



# State Administration and Veterans' Affairs Interim Committee

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## 57th Montana Legislature

### SENATE MEMBERS

DON HARGROVE - CHAIRMAN  
JOHN BOHLINGER  
GLENN A. ROUSH  
KEN TOOLE

### HOUSE MEMBERS

LARRY JENT - VICE - CHAIRMAN  
EDITH J. CLARK  
RALPH L. LENHART  
ALLAN WALTERS

### COMMITTEE STAFF

SHERI HEFFELFINGER  
RESEARCH ANALYST  
DAVID NISS, STAFF ATTORNEY  
LOIS O'CONNOR, SECRETARY

## MINUTES

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

### VETERANS AFFAIRS SUBCOMMITTEE MEETING ROOM 102, STATE CAPITOL AUGUST 6, 2001 FIRST MEETING OF INTERIM

#### COMMITTEE MEMBERS PRESENT

Sen. Glenn Roush, Chair  
Sen. Don Hargrove  
Rep. Edith J. Clark  
Rep. Ralph Lenhart

#### STAFF PRESENT

Sheri Heffelfinger, Research Analyst  
David Niss, Attorney  
Lois O'Connor, Secretary

#### VISITORS

Visitors' list, (ATTACHMENT #1)  
Agenda, (ATTACHMENT #2)

#### COMMITTEE ACTION

- No formal action was taken

#### CALL TO ORDER AND ROLL CALL

The meeting was called to order by Sen. Roush, Chair, at 8:05 a.m. Roll call was noted; all Subcommittee members were present. (ATTACHMENT #3) Sen. Bohlinger was a visiting State Administration Interim Committee member interested in veterans' issues.

### **PRESENTATIONS FROM VETERAN SERVICE ORGANIZATIONS**

**Mike Hampson, Vietnam Veterans' of America** stated the following:

- The Vietnam Veterans' of America has over 500 members in Montana and 7 Chapters and they were the authors of SJR 5.
- The current working relationship with the Montana Veterans Affairs Division (MVAD) under the Department of Military Affairs is a good one but it has been on-again-off-again.

**Art Heffelfinger, VVA, Chapter 626, Spokesman and Retired Army Officer**, provided written comments and a copy of what he termed the Core Document entitled, Caring For Our Wounded, provided by the Vietnam Veterans' of America. (EXHIBITS #1 and #2 respectively). The Core Document includes case histories and examples of alleged failures of the VA Health Care System.

Sen. Roush commented that he recently tried to use his military card to use the VA medical services in Great Falls but there was a 3- to-4-month waiting list to get treatment. He said that as an state interim Subcommittee, there may be many problems that it cannot help with because the VA is a federal agency.

**Mike Secrease, National Service Officer, Vietnam Veterans' of America**, stated the following:

- Sen. Roush's comment about the delay for treatment in Great Falls is consistent throughout the system.
- Out patient clinics need to be rereviewed.
- Less than one third of the veterans in Montana are utilizing VA services; and as they age, the burden of their care will fall on the state unless it is able to increase the quality and timeliness of service through the VA.
- There is no recourse for veterans regarding who they should go to when they have problems.
- He is also concerned about the delay in treatment in the VA's psychiatric department, the lack of staff, and the lack of accountability.
- Communication needs to be developed between the federal VA and the state.

**Ed Sperry, Chairman, Montana Department of the American Legion**, provided written comments, a list of priority challenges facing the VA today, a list of the American Legion's Legislative objectives for 2001, a brochure describing the American Legion, and a brochure explaining the veterans awareness program. (EXHIBITS #3, #4, #5, #6, and #7 respectively)

**Gay Matter, President, MT American Legion Auxiliary**, provided written comments.  
(EXHIBIT #8)

Sen. Hargrove asked if the challenges for Montana veterans was different from those in other states. **Ruddy Reilly, Veterans Affairs and Rehabilitation Chairman**, said that there was nothing unique about Montana veterans other than the distances they have to travel to receive treatment.

