said that Sen. Burns has never had an invitation for any of the members to attend the Subcommittee meeting. In addition, meetings are held during the week while Congressional members are in Washington D.C.

Sen. Roush said that without their help, they do not have the authority or control to deal with the problems at Fort Harrison.

Sen. Hargrove asked if it would be appropriate to provide a letter from the SJR 5 Subcommittee to the legislative finance committee regarding funding issues for MVAD. Sen. Roush said yes and that copies should be provided to the Congressional delegation.

Rep. Clark said that there are grants out there for equipment upgrades. **Sheri Heffelfinger, Research Analyst, Legislative Services Division**, said that Todd Younkin, Fiscal Analyst, Legislative Fiscal Division, prepared an analysis and concluded that grants are available for particular programs but not necessarily for state agencies.

Ms. Heffelfinger presented to the Subcommittee the Executive Planning Process (EPP) forms completed by the MVAD (EXHIBIT #4). She said that these requests are currently pending in the Governor's office.

said that there would be some additional training and a request for certification from Mr. Jacobsen. Mr. Jacobsen said that there could be a significant cost associated with certifying six technicians.

Sen. Hargrove said that the Board and the DMA agree with the recommendations and as the cycle proceeds there would be a determination of how much money and training would be needed and they would compete for the funds during the legislative session.

Sen. Roush said that he would tend to agree and that the Subcommittee needs to make a request and see what the legislature determines.

Rep. Clark said that there is some more information that we need to gather before we make a concrete decision and she would like to hear public comment prior to making a decision.

LC 5551: GENERALLY REVISING THE BOARD OF VETERAN'S AFFAIRS

Ms. Heffelfinger reviewed for the Subcommittee bill draft LC5551 (EXHIBIT #6). She said that the bill revises the Board of Veterans Affairs and specifies their duties and responsibilities.

Sen. Roush asked about consecutive terms and asked if there should be a time limit on non-voting members. Sen. Hargrove said that that should be left up to the appointing organization.

Rep. Lenhart asked about the voting member who fails to attend two meetings and asked if that should be included. Ms. Heffelfinger said that the Subcommittee may want to amend or strike out the language during executive action.

Sen. Roush said that he comes back to the rulemaking authority and that the bill will not work unless the Board is given additional funds and rulemaking authority. Ms. Heffelfinger said that can be addressed during executive action after public comment has been received.

Mr. Jacobsen presented to the Subcommittee a memorandum from Mr. Johnny Buck, Chairman, Montana Board of Veterans Affairs, detailing the Board's concerns with the bill (EXHIBIT #7).

PUBLIC COMMENT

Dan Antoinette, Legislative Chairman, Veterans of Foreign Wars, presented to the Subcommittee a statement requesting that any special or general funds removed from the Montana Veterans Affairs Division during the last legislative session be restored (EXHIBIT #8). In addition, he presented to the Subcommittee a resolution to provide adequate funding for local veterans employment and training representatives (EXHIBIT #9).

Art Heffelfinger, Vietnam Veterans' of America, presented to the Subcommittee proposed revisions to LC5551 (EXHIBIT #10). He said that the VVA would like to re-designate the Montana Department of Military Affairs as the Montana Department of Military and Veteran Affairs and provide for only four additional nonvoting members to the Board of Veterans' Affairs.

Sen. Roush asked about non-voting members of the Board. Mr. Heffelfinger stressed the

has failed to come up with an agenda for the meeting and it was the veteran organizations that had to do the work. He said that the MVAD does not want to do the work.

Sen. Hargrove said that there are a number of Veteran publications and asked Mr. Hampson how another publication would be valuable. Mr. Hampson said that it gives a veteran a beginning.

Joe Walsh, Bozeman, provided a summarized version of *Veteran Link: Creating While Conducting A State-Wide Veteran Community Collaboration A Structured Revolution* (EXHIBIT #13). Mr. Walsh said that it is incumbent upon the Subcommittee to formally encourage the Veteran Resource Council to continue. He said that the problem is that the issues continue to be discussed, but no solutions are ever arrived at. He said that this is not possible without the encouragement of the Subcommittee. He also said that the National Science Foundation is providing enormous technology grants to link communities. He said that he concurs with Mr. Heffelfinger regarding the Native American issue but feels that it has undertones of tokenism. He said that auxiliaries should not be part of the non-voting members of the Board.

Karolyn Loendorf, Lewis and Clark County Commissioner, said that regarding the four non-voting members of the Board, the Subcommittee needs to be conscious of the rural communities and insure that they are represented in some way. She said that this is necessary because most of the state is rural.

Major General John Prendergast, Montana National Guard, said that he takes exception to Mr. Salyer's comments about his staff not being supportive and that the National Guard has supported every homeless stand down. He said that whatever decision is made, the veterans are entitled to their benefits. He said that the veterans are not second class citizens and deserve the very best that the state can offer. He said that stakeholders needed to develop conclusions, develop partnerships, use teamwork, and open up communication at all levels.

EXECUTIVE ACTION ON LC5551

Rep. Clark said that she is in favor of re-designating the MVAD and the DMA into the Montana Department of Military and Veterans Affairs. Rep. Lenhart concurred.

