



**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

September 3, 2019  
Room 137, Capitol Building  
Helena, Montana

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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  
REP. FORREST MANDEVILLE  
REP. RAY SHAW  
REP. MARVIN WEATHERWAX

### **COMMITTEE MEMBERS EXCUSED**

SEN. MCCLAFFERTY

### **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

- Approved funding for staff to attend the Council on Governmental Ethics Laws conference on Dec. 15-18 in Chicago to learn about lobbying laws and issues/options.
- Voted to create a subcommittee on lobbying to meet Feb. 27 to review a discussion bill draft based on committee decisions at its January meeting and for the full committee to review at its March 25 meeting. Chairwoman McKamey appointed Sen. Kary, Sen. Ellis, Rep. Bachmeier, and Rep. Karjala to the subcommittee and named Sen. Kary as chairman.
- Approved a detailed work plan with changes as discussed during the work session, which related to the schedule of agenda items for the HJ 23 study of veterans affairs and the addition to the committee's October 29, 2019, meeting of an agenda and action item on sports wagering.
- By consensus identified a list of data and informational items the committee would like to ensure is included in a survey by stakeholders to collect information on accessibility of elections, especially for school district and special district elections.

**CALL TO ORDER AND ROLL CALL**

08:33:23 Madam Chair McKamey called the meeting to order at 8:33 a.m. The committee secretary called roll ([Attachment 3](#)). Sen. McClafferty was excused.

**HJ 23 - Study of structure & funding of Montana Veterans' Affairs Division (MVAD)**

08:35:50 Sheri Scurr, Legislative Research Analyst, began her presentation of the "Veterans Health Care Benefits & Claims Process: HJ 23 Study Background Report." ([Exhibit 1](#)) ([Exhibit 2](#)) ([Exhibit 3](#))

Rule Review

08:43:36 Ginger Aldrich, Legislative Staff Attorney, began her presentation of the rule activity/notices for the Secretary of State (SOS), Commissioner of Political Practices (COPP), and the Department of Administration (DOA). ([Exhibit 4](#)) ([Exhibit 5](#)) ([Exhibit 6](#)) ([Exhibit 7](#)) ([Exhibit 8](#))

Committee questions

08:51:19 Sen. Brown asked how often the committee would write a bill that an agency

would not have had put in their corrective measures for the next session.

Public comment

08:52:06 None

**HJ 23 - Study of structure & funding of Montana Veterans' Affairs Division continued**

08:52:23 Ms. Scurr continued her presentation of the background report.

09:04:29 Rep. Weatherwax joined the meeting.

09:23:46 Kris Wilkinson, Legislative Fiscal Analyst, began her presentation of the memo on funding of the MVAD. ([Exhibit 9](#))

Committee questions

09:26:52 Sen. Brown asked if the discretionary mill levy for county veteran service offices was decided by the voters and how often that comes up, or if it was decided by the county commissioners when they set their budget.

09:28:06 Sen. Brown asked a follow up question about the process of deciding the duration of funding for the mill levy if that process was through the county commissioners and their budgeting process.

09:28:47 Sen. Ellis asked about FTE's added to the MVAD without adequate funding and if those funds came through the general fund.

**HJ 23 - Study of structure & funding of Montana Veterans' Affairs Division continued**

09:31:11 Ms. Scurr reviewed the "HB 172 grant program for county veteran offices" handout. ([Exhibit 10](#))

Committee questions

09:34:26 Rep. Karjala asked if regular physicians were used or if physicians needed to be approved and certified through the VA in the determination process.

09:36:19 Rep. Karjala asked if there was different criteria through the VA for determining which medical disabilities were covered and if they were restricted in having to follow the manual and its set definitions of disability.

09:38:06 Rep. Karjala asked about the difference between an acute condition and a chronic condition.

09:40:42 Rep. Bachmeier asked about contracted providers, how the VA goes about awarding contracts, and how it would be more efficient under the Mission Act.

09:44:12 Sen. Ellis asked about the differences between the federal VA and the state, and which services were provided in each.

09:48:35 Sen. Ellis asked if the federal VA system covers health conditions that arise from being a veteran or if the state does.

09:50:33 Sen. Ellis asked another for a description of the differences between national cemeteries and state cemeteries, why there are two systems, and who might be qualified to be in one system versus the other.

09:53:22 Sen. Kary asked if the composite rating for multiple conditions could be changed.

09:58:07 Rep. McKamey asked if there was a bill that allowed the general fund budget to fill in when additional funding was needed for the MVAD.