Sen. Roush commented that the veterans' organizations themselves may be more effective dealing with Montana's Congressional Delegation than the Subcommittee. Unless the Subcommittee has their support and dedication to work with it, there is not much the Subcommittee will be able to do at the federal level. The Subcommittee has encouraged the Congressional Delegation or their representatives to participate in the meetings. Sen. Roush also provided general information regarding the Montana Veterans Welfare Act and the history of the Montana Veterans' Affairs Division. (EXHIBIT #9)

**Dan Antonnietti, Veterans' of Foreign Wars (VFW)**, stated that the Veterans' of Foreign Wars has 10,500 members, 92 VFW posts, 67 ladies auxiliaries, and 11 Military Orders of the Cootie across Montana. He provided a list and overview of the VFW's 2001 priorities, a copy of a letter sent from Mr. Antonnietti to Sen. Baucus requesting him to cosponsor S.1114 which improves the GI bill, and response letter from Jonathon Perlin M.D., Veterans Health Administration requesting the VFW to take part in a survey regarding the VA health care system. (EXHIBITS #10, #11, and #12 respectively) Mr. Antonnietti will also provide the Subcommittee with a copy of the VFW's legislative agenda after its national convention is held.

Sen. Roush asked if the various veterans groups met statewide to discuss their priorities as they relate to both state and federal issues. Mr. Antonnietti said that the Montana VFW communicated on a national level as well as statewide and both Mr. Hampson and Mr. Sperry felt that the communication among the groups in Montana was very poor and that they were more competitive than cooperative. However, they are more cooperative on the national level.

**James E. Heffernan, Legislative Liaison, Marine Corp League**, stated the following:

- The Marine Corp League has 462 active members along with their families and relatives.
- There are another 500 plus Marines in Montana that do not belong to the League.
- The League has 11 detachments in the state with Billings being the largest.
- The League is in strong support of SJR 5.
- He hears many complaints from veterans about services but he also hears the kudos in some cases.

- It was time that the treatment of veterans in Montana be changed, particularly at the VA Montana Healthcare System (VA).

Sen. Bohlinger asked how often a poor attitude toward veterans was expressed by staff at Fort Harrison. Mr. Heffelfinger referred Subcommittee members to the Core Document (See Exhibit #2) which provided examples of treatment and poor attitude concerns expressed by many veterans across the state regarding the VA . He added that there are at Fort Harrison some very courageous people. People, who despite intimidation, worked with the veterans groups to improve the quality of care.

**Wayne Mooney, Department Adjutant, Disabled American Veterans (DAV)**, stated the following:

- Since 1987, the DAV has purchased and donated 992 passenger vans for the VA at a cost of \$19 million.
- Through its close relationship with the Ford Motor Company, it has secured donations of 53 additional vans.
- At the end of fiscal year 2000, the DAV has provided approximately 6-million round trips to the various VA facilities.
- This year, the DAV has donated one 15-passenger van to Fort Mead Medical Center in North Dakota to help the veterans in the two furthest southeastern counties in Montana to seek closer medical attention at a greater reduced time and mileage driven.
- He asked for the Committee's support to acquire the handicap parking permits from the state for each of the 20 vans operating throughout the state.
- He requested the Committee's help for veterans who are 60%, 70%, 80%, and 90% disabled plus individual unemployability in obtaining the property tax waiver like those veterans who are scheduled at 100% disability. The both fall under Chapter 35 and both are 100% disabled. The veterans who are on 100% unemployability cannot now receive the waiver from the state unless the current law is updated.

Sen. Bohlinger questioned why the DAV could not obtain handicap parking permits for the vans. Mr. Mooney said that the vans are licensed and insured by the VA and they have VA license plates. If they park in a handicapped parking space, they will receive a ticket.

Rep. Clark said that any physician can offer a permit if a vehicle is carrying disabled people.

Subcommittee staff will look into the issue and contact the DAV with the results, and because the vans are licensed and insured by the VA, the VA may have to apply for the permit.

**Mike Hankins, President, Association of Vietnam Veterans of America (AVVA)**, stated the following:

- The Core Document is the tip of the iceberg in verifying the mistreatment, neglect, and uncaring care rendered to veterans at the VA .

- He has been involved with the AVVA's "stand downs" for homeless veterans for several years and he cannot relay the number of instances of total medical neglect that these veterans have received at the hands of the VA .
- Although he agreed with Mr. Heffelfinger that some employees of Fort Harrison are doing everything in their power to alleviate the problems, he said that the fact of the matter is, the problems were not being alleviated.
- The Order of the Silver Rose is an organization that awards men and women who suffer injuries from the Vietnam campaigns but who have been denied the Purple Heart by the government.
- He has 113 letters from veterans that state how their treatment has been alleviated or neglected by the various veterans associations throughout the U.S.
- For the percentage of veterans who have asked for aid from the VA , the numbers that have been denied is considerably higher for units in Montana than the rest of the country.
- The AVVA is comprised of mothers, fathers, widows, and the brothers and sisters of the Vietnam Veterans of America.
- The anger and despair of those who saw their young men and women go to combat, come back, and be handed a treatment of neglect is beyond description.
- The AVVA realized that the Legislature was limited to what it could do at the federal level but requested that the Subcommittee do whatever it could to alleviate the problems, such as petitioning the government.

