



**State Administration and Veterans' Affairs Interim Committee**  
**66th Montana Legislature**

**SENATE MEMBERS**

JANET ELLIS--Vice Chair  
DEE BROWN  
DOUG KARY  
EDIE MCCLAFFERTY

**HOUSE MEMBERS**

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

**COMMITTEE STAFF**

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

## MINUTES LOG

October 29, 2019  
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.

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### **COMMITTEE MEMBERS PRESENT**

REP. WENDY MCKAMEY, Chair  
SEN. JANET ELLIS, Vice Chair

SEN. DEE BROWN  
SEN. DOUG KARY

REP. JACOB BACHMEIER  
REP. JESSICA KARJALA (by phone)  
REP. FORREST MANDEVILLE  
REP. RAY SHAW  
REP. MARVIN WEATHERWAX

### **COMMITTEE MEMBERS EXCUSED**

SEN. EDIE MCCLAFFERTY

### **STAFF PRESENT**

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

**VISITORS' LIST** ([Attachment 1](#))

**AGENDA** ([Attachment 2](#))

**COMMITTEE ACTIONS**

- Agreed by consensus to instruct staff to draft a potential committee bill for a grant program to help the Montana Veterans' Affairs Division fund administrative staff for its veterans' service offices with \$300,000 to be made available but only for veteran service offices that justify the need and provide specific information about the need.
- Identified by consensus the following states for staff to further research with respect to the structure and funding of veteran service officers and their productivity: Washington, Michigan, South Dakota, Alaska, Minnesota, and Nebraska.
- Identified by consensus the general content to be covered in a discussion bill draft on accessibility for disabled electors to be drafted by staff and presented to the committee at its next meeting.
- Voted to object to the Department of Administration's proposed change to administrative rule 2.13.407 about applicant priority and the criteria for awarding 9-1-1 grants.

**CALL TO ORDER AND ROLL CALL**

08:00:46 Chair McKamey called the meeting to order at 8:00 a.m. The committee secretary called roll. ([Attachment 3](#)). Sen. McClafferty was excused. ([Attachment 4](#)) ([Attachment 5](#))

**HJ 23- study of structure & funding of Montana Veteran's Affairs Division**

08:04:49 Sheri Scurr, Legislative Research Analyst, began her big picture overview of the "Governance Structures for Veteran Service Officers" in other states handout. ([Exhibit 1](#))

**Committee questions/discussion**

08:12:01 Sen. Brown stated she wanted to know the amount of funds that were spent in the local VSO groups in Alaska and Rhode Island.

08:12:08 Sen. Ellis asked Ms. Scurr to generalize why there were asterisk's around certain states on the Governance Structures for Veteran Service Officers handout.

08:13:53 Rep. McKamey asked Ms. Scurr for a breakdown of the responsibilities of VSO's in states such as Alaska and Rhode Island.

Panel: Caseloads and state/county communication

08:14:27 Kelly Ackerman, Administrator, MVAD (**Exhibit 2**)

08:22:54 Mike Warner, Director of the Ravalli County Veterans' Service Office (**Exhibit 3**)

Committee questions

08:27:15 Sen. Brown asked Mr. Warner about the data lost when his office changed to a new system and why that happened.

08:28:36 Sen. Brown asked if the total amount for the 439 claims in Ravalli county was 14 million dollars.

08:30:40 Rep. Bachmeier asked Ms. Ackerman what rules his office was working on, and if there were any changes that could be made.

08:34:57 Sen. Kary asked Mr. Warner asked why there were no miles traveled in the month of May, why both vans used for transport of veterans' were be put in at the same time, and if there was any need to transfer veterans' during that month. Sen. Kary asked Ms. Ackerman what type of need she sees for veterans' services.

08:41:08 Sen. Ellis asked about claims submitted and if there was a measurement on successful claims/how that's worked out, also if the Ravalli County office was working on similar data gathering, and how Ms. Ackerman and Mr. Warner make sure there's no duplication.

08:46:47 Rep. Weatherwax joined the meeting.

