



## 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

September 6, 2018  
Room 172, 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  
REP. KATHY SWANSON

#### **COMMITTEE MEMBERS EXCUSED**

#### **STAFF PRESENT**

SHERI SCURR, Lead Staff  
K. VIRGINIA ALDRICH, Staff Attorney  
LAURA SHERLEY, Secretary

## VISITORS' LIST (Attachment 1)

## AGENDA (Attachment 2)

### COMMITTEE ACTIONS

The State Administration and Veterans Affairs Interim Committee:

- voted to forward LCsa04 with amendments, a bill draft entitled 'An Act exempting certain lottery game parameters from rulemaking procedures under the Montana administrative procedure act; and providing an immediate effective date, and
- voted to forward LCsa5A with amendments, a bill draft requesting an interim legislative study on accessibility for electors with disabilities.

### CALL TO ORDER AND ROLL CALL

00:00:02 Sen. Malek called the meeting to order at 9:01 a.m. The committee secretary took roll ([Attachment 3](#)).

## VETERANS AFFAIRS - VET CHOICE PROGRAM AND 2018 VA MISSION ACT

### Informational Briefing

**Dr. Kathy Berger, Director, U.S. Department of Veterans Affairs (VA), Montana**

**Anthony Giljum, Montana VA Associate Director**

**Patrick Hutchison, Montana VA Public Affairs Officer**

**Christian Lundstrom, Montana VA Congressional Liaison**

**Tova Reddick, Montana VA Chief of Health Administration Services**

00:02:22 Speaker introductions

00:03:01 Director Berger ([Exhibit 1](#))

### Committee questions

00:08:14 Rep. Hayman asked Director Berger how the VA MISSION Act will improve medical care for physically disabled veterans.

00:10:03 Sen. Kary asked Director Berger if telehealth mental health services will be implemented in the VA MISSION Act, how many telehealth systems would be set up around the state, and what are the parameters of the services.

00:12:31 Sen. Kary asked Director Berger if veterans are being informed of the mental health services available through the Montana VA.

00:13:33 Sen. Brown asked Director Berger what the job requirements are for the unfilled Montana VA positions.

00:15:26 Sen. Brown commented on the Kalispell Montana VA center staff.

00:16:01 Sen. Malek asked Director Berger if the veteran caregivers program was discontinued and, if it was, will it be reimplemented.

00:16:55 Sen. Malek asked Director Berger if there will be a new infrastructure in Missoula and where it will be located. The question was redirected to Mr. Giljum.

00:17:44 Sen. Malek asked Director Berger for more information on the Montana VA electronic health records system. The question was redirected to Mr. Giljum.

00:19:34 Sen. Smith asked Director Berger how the Montana VA handles dual provider care when providers are in different states.

## **Veterans' Affairs Staff Liaisons for Montana's U.S. Congressional Delegation**

**Bruce Knutson for U.S. Sen. Jon Tester**

**Bret Simons for U.S. Rep. Greg Gianforte**

**Jim Korth for U.S. Sen. Steve Daines**

00:21:57 Speaker introductions  
00:22:41 Mr. Knutson ([Exhibit 2](#)) ([Exhibit 3](#)) ([Exhibit 4](#))  
00:23:55 Mr. Simons ([Exhibit 5](#))  
00:26:18 Mr. Korth ([Exhibit 6](#))

### **Committee questions**

00:27:55 Rep. Hayman asked Mr. Knutson for clarification on Sen. Testers' sponsorship of the Montana VA MISSION Act.  
00:29:34 Rep. Mandeville asked the speakers for contact information from each office to give to state veterans who have questions regarding the VA MISSION Act.  
00:32:44 Sen. Smith asked Mr. Knutson if there will be paperwork to assist veterans who need to switch from the VA CHOICE program to the VA MISSION Act.  
00:34:33 Rep. McKamey asked Mr. Knutson how the VA MISSION Act will keep the VA accountable during implementation.  
00:36:02 Sen. Smith asked Mr. Knutson how the VA MISSION Act will be funded.  
00:36:43 Rep. Hayman asked Mr. Knutson if there will be a hotline for state veterans to call if they have questions and concerns about the VA MISSION Act.  
00:37:55 Sen. Malek asked Mr. Knutson how veterans are informed if they qualify for veteran services.  
00:39:47 Sen. Malek asked Mr. Knutson if job services are still available to veterans.  
00:40:28 Sen. Malek asked Mr. Knutson how the office handles misfiled veteran services applications.  
00:42:03 Sen. Malek asked Mr. Knutson if the Montana VA is handling Affordable Care Act bundled payments.  
00:42:58 Sen. Malek asked Mr. Knutson if there has been discussion regarding major corporations paying for common major surgeries. The question was redirected to Robyn Madison, Regional Director for Sen. Jon Tester.  
00:47:44 Rep. Hayman asked Mr. Knutson how the VA MISSION Act will improve veterans' quality of life.  
00:50:53 Sen. Malek reviewed the speakers' comments and commented on the importance of state veterans being informed of Montana VA services.