### **PUBLIC COMMENT**

**John Duncan, member AVVA, DVA, and the American Legion.** Mr. Duncan gave personal testimony verifying his experience as documented in the Core Document under Annex 1-- Diagnostic and Treatment Delays of Life Threatening Conditions.

**Bob Perry, Operation Dustoff, Bozeman,** said that Operation Dustoff is an organization that handles outreach for veterans who have had it up to their eyebrows with the VA system. It counsels veterans and gets them back into the system because for one reason or another, they will not go into the system. He said that he receives care in Bozeman for post traumatic stress disorder (PTSD) and he receives a disability from the VA for hearing loss. Last June, he went to the VA to get tested for Agent Orange. The VA could not find his medical records. He had to fill in the blanks for them. Because he was unhappy with his mental health treatment in Bozeman, the Veterans' Center in Billings sent him a letter stating that if did not return to the Montana Mental Health Center in Bozeman, he would lose his health care benefits. He will provide the Subcommittee with the documentation for addition to the Core Document. Currently, he receives 70% compensation from the VA and if he does not stay on his medication, there is no guarantee about what will happen. He also has a hearing loss of 40% to 50% but receives only a 10% disability and no hearing aid.

**Keith Heavy Runner, Blackfeet Nation,** asked why there was no drug and alcohol treatment or in-house PTSD treatment at the VA. He said he started a support group on the Blackfeet

Reservation for PTSD and drug and alcohol abuse, many of whom are Vietnam veterans; and he has to send all of the veterans out of state to receive treatment. Veterans with PTSD have the hardest time asking for help. From October of 1999 to date, he submitted over 100 claims from the reservation to the VA and he had to solicit help from an out-of-state gentlemen to help fill out the claims. He asked if the VA employees were unwilling to leave their offices and travel to the reservations or other cities and towns to help the veterans and he asked why a state service officer comes to the reservation but leaves after only one hour. Mr. Heavy Runner said that Montana is 15 behind every state in the VA system.

Mr. Secrease added that the VA discontinued its inpatient, drug and alcohol treatment program five years ago because of the expense. The VA was also directed to develop a relationship with the community to provide for these programs, but that relationship never materialized. He requested that the Subcommittee investigate the development of these programs on a community-based level.

Rep. Clark asked how many people on the reservation were in treatment and what was the cost for out-of-state treatment. Mr. Heavy Runner said that there are 850 veterans on the Blackfeet Reservation of whom 20% to 30% are treated for drug and alcohol abuse and the percentage treated for PTSD is higher. The cost is approximately \$400 round trip and that percentage will be cut because of the loss of revenue to the reservation. As of October 1, there will be no funding and he will have to find grants or other funding sources.

Sen. Bohlinger said that seems to be a sufficient number of veterans statewide who are suffering from drug and alcohol abuse and PTSD that an in-house treatment program at the VA would be well used. Mr. Heavy Runner said that it would be a benefit for the state to have an in-house PTSD at the Center as well as in the city. Mr. Heavy Runner will provide his testimony for the Core Document. He added that Adjutant General Prendergast has just appointed him as the state's tribal veterans representative (TVR) and a meeting of all reservations has been scheduled for Great Falls in September.

Sen. Roush asked about Mr. Heavy Runner's relationship with Indian Health Services (IHS). Mr. Heavy Runner said that he uses Dr. Foster to provide mental health services, and if the IHS sees that a person has served in the service, it sends them to the VA. He has also been using facilities at White Fish.

**Hal Mansen, Legislative Liaison, American Legion of Montana**, said that during the legislative sessions, he takes care of smaller pieces of legislation, such as veterans' license

plate issues, in Helena. However, if there is an issue of great importance, he contacts the veterans organizations to ask what they want him to do and he organizes people to testify.

