



State Administration and Veterans' Affairs
Interim Committee

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66th Montana Legislature

SENATE MEMBERS

DEE BROWN
JANET ELLIS
DOUG KARY
EDIE MCCLAFFERTY

HOUSE MEMBERS

JACOB BACHMEIER
JESSICA KARJALA
FORREST MANDEVILLE
WENDY MCKAMEY
RAY SHAW
MARVIN WEATHERWAX

COMMITTEE STAFF

SHERI SCURR, Research Analyst
K. VIRGINIA ALDRICH, Staff Attorney
BRI NORDHAGEN, Secretary

MINUTES LOG

June 27, 2019
Room 152, 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.

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

COMMITTEE MEMBERS PRESENT

SEN. DEE BROWN
SEN. JANET ELLIS
SEN. DOUG KARY
SEN. EDIE MCCLAFFERTY

REP. JACOB BACHMEIER
REP. FORREST MANDEVILLE
REP. WENDY MCKAMEY
REP. RAY SHAW
REP. MARVIN WEATHERWAX

COMMITTEE MEMBERS EXCUSED

REP. JESSICA KARJALA

STAFF PRESENT

SHERI SCURR, Research Analyst
K. VIRGINIA ALDRICH, Staff Attorney
BRI NORDHAGEN, Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

Summary of Actions

- Elected Rep. Wendy McKamey as presiding officer.
- Elected Sen. Janet Ellis as vice presiding officer.
- Voted to not allow proxy voting.
- Voted that all subsequent voting would be done by chamber so that for a motion to pass, it must receive a majority of votes by representatives (at least 4 of the 6 house members) and a majority of votes by senators (at least 3 of the 4 senate members), but the actual process of voting could be done by voice vote.
- Adopted a work plan to allocate the research analyst staff FTE as follows:
 - 1/4 FTE for the HJ 3 study of accessibility for disabled electors, to include information about the HAVA grant money.
 - 1/4 FTE for the HJ 23 study of the structure and funding of the Montana Veterans' Affairs Division.
 - 1/4 FTE for the committee's statutory oversight duties, with the majority (.2 FTE) allocated to pension oversight.
 - 1/4 FTE to be allocated as follows:
 - ◆ .125 FTE on lobbying and issues of concern to the Commissioner of Political Practices.
 - ◆ .125 FTE for information briefings on the following topics:
 - Election cyber security.
 - OPI updates on education for children of military families and suicide prevention.
 - Implementation of the Montana Ballot Interference Prevention Act (BIPA).
 - State flag protocol at the Capitol Building.
 - Implementation of sports wagering by the Lottery and Sports Wagering Commission.
 - Signature-gathering requirements for ballot qualification.
 - Montana Heritage Center - site selection and construction.
- Adopted the following meeting dates for the interim (subject to change if necessary).
 - Sept. 3, 2019
 - Oct. 29, 2019
 - Dec. 3, 2019
 - Jan. 17, 2020
 - Feb. 27, 2020
 - March 25, 2020
 - June 17, 2020
 - Aug. 25, 2020
 - Oct. 29, 2020

CALL TO ORDER AND ROLL CALL

08:29:56 Sen. Brown called the meeting to order at 8:29 a.m. The committee secretary called roll ([Attachment 3](#)). Rep. Karjala was excused. Sen. Kary was present by telephone.

Welcome and introductions

08:30:49 Sen. Brown
08:31:35 Sen. Ellis
08:32:18 Rep. McKamey
08:32:45 Rep. Shaw
08:33:21 Ms. Ginger Alrich
08:33:53 Rep. Bachmeier
08:34:37 Sen. Brown
08:35:13 Ms. Sheri Scurr
08:35:43 Ms. Bri Nordhagen
08:36:18 Rep. Mandeville
08:37:20 Sen. McClafferty
08:38:36 Sen. Kary

INTERIM COMMITTEE RULES AND PROCEDURES – ELECTION OF OFFICERS

08:40:25 Ms. Scurr, Legislative Research Analyst, began her review of the "Rules, Procedures, and Guidelines For Interim Committees" handout. ([Exhibit 1](#))

Committee questions

08:44:30 Rep. Mandeville asked about voting like a conference committee and if it meant that motions would have to pass both chambers (i.e. both the house and senate membership) separately.
08:45:00 Rep. Bachmeier asked how the committee would decide whether it would be voting by body or by chamber.
08:45:33 Sen. McClafferty asked if in the past it had been majority vote.
08:46:37 Sen. McClafferty asked if the committee could have majority votes for all the votes, except for votes on committee bills.

