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**STATE ADMINISTRATION AND VETERAN AFFAIRS INTERIM  
COMMITTEE**  
**67th Montana Legislature**

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**SENATE MEMBERS**

Dee Brown  
Janet Ellis  
Douglas (Doug) Kary  
Edith (Edie) McClafferty

**HOUSE MEMBERS**

Jacob Bachmeier  
Jessica Karjala  
Forrest Mandeville  
Wendy McKamey  
Ray Shaw  
Marvin Weatherwax

**COMMITTEE STAFF**

K.V. Aldrich - Attorney  
Bri Nordhagen - Secretary  
Sheri Scurr - Research  
Analyst

**MINUTES LOG**

June 17, 2020

9:05 AM

Room 152 and remotely via Zoom

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the 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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**ROLL CALL**

**Members Present:**

Rep. Wendy McKamey, Chair (R)

Sen. Janet Ellis, Vice Chair (D)

Rep. Jacob Bachmeier (D)

Sen. Dee Brown (R)  
Sen. Douglas (Doug) Kary (R)  
Rep. Forrest Mandeville (R)  
Sen. Edith (Edie) McClafferty (D)  
Rep. Ray Shaw (R)

**Members Excused:**

**Members Absent:**

Rep. Jessica Karjala (D)  
  
Rep. Marvin Weatherwax (D)

**Staff Present:**

K.V. Aldrich, Attorney  
Bri Nordhagen, Secretary  
Sheri Scurr, Research Analyst

**Rep. McKamey, Presiding Officer**

09:02:37 Chairwoman McKamey called the State Administration Interim Committee to order. The committee secretary took roll.

**Disaster and Emergency Services - Statutory Framework - Agency Oversight**

09:06:04 Sheri Scurr, Legislative Services Division (LSD), Research Analyst, began her review of the "Legal Overview of Executive Branch and Legislative Branch Emergency Powers" memo regarding the constitutional and statutory framework for the COVID emergency. ([Exhibit 1](#))

**Committee discussion and questions**

09:14:36 Sen. Brown stated she visited the Ravalli County Clerk and Recorder/Elections Office in Hamilton, MT and observed good protocol regarding mail-in ballot security, ensured COVID safety measures, and was pleased the district passed that bill.  
  
09:16:20 Sen. Brown asked Ms. Scurr if the legislature could undo rather than continue, a declaration of a state of disaster as stated in section 10-3-303 of the Montana Code Annotated.

**Department of Military Affairs - update on COVID Task Force activities**

09:18:07 Gen. Matthew Quinn, The Adjutant General, Department of Military Affairs, gave an overview of the COVID - 19 Task Force activities and website. ([Exhibit 2](#))

**Questions and discussion from the committee**

09:35:50 Chairwoman McKamey stated it was important the committee recognize the good science behind the information given by Gen. Quinn, also the quick response in acting helped to flatten the curve but the issue has not gone away.  
  
09:36:26 Rep. Mandeville asked Gen. Quinn if the purpose behind flattening the curve was to make sure hospitals were not overwhelmed with patients. Rep. Mandeville asked Gen. Quinn if a breakdown was available of what the Montana's

- hospital/ventilator capacity was by region. Rep. Mandeville asked Gen. Quinn if/how many mobile beds were deployed.
- 09:38:27 Sen. Brown asked Gen. Quinn what percentage of residents in Red Lodge tested positive for COVID. Sen. Brown asked Gen. Quinn why some tests were sent out of state for processing.
- 09:40:24 Rep. Shaw asked Gen. Quinn about testing tourists who are coming from out of state and whether that was something the county could implement. Rep. Shaw asked Gen. Quinn why test visitors from out of state who are leaving the next day.
- 09:44:33 Sen. Kary asked Gen. Quinn what the state agencies that weren't under the Reopen Montana Workgroups eluded to.
- 09:46:03 Rep. McKamey asked Gen. Quinn for an explanation regarding the role of the County Health Departments in determining activities and getting clearance for those activities. Rep. McKamey asked what the chain of command was at the County Department of Public Health.
- 09:48:53 Sen. Brown asked Gen. Quinn if all Indian reservations were closed in the state of Montana. Sen. Brown stated there was a disconnect in that accessibility into a reservation from counties was not possible, but travel from a reservation into another county was.
- 09:51:25 Rep. Mandeville asked Gen. Quinn about the slight increase in cases and whether that was related to the increased number of tests available.
- 09:52:32 Rep. McKamey asked Gen. Quinn what the current number of new cases in Montana was.
- 09:52:54 Sen. McClafferty thanked the Task Force, health departments and front-line workers for working quickly to respond to COVID in getting it under control.