**Joe Walsh, Self, Bozeman**, said that he volunteers his time to prevent and alleviate human suffering and to ensure respect and protection for the life and health of any and all individuals, giving priority to the most urgent cases of distress and those individuals in crisis, particularly homeless veterans, by promoting mutual understanding, friendship, cooperation, and lasting peace among all people without discrimination. The SJR 5 Subcommittee was formed to open lines of communications between veteran-related organizations and agencies. He requested that the Subcommittee ensure the continuation of the process to establish an effective communications mechanism and an ongoing, statewide collaboration effort among all of the veteran organizations across the state. Each veteran organization should recognize the other by establishing statements of understanding.

**Larry Longfellow, VFW, Polson**, said that the Montana VFW approved the appointment of three people for the veterans' organization working group, two from Helena and one from Miles City.

Mr. Hampson said that the veterans' organizations are communicating with each other more regularly since SJR 5 was passed. Mr. Hampson also disagreed with Mr. 's state that Montana veterans were not unique. He said that not only is Montana unique in how far veterans have to travel to receive services, it is 10th in the nation in its per capita veteran population.

Sen. Bohlinger asked why the state could not use the same proportional veterans population numbers in building a case for receiving the same standing in funding as is received in other states. Mr. Hampson said that other states, such as Colorado and Utah, can provide different services at their regional hospitals that Montana does not have. As a result, those states receive a larger portion of the VA budget.

Mr. Heffelfinger added that Montana currently has 8 state veterans' services officers (VSO) for a population of 106,000 veterans (approximately 22,000 veterans per VSO) compared to North Dakota that has 60,000 veterans and 32 VSOs. He requested the Subcommittee's assistance. Sen. Bohlinger asked how the state could model North Dakota to receive the funding. Mr. Heffelfinger said that North Dakota model requires additional funding from the state. He said this would not be a net cost to the state but a net gain. As more services are brought, more legitimate health care claims are processed which means more federal dollars coming into the state to be spent on local-care providers.

**Jim Jacobsen, Montana Veterans' Administration Division (MVAD)**, said that Montana has 8 offices that include 16 employees and 18 VSOs at the MVAD providing services for the veterans. North Dakota's 32 VSO employees are part time and county employees. Montana works on a regional level versus a county level. He added that it is true that the VSOs in Montana spend approximately one hour in certain places based on workload and they are limited by the amount of travel they have to do.

Mr. Heffelfinger said that the Core Document counts only those MVAD employees that actually carry veterans' case loads. The number is eight. Sen. Roush requested that staff obtain information from Montana's Congressional Representatives regarding what other states, similar to Montana's veterans population but not necessarily in total population, are doing in terms of programs and funding sources.

**Frank Stoltz, Ex-POW**, said that there are 65 surviving ex-POWs in Montana and; from WWI through Kosovo, there were 142,000 survivors nationwide with only 43,000 remaining to date. He said that he was a survivor of the Black Death March that went from February to May and four nations, including the U.S., shot at them while they were being forced to march. Ex-POWs need more help but they rarely come forward because they do not like to talk about their experiences. He provided information on the ex-POW mortality rate. (EXHIBIT #13)

Sen. Roush said that on July 10, Subcommittee staff and members met with the VA administrator and its legal staff to discuss the language in SJR5 that seeks information from the VA. Although they were well received, he said they were simply told that because the VA is a federal facility, it did not have to answer to the state but it did have to answer to their superiors in Denver and Washington D.C. If the Subcommittee wanted to address some of these problems, it would have to be done at the federal level. Since the meeting, staff has been trying to obtain information from the VA. One complaint brought up was that the Lewis and Clark County Commissioners stated that the County's homeless veterans were sent to the VA and were then shifted back to the County under Medicaid. The VA staff at Fort Harrison were invited to be at this meeting in writing but were told by their superiors to not talk to the Subcommittee. In addition, staff invited Montana's Congressional Delegation in writing to be at this meeting but they did not attend either. Without their support, there is not much that the Subcommittee can do as a state body but it may be able to do some things.

