



**State Administration and Veterans' Affairs Interim Committee**  
**60th Montana Legislature**

**SENATE MEMBERS**  
KELLY GEBHARDT  
VERDELL JACKSON  
LARRY JENT  
CAROLYN SQUIRES

**HOUSE MEMBERS**  
GARY MACLAREN--Vice Chair  
FRANKE WILMER--Chair  
PAT INGRAHAM  
VERONICA SMALL-EASTMAN

**COMMITTEE STAFF**  
DAVE BOHYER, Lead Staff  
DAVID NISS, Staff Attorney  
FONG HOM, Secretary

## MINUTES

These are summary minutes. Testimony and discussion are paraphrased and condensed. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

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October 19, 2007

Room 102, Capitol Building  
Helena, Montana

### **COMMITTEE MEMBERS PRESENT**

REP. FRANKE WILMER, Chair  
REP. GARY MACLAREN, Vice Chair

SEN. KELLY GEBHARDT  
SEN. VERDELL JACKSON  
SEN. LARRY JENT  
SEN. CAROLYN SQUIRES

REP. PAT INGRAHAM

### **COMMITTEE MEMBERS EXCUSED**

REP. VERONICA SMALL-EASTMAN

### **STAFF PRESENT**

DAVE BOHYER, Lead Staff  
DAVID NISS, Staff Attorney  
FONG HOM, Secretary

### **Visitors and Agenda**

### **COMMITTEE ACTION**

- The committee adopted the minutes from the June 21, 2007 meeting.
- The committee agreed that Mr. Bohyer will send a letter to Rep. Mendenhall, Chair of EAIC, requesting that the SAVA Committee assume responsibilities of monitoring the State Fund and the State Fund Board.
- The committee passed a motion for draft legislation authorizing the appropriate committee to oversee the monitoring of the State Fund and the State Fund Board.

### **CALL TO ORDER AND ROLL CALL**

00:00:02 REP. WILMER called the meeting to order at 1:00 p.m. The committee secretary noted the roll. Rep. Small-Eastman was excused. Rep. Wilmer discussed the use of computers during the meeting. She wanted to set a policy on using the computers for meeting purposes only.

REP. MACLAREN **moved** that the minutes of the June 21, 2007 meeting be approved. The motion **passed** unanimously.

### **Post Deployment Health Reassessment Program (PDHRA) and Report**

00:02:01 Joe Foster, Administrator of Montana Veterans Affairs Division, gave a report on the PDHRA Task Force and its findings (**EXHIBIT 1**).

### **Questions**

00:15:29 REP. INGRAHAM asked Mr. Foster if he would be able to accomplish some of the findings in the PDHRA Task Force, or would the findings need to be brought to the Legislature for help in implementing. Mr. Foster said that they have made every attempt to make their recommendations as realistic and substantive as possible, recognizing that there are some recommendations that the current funding level doesn't support. He said that there may be interest from the National Guard to ask Montana for assistance if the federal side cannot come through with what has been requested.

SEN. SQUIRES said that currently the state is having difficulty providing mental health services to the general public. She asked Mr. Foster how mental health services will be provided to the military, i.e., will the federal government provide that aid, and who will be the provider of those services. Mr. Foster said that the Montana National Guard has already contracted for mental health professional support. The contract has already been let and training has been conducted with those mental health providers to make them aware of the National Guard organization, the PDHRA process, and how they fit into it.

00:15:49 Maj. Gen. Randy Mosley, Adjutant General, Montana National Guard, and Director, Department of Military Affairs, gave a presentation on the Montana

National Guard PDHRA Campaign Plan (**EXHIBIT 2**) and summarized the recommendations. He also talked about the PDHRA Soldier Compliance Chart (**EXHIBIT 3**). General Mosley said that the Campaign Plan can be found on the MT National Guard website.

Questions

01:05:40

SEN. SQUIRES asked General Mosley if it is mandated that a member of the National Guards will receive the benefits for which the member is eligible from the U.S. Department of Veterans Affairs, or will it be means tested the same way as it has been for those who were promised that in other theaters? General Mosley said that the Montana National Guard are only enrolling the members.

Mr. Foster said that Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) veterans are authorized two years of medical care at VA facilities and so that mean-testing situation does not apply to them.

