



# State Administration and Veterans' Affairs Interim Committee

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## 57th Montana Legislature

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GLENN A. ROUSH  
KEN TOOLE

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

January 25, 2002

## MINUTES

Room 102, State Capitol  
Helena, Montana

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.**

### COMMITTEE MEMBERS PRESENT

Sen. Hargrove  
Sen. Roush  
Rep. Clark  
Rep. Lenhart

### STAFF PRESENT

Sheri Heffelfinger, Research Analyst  
Lee Heiman, Attorney  
Miko Owa, Secretary

### VISITORS

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

### CALL TO ORDER AND ROLL CALL

The meeting was called to order at 8:02 a.m. by Sen. Roush. Roll call was noted (ATTACHMENT #3) with all members present.

### PANEL DISCUSSION

- Dr. Luke Petriccione, Director, MSU-Northern Center for Veterans' Education & Training Services
- Byron Erickson, Local Veterans' Employment Representative (LVER)
- Grant Ellison, Disabled Veteran Outreach Program Field Representative (DVOP)
- Jim Jacobsen, Administrator, Montana Veterans' Affairs Division (MVAD)
- Len Leibinger, MVAD Veteran Service Officer (VSO), Missoula

- Patricia Crowley, MVAD VSO, Fort Harrison
- Polly LaTray, State Director, U.S. Department of Labor, Veterans' Employment and Training (VET) Program

The panel was asked the following questions:

- Should the MVAD and the VET program be working closer together? How and why should coordination be improved?
- What does a VSO and a LVER and DVOP do that is different from each other and what is the same?
- Could or should training be coordinated or resources somehow shared? How?
- What should the legislature do to support the VET program and the MVAD VSOs and foster interagency cooperation?

Dr. Petriccione introduced himself and explained his program to the Subcommittee. He said that a needs survey would be very important to improve the quality of the program. He said that there is also a need for greater service provider coordination

Sen. Hargrove asked Dr. Petriccione if his program has quotas. Dr. Petriccione responded yes. Sen. Hargrove asked about the number of students in the program. Dr. Petriccione stated that they could serve more students, but the problem is funding. Sen. Hargrove asked how veterans know about the program. Dr. Petriccione responded that they conduct outreach via the newspaper, posters, brochures, and agency contacts. Sen. Hargrove asked if there was a formal tracking of students. Dr. Petriccione responded that there is a system in place which tracks the student for 4 years.

Rep. Lenhart asked Dr. Petriccione about profiling veterans and figuring out when, where, and who should do the profiling. Dr. Petriccione responded that it is not a single agency task, but there are a number of different ways the information can be tracked.

Ms. Crowley said that profiling in her office is done on an individual basis with the veteran. She said that the profiles would also be different across the state due to economic factors and that a veteran's profile will change over the years as the veterans obtain work, etc.

Sen. Roush said that he could see where profiling could be useful for the numerous veteran programs in Montana.

Sen. Hargrove asked if Dr. Petriccione had any direct contact with the Board of Veterans' Affairs. Dr. Petriccione said no.

Ms. Heffelfinger asked about what kinds of needs assessment is done by the Montana Veterans' Affairs Division (MVAD) and if service officers have access to that assessment. Mr. Jacobsen responded that each veteran is assessed on an individual basis by the VSO's interview process. However, he said that they do not have the resources to collect and disseminate the information.

Mr. Leibinger said that the initial interview process is the key issue in determining a veteran's needs. However, he does not track or compile needs-based data.

Ms. LaTray provided a packet to the Committee (EXHIBIT #1) which detailed available resources to veterans and the role of the Disabled Veteran Outreach Program (DVOP) and the Local Veteran Employment Representative (LVER). She also explained to the Subcommittee how she audits the Job Service centers. Ms. LaTray also reviewed the data that is federally required regarding veterans (EXHIBIT #2).

Ms. Heffelfinger asked if the networking between LVERs and DVOPs is the same as it is between Veteran Service Officers (VSO).

Ms. Crowley said that they have the same resources that Ms. LaTray presented. In addition, Ms. LaTray invites the VSOs to participate in training.