Sen. Hargrove agreed but added that the VA officials said there could be a liaison and that information would be provided. They also implied that they would at least have someone listening to the discussions, even if they did not participate. At the meeting, the Subcommittee

said that it would write the VA so that it could satisfy their superiors by ensuring them that it was not the intention of the Subcommittee to conduct oversight, only that they had a shared interest and an overall problem with veterans' concerns. Sen. Hargrove said that Montanans have responded to the call of duty very well. If the challenge is that the federal government is not responding to things and the state cannot do anything about them, it is appropriate for the state to take on Congress and the bureaucracy in Washington. The absence of a VA and Congressional representatives at this meeting is inexcusable and the Subcommittee cannot allow it to go unmentioned. He felt their absence should be documented in writing and that the letter imply that there is no interest in Montana veterans by the Congressional Delegation or the U.S. Department of Veterans Affairs.

**David Niss, Staff Attorney, Legislative Services Division**, stated the following:

- The reasons why communication with the Subcommittee was prohibited are that: (1) Mr. Underkofler, Director of Fort Harrison, was prohibited by written direction from his superior and (2) because of an alleged claim by Mr. Underkofler that there was a federal statute that prohibited any federal agency from lobbying the state Legislature.
- It also appeared that Mr. Underkofler and his legal counsel, Mike Thompson, thought that a letter from the Subcommittee, which they were willing to review in draft form, clarifying the purposes of SJR 5 and the intentions of the Subcommittee could potentially help to change the directive from their superiors to reverse that direction. He felt that the offer extended to the Subcommittee and appeared to be genuine.
- He recommended that (1) the Subcommittee send correspondence to Mr. Underkofler indicating the purposes of SJR 5 and the intentions of the Subcommittee and (2) if the response to that letter is not satisfactory or forthcoming, then, and only then, should the Subcommittee engage in the correspondence suggested.
- It would be important for the Subcommittee, as a representative of the Montana Legislature, to keep faith with what happened at the meeting at the VA and that it take Mr. Underkofler at his word to review and massage the correspondence in order to change the initial written direction from his superior.

Sen. Hargrove said that since the meeting with Mr. Underkofler, the Subcommittee's staff had sent such a letter in draft form. The VA's reply indicated that not only did the VA not need the Subcommittee's letter but that they also did not want it.

Sen. Bohlinger was troubled in the sense that an agency of the federal government has indicated that they are insulated from criticism and that it does not want to hear from the Montana Legislature and veterans groups. He felt that the Subcommittee should let them know that it is more than a "Boy Scout Troop" looking for merit badges; that the letter be pursued; and the Subcommittee needs, as allies in its effort, Montana's Congressional Delegation. He also felt that the letter include language indicating the arrogance displayed on the part of the VA but also their attempt to insulate themselves from criticism.

Mr. Hankins that he was privy to a great deal of discussion through his relations with the VA . Immediately after the Subcommittee's meeting with Mr. Underkofler, which the Subcommittee took in good faith, the attitude that was reflected to him was that the VA took the meeting humorously and that Montana was out of its league and over its head in addressing the problems that veterans' claim is an arrogant system. He doubted that the letter offered by Sen. Hargrove would have any impact whatsoever.

Ms. Heffelfinger said that she approached the VA to receive help to get access to information about its programs. She offered a letter to Mr. Underkofler requesting a meeting to discuss the protocols that needed to be gone through. His response was a letter stating that the VA could not participate in the SJR 5 study. In response, she talked with Senators Roush and Hargrove about a meeting with Mr. Underkofler, who at the meeting, requested a draft letter clarifying the language of SJR 5 and the Subcommittee's intent. As a result of the meeting, she was instructed to draft the letter and send it to the VA for their review. The VA reviewed the letter. Subsequent to receiving her draft, she received an email from Lee Logan, Director, Fort Harrison Division of the VA, stating that the Subcommittee's educational needs could be handled through individual orientation with staff and responding to individual questions from the Subcommittee. She also wrote an information request asking for a list of the VSOs who the VA recognizes that who can prepare claims and advocate claims and for general information on the VSOs. The VA responded in writing but she has yet to receive the data that she needs. The VA was invited to the meeting but there was no specific invitation for them to testify. However, the understanding after the July 10 meeting was that VA representatives would be in attendance.

Subcommittee members felt that two letters were needed: (1) a letter to the appropriate people as suggested by Mr. Niss and (2) a letter with stronger language.

Mr. Niss said that his concern was not so much the legality of the letter as it is the tactics. He suggested that the first letter "turn down the volume somewhat" in an attempt to make a second attempt to gain the VA's cooperation.