SEN. SQUIRES asked for clarification on how someone in the National Guard would be eligible to receive VA benefits. Mr. Foster said that those veterans who have been processed through their agency, or one of the other veteran service agencies, become eligible for disability benefits and they will be authorized medical care on that basis for as long as they are alive.

01:09:16

SEN. GEBHARDT asked General Mosley if there were any ethnic group, gender group, or age group that has been more affected than Guard members in general with mental disorders after coming back from OIF and OEF. General Mosley said that he did not have that information and that that information is not being tracked.

01:10:53

REP. INGRAHAM asked if the Montana National Guard will actively participate in the state's suicide program. She also asked General Mosley if they were working on the specifics of educating the people as they develop the suicide program. General Mosley said that it was his understanding that DPHHS is trying to develop the suicide hot line program and his intent is that the National Guard will partner with them on trying to get a closer awareness, knowledge and affiliation for their Guard members.

REP. INGRAHAM asked if there will be ongoing training for commanders in recognizing mental symptoms. General Mosley said that ongoing training is in the Plan.

REP INGRAHAM asked General Mosley a question regarding Guardsmen receiving metals that they have earned. General Mosley replied that the Montana National Guard is actively pursuing medals for every Guard member who is eligible.

REP. INGRAHAM asked if the surveys that General Mosley will be doing for the servicemen be a paper trail or a physical trail. General Mosley indicated that the surveys probably will be a paper trail more than a physical trail because many times the soldier will say that they don't need to fill out the surveys. Many will not

show up for their appointment and have to be rescheduled and then don't show up for the rescheduled appointment. There is a catchall mechanism where someone can go online, fill out the questionnaire, then talk to a mental health provider over the phone with survey in hand.

01:17:32 REP. WILMER commented that a serviceman is not discharged until he has been evaluated. She said that some people, in order to be discharged as early as possible, will just answer the questions and not be as open and forthright as they might be within a month of discharge. General Mosley said that they have sent mental health providers to an active duty site when soldiers come back from overseas to assist returning Guard members in filling out the survey.

#### **Board of Veterans Affairs - Sen. Joe Tropila**

01:24:04 SEN. TROPILA told the committee that he read an article in the Great Falls Tribune about veterans not getting the help they need and one of the reasons is lack of funding. He thanked the committee for allowing him to be the liaison with the Montana State Board of Veterans Affairs and for the letter asking the governor to reappoint him to the Board.

#### **Comments on the PDHRA Program and Report**

01:41:57 Matt Kuntz, stepbrother to Chris Dana, gave testimony regarding his stepbrother death as a result of post traumatic stress after returning from the Middle East conflict (**EXHIBIT 4**). He also gave comments on the PDHRA Program.

Rep. Wilmer offered Mr. Kuntz condolences on behalf of the committee on the loss of his brother.

#### **Questions**

02:01:23 SEN. JACKSON asked Mr. Kuntz to talk about vocational training after graduation from high school. Mr. Kuntz said that he is not a vocational counselor but he thinks that the vocational training system within the state is effective. He said that one of the chain of command's focus is making sure that the soldiers take advantage of their benefits.

02:04:56 REP. WILMER asked General Mosley if he has seen Mr. Kuntz' talking points and if he might take them into consideration. General Mosley said that he would be glad to read and consider Mr. Kuntz's talking points. If anyone has any ideas on how to do the job better, he would gladly accept those.

#### **Testimony**

02:06:26 Matt Kuntz said that the onus needs to be on the chain of command to tell the servicemen what benefits are available for them to use.

02:10:45 Mike Hankins, host of Voices for Veterans, said that most of the contacts that have been made that are relevant with the military regarding PTSD have been made by the families of those young men and women returning from Iraq.

02:20:26 Tracy Ching King, Fort Belknap Tribal Council member, gave testimony on the effects that war has on service men and women (**EXHIBIT 5**).

## Questions

02:30:11

REP. INGRAHAM asked Mr. Foster, MVAD, to comment on what Mr. King said regarding the treatment that the veterans receive from the VA and the Indian Health Services. Mr. Foster said that there are many complicated issues between the VA and the Indian Health Service. He said that they have been trying to work out memorandums of understanding to better coordinate their health services and the payment of those.

