



State Administration and Veterans' Affairs Interim Committee

65th Montana Legislature

SENATE MEMBERS

SUE MALEK--Chair
DOUG KARY--Vice Chair
DEE BROWN
FRANK SMITH

HOUSE MEMBERS

DENISE HAYMAN
FORREST MANDEVILLE
WENDY MCKAMEY
KATHY SWANSON

COMMITTEE STAFF

SHERI SCURR, Lead Staff
K. VIRGINIA ALDRICH, Staff Attorney
JENNI CARR, Secretary

MINUTES LOG

May 16, 2018
Room 137, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The 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 Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. SUE MALEK, Chair
SEN. DOUG KARY, Vice Chair
SEN. DEE BROWN
SEN. FRANK SMITH
REP. DENISE HAYMAN
REP. FORREST MANDEVILLE
REP. WENDY MCKAMEY

COMMITTEE MEMBERS EXCUSED

REP. KATHY SWANSON

STAFF PRESENT

SHERI SCURR, Lead Staff
K. VIRGINIA ALDRICH, Staff Attorney
JENNI CARR, Secretary

VISITORS' LIST(Attachment 1)

AGENDA(Attachment 2)

COMMITTEE ACTIONS

- Requested by consensus a preliminary committee bill draft revising how a vacancy in Montana’s seat in the U.S. House of Representatives is filled. The bill would conform Montana’s vacancy provision with the U.S. Constitution, which does not allow the governor to make a temporary appointment.
- Voted to consider at the July 19 committee meeting a preliminary committee bill draft revising criteria for a “qualified elector” under water and sewer district election laws. The bill would require that to be a qualified elector in a proposed or existing water/sewer district, a resident who does not own property is still a qualified elector but must be registered to vote so that the county election administrator can determine the number of qualified electors in the district. The bill would not change the qualifications for property owners. Property owners would remain qualified electors even if they are not registered to vote.
- Voted to consider the July 19th meeting a preliminary committee study resolution for an interim committee to examine voter qualifications for all special district elections.

CALL TO ORDER AND ROLL CALL

00:00:03 Sen. Malek called the meeting to order. The committee secretary took roll.
(Attachment 3)

WATER/SEWER DISTRICT ELECTION LAWS

Background briefing on recent statutory changes to voter qualifications for water/sewer district election and impact on petition requirements to establish a district - Sheri Scurr, Legislative Research Analyst

00:01:03 Sen. Malek introduced the first agenda item.
00:01:28 Ms. Scurr began her presentation. (Exhibit 1)
00:17:29 Sen. Brown asked what could be done about a property owner from North Dakota who does not register to vote.
00:18:35 Rep. Hayman asked for the legal details on specific property rights and how they affect voting rights.
00:21:08 Rep. McKamey asked about multiple property owners.
00:21:51 Sen. Kary asked if the language of the qualifications to vote for special districts could be redefined.

Public comment

00:24:44 Ms. Scurr read public comment on behalf of Gina Newby. (Exhibit 2)
00:26:34 Audrey McCue, elections supervisor, Lewis and Clark County.
00:36:46 Shantil Siaperas, Communications director for Montana Association of Counties.

Committee discussion and potential action on whether to consider a committee bill draft on this topic

- 00:37:48 Sen. Brown asked Ms. McCue for clarification on family owned properties and how many votes they get.
- 00:40:28 Rep. McKamey asked if Ms. McCue could see a way to make the special districts qualifications more consistent.
- 00:42:33 Rep. McKamey asked Ms. Siaperas if qualifications could be made in an equitable manner.
- 00:43:16 Ms. Aldrich clarified some language in Exhibit 1.
- 00:44:45 Rep. Hayman asked if a parcel was equal to a residence.
- 00:47:00 Sen. Malek asked the committee to delay the conversation on this topic.