#### Department of Military Affairs - update on COVID Task Force activities - continued

- 09:54:01 Delila Bruno, Administrator, Disaster and Emergency Services (DES) stated she was available for questions as Gen. Quinn covered all necessary information during his presentation and thanked state agencies for their initial response and continued assistance.

#### Questions from the committee

- 09:59:46 Sen. Ellis asked Ms. Scurr about the timing/process regarding the November election and whether that would be an all-mail ballot election if the state was still under a national emergency as directed by the president. Sen. Ellis asked if the current statues were adequate to allow the governor to extend the emergency or would a special session need to be called and could that be done remotely.

#### Other agency, stakeholder, and public comment

- 10:05:11 none

#### Lobbying Law Revisions - Emerging Issue Study

- 10:05:40 Ms. Scurr gave an overview of the "Preliminary Bill Draft PD 0002, an act generally revising lobbying laws; revising the definition of lobbying; clarifying that lobbying and reporting requirements relate to promoting or opposing official action by a legislator or the legislature..." handout. [\(Exhibit 3\)](#)

#### Committee discussion

- 10:12:13 Rep. Mandeville asked if on page 3, line 4 of the PD02 bill draft, the first line of "Lobbying" was replaced with "Except as provided in 5-7-120, "lobbying" means", would that have to be moved so it's alphabetically correct.
- 10:13:33 Sen. Kary stated the language on page 2, line 24 of PD02 stating "The term does not include a legislator" was unnecessary. Sen. Kary suggested combining line 24 (b) with line 20 (a), instead of having them separate.
- 10:19:14 Bruce Spencer, representing the State Bar of Montana responded to Sen. Kary's question regarding the term "legislator" being excluded from "elected official".

### **Lobbying Law Revisions - Emerging Issue Study (continued)**

- 10:21:57 Ms. Scurr continued her overview of lobbying law revisions starting on page 3, line 8 of PD02.

### **Questions and discussion from the commission**

- 10:25:26 Sen. Kary stated his concern with page 6 line 14 of PD02, as an individual would have trouble calculating the cost of sending a text/email if they were a lobbyist. Sen. Kary asked if there was a set rate for texts. Sen. Kary asked Chair McKamey if line 14 on page 6 of PD02 could be removed.
- 10:29:36 Sen. Ellis asked Ms. Scurr if the language "telephone" was to be included on page 6, line 14 of PD02.
- 10:30:18 Rep. McKamey suggested the language "telecommunications" be used instead of "telephone" on page 6, line 14 as it covers a broader spectrum.
- 10:30:48 Ms. Scurr stated the committee could make a motion to change the language of bill draft PD02 during the work session later in the meeting.

### **Lobbying Law Revisions - Emerging Issue Study (continued)**

- 10:32:08 Ms. Scurr gave an overview of the "NCSL - How States Define Lobbying and Lobbyist" handout. ([Exhibit 4](#))

### **Agency, stakeholder, and public comment**

- 10:40:27 Webb Brown, Montana Society of Association Executives
- 10:42:11 Jaime MacNaughton, Commissioner of Political Practices Office
- 10:43:03 Bruce Spencer, State Bar of Montana

### **Committee work session - action on PD02 or requests for further research**

- 10:47:00 Sen. Ellis stated page 6, line 14 of PD02 should include the term "telecommunications" or "telephone" to make it clear if lobbyists are charging their cell phone service as part of their lobbying.
- 10:47:49 Rep. McKamey stated Sen. Ellis's recommendation would clarify the possible misinterpretation of the term "voice".
- 10:48:24 Sen. Kary stated the term "telecommunication" was referring to communication that only goes over a telephone wire which doesn't pertain to most cell services.
- 10:48:59 Rep. McKamey suggested changing the term from "other" to "any".
- 10:50:14 Rep. Mandeville asked why the term couldn't be "communication".
- 10:50:46 Sen. Ellis stated she was ok with the term "communication".
- 10:51:45 Mr. Bruce stated the language other seemed superfluous and "voice" or "telephone" would include cell phone services.

