



## STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

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### 68th Montana Legislature

#### SENATE MEMBERS

Mike Cuffe  
Janet Ellis  
Douglas (Doug) Kary  
Edith (Edie) McClafferty

#### HOUSE MEMBERS

Marta Bertoglio  
Julie Dooling  
Jessica Karjala  
Kelly Kortum  
Wendy McKamey  
Marvin Weatherwax

#### COMMITTEE STAFF

K.V. Aldrich - Attorney  
Alexis Newcomer - Secretary  
Rebecca Power - Research Analyst

## MINUTES LOG

August 10, 2022

Room 137

Helena, Montana

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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#### **MEMBERS PRESENT:**

Sen. Janet Ellis, Chair (D)  
Rep. Marta Bertoglio, Vice Chair (R)  
Sen. Mike Cuffe (R)  
Rep. Julie Dooling (R)  
Sen. Douglas (Doug) Kary (R)  
Rep. Kelly Kortum (D)  
Rep. Wendy McKamey (R)

#### **MEMBERS EXCUSED:**

Rep. Jessica Karjala (D)  
Sen. Edith (Edie) McClafferty (D)  
Rep. Marvin Weatherwax (D)

#### **STAFF PRESENT:**

K.V. Aldrich, Attorney  
Alexis Newcomer, Secretary  
Rebecca Power, Research  
Analyst

## **AGENDA** [\(Attachment 1\)](#)

## **VISITORS' LIST** [\(Attachment 2\)](#)

## **COMMITTEE ACTION**

### **CALL TO ORDER/ROLL CALL**

13:02:05 Sen. Janet Ellis-D called the meeting to order at 1:02 PM. The committee secretary took roll.

### **UPDATE ON AGENCY REPORTS AND FINAL COMMITTEE REPORTS**

13:04:34 Rebecca Power, Committee Staff

### **MEETING SCHEDULE**

13:05:56 The committee discussed holding a meeting in October.

### **SJ 35: INTERIM STUDY OF DPHHS PROCUREMENT PROCEDURES**

13:10:36 Rebecca Power, Committee Staff [\(Exhibit 1\)](#) [\(Exhibit 2\)](#)

### **Overview of Audit Report Findings Related to SJ 35**

13:12:38 Alexa O'Dell, Financial Compliance Audit Manager, Legislative Audit Division [\(Exhibit 3\)](#)

### **Committee Questions & Discussion**

13:14:47 Sen. Cuffe asked Ms. O'Dell about DPHHS recommendations.

13:15:40 Sen. Cuffe asked Ms. O'Dell about instances of DPHHS being mentioned in statute.

13:16:59 Sen. Kary asked Ms. O'Dell about writing instances in rule.

13:18:04 Sen. Cuffe asked Ms. O'Dell if action was needed on report items.

### **DPHHS UPDATE**

13:19:23 Erica Johnston, Executive Director, Economic Support Services, DPHHS

### **Committee Questions & Discussion**

13:25:35 Rep. McKamey asked Ms. Johnston if mirroring could be done through rule versus legislation.

13:27:09 Rep. McKamey asked Ms. Johnston about writing Human Services definitions into rule.

13:28:18 Sen. Kary requested Ms. Johnston research writing definitions in rule versus in legislation.

13:28:57 Sen. Ellis asked Ms. Johnston about vendor concerns.

13:30:35 Sen. Kary asked Ms. Power about deadlines for submitting rules.

13:31:01 Ms. Aldrich answered Sen. Kary's question.

13:32:35 Sen. Kary asked Ms. Aldrich about who can search for rules made by DOA.

13:33:27 Sen. Ellis asked Ms. Power and Ms. Aldrich if the committee will need approval from Sen. Friedel who passed the resolution.

13:34:34 Sen. Kary asked Sen. Ellis about public comment on the topic.

13:35:58 Rep. McKamey asked the committee if there was an impasse due to definitions.

13:37:40 Sen. Kary commented on the rulemaking process for this topic.

13:38:39 Sen. Ellis asked committee staff for recommendations on the rulemaking process for this topic.

13:42:30 Rep. McKamey commented on rulemaking in the October meeting.

13:44:31 Sen. Cuffe recommended a subcommittee on the topic.

13:45:55 Rep. Kortum asked about public comment on the topic.

13:46:21 Sen. Kary made a recommendation for agency representatives to make decisions on definitions.

13:47:15 Ms. O'Dell responded to committee comments.