## Testimony

02:32:02

Brandi King, Fort Belknap, Iraq veteran, said that she is a veteran of Operation Iraqi Freedom. She served in Iraq from August 2004 until November 2005, and has served 8 years of active duty with the 1st Brigade, 25th Infantry Division Striker, Brigade Combat Team. She talked about serving in Iraq and described her experience with the VA after her discharge and what she thinks needs to be done in processing veterans who are discharged and in need of help.

02:42:29

Jeremiah Thompson, Iraq veteran, talked about treatment options and what organizations are out there for veterans, the lack of education in the public in identifying the symptoms of PTSD, and identifying the professionals who can help the veterans. He also talked about the Vets4Vets program, a federally funded peer-to-peer counseling organization, and the Wounded Warriors Project. He said that organizing a traveling clinic to process veterans and get them into the system would be a good idea, establishing a transition house for veterans to help them get on their feet is another good idea.

## Questions

02:50:18

REP. WILMER asked General Mosley if his organization would be willing to work more closely with veteran organizations. General Mosley said that he has asked veteran organizations to be on the Task Force and that part of his strategy and guidance on the Campaign Plan is working with those service organizations and trying to set up things around the state for veterans to talk to veterans.

02:54:22

Larry Prinkki, Viet Nam veteran, Vet2Vet member, commended the National Guard for their effort in the PTSD issue. He spoke on his experiences in Viet Nam and how important it is that something is being done for those returning from war. He said that when setting up counseling programs for veterans, you need to make sure the counselors are also veterans themselves.

## PUBLIC COMMENT

03:02:42

Tracy Velazquez, Montana Mental Health Association, congratulated the National Guard on the job they did regarding the PDHRA effort. She talked about the training of counselors and the need for more mental health professionals in the state. She said that she had some concerns in the Plan for Recommendations 2 and 3. Regarding Recommendation 2, education benefits, she said that if someone is discharged early because of mental health issues, they might have their education benefits limited because of their length of service. Regarding Recommendation 3, mental health volunteers needed for crisis teams, she suggested that most mental health professionals feel that they are stretched thin now and that might not be the best way to handle that. She said that the MHA

would like to participate however they can.

03:07:56 Ron Skinner, Chapter 938 of Viet Nam Veterans of America and Valley Veterans Service Center, Hamilton, said that they have put together an office located in a building that has 11 other human resource services available to veterans, and it has been a huge success.

Questions

03:16:10 REP. MACLAREN asked Mr. Skinner what some of the 11 different agencies in their building are. Mr. Skinner said there is the Summit, the Montana Work Program, the Human Resources Development Council, which is Section 8 Housing, the County Welfare Department, a program for the Disability Impaired, the Salvation Army, and others.

REP. MACLAREN asked Mr. Foster, MVAD, if the center in Hamilton could be a model that could be incorporated into the Campaign Plan to be used in other cities. Mr. Foster said that as far as the National Guard Campaign Plan goes, the Hamilton situation doesn't apply. He said that it is unique to Hamilton.

03:23:04 Dan Antoinetti, Legislative Chairman for the Veterans of Foreign Wars of the United States, distributed the 2008 Legislative Priority Goals (**EXHIBIT 5**). He said that it is always a pleasure to appear before the committee and he wanted to thank the committee for everything that they do and for everything that they are going to do. He said that at Butte High he learned the 3Bs: be bright, be brief, and be gone.

03:24:03 Alby Chapman, Commander for the Disabled American Veterans, said that he has read the PDHRA Task Force's report and wanted to commend Mr. Foster on the Task Force and their suggestions. He said that he works with the DAV and provides transportation to veterans in the state. He said that veterans' access to services is an issue. Through the work that this committee and the Legislature have done, he has been able to put more vans out in the communities.

03:25:51 Dan Stewart, Retired Master Sgt., Army National Guard, Legislative Chairman for the Enlisted Association National Guard of Montana, said that he moved to Montana after he retired. He said that he couldn't have received better treatment than what he received from the office of the Montana Veterans Affairs Division.

Questions

03:32:15 REP. WILMER asked about the Tri-Care Program's extension to the National Guard. General Mosley said that the Tri-Care Program has been opened to the National Guard without restrictions as to having to deploy in order to qualify for it. At the present time, National Guard members and their families will pay a premium to participate in the program.