Committee discussion

08:47:10 Sen. Ellis
08:47:42 Sen. Brown
08:51:02 Ms. Scurr
08:51:58 Sen. Brown
08:57:30 Rep. Weatherwax joined the meeting.

Public comment

08:59:30 None

Committee work session on whether proxy voting should be allowed

08:59:43 Sen. Brown

08:59:54 Rep. Bachmeier
09:00:27 Rep. Mandeville
09:00:39 Ms. Scurr
09:00:53 Sen. Kary
09:02:00 Rep. Bachmeier
09:02:40 Rep. McKamey
09:04:15 Sen. Ellis
09:05:25 Sen. Brown
09:05:56 Sen. Kary
09:06:26 Sen. McClafferty
09:08:03 Rep. Bachmeier asked for clarification on whether proxies will be allowed on this vote.

Vote

09:09:54 Roll call vote to allow proxies. (**Attachment 4**) There was not a formal motion but the implied motion failed on a 5-5 tie vote with Rep. Bachmeier, Rep. Weatherwax, Rep. Karjala (by proxy), Sen. Ellis and Sen McClafferty voting yes. Rep. Mandeville, Rep. McKamey, Rep. Shaw, Sen. Brown and Sen. Kary voting no.
09:10:19 The committee discussed the process and proxy votes.

09:14:25 **RECESS**

09:28:34 Sen. Brown called the committee back to order.

Motion

09:28:45 Rep. Mandeville moved that the committee not allow proxy votes.

Discussion on the motion

09:29:13 The committee discussed the motion.
09:32:21 Sen. Brown restated that the motion was to not allow proxies today or going into the future.
09:33:35 Committee staff clarified the Senate rules concerning proxies and that proxies are not allowed unless authorized by committee actions.

Vote

09:34:59 The motion to not allow proxies passed 5-4 with Rep. Mandeville, Rep. McKamey, Rep. Shaw, Sen. Brown and Sen. Kary voting yes. Rep. Bachmeier, Rep. Weatherwax, Sen. Ellis and Sen. McClafferty voting no. Rep. Karjala was excused. (**Attachment 5**)

Voting as committee or by chamber

09:35:15 Sen. Brown explained the next agenda item concerning a committee decision on whether to vote as a committee or separately by chamber.

Committee Discussion

09:35:24 Ms. Aldrich explained the guidelines from the Legislative Council.

09:37:35 The committee discussed whether to vote as a committee or by chamber.

Motion

09:40:29 Rep. McKamey moved that the committee vote separately by chamber.

Discussion on the motion

09:40:48 The committee discussed the motion.

Vote

09:41:46 The motion to vote separately as chambers passed 8-1 on a voice vote, with Sen. McClafferty voting no and Rep. Karjala excused.

Committee procedures

09:42:03 Ms. Scurr explained the committee needed to vote to adopt the committee procedures as a whole.

09:42:28 Sen. Kary asked about the effect of voting by chamber.

Motion

09:43:03 Sen. Ellis moved to adopt The committee rules, procedures, and guidelines for interim committees as outlined in exhibit 1 and as the committee has chosen no proxies and voting by chamber.

Vote

09:43:24 The motion passed on an a 9-0 voice vote.

Election of presiding officer

Nominations

09:43:46 Rep. Mandeville nominated Rep. McKamey as presiding officer.

09:44:07 Rep. Weatherwax nominated Rep. Bachmeier as presiding officer.

09:45:02 Rep. Bachmeier withdrew himself from consideration.

Vote

09:45:26 Rep. McKamey was elected as presiding officer on a 9-0 voice vote.

Election of vice presiding officer

Nominations

09:47:52 Sen. Kary nominated Sen. Ellis as vice presiding officer.

Vote

09:48:23 Sen. Ellis was elected as vice presiding officer on a 9-0 voice vote.

WELCOME TO SAVA OVERVIEW

09:52:48 Ms. Scurr began her presentation of the Welcome and Work Plan Decision Tools. ([Exhibit 2](#))

Overview of LFC activities

10:08:47 Sam Schaefer, Fiscal Analyst, Legislative Fiscal Division (LFD), began his overview of the activities of the Legislative Fiscal Committee budget studies that intersect public employee pension topics under SAVA's jurisdiction. ([Exhibit 3](#)) ([Exhibit 4](#))

Committee discussion

10:14:10 Sen. Brown
10:15:34 Rep. McKamey

INTRODUCTIONS AND OVERVIEWS OF ASSIGNED AGENCIES

10:22:32 Ms. Scurr explained the handout entitled 2019 Regular Legislative Session Bill Summaries. ([Exhibit 5](#))

Office of the Secretary of State

10:22:54 Ms. Scurr presented an overview of the Office of Secretary of State (SOS). ([Exhibit 6](#))

10:29:41 Christi Jacobsen, Deputy Secretary of State for Secretary Stapleton, highlighted various activities of the office and introduced key office staff.