13:49:08 Sen. Ellis asked Ms. Johnston to make a recommendation on the committee's next steps.

13:54:27 Sen. Ellis asked Ms. Johnston about DPHHS working with auditors regarding contracts.

13:56:27 Sen. Cuffe commented on Ms. Johnston's recommendations and asked the committee about the committee's next steps.

#### **Public Comment\* on SJ 35**

14:01:37 Megan Holmlund, Department of Administration

#### **Additional Committee Discussion, Potential Committee Action, & Instructions to Staff**

14:02:16 Sen. Cuffe moved to have DPHHS and the Audit Division work together and to monitor the topic further.

#### **Vote:**

14:02:16 Carried unanimously by voice vote.

#### **Discussion on the Motion**

14:03:11 Sen. Ellis asked the committee staff if a formal request is needed on further agency monitoring.

#### **UPDATING THE MONTANA VETERANS LONG TERM CARE NEEDS STUDY**

2:06:07 Barbara Smith, Senior & Long-Term Care Division Administrator, DPHHS  
([Exhibit 4](#))

#### **Committee Questions & Discussion**

14:13:44 Sen. Ellis asked Ms. Smith about budgeting for an updated study.

14:15:03 Rep. McKamey commented on the survey.

14:16:37 Sen. Cuffe commented on Rep. McKamey's comment.

#### **Public Comment\* on Updating the Montana Veterans Long Term Care Needs Study**

14:17:15 Ms. Ackerman addressed the committee.

14:17:44 Bill White, American Legion

#### **Additional Committee Discussion, Potential Committee Action, & Instructions to Staff**

14:20:36 Rep. McKamey commented on the budget for study updates.

14:21:46 Sen. Ellis asked committee staff about an appropriation bill to update the survey.

14:24:10 Rep. Kortum made a recommendation of addressing the topic through bills.

14:25:12 Rep. McKamey commented on Rep. Kortum's recommendation.

14:25:56 Sen. Ellis asked committee staff about the deadline for voting on bills within the committee and commented on drafting ongoing bills.

14:30:01 Rep. McKamey commented on submitting a committee bill.

14:30:38 Sen. Cuffe made a recommendation on a bill draft.

14:31:31 Sen. Ellis provided suggestions on the committee's next steps.

14:32:27 Sen. Cuffe made a recommendation on drafting the bill and asked committee staff on the timeline of drafting a bill.

14:32:30 Rep. Bertoglio commented on carrying a bill.

14:33:14 Sen. Cuffe asked the committee staff if a bill draft would be available within the next day.

14:34:08 Rep. Bertoglio asked Sen. Ellis about her budget estimation.

14:34:57 Rep. Kortum recommended a dollar amount for the bill.

14:35:30 Rep. Kortum moved to direct staff to draft committee bill to repeat the 2006 Montana Veterans' Long Term Care Needs Study.

14:35:49 Rep. McKamey requested to have cemeteries included in the bill draft.

14:36:15 Sen. Kary commented on the budget recommendation.

14:36:42 Sen. Ellis asked about adequate budgetary figures.

14:37:17 Rep. McKamey commented on the appropriations committee process.

14:38:27 Rep. Dooling asked the committee about average cost for 120 hours of study work.

14:38:44 Ms. Smith responded.

14:39:11 Sen. Cuffe commented on the idea of having an individual carry the bill.

14:39:11 Sen. Cuffe motioned for the bill to be carried by an individual.

14:39:50 Sen. Kary requested Sen. Cuffe repeat the substitute motion.

14:40:34 Sen. Kary commented on Rep. Bertoglio carrying the bill.

14:40:45 Sen. Cuffe commented on the committee deciding a dollar amount to request.

14:40:50 Rep. Kary recommended Rep. Bertoglio work on the budget estimate.

14:41:13 Sen. Ellis outlined the timeline between the meeting date and September 15th for the study.

### **Committee Questions & Discussion**

14:42:07 Rep. Bertoglio said she would work with agencies to present a defined dollar amount to request.

14:42:33 Rep. Dooling commented on Sen. Cuffe's motion.

14:43:48 Rep. Kortum commented on committee bills.

14:44:55 Rep. Bertoglio commented on an individual bill versus a committee bill on the topic.

14:46:35 Sen. Cuffe and Rep. Kortum withdrew their motions.

14:47:22 Rep. McKamey recommended the same course of action for the secondary topic as the first topic. Rep. McKamey also asked about a Veterans' Task Force.

14:48:13 Mr. White responded to Rep. McKamey's question.