Mr. Leibinger said that Job Service Centers have the ability to track an individual claim after the individuals receive services where as VSOs do not. He also said that time is the biggest problem and that the VSOs are unable to keep up with federal requirements and changes.

Ms. Heffelfinger asked about training needs.

Ms. Crowley responded that MVAD VSOs are only afforded one training session per year. She said that the last two years have been spent learning about the computer system at the VA. Ms. Crowley added that she did not want to partake in the training because she feels VSOs are becoming data entry personnel for the VA. Ms. Crowley said that she would like to see more training.

Ms. Heffelfinger asked about the role of the Board of Veterans' Affairs regarding strategic planning and the needs of the agency.

Mr. Jacobsen said that they are funded for one annual training session. He had asked for additional training funds and was denied through the process between the budget office and the legislature. However, over the years the VSOs gain extensive training, but that he, too, would like to see additional training.

Ms. Heffelfinger asked about accountability issues, interactions with VSOs, and proposed improvements from the LVERs and DVOPs.

Mr. Ellison responded by detailing his position and the training he receives. He said that he does not work closely with the local MVAD as their functionality is different.

Mr. Erickson said that veterans are often left out of the process due to a lack of coordinated efforts and education between agencies. He said that a lack of training has contributed to the poor service veterans receive. He would like to see all agencies come together for mandated quarterly meetings as well as independent surveys of performance.

Rep. Clark asked Mr. Jacobsen what an annual training session of all agencies would cost. Mr. Jacobsen responded that it would cost approximately \$7,000 to bring people in for a week. Rep. Clark asked if it would take a week. Mr. Jacobsen responded that it would not take a week. Ms. LaTray commented that it would not take a week as there is not too much overlap.

Sen. Hargrove commented that Mr. Erickson's briefing was very substantive and asked the panel to comment on whether the MVAD and VET program should develop a memorandum of understanding (MOU). Mr. Erickson responded that it has been a pattern between agencies to establish roles and he believes that an MOU would be a good beginning. Mr. Leibinger concurred with Mr. Erickson. Mr. Ellison, commented that the MOU would be relevant.

Ms. LaTray said that another important component of information sharing is having the appropriate technology.

Sen. Roush asked about a web page for all organizations.

Mr. Jacobsen responded that the MVAD has a web page. Dr. Petriccione said that he would like to see offices linked together as a reference for referral. Mr. Jacobsen responded that he does not have someone on his staff to provide web site updates.

Major General Gene Prendergast, Adjutant General, concurred with Mr. Erickson's comments regarding an interagency coordinated meeting and offered the Department of Military Affairs new facility in which to hold the conference. After much discussion, it was determined that Mr. Jacobsen would coordinate the meeting of all veteran agencies and would report to the Subcommittee at the next meeting.

### **CARING FOR OUR WOUNDED**

**Art Heffelfinger, Treasurer, Vietnam Veterans of America, Chapter 626**, provided an update to the Subcommittee (EXHIBIT #3) regarding the *Caring for our Wounded* document originally presented at the Subcommittee's meeting August 6, 2001. Mr. Heffelfinger reported that a second investigation team will be arriving at the Montana Veteran's Administration Hospital at Fort Harrison. He also urged the Subcommittee to reorganize the Montana Veterans' Affairs Division under the direct authority of the Governor.

Sen. Hargrove commented that the Subcommittee would like a report of Mr. Heffelfinger's trip to Washington D.C.

### **LEGISLATIVE AUDIT DIVISION**

**Tom Cooper, Auditor, Legislative Audit Division**, reported to the Subcommittee that the Audit Committee will conduct a performance audit on the Montana Veterans' Affairs Division as requested. He reviewed for the Subcommittee how the audit process works and the issues that will be addressed. He said that a report should be available by May.

### **PUBLIC COMMENT**

**Richard Salyer**, presented to the Subcommittee a list of problems and recommendations regarding veteran services (EXHIBIT #4).

Sen. Roush asked Mr. Salyer if he has seen any improvements in the last two years. Mr. Salyer said yes, and that he hoped it would continue.