### **Motion**

10:53:56 Rep. Mandeville made a motion to change page 6, line 14 of PD02 from the term "telephone" and "telegraph" to "communication", and to then move said change into alphabetical order within the bill draft.

Discussion on the motion

10:54:28 Sen. Kary stated postage and printing were separate items and could be included in "communication".

10:55:01 Rep. Mandeville stated the term "postage" might not count as communication and the term "printing" might not count as communication until it is being handed to an individual.

10:55:59 Sen. Kary stated changing the term to "communication" could potentially cause individuals to report too little information or too much.

10:56:41 Rep. McKamey asked if the communication was being covered as an implement to deliver or was it the communication itself, and stated the list was for how lobbyists were being paid.

10:58:45 Sen. Brown stated if the committee did something more general the rule making process will be influenced by what has happened in law, so suggested leaving the language as it was and to look at the future rule making.

10:59:34 Rep. Mandeville withdrew his motion to change page 6, line 14 of PD02 from "telephone and telegraph" to "communication".

Motion

10:59:51 Sen. Ellis made a motion to change page 6 line 14 of PD02, from the term "other" to "any".

Vote

11:00:20 Motion to change page 6 line 14 of PD02, from the term "other" to "any" passed unanimously on a voice vote with Rep. Karjala and Rep. Weatherwax excused.

Committee discussion

11:01:07 Rep. Mandeville stated page 3, line 4 of PD02 had some potential language issues regarding starting the with the term "except", and to leave that change up to the legislative staff's discretion.

Motion

11:01:53 Rep. Mandeville made a motion to adopt bill PD02 as amended and then with that motion as the bill amended, for staff to work on the appropriate style for that definition.

11:01:56 Sen. Brown called the question.

Vote

11:02:00 Motion to adopt bill PD02 as amended passed unanimously on a voice vote with Rep. Karjala and Rep. Weatherwax excused.

Lobbying Law Revisions - Emerging Issue Study (continued)

11:02:07 Ms. Scurr gave an overview of the "Preliminary Bill Draft PD03 - an act revising the lobbyist licensing fee and the associated special revenue account for state government broadcasting services; depositing all revenue from the lobbyist

licensing fee to the state general fund; repealing the special revenue account for state government broadcasting services..." handout. [\(Exhibit 5\)](#)

Agency, stakeholder, and \*public comment

11:03:26 Jaime MacNaughton, Commissioner of Political Practices Office

**Motion**

11:04:16 Sen. Ellis made a motion to adopt bill draft PD0003.

**Vote**

11:04:27 Motion to adopt bill draft PD0003 passed unanimously on a voice vote with Rep. Karjala and Rep. Weatherwax excused.

**BREAK**

11:05:45

**Reconvene**

11:21:30

**HJ 3 - Study of Accessibility for Disabled Electors**

11:22:12 Ms. Scurr, gave an overview of the preliminary bill draft PD0001 "an act generally revising election laws related to accessibility for disabled electors and the availability of voter interface devices; revising definitions; clarifying provisions on designated agents..." handout, [\(Exhibit 6\)](#) the "Options - definition of disability" handout [\(Exhibit 7\)](#), the "Extracts of 2019 MCA" handout [\(Exhibit 8\)](#), and the "ADA definition" handout. [\(Exhibit 9\)](#)

Questions and discussion from the committee

11:48:21 Sen. Brown asked a question about page 17, lines 10 and 11, and whether an election judge is hired on a partisan basis. Sen. Brown asked if they are not, why is the language "that different political parties have to take the ballot to the elector" included.