Committee questions/discussion continued

08:47:05 Sen. Brown asked Mr. Warner if he was under the governance of the Ravalli County Commissioners and stated it should be a requirement to report accurate data on veterans' to the state. Sen. Brown stated to Ms. Ackerman she felt there were organizations within communities such as the VFW that could be reach out to when communities were short on funds.

08:49:33 Rep. Bachmeier asked if either Ms. Ackerman or Mr. Warner had been approached by counties to provide more VSO offices.

Panel: Training and accreditation for veteran service officers (VSOs)

08:56:09 Angela Kirkland, Veterans' Benefits Administration Coach, VA

09:01:39 Ms. Ackerman, Administrator, MVAD

09:10:57 Roger Hagan, American Legion (**Exhibit 4**)

09:23:51 Tom Johnson, Veterans' of Foreign Wars

09:29:18 Michael Roof, National Service Director, National Assoc. of County VSOs (**Exhibit 5**)

Committee questions/discussion

09:39:54 Sen. Brown asked Mr. Roof if there was something in the National Association of County VSOs bilaws that required reporting to the state and federal organization on numbers. Sen. Brown asked Ms. Kirkland to describe the impact to the VA when a claim product is submitted that has been poorly developed, and what steps are required to correct the claim. Sen. Brown asked if Ms. Kirkland's office kept track of the VSOs office claims that were poorly developed, how the department relieves the duties of VSOs that are not doing adequate work, and

- how many VSOs have been on a behavioral plan in the last 2-3 years, and how many have been taken out of jobs.
- 09:52:42 Rep. Mandeville asked about the various models in other states and how much of the success is process or people based.
- 09:57:12 Rep. Shaw asked Mr. Hagan and Mr. Johnson what issues they have heard from veterans, if resources were to be available, what would the American Legion suggest for the use of those funds, why veterans can't get blood tests at local hospitals, and why veterans can't call a specific office and schedule an appointment at said location.
- 10:17:08 Sen. Ellis asked if there were any VSOs outside of the 22 hired by Ms. Ackerman's office, about the accreditation process/if there was more need for resources, about training at the state level/if there were adequate resources, and about what the best services to get to veterans at the state level were/if that training was enough.
- 10:27:02 Sen. Kary asked Mr. Roof how many cases on average does a VSO cover per year, if claims are the same as a case. Sen. Kary asked Ms. Kirkland which region in the state had the worst record as far as not completing case submissions, as well as why there was such a variance of the number of VSOs processing claims in different regions.

Public comment and interested stakeholder perspectives - HJ 23

- 10:46:40 Gary White, American Legion of Montana  
 10:50:38 Daniel Arnold, MVAD

BREAK  
 10:53:07

Reconvened

- 11:03:57 Chair McKamey reconvened the meeting.

Committee discussion, work session

- 11:04:20 The committee discussed which state staff should further research and determined that staff would research the funding and structure of veterans' services in Washington, Michigan, South Dakota, Alaska, Minnesota and Nebraska.

**Montana Heritage Center (MHC) - Info. Briefing**

- 11:31:42 Bruce Whittenberg, Director, Montana Historical Society and MHC steering committee chair.

**General Public Comment**

- 11:45:04 Mr. Roof, National Association of County VSOs  
 11:47:05 Mr. Warner, Director of the Ravalli County Veterans' Service Office

Committee questions

- 11:47:49 Sen. Brown asked Mr. Warner who pays the bill when counties combine services to serve both urban and rural veteran populations.  
 11:48:07 Sen. Ellis asked Mr. Warner about the size of an adequate versus inadequate

population of veterans to justify a VSO and what the cutoff is.

11:49:50 Mr. Roof responded to the previous questions about veteran populations served by a multi-county coalition.

11:51:56 Rep. Karjala asked if there had been any action steps taken to start the "Governors Challenge to Prevent Suicide" amongst service members and their families.

Public comment

11:52:42 none

LUNCH

11:53:31

13:04:57 Madam Chair McKamey reconvened the meeting.