REP. WILMER asked if that program included psychological services. General Mosley said that it does, that it is the same program that retired military personnel will get.

REP. INGRAHAM asked General Mosley how someone can get information on the problems that veterans are struggling with and how to address the basics of courteous training that might make a difference in a veteran's life. General Mosley said that Mr. Foster works closely with the federal VA people. He said that Mr. Foster will continually pass to the VA staff the concerns that MVAD and veteran services officers are hearing in their offices.

REP. INGRAHAM asked if there are tuition waivers for the members of the National Guard to go to school. General Mosley said that the Legislature passed a law to give University tuition waivers to National Guard veterans. He said that that law was sunset and at the 2007 Legislature, they asked the Legislature for an extension on that. They were told that for every National Guard member who seeks a waiver of tuition, someone else would have to pay more and unless money is provided, the Legislature is reticent to authorize a cost shift. General Mosley said that they are trying to work with the Board of Regents to come up with some agreement mechanism where some type of additional support will be provided as the Legislature had indicated.

#### **Other Committee Business**

03:53:38 REP. WILMER said that she wanted to go on record acknowledging that the Governor had re-appointed Joe Tropila to the Board of Veterans Affairs. Mr. Bohyer said that Mr. Tropila was re-appointed in September 2006 for a 4-year term under the provisions of section 2-15-1205, MCA, which has a member of the Board of Veterans Affairs specifically to represent this committee.

#### **Rep. Small-Eastman's inquiry of ballot tribal ID to be used as voter registration**

04:00:56 Dave Bohyer talked about Rep. Small-Eastman's inquiry of ballot tribal identification to be used as voter registration. Mr. Bohyer discussed Ms. McClure's letter of response to that inquiry (**EXHIBIT 6**).

#### **Monitoring authority over Department of Administration - State Fund**

04:02:22 Dave Bohyer said that the SAVA committee has monitoring authority over all entities attached to the agencies that the committee has responsibilities for. One of those agencies is the Department of Administration and one of the entities that is attached to that department is the Montana State Fund. Mr. Bohyer gave some background on how the State Fund was statutorily transferred out of the Department of Labor and over to the Department of Administration. He said that there have been letters of understanding that the Economic Affairs Committee will exercise the monitoring responsibility for the State Fund and the State Fund Board. He said that with the committee's consent, he would draft a letter for the chair's signature asking Rep. Mendenhall, Chair of the Economic Affairs Interim Committee, to have that committee exercise the monitoring of the State Fund.

04:04:10 SEN. GEBHARDT **moved** to send a letter to the chair of Economic Affairs Interim Committee asking them to assume responsibility for monitoring the State Fund and the State Fund Board and granting that authority to do that. The

motion **passed** unanimously.

REP. INGRAHAM **moved** that the State Administration and Veterans' Affairs Interim Committee draft legislation to have the appropriate committee oversee the State Fund and the State Fund Board. The motion **passed** unanimously.

**Report on Administrative Rule Review - David Niss, Legal Staff**

04:06:42 Mr. Niss talked about Administrative Rule Review and how important it is because it is the Legislature's first line of defense to make sure that the statutes are being applied properly by the agencies. He talked about three rules recently proposed by state agencies, two of which have tried to enforce federal law rather than state law, and one that involved an extensive grant program administered by one of the agencies that had appeared before the Committee today. He said that all three proposals were deficient under the Montana Administrative Procedure Act, but the agencies acted in good faith in trying to rectify the errors.

04:09:44 SEN. SQUIRES asked when the Secretary of State's Office will become responsible and appear before us. Mr. Bohyer said that he had received an email from the staff of the Secretary of State's Office asking if Secretary Johnson and his staff could appear at the November meeting.

SEN. SQUIRES discussed the report on the Help America Voting Act from the Legislative Auditor's Office. She requested that a discussion of the HAVA audit be put on the agenda for the next committee meeting. She also expressed her concerns about the Secretary of State's Office not being in attendance at the SAVA's meetings.

**Adjournment**

04:20:17 REP. WILMER adjourned the meeting at 5:20 p.m., to reconvene at 8:30 a.m., on October 20, 2007.

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