11:50:05 Rep. McKamey stated designating partisanship now would counter the purposes of the constitution of Montana.

11:50:42 Rep. Mandeville stated state law encourages the party central committees to send election judges to the election administrator on a partisan basis.

11:51:34 Sen. Brown stated she agreed with Rep. Mandeville's statement in a perfect world, but in Montana that might not work.

11:52:11 Sen. Ellis stated that language was already in the bill and staff was trying to replicate it and not change the current law.

11:53:54 Sen. Brown stated a legislator might be able to tweak this language in 2021.

11:54:21 Rep. Shaw stated in some districts there aren't enough people and thus wouldn't work all the time.

11:55:15 Sen. Ellis wanted to hear from stake holders about page 12, lines 15 - 18 of PD0001 regarding school districts using the new election devices and not being charged for purchase or maintenance. Sen. Ellis stated on page 14, line 22 regarding drop off locations, that not all sights were accessible.

- 11:58:26 Sen. Ellis asked Ms. Scurr about page 16, line 22 of PD0001 changing from 7 days to 2 days concerning publication of notice on polling place accessibility, and whether those were considered standard business days.
- 12:00:54 Rep. Mandeville asked stake holders to weigh in on page 12, lines 23 and 24 of PD0001 and whether the committee should adopt that 30-day timeline regarding estimated cost for the school to use a county voter interface device.
- 12:02:19 Sen. Ellis asked for stake holder input on page 15, line 2 of PD0001 regarding if there were fewer than 500 registered electors eligible to vote in the election.

#### Agency, stakeholder, and \*public comment

- 12:04:54 Beth Brenneman, Disability Rights Montana
- 12:15:03 Regina Plettenberg, Montana Association of Clerk and Recorders
- 12:22:52 Nicole Thoutte, Montana Office of Public Instruction

#### Committee work session - action on PD01 or requests for further research

- 12:28:50 Rep. Mandeville suggested the committee go through each section of PD0001 and take potential action on each section individually.
- 12:29:25 Sen. Ellis stated the bill needed another draft before the committee made motions and acted. Sen. Ellis asked about the definition of disability on page 3, line 15 of PD0001 and whether that might exclude some individuals from being able to vote.
- 12:30:23 Chair McKamey asked for committee discussion on section 1, 13-1-101, MCA of PD0001.
- 12:34:012 Sen. Ellis suggested to the staff that the next version of the bill include the Disability Rights Montana definition of disability.
- 12:35:25 Ms. Scurr stated if there was no objection from the committee the decisions could be done by consensus and to therefore select option D to be included in the revised bill draft PD0001.
- 12:35:52 Chair McKamey asked for committee discussion on section 2, 13-1-116, MCA of PD0001.
- 12:37:04 Chair McKamey asked for committee discussion on section 3, 13-1-203, MCA of PD0001.
- 12:37:28 Chair McKamey asked for committee discussion section 4, 13-1-302, MCA of PD0001.
- 12:37:52 Ms. Scurr discussed page 12, line 16 of PD001 regarding inserting the term "routine" in front of the word maintenance.
- 12:38:46 Sen. Ellis asked Ms. Scurr if the cost would be covered should a school break a voter interface device.
- 12:39:10 Ms. Scurr stated she could add "and for replacement, repairs, or maintenance required due to the schools use of the device" to PD0001.
- 12:39:30 Sen. Brown stated it could be written that schools are to return the voter interface devices in the same condition they were received.
- 12:40:08 Rep. Shaw asked if schools had an insurance policy that could cover the voter interface device.
- 1240:47 Chair McKamey stated the straight forwardness of the language "if it is returned in the same condition in which it was delivered" might suffice.
- 12:41:03 Rep. Mandeville stated he agreed with the changes suggested by Sen. Ellis and reviewed by Ms. Scurr.
- 12:42:02 Sen. McClafferty asked for Ms. Scurr to clarify the changes made beginning on page 12, line 16 of PD0001.