**George "Chub" Snell, Fort Bellknap Indian Reservation**, requested that the Subcommittee support the suggestion that Tribal Veteran Representatives be present on every reservation. In addition, he concurred with Mr. Salyer's statements of problems and recommendations. He also provided the Subcommittee with his negative experiences with the VA Hospital.

**Michael Winters, Chairman, and Joe Hogan, Montana Veterans Memorial Committee**, (EXHIBIT #5) presented to the Subcommittee a plan to create a veterans' memorial in Great Falls. Mr. Winters said that they are seeking a letter of support from the Subcommittee.

Sen. Roush asked the group to keep in contact with Ms. Heffelfinger and that the Subcommittee would provide them with a letter of support.

Sen. Hargrove asked about the cost of the project. Mr. Winter's said that the total cost will be \$600,000 not including the cost of the land which is being donated by the city. After the project is completed, the city will take ownership of the memorial.

**Byron Erickson, Local Veterans' Employment Representative**, presented to the Subcommittee a *Proposal for Changing MCA Code 39-29-104* (EXHIBIT #6). He asked the Committee to stop veteran preference hiring abuses by public agencies through effective legislation.

Sen. Hargrove asked Mr. Cooper if Mr. Erickson's issue will be reviewed by the auditors. Mr. Cooper said no as the issue is outside the scope of the audit.

**Joe Walsh, Bozeman**, said that he hopes that all agencies will be invited to attend the meeting coordinated by Mr. Jacobsen.

**William Lee Smith, Disabled American Veterans**, said that he has lost a number of friends to mis-diagnosis and poor treatment by the VA health care system. He also spoke to the Subcommittee about his negative experiences with the VA and the Montana Veterans' Administration Division.

## **BURIAL BENEFITS**

Ms. Heffelfinger provided to the Subcommittee a *Research Brief: Burial Benefits for Veterans* (EXHIBIT #7). Specifically, the report detailed county, state, and federal burial benefits, state veterans' cemeteries, license plate fees, and the interment of unclaimed veteran remains.

Sen. Roush said the Ms. Heffelfinger's statutory change recommendations will not be difficult to do. He asked Mr. Jacobsen about the make-up of the Montana Board of Veterans' Affairs. Mr. Jacobsen said that members have to be combat veterans and citizens of Montana. He said that any veteran can apply for the position and it is not tied to any service organization. Mr. Jacobsen also said that there is regional representation.

Sen. Hargrove asked what the difference would be between a member of the Board and an employee of the Board. Mr. Jacobsen responded that employees of the Board are himself and any person that works for him. Sen. Hargrove said that according to the employee qualifications section of statute, his employees are all veterans. Mr. Jacobsen responded that that is not

correct. Sen. Hargrove said that statutory section may need to be altered.

### **EXECUTIVE WORK SESSION**

Ms. Heffelfinger reviewed for the Subcommittee the *Issues and Options Paper: Structure, Mission, and Funding of Veterans' Affairs* (EXHIBIT #8).

Sen. Hargrove asked Ms. Heffelfinger what the difference is between a board and a commission. Ms. Heffelfinger said that the Public Service Commission (PSC) is an example of how a commission is different than a board. Ms. Heffelfinger said that the PSC is independent, acting as a department director, whereas a board (like the Board of Veterans' Affairs) is likely to be administratively attached under a department.

Sen. Roush said that in reference to the Board he questions whether Board members should be limited to WWI, WWII, Korean War, and Vietnam conflict members. He said that there are other veterans who should be allowed to serve as well. He would like to see the language changed to include all honorably discharged veterans.

Sen. Hargrove asked what is the current function of the Board. Mr. Jacobsen responded that the Board sees itself as a statutory, regulatory Board. He said that it has the power to do as the statutes indicate. Mr. Jacobsen said the mission is to provide statewide service and promote the general welfare of veterans and that the Board has the power to hire employees.

Sen. Roush asked about the unmet needs item presented to the Subcommittee in Ms. Heffelfinger's Issues and Options paper. He asked if the Board should be conducting the "needs assessments, data, performance measures, strategic vision, action plan, goals, feedback and program evaluation tools". Ms. Heffelfinger responded that currently there is nothing in statute to direct the Board to engage in these activities.