The Subcommittee agreed with Mr. Niss' suggestion. However, since they were informed of the meeting several weeks ago requesting their participation, since the language of SJR 5 was discussed with them in detail during the 2001 Session, and because the Subcommittee expects their support with regard to veterans issues, it felt that a letter should be sent to Montana's Congressional Delegation expressing its disappointment that a representative from their offices did not attend the meeting.

## **CONTINUATION OF VETERAN SERVICE ORGANIZATION S' PRESENTATIONS**

**Emil Eschenburg, Commander, Military Order of the Purple Heart**, provided written comments and introduced several of Montana's Purple Heart recipients. (EXHIBIT #14) He requested the Subcommittee's support of an additional veterans' cemetery, perhaps at Fort Missoula, benefits for widows of deceased Purple Heart members, and support for the Purple Heart Memorial project.

**Jerry LaFountain, Commander, Chapter 343, M.O.P.H.**, provided responses from Montana's Congressional Delegation on his inquiry on behalf of Mr. Joe Papez regarding a claim increase for individual unemployment for Mr. Papez. (EXHIBIT #15)

**Steve Koski, Representing Rep. Butch Waddill, H.D. #62, Ravalli and Missoula Counties**, provided written comments from Rep. Waddill regarding the possible construction of a veteran's cemetery in the western portion of Montana with the desired location being Fort Missoula. (EXHIBIT #16) He also requested that the Subcommittee support the Montana Congressional Delegation, specifically Sen. Baucus, to acquire possible federal funding for the acquisition of the cemetery and in order for a state to participate in the federal program, states must provide land suitable for veterans' burials and guarantee funding for the perpetual operation, maintenance, and administration expenses.

Mr. Jacobsen provided a fact sheet on the proposed cemetery at Fort Missoula and cost information on the current veterans' cemeteries located in Montana. (EXHIBIT #17) He stated that any funding source acquired for the purposes of the cemetery would have to be in perpetuity.

Adjutant General Prendergast said that he was working with the various veterans' organizations, the Northern Rockies Heritage Center, and the University of Montana on the issue of a veterans' cemetery at Fort Missoula and that the MVAD is in full support of the proposal. However, he requested a commitment from the Legislature to help the cemetery proposal along.

Sen. Bohlinger asked how much of the land at Fort Missoula was owned by the state and how much would it cost. Mr. Koski said that the University of Montana owns much of the Fort Missoula acreage and pockets are owned by the high school district and the city of Missoula. Sen. Bohlinger said that it may be worth pursuing the idea of having the Land Board transfer the 40 acres for the purposes of a cemetery. Sen. Bohlinger also questioned why the Little Bighorn Battlefield National Cemetery could not be expanded for the purposes of a veteran's cemetery.

Sen. Bohlinger requested that staff write the following:

- a letter to the Montana Land Board expressing the Subcommittee's desire that it set aside or transfer 40 acres of land at Fort Missoula for the purposes of a veterans' cemetery (this involves negotiations with the city and county of Missoula); and
- a letter to Montana's Congressional Delegation requesting that they act on behalf of the Subcommittee to open the Little Bighorn Battlefield National Cemetery to eastern Montana veterans and that it assist in finding federal funds for the purposes of the Fort Missoula veterans' cemetery proposal.

Mr. Hankins stated the following:

- that between 40 to 100 veterans are living in their cars and are not availing themselves of any available veterans' service;
- that some of the homeless are beyond help but some, those with wives and children, do avail themselves of some service;
- that if something is not done to help these homeless veterans and their families, it will create a financial burden on the state, whether it be for welfare or incarcerations in the state institutions; and
- if a single source could be found who could relate to the homeless veterans and earn their trust, the problem could be alleviated.
- Mr. Hankins requested that the Subcommittee consider establishing a homeless coordinator because without one, Montana will be confronted with problems of indigence in the future.

Sen. Hargrove asked if all of the counties tried to provide the homeless veterans any services.

Mr. Hankins said that most of the counties will provide services. However, he believes services are more available for women and children. Mr. Hankins continued to state that some counties "turn their eyes" away from the fact that the requirements for welfare participation are not viable and there are individual caseworkers who make allotments allowing the homeless to receive services that they are probably not entitled to. There is no formal organization in the state that will deal with the homeless veterans and their families because most of the homeless will not give their actual names and none will give their resident address. This precludes them from being in the formal veterans organizations.