Committee questions

10:37:37 Sen. Brown asked about the cost savings with the elimination of campuses and jobs.

10:39:03 Sen. Brown asked Dana Corson (Director of elections in the SOS) about special education outreach in county elections.

10:42:21 Sen. McClafferty asked about the deadline for counties to apply for the HAVA grant.

10:43:12 Sen. McClafferty asked about the five counties that had yet applied for the HAVA grant.

10:43:22 Sen. Ellis asked whether the work had begun to replace the voting machines and how the HAVA grant money was being spent out of the Secretary of State's Office.

13:39:31 Sen. Ellis asked about the local government match for the HAVA grant.

10:49:15 Sen. Brown asked if Mr. Corson could come back in a spring meeting and update the committee on how the training/progress is going.

10:49:49 Rep. Bachmeier asked Ms. Jacobson about some concerns regarding potential mismanagement.

10:53:35 Sen. Ellis asked Ms. Jacobson for a brief explanation of the Board of State Canvassers.

10:54:37 Sen. McClafferty asked if the information on the Board of State Canvassers could be sent to the entire committee.

10:54:50 Rep. Bachmeier asked Ms. Jacobson about the audit report on the Office of Secretary of State.

Office of the Commissioner of Political Practice

10:59:20 Ms. Scurr presented an overview of the Office of Commissioner of Political Practices. ([Exhibit 7](#))

10:59:57 Jeff Mangan, Commissioner of Political Practices, highlighted the activities of his office.

Committee discussion

11:07:29 Sen. Brown

Committee questions

11:08:47 Sen. Ellis asked about the different roles of election offices.

11:14:30 Rep. Mandeville asked about the Ballot Interference Prevention Act (BIPA).

11:15:44 **BREAK**

Department of Administration

11:26:37 Ms. Scurr presented an overview of the Department of Administration (DOA).
([Exhibit 8](#))

11:30:00 Mike Manion, Deputy Director & Chief Legal Counsel (DOA), reviewed the key activities of the department.

Committee questions

11:40:37 Rep. Mandeville asked Mr. Manion about the MT Lottery and how implementation of sports wagering that was passed this last legislative session.

Committee discussion

11:42:01 Sen. Brown

11:42:34 Rep. Mandeville

Committee questions

11:43:04 Sen. McClafferty asked about the museum site time line.

Committee discussion

11:45:15 Sen. Brown

Committee questions

11:46:18 Rep. McKamey asked about laws associated with the Request for Proposals for the sports wagering (RFP).

Committee discussion

11:47:21 Sen. Brown

Department of Military Affairs

11:47:58 Ms. Scurr presented her overview on the Department of Military Affairs. ([Exhibit 9](#)) Maj. Gen. Matt Quinn, Montana National Guard, The Adjutant General, reviewed the key

11:51:00 activities of the department. ([Exhibit 10](#))

Committee questions

- 11:55:50 Sen. McClafferty asked if the Star Base Program was a summer program for 5th and 6th grade kids.
- 11:57:14 Rep. Shaw asked when the choppers would be deployed and if they had a send-off legislators could attend.

Montana Veterans' Affairs Division/Board of Veterans' Affairs

- 11:59:35 Ms. Scurr began her overview on the Board of Veterans' Affairs and the Montana Veterans' Affairs Division (MVAD). ([Exhibit 11](#))
- 12:01:22 Kelly Ackerman, Administrator, MVAD, reviewed key activities of the division.

Committee discussion

- 12:05:27 Sen. Brown

Public Comment

- 12:07:25 Roger Hagan - MT Department of the American Legion
- 12:09:29 Chantelle Siaperas - MT Association of Clerk and Recorders, MT Association of Counties

Committee question

- 12:10:57 Rep. Bachmeier asked Ms. Siaperas to provide the committee with more information regarding BIPA.
- 12:13:15 **LUNCH** (Reconvened at 12:50 p.m.)
- 12:53:10 Sen. Kary left the meeting.