STATE EMPLOYEE BROADBAND PAY PLAN

Background briefing on previous studies and pay plan bills - Ms. Scurr

- 00:48:42 Ms. Scurr began her presentation. ([Exhibit 3](#)) ([Exhibit 4](#)) ([Exhibit 5](#))

Current status of implementing recent changes - Bonnie Shoemaker, Compensation and Classification Specialist

- 01:02:32 Ms. Shoemaker began the discussion on the broadband system.
- 01:03:17 Sen. Brown asked if the department of administration has noticed more employees seeking employment in other agencies within the state for more compensation.
- 01:04:09 Sen. Brown asked for clarification on Exhibit 5 and why employees leave state government.
- 01:06:56 Rep. Mandeville asked Ms. Scurr about pay adjustments.
- 01:08:36 Rep. McKamey asked for more information on audit recommendations.
- 01:09:38 Sen. Malek asked if any legislation was being considered to tighten up the pay plan.

EDUCATION FOR MILITARY CHILDREN

Informational briefing - Elsie Arntzen, Superintendent of Public Instruction

- 01:11:41 Supt. Arntzen began her presentation on the Military Interstate Children's Compact Commission.
- 01:13:18 Rep. Jean Price, commission member, shared her experience.
- 01:14:53 Rep. Hayman asked what major issues have been resolved since the development of the bill.
- 01:16:42 Sen. Brown asked how the bill has made a difference in children's lives.
- 01:18:00 Lisa Drain, School Liaison Officer, Malmstrom Air Force Base, gave her testimony.
- 01:20:23 Brigadier General (Ret.) Hal Sterns, compact commissioner, shared his testimony. ([Exhibit 6](#)) ([Exhibit 7](#))

Committee questions

- 01:30:16 Rep. Hayman asked Gen. Sterns if the program helps children fit in.
- 01:32:01 Sen. Brown asked how people become aware of the program.

RULE REVIEW - Ms. Aldrich

- 01:36:57 Ms. Aldrich went through the rule review memos. ([Exhibit 8](#)) ([Exhibit 9](#))

- 01:38:35 Sen. Malek asked about a memo from the Montana Association of Cities and Counties.
- 01:40:36 Ms. Siaperas provided comments.

BREAK (Reconvened at 11:00am)

ELECTIONS

NCSL Election Security Conference in Wyoming, April 26-27, Informational briefing - Sen. Malek; Dana Corson, Election Director, Secretary of State's Office, voter information files and what is public information; Regina Plettenburg, County Election Administrators (by phone)

- 01:59:36 Sen. Malek reconvened the meeting and summarized the NCSL conference in Wyoming. ([Exhibit 10](#))
- 02:04:25 Sen. Brown commented on North Dakota's lack of voter registration.
- 02:06:00 Rep. McKamey commented on the voter print-outs.
- 02:07:05 Rep. Hayman stated that it was a "tally."
- 02:09:31 Ms. Scurr discussed Exhibit 10.
- 02:12:03 Mr. Corson discussed ballots in the state.
- 02:14:43 Sen. Malek asked Mr. Corson to discuss security in the election system.
- 02:16:31 Sen. Brown asked what happens after an election.
- 02:18:53 Rep. Hayman asked what the plans were for Indian country in regard to increasing voter opportunities for the next election.
- 02:21:06 Sen. Malek asked about e-poll books.
- 02:22:42 Sen. Brown asked about using mobile units for registering voters.
- 02:24:23 Ms. Plettenburg discussed keeping updated information for voters.
- 02:25:34 Sen. Malek asked if there would be any announcements to voters for election cut off dates.
- 02:26:22 Rep. Hayman asked about the law passed in Oregon about registration and the DMV.
- 02:31:14 Sen. Malek asked if the DMV/voter interface was working accurately.

Common Access Cards - Military Identification and Voting - Ginger Aldrich, Legislative Staff Attorney

- 02:35:42 Ms. Aldrich discussed the common access card. ([Exhibit 11](#))

Current practices regarding voter identification for absentee uniformed and overseas electors - Mr. Corson; Ms. Plettenburg

- 02:44:46 Mr. Corson began his presentation on Montana's Electronic Absentee System. ([Exhibit 12](#))
- 02:51:38 Rep. Hayman asked for clarification on voters.
- 02:52:27 Sen. Smith asked for clarification on mailing addresses.
- 02:56:54 Sen. Kary asked for clarification on what happens if secrecy is breached.
- 03:01:49 Rep. McKamey asked who the vendor was.