### **Provider comments -- Jean Branscum, CEO, Montana Medical Association**

00:52:02 Ms. Branscum

### **Committee questions**

01:04:21 Sen. Brown asked for further information on the preapproval process.  
01:05:46 Sen. Brown asked how the preapproval process is handled for emergency situations outside VA clinic hours.  
01:07:25 Sen. Malek asked for more information on the state's VA residency programs.  
01:09:49 Rep McKamey asked if there is medical school involvement in residency program implementation.  
01:11:46 Rep. McKamey asked for clarification of 'non-physician' positions.

### **Veteran comments**

01:12:34 Gary White, American Legion of Montana

### **Committee questions**

01:15:08 Rep. McKamey asked Mr. White if the Montana Joining Community Forces coalition works with the American Legion of Montana.

01:16:20 Sen. Malek commented on the work of the Montana VA and asked Director Berger to comment on the VA residency programs.

01:18:53 Sen. Malek asked Director Berger if the Iraq and Afghanistan Veterans of American Services is a Montana VA recognized group.

01:19:20 Sen. Malek asked Joe Foster, Administrator, Montana Veterans Affairs Division (MVAD), if he had comments to add to the discussion. He introduced Kelly Ackerman, who would be the MVAD administrator when Mr. Foster retires effective October 1st.

### **Public comment**

None

### **Committee discussion**

01:21:17 Sen. Brown commented on potential legislation regarding VA services.

01:21:52 Rep. Hayman requested the Montana VA provide an update on the VA MISSION Act during the 2019 Legislative Session.

01:22:34 Sen. Brown commented on the VA MISSION Act update from the Montana VA.

### **PUBLIC ACCESS TO VOTER INFORMATION - LAWS IN OTHER STATES -- Ms. Scurr**

01:23:40 Ms. Scurr ([Exhibit 7](#)) ([Exhibit 8](#)) ([Exhibit 9](#))

### **Committee questions**

01:35:31 Sen. Brown asked why the state's election records cost more than other states.

01:36:47 Sen. Malek asked if voter information is a subscription and if social security and drivers license numbers are required for voter enrollment. ([Exhibit 10](#))

01:39:35 Sen. Malek asked if incarcerated persons or persons on parole can vote.

01:40:10 Sen. Malek asked if the voter registration form is produced by the Secretary of State (SOS) and reviewed by the SAVA committee.

01:40:32 Sen. Malek asked Dana Corson, Election Director, SOS, if voter social security and driver license numbers are included in voter files.

01:42:00 Sen. Malek asked Director Corson why voter information would be requested.

01:43:31 Sen. Malek asked Director Corson to comment on restricting birth dates on voter forms, and to comment on the cost of the voter file.

01:45:41 Ms. Aldridge responded to the committee's questions on SOS forms.

01:46:13 Ms. Scurr reminded the committee of the Voter Information File and Date Fields document from the SOS that was distributed to the committee at their July 18, 2018, meeting. ([Exhibit 11](#))

01:47:06 Sen. Malek asked Director Corson for clarification on the voter registration process for voters who are 17 years-old.

01:47:45 Sen. Brown asked Director Corson how early a voter 17 years-old and younger can preregister.

**Public comment**

None

**UPDATE ON ELECTION SECURITY ACTIVITIES AND 2018 HAVA GRANT -- Dana Corson, Election Director, Secretary of State's Office**

01:49:00 Director Corson

**Committee questions**

01:51:53 Sen. Malek asked for clarification on the information technology security videos.

01:52:33 Director Corson continued his presentation.

**Committee questions**

01:54:31 Sen. Malek asked if the SOS needs to submit an information technology plan by the end of September 2018, and if there will be a new computer system to secure the voter file.

01:56:28 Rep. Hayman asked about replacement equipment for voter machines.

02:03:13 Rep. McKamey asked how voter machine maintenance agreements are established and if they are mandatory or optional.

02:05:40 Sen. Malek asked if there will be updates to the SOS My Voter Page web page.

02:08:54 Sen. Malek asked there was recently a cyber attack on the SOS website.

02:10:26 Sen. Malek asked if the computer security system being replaced at the state level is due to the cyber attack.

02:11:28 Sen. Malek asked about state assistance to replace voting machines in counties.

02:13:38 Sen. Malek asked if a notification will be sent out when the new information technology plan is implemented.

02:14:14 Sen. Malek requested a link to the plan be in the SOS newsletter and asked if the SOS newsletter is available online and if anyone can sign up for the SOS newsletter.