**HJ 3 - study of accessibility for disabled electors**

13:06:21 Ms. Scurr began her update on the status of surveys on school and county elections, as well as current statutes and rules on training election administrators and judges.

Committee discussion

13:11:06 Sen. Brown stated she would not want any survey or study the committee did to be a part of a future lawsuit. Anonymity is good for that reason, which would also help ensure every district answered the survey.

13:12:44 Ms. Scurr continued her review of the statutes on Training for Election Administrators. **(Exhibit 6)**

Panel: Training for election administrators and judges

13:18:26 Dana Corson, Elections Director, Secretary of State's Office **(Exhibit 7)** (Mr. Corson also handed out copies of the 2017 Montana Code Annotated, Title 13, and the 2018 Election Judge Handbook. These publications are available from the Legislative or Services Division SOS website)

13:23:55 Regina Plettenberg, Clerk Recorder of Ravalli County Election Administrators

13:27:24 Denise Williams, Montana Association of School Business Officials

13:27:51 Nicole Thuotte, Finance and Elections Specialist, OPI

13:34:36 Ms. Williams discussed the on-going training opportunities handout. **(Exhibit 8)**

Committee questions

13:41:00 Sen. Brown asked Ms. Thuotte about mail ballot bond issues.

13:44:31 Rep. Mandeville asked about whether schools were required to provide options for disabled electors, or if it was up to the elector to choose which option to utilize.

13:46:15 Rep. Mandeville asked again if a school is required to make accommodations for disabled electors and how they provide those accommodations.

13:47:01 Rep. Shaw asked Ms. Plettenberg if her office sends the same people all the

time for training.

Committee discussion

13:50:57 Rep. Shaw mentioned the committee might reach out to students to ask them to create a privacy curtain for disabled voters.

Public comment on HJ 3 topics

13:53:21 Beth Brenneman, Staff Attorney, Disability Rights of Montana

Committee questions

14:03:06 Sen. Brown asked Ms. Brenneman if she knew how many exemptions the SOS had given for accessibility or non compliance. Sen. Brown asked Mr. Corson how many exemptions were given to school districts.

Committee discussion/questions and potential action on HJ 3 topics

14:09:40 The committee discussed potential action on HJ 3 topics.

BREAK

14:31:55

Reconvened

14:45:47 Chair McKamey reconvened the meeting.

Rule review

14:45:50 Ginger Aldrich, Legislative Services Division Staff Attorney, began her overview on a potential issue with the 9-1-1 grant rule. [\(Exhibit 9\)](#)

14:53:14 Quinn Ness, Department of Administration, Public Safety Commission Bureau  
14:53:43 Don Harris, Department of Administration

Committee questions

15:01:12 Sen. Brown asked Mr. Harris if his department can put in a rule to allow the department to get around the Montana Administrative Procedures Act (MAPA) process, and if those rules can be changed yearly. Sen. Brown asked Ms. Aldrich if the Department of Administration was trying to get around MAPA so they can change rules at their own discretion.

15:05:33 Rep. Mandeville asked Mr. Harris if the reason his department feels they don't need to go through the MAPPAs process for this criteria is because it's not really criteria, it's a set of guidelines or factors that the board or committee can choose to apply or not apply. Rep. Mandeville asked if it's all optional for the selection committee to use it/not use it, apply it/not apply it, why adopt the factors.

15:06:49 Sen. Brown asked Mr. Harris if the advisory council was going to target certain areas in the state and exclude other areas of the state. Sen. Brown asked if the advisory council could say yes or no without the manipulation of yearly rules that don't go through MAPA. Sen. Brown asked how up to code/knowledge is the advisory council on Montana law that requires the department to follow MAPA.

15:10:05 Chair McKamey asked Mr. Harris why the committee needs to eliminate following MAPA.

Public comment

15:15:27 none

**Motion**

15:15:55 Sen. Kary moved the committee object to the 9-1-1 grant rule change.