Teachers' Retirement System

- 12:53:43 Ms. Scurr presented an overview of the Montana Teachers' Retirement System (TRS). ([Exhibit 12](#))
- 12:56:30 Shawn Graham, Executive Director, TRS reviewed key activities of the system. ([Exhibit 13](#))

Committee questions

- 13:01:49 Sen. Brown asked about the protocol for appointment of members of the TRS board whose terms will have expired before a new legislative session.

Montana Public Employee Retirement Administration

- 13:03:51 Ms. Scurr presented an overview of the Public Employees' Retirement Board and the Montana Public Employees Retirement Administration (MPERA). ([Exhibit 14](#))
- 13:07:50 Dore Schwinden, Executive Director, MPERA reviewed key activities of MPERA. ([Exhibit 15](#))

Committee questions

- 13:10:21 Rep. Bachmeier asked if there were going to be any packets that provided

background information about the pension plans.

Committee discussion

13:10:48 Ms. Scurr

Montana Board of Investments

13:12:06 Ms. Scurr presented an overview on the Montana Board of Investments. (**Exhibit 16**) Dan Villa, Executive Director of the MT Board of Investments reviewed key activities of the department.
13:14:47

Committee questions

13:16:26 Sen. Brown asked if the new accounting practices changed the way the Board of Investments did business or reports.

OVERVIEW OF SAVA'S AGENCY RULE REVIEW DUTIES

13:17:22 Ms. Aldrich began the overview of the Rulemaking and Powers of Rule Review Committees and Individual Members. (**Exhibit 17**)

Public comment

13:39:40 None

Motion

13:40:59 Sen. Ellis moved that the committee receive the rule review memorandums prior to meetings, that rule review agenda items at regular meetings before questions and potential actions, not an entire briefing on every rule at every meeting.

Vote

13:41:31 The motion passed 9-0 on a voice vote.

Committee discussion

13:42:37 Ms. Aldrich

BREAK

SAVA'S WORK PLAN OPTIONS AND STUDY PRIORITIES

Overview of options and decision points

13:59:29 Ms. Scurr referred to pages 13-16 of Exhibit 2.

Committee questions

14:06:41 Rep. Mandeville asked about the agency bill draft authorization whether there might need to be an in depth review of some agency bills.

Committee discussion

14:11:19 Rep. McKamey

Committee questions

14:13:17 Rep. Bachmeier asked if the decision matrix was typical for interim committees in how they allocated their time.

Committee discussion

14:15:42 Rep. Mandeville
14:18:45 Rep. Bachmeier
14:21:00 Rep. Mandeville
14:22:35 Rep. Bachmeier
14:25:08 Sen. Ellis
14:27:12 Sen. McClafferty
14:28:46 Ms. Scurr

Public comment

14:33:25 Beth Brennehan, Disability Rights MT. staff attorney
14:36:47 Joel Peden, MT Independent Living Project
14:41:38 Travis Hoffman, Advocacy Coordinator at Summit Independent Living
14:43:49 Chantelle Siaperas, MT Association of Clerks and Recorders and the MT. Association of Counties

Committee questions

14:44:55 Sen. Ellis asked Ms. Siaperas if the vote/counting machines were all getting replaced at the same time.

Committee discussion

14:48:19 Rep. Mandeville
14:49:38 Rep. Bachmeier
14:50:18 Sen. McClafferty
14:50:37 Ms. Aldrich
14:51:23 Rep. McKamey
14:51:31 Rep. Bachmeier
14:52:27 Rep. Mandeville
14:56:09 Rep. Bachmeier
15:04:19 Sen. Kary joined the meeting.
15:06:21 Sen. Ellis

Motion

15:08:20 Rep. Mandeville moved to adopt a committee work plan that divides staff's time (see summary of actions on page 2 of these minutes).
15:13:54 Sen. McClafferty

Vote

15:15:39 Motion to adopt a work plan that divides staff's time passed on a 9-0 voice vote.

WRAP UP AND ADJOURNMENT

15:16:25 Ms. McKamey

15:17:08 Ms. Scurr
15:20:48 Sen. McClafferty

Motion

15:32:36 Sen. Ellis moved to accept the proposed meeting dates calendar (see summary of attachments on page 2 of these minutes).

Vote

15:32:49 Motion to accept the meeting calendar passed 9-0 on a voice vote.

ADJOURNMENT

15:36:20 With no further business before the committee, Rep. McKamey adjourned the meeting at 3:36 p.m.