**Kelly Ackerman, Administrator, MVAD**

10:01:00 Ms. Ackerman began her presentation on the MVAD. ([Exhibit 11](#))

#### Committee questions

- 10:21:15 Rep. Bachmeier asked if veteran service officers (VSO) can make exceptions for veterans who live far away from contracted facilities to get care closer to home, and if those services would be covered under the VA.
- 10:27:04 Rep. Bachmeier asked whether it would be within a VSO's capacity to help create special exceptions.
- 10:30:45 Rep. Karjala asked if veterans who had disability benefits were impacted by those earned benefits/income, if so were there transition programs, and lastly if creating opportunities for employment was on the VA's horizon.
- 10:35:31 Rep. Mandeville asked if this was the first time a VSO had been in Lame Deer, MT.

#### Committee Discussion

- 10:36:25 Rep. Mandeville stated it was great there is now a VSO in Lame Deer, MT but there was a lot more work to be done to reach veterans'.

#### Committee Questions

- 10:39:23 Sen. Brown asked what the cemetery grounds keepers do in the wintertime.
- 10:40:57 Rep. Weatherwax asked how policy can be changed to better help veterans with their VSO visits as there are only two visits for 2-3 hours per month.

#### Break

#### **Mike Warner, Ravalli County Veterans' Service Office**

- 10:58:46 Mr. Warner began his presentation on Ravalli County's Veteran's Service Office duties/oversights.

#### Committee questions

- 11:08:54 Sen. Kary asked what the total budget was and how much was allocated out.
- 11:09:44 Sen. Kary asked a follow up question regarding how much of the budget goes to the VSO officers.
- 11:11:09 Sen. Kary asked another follow up question regarding the budgeting process, and if county employees are paid through his non-profit group or through the county.
- 11:12:12 Sen. Brown asked if the budget was over \$260,000.
- 11:12:59 Sen. Brown asked about state money being able to go to a nonprofit and if that was possible.
- 11:14:03 Rep. Shaw asked how many veterans Mr. Warner saw in his office.
- 11:14:45 Rep. Shaw asked how many veterans the MVAD saw.
- 11:15:36 Sen. Ellis asked about the budget allocating process.
- 11:16:25 Sen. Ellis asked about the kinds of data his office was collecting.
- 11:18:13 Rep. McKamey asked who Mr. Warner reported directly to.
- 11:18:35 Rep. McKamey asked if Mr. Warner was accredited the same way Mrs. Ackerman's VSOs were.
- 11:24:27 Sen. Ellis asked if the claims listed were as individuals, or if one individual could have several claims.

#### Public Comment

11:25:02 Gary White, America Legion of MT Russ  
11:30:50 Tempel, not present ([Attachment 4](#))

### **State Lottery and Sports Wagering**

11:32:31 Angela Wong, Director of the MT State Lottery, began her presentation on HB 725. ([Exhibit 12](#))

#### Committee questions

11:35:28 Rep. Mandeville asked where in the current contract sports wagering was allowed.  
11:36:03 Rep. Mandeville asked when that contract was signed.  
11:36:19 Rep. Mandeville asked several questions about how the lottery contracted for sports betting when it was not legal through the state at the time the contract was signed and the circumstances that would lead to a new RFP being issued.  
11:40:41 Sen. Brown asked questions about how many other states were using this vender for online gaming, how much the contract was worth, and about contract lengths and if they were a sole source.

#### Committee discussion

11:44:11 Sen. Brown stated the committee should request that the MT Lottery issue an RFP because it was in the state's best interest.  
11:45:10 Sen. Ellis stated she didn't think the committee had the authority to request the executive branch to do an RFP.

#### Motion

11:47:30 Sen. Brown moved to request the lottery commission do an RFP on the new gaming system.

#### Committee discussion

11:46:29 Rep. Madeville stated the committee could make a request for an RFP and he supported the motion.

#### Motion

11:47:39 Sen. Brown restated the motion to request the lottery commission go to an RFP on the new gaming system.

#### Committee discussion

11:48:22 Ms. Scurr stated the committee actions needed to be noticed on an agenda with public comment available, which could be an agenda item for the next meeting.

#### Committee questions

11:49:17 Sen. Kary asked several questions related to the contract and RFP time lines, contract length, and the time it would take for a new RFP.

#### Motion Withdrawn

11:55:06 Sen. Brown withdrew her motion and asked to have an action item on this topic placed on the next agenda.

#### Committee discussion

- 11:56:19 Rep. Karjala stated she appreciated Sen. Brown's withdrawal of the motion as she was not informed enough to vote on the motion as the committee currently stood.
- 11:56:23 Rep. Mandeville stated he had concerns regarding what games were allowed under the contract without doing new RFPs. He also informally requested from Ms. Wong that the lottery go out for a new RFP.