02:15:27 Rep. Mandeville requested that the link to the information technology plan be sent to the committee.

**Public comment**

None

**AGENCY BILL DRAFT PROPOSALS**

**Department of Military Affairs -- Brigadier General Donald Emerson, Assistant Adjunct General**

02:16:35 Mr. Emerson

02:17:38 Major Mike Talia handed out the department's bill draft proposals. ([Exhibit 12](#))

02:17:46 Ms. Scurr reminded the committee of their handouts that outlined the various department's bill draft proposals. ([Exhibit 13](#)) ([Exhibit 14](#)) ([Exhibit 15](#))

02:18:10 Mr. Emerson continued his presentation. (see Exhibit 12)

**Committee questions**

02:20:30 Rep. Hayman asked Dan Hubber, Deputy Construction & Facilities Management Officer, Department of Military Affairs, for an update on and cost of the next construction project.

Public comment

None

Committee discussion/action

**Motion**

02:23:10 Rep. Hayman moved to approve all of the Department of Military Affairs's bill draft proposals.

**Vote**

02:23:45 The motion failed on a 4-4 roll call vote, with Sen. Kary, Sen. Brown, Rep. Mckamey, and Rep. Mandeville voting 'no'. ([Attachment 4](#))

**Public Employees' Retirement Board -- Dore Schwinden, Montana Public Employee Retirement Administration (MPERA) Executive Director**

02:25:39 Director Schwinden

02:27:05 William Holahan, Legal Council, MPERA (see Exhibit 14)

Committee questions

02:35:12 Sen. Malek asked Mr. Holahan for clarification on the board's bill draft proposal to generally revise laws related to the administration of Public Employee Retirement Systems (see Exhibit 14).

02:35:42 Rep. Mandeville asked Director Schwinden for clarification on board's bill draft proposal regarding employer contribution for the Game Wardens' and Peace Officers' Retirement System (see Exhibit 14).

Public comment

None

Committee discussion

**Motion**

02:38:29 Rep. Hayman moved to approve the MPERA bill draft proposals.

**Vote**

02:38:44 The motion failed on a 4-4 voice vote, with Sen. Kary, Sen. Brown, Rep. Mckamey, and Rep. Mandeville voting 'no'.

**Teachers' Retirement Board -- Shawn Graham, Teachers' Retirement System Executive Director**

02:39:37 Director Graham (see Exhibit 15) ([Exhibit 16](#))

Committee questions

02:46:18 Rep. Mandeville asked for clarification on the Montana University System Retirement Program (MUSRP) supplemental contribution rate increase.

02:48:35 Sen. Malek asked if the MUSRP supplemental contribution rate increase will be paid for by employees or split between employees and employers.

02:49:18 Sen. Malek asked if the board will propose legislation regarding retired superintendents returning to work in communities.

Public comment

None

Committee discussion

**Motion**

02:50:00 Rep. Swanson moved to approve the TRS bill draft bill proposals.

**Vote**

02:50:18 The motion failed on a 4-4 voice vote, with Sen. Kary, Sen. Brown, Rep. Mckamey, and Rep. Mandevilla voting 'no'.

**PRELIMINARY COMMITTEE BILL LCsa04 - INITIAL REVIEW -- Ms. Aldrich**

02:51:28 Ms. Aldrich ([Exhibit 17](#))

**Committee questions**

02:54:32 Sen. Brown recommended keeping the bracketed language section in the bill draft LCsa04 (see Exhibit 17).

**Public comment**

02:55:22 Angela Wong, Montana Lottery

**Committee questions/discussion**

02:57:25 Sen. Brown asked Ms. Wong for clarification on gaming end-date language.

03:01:26 Sen. Brown recommended further defining language on gaming end-dates and asked Ms. Aldrich if there is language that could further define gaming.

03:02:58 Rep. Hayman recommended that the committee staff work with the Montana Lottery to address language that would efficiently define gaming and gaming end-dates.

03:05:19 Rep. Mandeville asked Ms. Wong if online fantasy games are owned by the Montana Lottery.

03:06:13 Committee discussion

03:07:47 Sen. Malek asked Sen. Brown if she had specific language changes to LCsa04 (see Exhibit 17).

03:08:38 Rep. Mandeville recommended an individual legislator introduce the bill rather than it be a committee bill.

03:09:04 Sen. Malek asked if online fantasy games are regulated.

03:09:35 Sen. Malek asked Ms. Wong if the legislature could address online fantasy gaming regulations.

03:10:48 Sen. Brown asked Ms. Wong and Ms. Aldrich if the commission can change rules to clarify the gaming end-date language rather than the committee drafting legislation.