Committee discussion/questions

15:16:34 Ms. Aldrich asked for clarification on the motion.

15:17:00 Sen. Brown asked Ms. Aldrich what the time frame was for adopting a rule.

**Vote**

15:19:47 Sen. Kary's motion to object to the 9-1-1 grant rule change passed 8 -1 on a roll call vote with Rep. McKamey voting no.

**Rule review continued**

15:20:13 Ms. Aldrich began her review of the state lottery and sports wagering rule proposals. **(Exhibit 10)**

Agency/public comment

15:38:57 Mr. Harris, DOA

15:45:37 John Everson, Montana Taverns Association

15:48:33 Rhonda Wiggers, Montana Coin Machine Operators Association

Committee questions/discussion

15:51:38 Sen. Brown asked Ms. Aldrich about anonymous betting.

15:34 Sen. Brown stated closing this down to liquor establishments was the wrong thing to do.

15:53:26 Rep. Shaw asked about the proper alcoholic license, if the license pertains to a different section of code.

15:54:53 Rep. Shaw asked if he owned a brewery, but didn't have an all beverage licence would he still be able to do participate in betting.

Motion

15:55:57 Sen. Brown moved to object to the sports wagering rules.

Committee discussion

15:57:50 none

Vote

15:58:58 Motion to object to the sports wagering rules failed on a 5-4 roll call vote because of a tied 3-3 vote in the house.

**BREAK**

16:00:50

Reconvened

16:09:25 Chair McKamey reconvened the meeting.

16:09:54 Ms. Scurr reviewed the sports wagering correspondence and public comment

handouts. [\(Exhibit 11\)](#) [\(Exhibit 12\)](#)

### **Sports wagering contracting**

16:10:45 Mike Manion, Chief Legal Counsel and Deputy Director for the Department of Administration

### **Committee questions**

- 16:16:53 Rep. Mandeville asked Mr. Manion if there was specific legislation for the games the lottery runs and when was the last time a legislative change specifically told the lottery to start a new game. Rep. Mandeville asked Mr. Manion if he was doing a supplement to the existing contract and if it will be an open process under the law as far as he's required. Rep. Mandeville asked if the DOA specifically discussed sports wagering with Interlot and was a new game (sports wagering) anticipated at the time.
- 16:20:43 Sen. Brown asked Mr. Manion about the RFP that went out in 2014 and stated the lottery should have done an RFP like in 2014. Sen. Brown asked if Interlot was a USA company or was it based out of the USA.
- 16:23:39 Rep. Bachmeier asked Mr. Manion about the definition of a lottery game and if there were any instances of sports gambling in other states where they didn't use electronic machines or electronic devices.

### **Public comment**

16:26:18 Ms. Wiggers, Montana Coin Machine Operators Association

### **Committee discussion**

16:27:45 The committee discussed the sports wagering and the need for an RFP.

### **Pension oversight**

16:30:46 Sam Schaeffer, Fiscal Analyst, Legislative Fiscal Division, began his overview of the LFC subcommittee's activities related to pensions as well as the agenda for the Legislative Week.

### **Actuarial Valuations of MPERA Pension Systems**

16:35:48 Dore Schwinden, Executive Director of The Montana Public Employees' Retirement Administration (MPERA) [\(Exhibit 13\)](#)

### **Committee questions**

16:50:00 None

### **Actuarial Valuations of TRS**

16:50:15 Shawn Graham, Executive Director, Teachers Retirement System (TRS) [\(Exhibit 14\)](#)

### **Committee questions/discussion**

- 17:00:43 Sen. Brown asked Mr. Graham about the average salary and benefits.
- 17:03:56 Chair McKamey stated there was a radical difference between the contributions and the investment income in 2019 was that any concern.



17:05:29 Sen. Brown left the meeting.  
17:07:49 Sen. Kary left the meeting.

Public Comment

17:08:49 none

**Wrap up and adjournment**

17:09:00 Ms. Scurr and the committee discussed additional instructions and the next meeting date.

**Adjourned**

17:15:12