#### Motion

- 11:57:44 Sen. Kary moved to object to the draft rules when they were published.

#### Committee discussion

- 11:58:36 Ms. Aldrich stated she recommended waiting until the rules were published in the MAR, because there are no actual rules yet.

#### Motion Withdrawn

- 11:58:47 Sen. Kary withdrew his motion to object to the draft rules proposed, and asked Ms. Wong to inform the committee when the draft rules would be published.

#### Committee discussion

- 12:00:47 Rep. McKamey asked if the 4th amendment in the contract was regarding sports wagering.
- 12:02:32 Rep. McKamey noted that in reading the contract she did not find sports betting anywhere.
- 12:04:25 Rep. Mandeville asked when the projected implementation date was.
- 12:04:50 Sen. Brown asked what the committee's timeframe was to object to the rules.
- 12:06:22 Sen. Brown stated the committee needed to watch those dates in September, and that if the deadline for objecting to the rules fell before the next meeting, they needed to be notified by staff.

#### **General Public Comment**

- 12:07:07 Rhonda Wiggers. MT Coin Machine Operators Association

#### Committee discussion

- 12:13:38 Ms. Aldrich stated it was possible for the rules to be adopted in September before the committee's next meeting in October. She also stated as soon as the rules came out she would forward the publication and follow up with a memo to the committee.

#### **Public Comment on Rule Review**

- 12:14:43 Jeff Magnan, Commissioner of Political Practices

#### Committee questions

- 12:15:20 Sen. Brown asked if the calculations for the campaign contribution limits were based on law.

#### Lunch

- 12:16:04

## Reconvened

13:23:00

### Committee discussion

13:23:30 Ms. Aldrich replied to Sen. Brown's earlier question regarding who could receive the state grant money for veteran's service offices and in response said a county would be the entity that would establish a county or a multi county veteran's service office and receive that money.

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

13:25:45 Beth Brenneman, Disability Rights of Montana, began her presentation on the legal rights of disabled electors. ([Exhibit 13](#))

### Committee questions

13:43:14 Rep. Mandeville asked if running a ballot out to someone's car because they couldn't come into the building met the requirements in the ADA.

13:46:25 Rep. Mandeville asked if they were to go to all mail ballot elections for everything, would county election administrators still have to provide accessible equipment.

13:47:51 Rep. Bachmeier asked what Ms. Brenneman's thoughts were on the Ballot Interference Protection Act and how that affects the disabled community.

13:49:16 Sen. Kary asked what type of assistance there was for someone who was mentally disabled and how far that assistance went.

13:51:35 Sen. Ellis asked about special district elections and whether they were government entities.

13:53:56 Sen. Brown asked how the committee was going to be able to find out what was going on with the all mail ballot elections for school districts and if OPI would be involved.

### Committee discussion

13:54:54 Sen. Brown stated that the committee needed to start asking these questions to OPI immediately.

13:55:52 Rep. McKamey stated the Great Falls and Yellowstone school districts do mail only ballots.

13:57:18 Ms. Scurr presented her overview on SB 291, changing uniform ballot statutes, and SAVA's Final Report to the 66th Montana Legislature regarding elections, accessibility for disabled electors and cybersecurity. ([Exhibit 14](#)) ([Exhibit 15](#)) ([Exhibit 16](#))

### Committee questions

14:31:34 Rep. Mandeville asked about the new uniform ballot statute not applying to a special election.

14:33:31 Rep. Karjala asked about the electronic ballot request system and form the language at the top where it states "qualified voters with a disability are defined as follows", and if and how those disabilities were verified, if they could be declined and if so why and how.

14:34:38 Rep. Karjala asked about the designated agent and the requirement on the form

prescribed by the SOS stating it must be signed by two disinterested witnesses and if they were unable to get the two signatures would that be a reason for a decline.

#### Committee discussion

- 14:36:12 Sen. Brown stated there was an inability for disabled citizens to park in the handicapped spots around the capital due to events.
- 14:38:42 Sen. Brown suggested a committee bill next session regarding accessibility in all types of elections.
- 14:38:47 Rep. McKamey stated another committee bill should be drafted to reconcile the rule with a statute regarding alternative voting locations for disabled electors and the time frames involved.

#### Break

14:39:29

#### Reconvened

14:52:29

#### **Dana Corson, Elections Director, Secretary of States Office**

14:53:20 Mr. Corson began his overview of the Express Vote certification.