Public comment

- 03:03:23 Roger Hagan, American Legion.
- 03:04:56 Nancy Leifer, president of the Montana League of Women Voters. ([Exhibit 13](#))

LUNCH (reconvened at 1:00pm)

Voting Systems and Disabled Electors - Statutory Review - Ms. Scurr

- 04:01:41 Ms. Scurr began her presentation. ([Exhibit 14](#)) ([Exhibit 15](#)) ([Exhibit 16](#)) ([Exhibit 17](#))
- 04:20:25 Ms. Plettenburg clarified information on disabled voters.
- 04:22:33 Sen. Malek asked how many voters use the online system.
- 04:23:08 Sen. Brown requested that the county elections administration and disabled electors examine Ms. Scurr's statutory review and provide comments to the committee in July.
- 04:23:52 Rep. Mandeville stated the statutes relate more to county-administered elections but some school districts conduct their own elections. He requested the statutory review and comments in July also encompass school elections and accessibility for disabled electors.

Informational briefing on Larson v. State lawsuit to block Green Party from appearing on ballot - Ms. Aldrich

- 04:26:53 Ms. Aldrich updated the committee on the Larson v. State court case.
- 04:34:33 Rep. Hayman asked how this would affect ballots.
- 04:36:13 Sen. Brown asked for clarification what would happen to absentee votes if the green party is removed after the primary election.

DISASTER AND EMERGENCY SERVICES - HAZMAT RESPONSE CAPABILITIES

Background overview of disaster and emergency services, state and local organization and operations, and HAZMAT capabilities - Ms. Scurr

- 04:37:38 Ms. Scurr began her presentation. ([Exhibit 18](#))

Recent HAZMAT response exercises, Department of Military Affairs - Lieutenant Colonel Todd Verrill, Commander, Civil Support Team, Montana National Guard

- 04:51:27 Lt. Col. Verrill began his presentation.
- 04:58:15 Sen. Brown asked what kind of vehicles are used when traveling to an incident.
- 04:59:05 Rep. Mandeville asked about opportunities for cooperation with North Dakota.
- 05:00:39 Rep. Hayman asked about emergency response in rural areas throughout the state.

State Emergency Response Commission (SERC) and regional HAZMAT teams - Delila Bruno, SERC co-chair; Jason Lyon, Battalion Chief, HAZMAT Coordinator/Billings Fire Department's Regional HAZMAT team; Gordy Hughes, Assistant Fire Chief, Missoula City Fire; Jason Diehl, Fire Chief, Missoula City Fire

- 05:09:54 The panel introduced themselves.
- 05:10:57 Ms. Bruno began the discussion.
- 05:17:57 Mr. Diehl began his testimony.
- 05:21:05 Mr. Lyon began his presentation. ([Exhibit 19](#))
- 05:28:45 Mr. Hughes offered his input.

Committee discussion and potential action on whether to consider a committee bill draft requesting an interim study on disaster and emergency services

- 05:29:00 Rep. Hayman asked what is moving through the state in terms of hazardous material.
- 05:30:25 Rep. Hayman asked about the UPS truck that had an accident a few years ago that had a toxic chemical.
- 05:31:32 Sen. Brown asked if the compounds missing from the universities have ever been recovered.
- 05:32:00 Sen. Malek asked about the HAZMAT response during a 1995 train derailment in Alberton.
- 05:39:51 Sen. Malek asked if the LEPC would help units create written plans.
- 05:43:02 Rep. Mandeville asked about LEPC local plans.
- 05:45:48 Sen. Smith asked if LEPC's are required to have districts and what qualifies as a district.