Rep. Clark asked if there was a way to track the cost effectiveness of adding four new full time equivalents (FTE). Ms. Heffelfinger said that the difficulty arises when she asked the MVAD for case load information. She said that the MVAD needs some way to track caseload.

Sen. Hargrove said that the Subcommittee is going to have to be cautious with cost and FTEs. He said that the current Board is similar to the Board of Regents. He said that some of the Board members he spoke to did not know that they hired anyone and felt that they only managed the cemetery program. Sen. Hargrove said that the Subcommittee is faced with an efficiency obligation to make sure the Board does what the legislature deems necessary. He said in general, the frustrations are ones of communication.

Sen. Roush said that he would not like to see a Veterans' Department Director in 2003, but he would like to see the Board of Veterans' Affairs become more active and take an interest in the program they are administering. He would like to change the language of who is eligible to serve on the Board. He would like to see three year terms, with no more than two consecutive terms. He said that there should be something in statute which states if a Board member misses two consecutive meetings then the member can be replaced.

Rep. Clark asked Mr. Jacobsen if the terms of the Board members were staggered. Mr.

Jacobsen said yes. Rep. Clark asked if they are reappointed. Mr. Jacobsen said that that has happened. Rep. Clark asked if the veteran community would be better served if the MVAD became a separate entity. Mr. Jacobsen responded that he feels having the MVAD and the Board under the Department of Military Affairs makes sense. Mr. Jacobsen said that having the Director appointed directly by the Governor is not the best scenario for veterans as the Director would change with the Governor. Mr. Jacobsen said that he would leave the situation as it currently is, but that he supports any increased direction to the Board.

Rep. Lenhart said that emergency aid to veterans needs to be discussed. Ms. Heffelfinger said that there is a subsistence grant program in Wisconsin. She said that Montana could provide a similar program if funding was available.

Sen. Roush asked how much money it would take to start a similar fund. Ms. Heffelfinger said that she would research that.

Ms. Heffelfinger provided an example of Utah's Veterans' Advisory Council (EXHIBIT #9). After much discussion, the Subcommittee provided Ms. Heffelfinger with a number of suggestions regarding the composition of the Board and the staff of the Board. Ms. Heffelfinger said she will draft a bill for the Subcommittee based on their general guidance.

Ms. Heffelfinger asked the Subcommittee for more direction about the mission of the Board. After much discussion, the Subcommittee determined that they would like the Board to be involved in increased advocacy, communication, coordination, and needs assessments. The Subcommittee asked that additional information be provided regarding the cost for web site support and a grant writing position.

Sen. Roush asked about the cemetery in western Montana. After much discussion, the Subcommittee determined that the Board could explore options if it so desired but that the Subcommittee should not pursue any legislation at this time.

Sen. Roush asked about the establishment of a county veterans fund. Mr. Heiman said that counties may establish such a fund on a voluntary bases, but if the legislature wanted to require counties to have such a fund then that would have to be placed in statute. Sen. Roush said that if Mr. Gordon Morris was supportive of the idea, then a bill could be drafted.

Ms. Heffelfinger asked the Subcommittee for direction regarding funding options. The Subcommittee said that the cigarette tax may be an option as well as the general fund.

Sen. Roush asked about when the Governor should become involved in the process. Ms. Heffelfinger responded that after the Subcommittee creates a package of recommendations, the package can be presented to the full SAIC committee and then there will be a greater understanding of the fiscal needs as well as federal legislation that the SAIC would like to request. At that time, it would be appropriate for SAIC members to engage the Governor in discussions.

Ms. Heffelfinger asked Mr. Jacobsen what his budget requests would be. Mr. Jacobsen said that he will be requesting cemetery and travel funds.

Sen. Roush asked Ms. Heffelfinger to refer Mr. Erickson to the Department of Labor in reference to the veteran preference issue.

Ms. Heffelfinger also provided to the Subcommittee a copy of a letter to Sen. Don Hargrove (EXHIBIT #10), from Dan Antonietti, Veterans of Foreign Wars (Exhibit #11), and a booklet entitled Federal Benefits for Veterans and Dependents (EXHIBIT #12).

### **ADJOURNMENT**

The meeting adjourned at 4:15 p.m.

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