Sen. Hargrove asked what else would have to be done to make it work. Ms. Heffelfinger said that she would incorporate the appropriate language in the bill. Sen. Hargrove asked if there would be a name change for the Board. Ms. Heffelfinger said yes and that the Subcommittee would have to redefine the Boards' mission.

Sen. Hargrove concurred with some of the comments, but he hopes that the Subcommittee realizes that not a lot will change with reorganizing.

Sen. Roush said that it is his understanding that the Board will become an advisory committee under the jurisdiction of the DMA. He said that it would be a five member committee as they have now, but he would like to propose that the five members can be any military veteran. Rep. Lenhart concurred.

Sen. Hargrove asked if this was just a name change. Ms. Heffelfinger said that the

Rep. Lenhart said that the decision regarding appointees should be left up to the director.

Sen. Hargrove said that to include one in statute would be tokenism or a quota and that would not be a good idea.

Sen. Roush said that he will not push to have Native American representation spelled out in the bill and that avenue can be pursued in Committee or on the floor of the legislature as an amendment.

Ms. Heffelfinger asked about the language concerning Board members missing two consecutive meetings. The Subcommittee said that they would like the language removed.

Rep. Lenhart moved that the term of Board members be changed to four years. The motion passed 3-1 with Sen. Hargrove voting no.

Ms. Heffelfinger said that to comply with the changes to the Board, the Subcommittee would have to change the language of section 1, subsection 9, to remove the ability of the Board to hire its own personnel.

Rep. Clark moved to accept the change to section 1, subsection 9. The motion passed unanimously.

Ms. Heffelfinger asked if the Subcommittee would like to continue to use the term Board. The Subcommittee said that they would like to leave it as the Board.

Sen. Hargrove moved that section 3, subsection 2e, be amended to state that the "The program may include, but not be limited to:" The motion passed unanimously.

Sen. Hargrove said that he concurred with the Board's generalized statement of 2(g). Sen. Hargrove said that he would like to insert the Board's suggestion into the one already listed.

Rep. Lenhart moved to accept the changes as designated in section 3, subsection 2. The motion passed unanimously.

Rep. Clark asked that staff insert proper language regarding advisory boards. The Subcommittee concurred.

Sen. Roush said that the bill should take effect at the end of the fiscal year.

Sen. Hargrove said that in terms of particulars, the Board meetings should be announced and public with a period for public comment.

Ms. Heffelfinger said that the next issue is the use of general fund money versus cemetery special revenue for the administration of the cemeteries.

Sen. Roush said that he would recommend keeping the salary under general fund money. Ms. Heffelfinger said that absent Subcommittee action to specify that in the bill, the matter would be left as is with the bill silent on the issue.

Mr. Jacobsen said that the Board supports the change in LC 5554.

Sen. Hargrove asked if the Subcommittee included the Purple Heart designation at 50% or more, then that would create equity. Ms. Heffelfinger said yes.

Sen. Roush said that he is not opposed to that, but the benefits should be for the veteran. However, he would support the legislation.

Rep. Clark said that she would like to have the bill clean up current statutes but that she also believes that the benefits belong to the veteran, not the spouse or the child.

Sen. Roush said that he would like to see the fiscal note for the benefit as there would be some cost involved.

Sen. Hargrove noted substantial impact to a spouse when the veteran dies and that it didn't seem right that the spouse would not only lose her husband but also her benefits. He moved to adopt LC 5554 as amended. Rep. Lenhart seconded the motion. The motion passed unanimously.

Ms. Heffelfinger said that the second part of LC 5554 relates to specialized license plates. She said that it is a surviving spouse issue and currently a 100% service connected disabled veteran is entitled to a DV plate or any set of special plates that the veteran is able to display. She said that the specialized plate for DV is not transferrable to the spouse and LC 5554 would allow the spouse to retain the plate as long as they do not remarry. She said that this would create equity in regards to transferring benefits to the spouse.

Rep. Lenhart moved to adopt the second portion of LC 5554. The motion passed unanimously.

Ms. Heffelfinger said that if the Subcommittee would like a clean-up bill she would need a formal motion.

Rep. Clark moved for a clean-up of LC 5554. The motion passed unanimously.

Ms. Heffelfinger said that she would like some direction about whether she should keep these bills as separate pieces or create a composite bill that would clean up the statutes and provide the proposed changes all in one bill.

Sen. Hargrove said that it would seem logical to keep them all in one bill. However, he said that if there is any difference in sentiment, then the fiscal note may allow the passage of one or two without all.

Rep. Lenhart asked if LC 5551 would be included in the clean-up bill. Ms. Heffelfinger said no.

Rep. Lenhart moved to create a composite bill out of LC 5552, LC 5553, and LC 5554 and to include general clean-up of current statutory language. The motion passed unanimously.

HJR 1 STUDY OF PUBLIC MENTAL HEALTH SYSTEM

HOMELAND SECURITY

Ms. Heffelfinger postponed her presentation on Homeland Security until the full SAIC meeting on June 21.

Sen. Roush asked about states being reimbursed for Homeland Security expenses.

Major General Prendergast said that there will be \$42 billion for states to be reimbursed for different plans. However, there may be some state match required.

ADJOURNMENT

The meeting adjourned at 4:09 p.m.

ORIGINAL