BREAK (Reconvened at 3:00pm)

MISCELLANEOUS STATUTORY CLEANUP MATTERS

Staff briefing on statutes that contain conflicts or irregularities that could require legislative cleanup on topics under SAVA's jurisdiction - Ms. Scurr; Ms. Aldrich

- 06:00:24 Ms. Aldrich began the briefing. ([Exhibit 20](#)) ([Exhibit 21](#))
- 06:03:23 The committee requested by consensus a preliminary bill draft to conform Montana's law on filling a vacancy in the U.S. House of Representatives within the U.S. Constitution.
- 06:03:44 Ms. Scurr went over Exhibit 22. ([Exhibit 22](#))

Committee discussion and potential action on whether to consider committee bill drafts to clean up the identified statutes

- 06:06:03 Rep. Mandeville asked if departments could report to more than one interim committee.
- 06:06:49 Rep. Hayman asked if it was possible to contact the Law and Justice Interim Committee about their standing on the bill.
- 06:08:30 Rep. McKamey asked if there was rationale for having it placed under the State Administration.
- 06:08:53 Ms. Scurr added clarification to a previous statement.

PUBLIC COMMENT ON ANY TOPIC UNDER THE COMMITTEE'S JURISDICTION

- 06:10:41 Jeff Mangan, commissioner of political practices.
- 06:14:29 Paul Spurgin, Keystone Warriors, Pennsylvania.
- 06:21:10 Hank Warsech, legislative liaison, Department of Fish, Wildlife and Parks.
- 06:22:52 Rep. Hayman asked if the legislature needs to do anything.
- 06:24:21 Rep. McKamey asked if the licenses only pertain to purple heart recipients.
- 06:26:34 Sen. Smith asked if it would require a bill or administrative rule.
- 06:27:04 Mac Minard, Montana Outfitters and Guides Association, Big Hearts Under the Big Sky.
- 06:30:43 Sen. Kary asked how many licenses in these two categories were given out.
- 06:31:04 Sen. Malek asked if there was a full definition of Post Traumatic Stress Disorder (PTSD).

06:32:51 Raye Newmeyer.
06:35:05 Keith Newmeyer commented about staff of DPHHS on DD214 and documentation of veteran status for program eligibility.
06:39:13 Shantil Siaperas.
06:41:58 Mr. Mangan clarified a previous comment.

NEXT MEETING AGENDA - JULY 19, 2018

Initial review of any potential committee bills requested to date

06:44:30 Ms. Scurr clarified that the only committee bill draft requested so far was about filling a vacancy in the U.S. House.
06:45:07 Ms. Aldrich asked for clarification on the committee's thoughts on a previously requested bill draft concerning local government concerns about reporting expenditures on election communications.
06:45:24 Sen. Malek asked for Mr. Mangan's opinion.
06:46:57 Rep. Hayman stated interest in moving forward with something in disaster and emergency services.
06:48:07 Sen. Malek commented that she would support a requirement that if people were going to buy a voter list, they would sign an affidavit explaining how they would use it and safeguard the information.
06:48:34 Sen. Smith offered comment on public comment related to the DD214 and documentation of veteran services to prove veteran eligibility for benefits.
06:50:32 Sen. Kary asked for a bill on special districts.
06:52:30 M. Scurr clarified special district election issues.
06:54:44 Rep. McKamey asked if the committee needs to define parameters.
06:56:14 Rep. Mandeville said two committee bills would be best.

Motion

06:57:05 Rep Mandeville moved to authorize staff to draft two preliminary committee bills, one to address water/sewer district issues by adding that a resident must be registered to vote to be considered a qualified elector, effective immediately, and a second to do a study resolution on voter qualifications in all special districts elections.

Committee discussion

06:57:40 The committee members discussed the motion.

Vote

06:58:58 The motion passed on a voice vote, 6-1, with Sen. Malek, Sen. Kary, Sen. Brown, Sen. Smith, Rep. Mandeville, and Rep. McKamey voting 'yes' and Rep. Hayman voting 'no.' Rep. Swanson was excused.

Other followup

07:00:36 Ms. Scurr went over committee requests for the July meeting.
07:03:01 Rep. McKamey asked about personal information about public officials available on the state website.
07:03:38 Rep. Hayman offered clarification on personal information and the concern about security and malware.

ADJOURNMENT

07:14:03 With no further business before the committee, Sen. Malek adjourned the meeting at 4:15pm.

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