14:49:09 Sen. Kary asked the committee about study timing.

14:51:07 Rep. Dooling commented on including the topic in the main bill and asked if requirements in bills can be amended.

14:51:45 Sen. Ellis asked if the topic of timing would need to be included in a separate bill draft.

14:51:45 Sen. Kary provided a drafting recommendation.  
14:52:41 Rep. McKamey commented on including timing in a recommended bill.  
14:53:12 Sen. Ellis asked Rep. Bertoglio if she approved of adding the suggestion to the bill.

#### **RAVALLI COUNTY VETERANS SERVICE CENTER UPDATE**

2:53:46 Kelly Ackerman, Administrator, Montana Veterans' Affairs Division  
(Exhibit 5)  
14:59:43 Jamie Smothers, Center Director, Ravalli Valley Veteran Service Center

#### **Committee Questions & Discussion**

15:00:46 Sen. Ellis asked Ms. Ackerman about interest of starting service center offices outside of Ravalli County and criteria to open offices.

#### **Public Comment\* on Ravalli County Veterans Service Center Update**

None.

#### **Additional Committee Discussion, Potential Committee Action, & Instructions to Staff** 15:05:09

15:05:09 Rep. McKamey commented on the expiration date of the bill.

#### **BREAK**

(reconvene at 15:14:14)

#### **RULE REVIEW**

15:14:24 Ginger Aldrich, Committee Staff (Exhibit 6) (Exhibit 7) (Exhibit 8) (Exhibit 9) (Exhibit 10) (Exhibit 11)

#### **Additional Committee Discussion, Potential Committee Action, & Instructions to Staff** None.

#### **Public Comment\* on Rule Review Matters**

None.

#### **AGENCY BILL DRAFT PROPOSALS – DEPARTMENT OF MILITARY AFFAIRS**

15:23:34 15:23:34 Major General Hronek, Adjutant General, Montana National Guard  
15:30:09 Major Todd Wayne, Deputy Staff Judge Advocate, Montana National Guard  
(Exhibit 12)  
15:42:30 Sundi West, Deputy Director, Department of Military Affairs  
15:47:36 General Hronek

#### **Committee Questions & Discussion**

15:47:55 Rep. Kortum asked Major Wayne about the request to adjust the marijuana special revenue account.  
15:48:45 Ms. Ackerman responded to Rep. Kortum's question.  
15:49:56 Sen. Ellis asked the panelists about bill recommendations that would require fiscal notes.  
15:50:38 General Hronek answered.  
15:55:57 Delila Bruno, Administrator, Montana Disaster & Emergency Services  
15:59:25 Sen. Ellis asked Ms. Bruno about surplus from the Governor's Disaster Fund.

#### **Public Comment\* on Agency Bill Draft Proposals**

None.

**Additional Committee Discussion, Potential Committee Action, & Instructions to Staff**

16:02:48 Sen. Kary moved the Department of Military Affairs' 15 bill draft proposals be brought for pre-introduction.

**Vote:**

16:02:48 Carried unanimously by voice vote.

**AGENCY BILL DRAFT PROPOSALS – DEPARTMENT OF ADMINISTRATION**

16:03:45 Misty Giles, Director, Department of Administration ([Exhibit 13](#))

**Committee Questions & Discussion**

16:12:03 Rep. Kortum asked Ms. Giles if the advisory commission has authority over ARPA funds.

16:12:57 Rep. Kortum asked Ms. Giles for information on the presentation topic of efficiency.

16:14:06 Sen. Ellis asked Ms. Giles about recommended bill drafts.

16:15:44 Rep. McKamey commented on the format of the recommended bill drafts.

16:17:07 Sen. Ellis requested staff provide information on the agency bill drafts process.

16:18:34 Sen. Ellis commented on the process of DOA bill draft recommendations.

**Public Comment\* on Agency Bill Draft Proposals**

None.

**Additional Committee Discussion, Potential Committee Action, & Instructions to Staff**

16:21:35 Rep. McKamey moved to draft bills per the DOA's recommendations.

**Vote:**

16:21:35 Carried unanimously by voice vote.

**MEET & GREET WITH JERRY HOWE, LSD EXECUTIVE DIRECTOR**

16:24:33 Jerry Howe, Executive Director, Legislative Services Division

16:26:17 The committee discussed with and asked questions of Mr. Howe.

**RECESS**

16:30:59 Sen. Ellis called the committee into recess until August 11<sup>th</sup> at 9:00 AM.