**BREAK**  
12:44:15

**RECONVENE**  
12:57:37

Committee work session - action on PD01 or requests for further research (continued)

- 12:59:16 Sen. Ellis asked for clarification regarding the school budget adoption deadline in August and wondered if that language needed to be simplified in page 12, section 4, lines 23 and 24 of PD0001.
- 13:00:02 Chair McKamey stated because a discussion is done a year before, schools usually know the annual expenditures and therefore the August date shouldn't be a surprise.
- 13:01:48 Sen. Ellis stated concern that some county election administrators might not know there is a school election and suggested adding language saying, "when a school district is conducting its own election, it notifies the county that it will happen, requests the amount it will cost, and will set a date of when they need said information."
- 13:02:40 Chair McKamey stated Sen. Ellis's suggestion puts the responsibility on requesting the voter interface device on the school district instead of on the county.
- 13:03:13 Rep. Mandeville suggested changing the language to read "the school district shall request an estimate of the cost from the county, whom upon receipt of a request has 45 days to deliver that estimate to the school district."
- 13:03:51 Chair McKamey agreed with Rep. Mandeville's statement and that it could be the procedure required for acquiring anything or for any service a school district would need a bid notification.
- 13:04:02 Rep. Mandeville stated his suggested change puts the impetus on the school district to make that initial request, and then the time would kick in.
- 13:04:39 Ms. Scurr asked if the committee was wanting a deadline by which the county must respond to the school's request.
- 13:05:35 Rep. Mandeville asked Ms. Plettenberg to weigh in on whether an estimate upon request could be received within 30 - 45 days.
- 13:06:29 Sen. Ellis stated she liked the suggestion by Rep. Mandeville as it simplifies the language.
- 13:06:53 Chair McKamey asked for committee discussion on Section 5, 13-3-201, MCA of PD0001.
- 13:07:11 Chair McKamey asked for committee discussion on Section 6, 13-3-202, MCA of PD0001.
- 13:10:03 Sen. Ellis suggested changing page 14, lines 21 - 23 to read as follows; "The election administrator shall ensure that at least one voter interface device is available at each polling place, or for mail ballot elections, as provided in 13-19-307."
- 13:12:01 Ms. Brenneman suggested the committee focus on the mail-in ballot section and places of deposit, but that might be hard to complete before the upcoming January session.
- 13:13:45 Ms. Scurr stated the chapter on mail ballot elections in Montana would need a much more thorough examination on statutes, section 13-19-307, MCA, which



deals with places of deposit. Ms. Scurr suggested language stating "election administrators select appropriate locations that serve your disabled electors during a mail ballot election", and have them identify those locations.

13:14:32 Chair McKamey agreed with Ms. Scurr's suggestion and stated the locals know best and where they need to reach people.

13:15:00 Chair McKamey continued her review of PD 0001 starting on page 16.

13:15:10 Sen. Ellis stated she would like the next version of PD 0001, page 16, line 2 to change from 500 to 200.

13:15:29 Chair McKamey stated the consensus of the committee was to accept the change suggested by Sen. Ellis. Chair McKamey continued the review of PD 0001 starting on page 16 and suggested adding the word "school" in front of the word district on page 16, lines 8 and 9.

13:16:52 Ms. Scurr stated the reason she used the word "district" was because they also have special district elections, but she could specify and say, "school or special purpose district".

13:17:10 Chair McKamey asked if that language needed to be added on page 16, line 5 as well.

13:17:36 Ms. Scurr stated she would make it consistent and put "school district" also that she would hear from the county regarding the special districts.

13:18:30 Chair McKamey stated the consensus of the committee on the suggested changes regarding adding "school" before district for page 16, lines 8-9.

13:19:01 Sen. Kary suggested changing page 16, line 22 to from 2 to 5 working days.

13:19:05 Ms. Scurr stated Sen. Ellis had a question regarding whether the 2 days were calendar or business days.

13:19:46 Chair McKamey asked Ms. Scurr if 5 days would be an appropriate amount of time for an elector that's disabled to request an alternative means of casting their ballot.