Sen. Roush asked if the state provided an ombudsman for the homeless veterans, under whose jurisdiction will it be located. Mr. Hankins said that the services are currently available and the people needing those services exist. The problem is bring the two together. So many of the homeless with limited mental capacity and education have tried to avail themselves of the VA services at Fort Harrison. They have received rejections. The Job Service employees have not been able to deal with the individual needs of the homeless. There are issues as to the jurisdictional position of the ombudsman because perceived biases.

Mr. Hampson said that he has been trying to work Lewis and Clark County officials and the Montana League of Cities and Towns to create a task force to gather more information on how the counties are dealing with the homeless veterans.

Mr. Walsh provided information regarding a homeless veterans' program from the state of Kentucky. (EXHIBIT #18)

The Subcommittee postponed the adoption of the idea of a homeless veterans ombudsman until additional information, such as a cost analysis and information from other states, was received. It will be an agenda item for the next meeting.

Mr. Heavy Runner said that the state does not have to "recreate the wheel" because other state programs already exist for the homeless. He was currently working with the Walla Walla, WA grant program on a homeless grant. He will provide the Subcommittee with the information that he has.

Mr. Hampson questioned the turning over of a veteran's VA mental health records and health records in general to the ATF and the FBI. Research shows that under the Privacy Act, the records could not have been forfeited. However, health and mental health records have been moved under the umbrella of the Act of National Security giving the VA the power to turn over the records to the ATF or FBI. They do keep a record as to whether a veteran is a gun owner.

Mr. Hankins suggested a joint resolution be written to the U.S. Congress to address the inadequacy of turning over medical records to the ATF and FBI. Sen. Hargrove asked staff to prepare information about this for the Subcommittee's consideration.

General Prendergast requested Subcommittee approval that staff be present at the next meeting in Missoula regarding the proposed Fort Missoula veterans' cemetery. The Subcommittee agreed.

### **STAFF PRESENTATION**

Ms. Heffelfinger provided an overview of the Key Study Questions Based on SJR 5 Language. (EXHIBIT 19)

Following a thorough discussion, the Subcommittee decided the following:

#### **Question One**

- Add a research approach to compare the Montana's veteran population with other states--demographic information based on age categories, years of service, wars

that they are veterans of, their gender, and their income levels. Include a GEO-coded map to see where the population concentrations of veterans are and compare Montana's population profile with other VISN and other states.

- A staff background report regarding the resources currently allocated from the federal VA to VISN 19 and from VISN 19 to state VA Health Care Systems.
- Information concerning how many complaints are received by the veterans medical facilities, how long it takes to get appointments, how long it takes to receive treatment, and the caseloads as compared to HMOs or Montana Blue Cross Blue Shield instead of an overview of quality and accreditation.
- Receive information on grievance procedure process.

#### **Question Two**

- Information on services that are authorized by the VA but are not received thereby cost shifting those services back to the counties through Medicaid or other health and human services provided by the state.
- Request, by invitation, that the VA address the Subcommittee on its SMART CARD technology and how it affects veterans receiving primary services in their home communities (it may affect community clinics) and what services are provided by the community clinics.
- A joint meeting with the HJR 1 Subcommittee on mental health.

#### **Question Three**

- A staff background report focusing on the veterans' service officer (VSO).
- A background report on the proposed ombudsman coordinator position and what other states have done.
- Prepare an inquiry to other states in the region regarding whether they have a veterans' advisory council and why Montana does not have one.

#### **Question Four**

- This is an agenda item for the Subcommittee's next meeting.

#### **Question Five**

- This question will be absorbed into the previous four questions and will be an agenda item for the next meeting.
- Receive information on what the state is doing with its cigarette tax money and the available federal funds to help support Montana veterans' services and the Subcommittee.

#### **Question Six**

- Receive resolution language sample for Subcommittee review regarding whether veterans are being denied rights as a result of the VA medical records being released to the Federal Bureau of Investigation.

#### **Question Seven**

- Staff will develop a research paper on what statutory language needs to be changed.

#### **Question Eight**

- Add to the Subcommittee's study plan the issue of tax benefits to spouses of 100% disabled veterans and the issue of veterans being less than 100% disabled for health care benefits but receiving 100% unemployability rating for purposes of pension and compensation.

The next meeting date was tentatively scheduled for September 26 through 28, 2001, to be held in Glendive and Miles City pending further information and a cost analysis.

There being no further business, the meeting adjourned at 5: 10 p.m.