#### Committee questions

- 15:02:35 Sen. Brown asked how much the voting machines cost, and if the counties could buy in bulk to get a better rate,
- 15:03:47 Sen. Brown asked which machines could take regular paper instead of cardstock.
- 15:05:11 Rep. Karjala asked about HAVA grants in counties and if the dollar amounts shown were what the county had applied for, or was it based on the percentage of voters with disabilities or those that needed access.
- 15:06:15 Rep. Karjala asked about the number of people needing access coming to one polling place versus the need at multiple polling places in different counties.
- 15:07:07 Sen. Ellis asked about the total funds for state share and county share as her understanding was they had to match.
- 15:09:27 Sen. Ellis asked about the timeline for his office to get grant money out to the counties.
- 15:10:04 Rep. Mandeville asked if the counties were required to spend their grant money on updating accessible machines or could they spend that in other areas as well.
- 15:11:34 Rep. Mandeville asked whether counties were allowed to use some of that grant money to improve accessibility in polling places.

#### **Regina Plettenberg, Association of Clerks and Recorders and County Election Administrators, and Nicole Thuotte, Office of Public Instruction (OPI)**

15:12:44 Ms. Plettenberg and Ms. Thuotte began their presentation on county data on AutoMark and ExpressVote replacements and school districts. ([Exhibit 17](#)) ([Exhibit 18](#)) ([Exhibit 19](#)) ([Exhibit 20](#)) ([Exhibit 21](#))

#### Committee questions

15:22:24 Sen. Brown asked about why Flathead county wasn't on the handout they



- distributed as a special school district.
- 15:22:45 Sen. Brown asked about the training for a school district clerk in the areas of security of ballot, ballot harvesting etc.
- 15:25:22 Sen. Brown asked whether training could be done online.
- 15:26:11 Rep. Mandeville asked about the accessibility requirements for disabled voter's when the county is not running the election.
- 15:28:33 Rep. Mandeville asked a follow up question regarding how the curbside voting worked in most school elections.
- 15:30:26 Sen. Brown asked if school districts were required to affirm the voters signature and how they did so when they have mail in ballots that they are collecting. Sen.
- 15:31:30 Kary asked about Billings Elementary's funding being a typo in ([Exhibit 17](#)) Sen.
- 15:32:18 Ellis asked about BIPA and if Ms. Plettenberg and Ms. Thuotte would be able to stay until the end of the meeting to answer some questions.

#### Public Comment

- 15:34:16 Joel Peden, MT Independent Living Project

#### Committee questions

- 15:47:27 Sen. Brown asked Mr. Peden if when he goes to the polls there is a screened/curtained area where he can vote, and if it would be easy to make such accommodations.

#### Committee discussion

- 15:50:10 Sen. Brown suggested the SAVA committee commit to require someone with a disability to be on a walk through of voting facilities.
- 15:50:26 Rep. Mandeville stated there was no privacy around the AutoMark machine when he used it.
- 15:51:50 Rep. McKamey reinstated the need for privacy.

#### Lobbying laws and related issues/concerns

- 15:53:00 Jeff Magnan, Commissioner of Political Practices and Jamie MacNaughton, Legislative Council for COPP, presented a PowerPoint on lobbying laws: history and issues. ([Exhibit 22](#))

#### Committee questions

- 16:18:03 Rep. Weatherwax asked what the protocol was for an incident between a legislator and a lobbyist.
- 16:20:14 Sen. Ellis asked if his office could provide a copy of the presentation to the committee with two slides per page.
- 16:21:27 Sen. Ellis asked about reports and statuses through the COPP website if the committee doesn't provide funding.
- 16:24:11 Sen. Ellis asked about electronic filing.
- 16:25:38 Rep. Karjala asked if any of the laws/best practices in other states discussed disclosure in terms of conflicts in contractual and vendor relationships.
- 16:28:25 Rep. Mandeville asked why the number of lobbyists has decreased in the last 20 years.
- 16:30:51 Rep. Mandeville asked about state department heads having to disclose the amount of money they are spending sending representatives into their

- committees.
- 16:32:17 Sen. Brown asked if there was a graduated fee scale for lobbyists who are representing more than one principle.
- 16:33:00 Sen. Brown cautioned about agreements that limit constitutional free speech for presenting public comment.