13:21:42 Ms. Plettenberg stated she agreed with Ms. Scurr and that the change was made to 2 days to meet the notification requirements. Ms. Plettenberg thought 2 business days would prevent everything from falling on the Monday before the election.

13:22:29 Chair McKamey stated in her opinion changing page 16, line 22 from 2 to 5 days would be appropriate.

13:22:40 Ms. Scurr stated if it's changed to 5 days then the notification requirement needs to be changed as they have up to 2 days.

13:23:39 Sen. Ellis asked the committee if it could be left up to staff to come up with a change, making statutes consistent and ensuring the requirement deadline doesn't fall on a weekend.

13:24:05 Chair McKamey discussed page 17, 13-4-102 regarding election judges to include the people handling the school elections and adding additional language to have training.

13:25:01 Sen. Ellis asked Ms. Scurr about page 17, lines 9 and 10 and if the word "building" should be changed to "polling place".

13:25:44 Rep. Mandeville stated concern if the polling place was an area within the building it may still require the individual to go to just outside the polling place which would not be curbside outside of the building.

13:26:28 Sen. Ellis stated if the committee thought there was no confusion with the current language on page 17, lines 9 and 10, she was ok with keeping it.

13:27:26 Rep. Mandeville asked if the term "curbside" needed to be added.

13:27:51 Sen. Ellis asked if staff could consider the issue raised and change it if necessary.

- 13:28:47 Chair McKamey stated with a consensus from the committee the language on page 17, lines 9 - 10 would be changed to say, "outside the building where the polling place is located".
- 13:28:59 Chair McKamey continued her review of PD 0001 starting on page 18.
- 13:30:02 Ms. Scurr stated if the committee had an issue with page 17 line 27 - page 18 line 1 she could work with the Secretary of State's Office for changes.
- 1332:11 Chair McKamey stated she thought the language was fine.
- 13:32:18 Chair McKamey continued her review of PD0001 starting on page 19.
- 13:32:27 Sen. Ellis suggested changing language on PD 0001, page 19, line 20, from "under" to "with".
- 13:33:17 Ms. Scurr stated county election administrators work with voters to ensure ballots are counted even if pages are out of order or incorrectly placed in envelopes.
- 13:34:16 Ms. Plettenberg stated ballots are not rejected and discussed line 12 regarding electronic mail.
- 13:35:10 Rep. Mandeville stated he was not comfortable opening up electronic return of voted ballots in this bill at this time.
- 13:35:48 Sen. Ellis discussed the governor's ability to override statute in an executive order should this be an issue in upcoming future elections.
- 13:36:22 Chair McKamey discussed Title 10 of the MCA and emergency orders.
- 13:37:44 Ms. Scurr stated there was a technology issue involved regarding whether the Secretary of State's Office upgrades its system to allow voted ballots to be submitted electronically for nonfederal elections and that she could get more information for the next committee meeting.
- 13:38:35 Rep. Mandeville stated he opposed adding any electronic submission of voted ballot provisions into this bill.
- 13:38:50 Chair McKamey stated she agreed with Rep. Mandeville and continued her review of PD 0001 starting on page 20.

#### Public comment

13:41:29 none

#### **Elections - Agency Oversight and Member/Emerging Issues**

- 13:42:02 Ms. Scurr, gave an overview of Secretary of State Corey Stapleton's "2020 HAVA Election Security Grant Funds status" handout. **(Exhibit 10)** Ms. Scurr reviewed the "2020 HAVA Election Security Grant budget summary" handout. **(Exhibit 11)** Ms. Scurr reviewed the handout from Christi Jacobsen regarding the Consolidated Appropriations Act of 2020. **(Exhibit 12)** Ms. Scurr reviewed the "Montana 2020 HAVA Funds: Formula for Individual County Allocations" handout. **(Exhibit 13)** Ms. Scurr reviewed the "Balanced Budget and Emergency Deficit Control Act of 1985" handout. **(Exhibit 14)** Ms. Scurr reviewed the "Election costs and available funding" memo. **(Exhibit 15)**
- 13:46:16 Dana Corson, Elections Director, Secretary of State's Office (SOS), gave an overview regarding the CARES Act Funding for Elections and COVID - 19 response.
- 13:46:56 Julie Lake, Chief Operations Officer for the SOS, gave an update on the 2020 HAVA Grant status.
- 13:49:55 Ginger Aldrich, staff attorney, LSD, gave an overview of the two ongoing court cases concerning the Montana Ballot Interference Protection Act (BIPA); Western Native Voice Vs. Stapleton and Driscoll vs. Stapleton.
- 13:55:18 Mr. Corson had no additional comments to add.