03:13:49 Rep. Hayman asked Ms. Aldrich for clarification on LCsa04 and asked Ms. Wong if she agrees with the recommended changes to the bill draft (see Exhibit 17).

**Motion**

03:15:20 Rep. Hayman moved to forward LCsa04 with the amendment to remove the bracketed language (see Exhibit 17).

**Vote**

- 03:16:05 The motion passed on a 5-3 voice vote, with Sen. Kary, Rep. Mandeville, and Rep. McKamey voting 'no'.
- 03:16:48 Sen. Malek said she would carry the bill on behalf of the committee.

**RULE REVIEW -- Ms. Aldrich**

- 03:17:32 Ms. Aldrich ([Exhibit 18](#))

**Committee questions/discussion**

- 03:18:45 Sen. Brown asked that the committee send a letter to the agencies under the jurisdiction of the committee that they submit rule changes a week before a scheduled committee meeting.
- 03:20:40 Sen. Malek asked Ms. Aldrich to comment on the discussion.
- 03:21:40 Committee discussion
- 04:20:39 Sen. Kary, Sen. Brown, and Rep. McKamey left the meeting at 1:22 p.m.

**LUNCH (Reconvened at 1:35 p.m.)****PRELIMINARY COMMITTEE BILL LCsa05 - INITIAL REVIEW -- Ms. Scurr**

- 04:34:21 Ms. Scurr ([Exhibit 19](#))

**Stakeholder comments**

**Beth Brenneman, Disability Rights Montana**  
**Dana Corson, Elections Director, Secretary of State's Office**  
**Regina Plettenberg, County Election Administrators Association**

- 04:40:55 Speaker introductions
- 04:41:27 Ms. Brenneman ([Exhibit 20](#))
- 04:43:18 Ms. Plettenberg
- 04:45:45 Director Corson
- 04:46:24 Ms. Brenneman
- 04:48:54 Ms. Plettenberg

**Committee questions/discussion**

- 04:49:54 Sen. Malek asked Ms. Brenneman for clarification on her comments regarding voters in irrigation districts.
- 04:51:19 Rep. Mandeville commented on the study resolution and requested that the committee input the speakers' recommended changes.
- 04:53:05 Committee discussion

**Motion**

- 04:59:12 Rep. Mandeville moved to forward LCsa5A with amendments (see Exhibit 19).

**Public comment**

- 05:00:18 Shantil Siaperas, Montana Association of Counties

**Vote**

- 05:00:56 The motion passed on a 5-0 voice vote. Sen. Kary, Sen. Brown, and Rep. McKamey were excused.



## **PUBLIC COMMENT ON ANY TOPIC UNDER THE COMMITTEE'S JURISDICTION**

05:02:33 Joe Walsh, Swan Valley

05:13:53 Rep. Hayman asked Mr. Walsh for clarification of his comments.

## **AGENCY OVERSIGHT - STATUTORILY REQUIRED REPORTS**

### **Montana Board of Veterans' Affairs**

05:17:13 Joe Foster, Administrator, Montana Veterans' Affairs Division (MVAD)

05:18:51 Kelly Ackerman, Administrator Select, MVAD

### **Committee Bill**

05:21:22 Ms. Scurr discussed a potential committee bill on Department of Administration IT statutory reporting requirements based on Senate Bill No. 19, 2017 ([Exhibit 21](#)) ([Exhibit 22](#)).

### **Department of Administration**

05:29:18 Tim Bottenfield, State Information Technology Services Division (SITSD), Department of Administration

### **Committee questions**

05:32:07 Sen. Malek asked if state agencies contract with the SITSD for IT security and if the SITSD helped the Department of Public Health and Human Services with their IT security contract.

05:35:15 Rep. Hayman asked Director Bottenfield if he replaced Ron Baldwin and commented on her vote on SB 19.

05:37:00 Sen. Malek asked Director Bottenfield to comment on SB No.19 and the IT security reports from SITSD.

05:38:03 Sen. Malek asked why the department reports to the Legislative Fiscal Division on contracts \$500,000 or more and commented on SB No. 19.

05:39:37 Rep. Hayman left the meeting at 2:41 p.m.

## **WRAP UP AND PLANNING FOR NEXT MEETING**

### **Agenda items**

05:39:54 Sen. Malek asked Ms. Scurr about the Legislative Guide to the retirement systems.

05:40:55 Sen. Malek asked Ms. Scurr what other items will be on the agenda for the committee's November 2018 meeting.

### **November meeting date**

05:41:53 Ms. Scurr asked if the committee wanted to be polled for a November 2018 meeting date.

05:42:05 Rep. Swanson asked Ms. Scurr to include in the poll a set of dates to pick from for their November 2018 meeting date.

## **ADJOURNMENT**

05:43:00 Sen. Malek adjourned the meeting at 2:44 p.m.