Public Comment

16:34:58 Web Brown, MT Society of Association Executives

**Review, revise, and adopt a study plan**

16:39:03 Ms. Scurr began her overview of the Detailed Work Plan. ([Exhibit 23](#))

Committee discussion

- 16:45:15 Sen. Ellis stated some polling places are not accessible and the committee could get more information on that from the Clerks and Recorders or from election officials.
- 16:46:14 Sen. Brown stated going through the data points for what should be on the surveys to MACo, and OPI, should be done now so they can get working immediately.
- 16:47:11 Sen. Kary stated MACo should do the county survey and OPI should do the school survey that should cover the majority of the issue as far as accessibility.
- 16:48:10 Sen. Ellis stated a lot of polling places are within municipalities and she wanted make sure that was included.
- 16:48:26 Sen. Brown stated another point including the procedure on how voters should contact someone inside the building to gain assistance.
- 16:48:54 Sen. Kary stated the committee needed to be cognizant of rural areas that may only have one town hall in their county that might not be handicapped accessible.
- 16:49:21 Rep. Karjala stated Mr. Peden's point of having someone with a disability being on a walkthrough for evaluation of polling places is important.
- 16:50:52 Sen. Kary stated on the ADA it exempts older state, county and city buildings unless they are remodeling. If they do not remodel they are exempt from accessibility guidelines.
- 16:51:14 Rep. Karjala asked if the committee could look at available resources for grant funding for those rural areas that did not have accessible polling places.
- 16:51:32 Rep. Bachmeier asked if the ADA's definition of "accessible" was what the committee had to use in their study.
- 16:52:00 Rep. Mandeville stated if a polling place is not accessible it has to be stated ahead of time.
- 16:53:19 Rep. Mandeville suggested that obtaining a list of what is and what is not accessible would be a good starting point.
- 16:54:02 Rep. McKamey stated that list was available through the SOS's office.
- 16:54:10 Rep. Bachmeier asked if that list would include school district polling places.
- 16:55:11 Sen. Brown stated she would like the counties to acknowledge on the survey that some of these polling places are not private for voters with disabilities.
- 16:57:19 Sen. Brown stated privacy for disabled voters would not need to cost a ton of money.
- 16:57:45 Rep. McKamey stated she had a conversation with Ms. Plettenberg about all voters voting in a more open place.

- 16:58:52 Rep. Karjala stated the committee could find a vendor that could provide the supplies for privacy curtains or screens at a cost effective rate.
- 16:59:45 Rep. McKamey stated they needed to provide privacy as the voting was going to become more and more open.
- 16:59:49 Rep. Karjala suggested consulting with Disability Rights of Montana and Independent Services of MT to get the top list of issues on accessibility.

#### Public Comment

17:01:21 Shantil Siaperas, MT Association of Counties

#### Committee discussion

17:05:42 The committee began it's discussion on the work plan.

#### Motion

17:21:23 Rep. Mandeville made a motion to send Ms. Scurr to the conference in Chicago, Illinois in December.

#### Vote

17:21:14 The motion to send Ms. Scurr to the conference passed 9-0 on a voice vote.

#### Committee discussion

- 17:21:49 Sen. Brown suggested a subcommittee of senators and representatives for the February 27th meeting on lobbying.
- 17:22:17 Rep. McKamey stated her concern there would be dual reporting should there be a subcommittee and whether that would be redundant and suggested the fall committees examine the lobbying issues.
- 17:22:44 Sen. Ellis asked about the offer Mr. Magnan gave to have his staff help with the evaluations and to make recommendations that the committee would be able to react to.
- 17:24:22 Rep. Bachmeier stated he preferred a full committee in February's meeting as to not miss out on learning about the subject.

#### Motion

17:25:01 Sen. Brown moved to have a subcommittee in February's meeting on lobbying that would then report to the full committee in the March meeting.

#### Vote

17:27:48 The motion to have a subcommittee on lobbying to meet on February 27th passed 7-2 on a voice vote. ([Attachment 5](#))

#### Committee discussion

- 17:27:21 Rep. McKamey appointed Sen. Kary, Sen. Ellis, Rep. Bachmeier and Rep. Karjala as the subcommittee on lobbying and named Sen. Kary as chair.
- 17:29:12 Ms. Scurr continued her overview on the Detailed Work Plan.

#### Committee discussion

17:29:55 Sen. Brown stated the importance of the 30-day timeline regarding the rules for

17:31:39 sports wagering implementation..  
Ms. Aldrich stated if an objection is made before the next committee meeting it prohibits the agency from adopting the rules and allows the committee to hear the topic at the next meeting.

Public Comment

17:33:06 none

17:33:20 Ms. Scurr continued her overview on the Detailed Work Plan.

Committee discussion

17:34:34 The committee continued its discussion of the work plan.

Motion

17:44:00 Rep. Mandeville moved to adopt the work plan with changes as discussed.

Vote

17:44:15 The motion to adopt the work plan with changes as discussed passed 9-0 on a voice vote.

**Wrap up and adjournment**

17:44:43 Rep. McKamey adjourned the meeting at 5:44 p.m.