13:55:35 Hope Stockwell, research analyst, LSD, began her update on the State Tribal Interim Committee's HJ 10, the Study of Barriers to American Indian Voting.

#### Questions from the committee

- 13:59:35 Sen. Ellis stated she had questions regarding the HAVA Grant and CARES Act, and asked that the SOS be available for questions during the committee discussion/work session.
- 13:59:57 Rep. Mandeville asked Ms. Stockwell if the BIPA lawsuit that came out of the Blackfeet Tribe had come up during the HJ 10 discussions.
- 14:01:45 Sen. Brown asked Ms. Scurr about the \$15,000 base award pay per county 2020 HAVA funds, and how those were broken down per person. Sen. Brown asked Ms. Lake if the numbers were based off population or if MACO came up with the numbers.
- 14:05:34 Chair McKamey clarified the spreadsheet containing information regarding the breakdown of 2020 HAVA funds per county being sent out by Ms. Lake was to be distributed to the committee.
- 14:05:57 Sen. Ellis asked Mr. Corson about the 32.46% overhead rate that was allowed as a provisional rate and whether that had been adopted or not. Sen. Ellis asked what happens with the proprietary funds, and whether the fees are reduced so the budget gets balanced. Sen. Ellis asked how was it appropriated, as the legislature is the only entity that can appropriate funds for the government to spend. Sen. Ellis asked about the indirect cost overhead rate applied to the HAVA grants of 32.46%, and if that was also anticipated to be charged for the CARES Act money. Sen. Ellis asked about anticipated requests from local governments for the CARES Act COVID election money.

#### **Elections - Agency Oversight and Member/Emerging Issues (continued)**

- 14:14:33 Ms. Scurr began her review of the "Conservation Districts - proposed amendment to section 76-15-312, MCA" handout. [\(Exhibit 16\)](#)
- 14:16:36 Ms. Scurr presented for Laurie Zeller, Chief, Conservation Districts Bureau, DNRC regarding agency oversight and member/emerging issues.

#### Questions from the committee

- 14:18:29 Sen. Ellis asked Ms. Scurr if she saw concern with an elected supervisor holds office until a successor has been elected and has qualified if the supervisor dies.
- 14:21:27 Chair McKamey stated having "until the next election, when a successor must be elected" taken out takes care of the issue presented by Sen. Ellis.
- 14:21:59 Sen. McClafferty agreed with Chair McKamey and stated if there were any problems between now and August Ms. Zeller could come back and address the committee.
- 14:22:47 Rep. Mandeville asked for clarification regarding the issue of the vacancy only being filled until the election, the intervening period between the election and when that replacement should take office.
- 14:24:23 Sen. Brown asked Ms. Scurr if the issue could be resolved by putting in language saying, "the replacement may serve until the next election" striking out the language "for the rest of the term".
- 14:25:26 Chair McKamey suggested striking out "until the next election, when a successor must be elected".

## **MOTION**

14:25:55 Sen. Ellis made a motion the committee strike out the language, "until the next election, when a successor must be elected" in the Conservation Districts, section 76-15-312 of the MCA's, for the August meeting.

## **VOTE**

14:26:08 Sen. Elli's motion to remove the language from the proposed amendment to section 76-15-213, MCA, passed unanimously.

## Public comment

14:27:27 none

## **BREAK**

14:28:15

## **RECONVENED**

15:01:34

## **Rule Review**

15:01:48 Ms. Aldrich gave an overview on the "Administrative Rule Review" slideshow. ([Exhibit 17](#))

## Questions and discussion from the committee

15:12:12 Rep. Mandeville asked if the committee could request a repeal of the section 2-4-303, MCA, emergency or temporary rules instead of a formal objection.

15:15:34 Sen. Ellis asked Ms. Aldrich if she had seen or heard anything from the SOS's office that they wanted rule 2-4-303 to continue.

15:16:22 Sen. Brown asked if Secretary of State Corey Stapleton could write a formal letter to the State Administration and Veterans' Affairs committee regarding the rules.

15:17:00 Austin James, Attorney for the Secretary of State's Office, answered Sen. Brown's question regarding receiving a formal letter regarding adopting the rules.

15:19:16 Sen. Kary asked Mr. James if there was a way the SOS's office could sunset the formal letter to be received by the committee at tomorrow's meeting, June 18.

15:21:35 Sen. Ellis asked Mr. James to address the issue with the SOS's rules conflicting with statute.

15:24:07 Chair McKamey stated the new rule doesn't align with statute and is instead in direct conflict with statute.

15:24:22 Sen. Brown stated if the rule conflicted with statute why be worried about timelines and timeframes.

15:25:09 Rep. Mandeville asked if the committee could request the SOS repeal the rule by 10am at the next day's meeting, June 18th, and would it be permissible for the committee to table or refer the matter to later in the meeting where the committee could then object if need be.

15:26:20 Sen. Ellis asked Mr. James if the rule could be re-written, so it complied with statute.

## **MOTION**

15:30:57 Sen. Kary made a motion to object to the rule unless the committee has the Secretary of State's office authorization of cancellation of this rule by 10 a.m. tomorrow June 18th, 2020.

## **VOTE**

15:31:22 Sen. Kary's motion to object to the rule unless the SOS's office submits authorization of cancellation to the rule by 10 a.m. June 18th, 2020, passed unanimously.

## **MOTION**

15:33:51 Ms. Aldrich clarified the motion before the committee saying, "the committee votes to object to the rules for shifting the burden of proof unless the Secretary of State's office has rescinded the rule by 10 a.m. June 18th, 2020."

## **VOTE**

15:34:21 The motion to object to the rules for shifting the burden of proof unless the Secretary of State's office has rescinded the rule by 10 a.m. June 18th, 2020, passed unanimously.

## **Pensions - Agency Oversight**

15:35:23 Ms. Scurr gave an update on the activities of the Legislative Finance Committee's (LFC's) Subcommittee on Pensions and Local Government.

## **Questions and discussion from the committee**

15:41:20 Sen. Brown wanted to note that in the past, counties and cities didn't have to show their pension liabilities. Sen. Brown stated with the new GASB standards that are required from the federal government, they now must be shown.

15:42:39 Sen. Ellis stated the process regarding pensions was opening, and herself along with Chair McKamey were trying to stay in touch with the LFC subcommittee regarding the work being done on pensions.

15:44:04 Sen. Brown stated she was glad the two divisions, the Legislative Services Division and the Legislative Fiscal Division, were in communication regarding the pension discussion.

15:44:44 Chair McKamey stated she was grateful for all the work being done on both parts in the two divisions and that it was important to find out what the goals were.

15:46:22 Sen. Ellis stated stress tests and their results as an issue that was being raised in August.

15:47:20 Chair McKamey stated the committee needed to be finding solutions, and all information was important information if it's was useful. Chair McKamey stated she appreciated all the work and wanted to make sure the work was towards a goal and a solution.

## **Public comment**

15:49:17 Tim Burton, Executive Director of the Montana League of Cities and Towns

## **Committee discussion**

15:51:30 Ms. Scurr informed the committee it would be receiving the updated staff report on HJ 23, Veterans' Services Structure and Funding, at the next days meeting on June 18th, 2020.

15:52:45 Chair McKamey discussed changing the next meeting date from August 25 to another day due to a conflict with the Legislative Council meeting.

**Recess**

15:57:03 Recess until 8:00 a.m. June 18, 2020