



**State Administration and Veterans' Affairs Interim Committee**  
**64th Montana Legislature**

**SENATE MEMBERS**

DEE BROWN--Chair  
DOUG KARY  
CLIFF LARSEN  
JONATHAN WINDY BOY

**HOUSE MEMBERS**

BRYCE BENNETT--Vice Chair  
FORREST MANDEVILLE  
WENDY MCKAMEY  
KATHY SWANSON

**COMMITTEE STAFF**

SHERI SCURR, Lead Staff  
K. VIRGINIA ALDRICH, Staff Attorney  
KATYA GROVER, Secretary

## MINUTES LOG

April 19, 2016  
Room 102, Capitol Building  
Helena, Montana

Please note: This document is a Minutes Log and provides a notation 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 record 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 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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### **COMMITTEE MEMBERS PRESENT**

SEN. DEE BROWN, Chair  
REP. BRYCE BENNETT, Vice Chair  
SEN. DOUG KARY  
SEN. CLIFF LARSEN  
REP. FORREST MANDEVILLE  
REP. WENDY MCKAMEY  
REP. KATHY SWANSON

### **COMMITTEE MEMBERS EXCUSED**

SEN. JONATHAN WINDY BOY

### **STAFF PRESENT**

SHERI SCURR, Lead Staff  
K. VIRGINIA ALDRICH, Staff Attorney  
KATYA GROVER, Secretary

## **VISITORS' LIST (Attachment 1)**

## **AGENDA (Attachment 2)**

### **COMMITTEE ACTIONS**

The committee

- Approved a motion that the committee not further examine HIPAA and health information laws as part of the House Joint Resolution 21 study of personal information.
- Approved a motion that the committee not further examine insurance and financial information laws as part of the HJR 21 study.
- Presiding officer Sen. Brown asked staff to communicate to local government associations on behalf of the committee that the committee looks forward to local government compliance with the law to post privacy policies on their websites by sometime this summer.
- Approved a motion to request that appropriate state and local entities, including the Montana Information Technology Services Division and the Montana Association of Counties, educate government agencies and political subdivisions about the current state law requiring them to post online privacy policies. The motion included a request that ITSD examine state agency compliance and report back to the committee.
- Approved a motion for a committee bill to eliminate the specific statutory language requiring that the state information technology report be presented to the State Administration and Veterans' Affairs Interim Committee. The motion included acknowledging that the report will continue to be published, presented to the Legislative Finance Committee, and available to all legislators, including SAVA, upon request.
- Approved a motion to eliminate from LC0030, the committee bill revising election laws, a provision that would allow a local government study approved by the voters to be cancelled.
- Approved a motion to revise LC0030 to address the transitional terms of office for special purpose district officers in a special noncodified bill section rather than amending section 13-1-504 by inserting date-specific language into the section.
- Approved a motion that added the following requirements and clarifications to LC0030:
  - Require that a copy of a resolution calling a school election be sent to the superintendent of public instruction within 3 days after the resolution's adoption.
  - Require that a copy of a notice of an election by acclamation of a school trustee be sent to the superintendent of public instruction within 3 days after the declaration of election by acclamation.
  - Require that the county election administrator be responsible for providing the required notice of the close of regular voter registration for a school election.

- Provide that the deadline for canceling a conservation district election held in conjunction with a federal primary or federal general election is the regular candidate filing deadline and not the filing deadline for a write-in candidate.
- Clarify that ballots for absentee voting in person must still be available 30 days before the election.
- Approved a motion to send a letter from SAVA to appropriate congressional authorities calling for the repeal of a provision in the federal Fiscal Year 2016 Defense Authorization Act that requires that 20 percent of Montana's state military technician positions be converted to civilian positions and from state control to federal control.
- Approved a motion to develop a committee bill to require commercial websites that collect personal information on Montana consumers to post online privacy policies. The motion included instructions to model the bill after certain provisions of the EU-U.S. Privacy Shield, California online privacy laws, and a Utah act.

**CALL TO ORDER AND ROLL CALL**

00:00:02 Sen. Brown called the meeting to order at 8:30 a.m. The committee secretary called roll. [\(Attachment 3\)](#)

**PENSION INVESTMENT RETURN ASSUMPTION AND CASH FLOW**

**Panel - Information Briefings**

David Ewer, Executive Director, Board of Investments  
 Joe Cullen, Chief Investment Officer, Board of Investments  
 Dore Schwinden, Executive Director, MPERA  
 Shawn Graham, Executive Director, TRS

00:00:57 Mr. Ewer [\(Exhibit 1\)](#)  
 00:11:55 Mr. Cullen  
 00:12:25 Mr. Schwinden  
 00:13:00 Mr. Graham

**Committee Questions and Discussion**

00:14:19 Sen. Kary asked whether the panelists considered the idea that the government may not be growing and, thus, having fewer employees.

00:15:48 Sen. Brown asked whether the Retirement Boards have the authority to change the actuarial assumption. Sen. Brown also asked whether a report reflecting the current actuarial assumptions will be ready for the 2017 legislative session.

00:18:58 Rep. Mandeville asked about how the actuarial consultants are selected and whether all actuaries agree with each other.

00:19:56 Sen. Larsen asked whether all the retirement units use a common actuarial service.

00:21:31 Sen. Brown asked about the amount of contributions coming in to the retirement systems compared to benefits paid out.

### **HJR 21 - STUDY ON PERSONAL INFORMATION OWNERSHIP**

00:27:55 Sen. Brown said that the committee needs to focus on the content of HJR 21 and not attempt to resolve the issue of personal information ownership globally. Sen. Brown also announced that Rep. Bennett would preside over this portion of the agenda.

00:29:12 Rep. Bennett also addressed the point about the committee focusing its attention on the content of HJR 21 only.

### **Trade Practices and Consumer Protection**

#### Background and Issue Briefs - Sheri Scurr, Legislative Research Analyst

00:29:55 Ms. Scurr presented a background information brief regarding online tracking. **(Exhibit 2)**

#### Committee Questions of Ms. Scurr

00:52:28 Sen. Larsen asked about what consumers can do to protect themselves.

00:57:21 Rep. Bennett asked whether, in her research, she looked at the legal framework of what issues can be addressed in Montana by the proposed resolution.

00:58:16 Ms. Scurr presented a background information brief regarding self-regulation. **(Exhibit 3)**

00:58:27 Ms. Scurr presented Issue Brief #1 entitled "Requiring Notice of Online Information Collection Practices." **(Exhibit 4)**

01:18:40 Sen. Kary expressed his concern about Montana attempting to regulate global economy.

01:21:43 Ms. Scurr presented Issue Brief #2 entitled "Requiring Opt-In For Online Data Collection For Marketing." **(Exhibit 5)**

#### Committee Questions of Ms. Scurr

01:37:50 Rep. Mandeville asked about whether simply visiting some websites means that you are opting in (agreeing to their privacy policy) and that you would have to do that before opting out.

01:39:27 Ms. Scurr resumed her presentation.

#### Stakeholder Roundtable - Discussion with Committee

01:50:19 Rep. Bennett introduced this agenda item and invited those with special expertise on trade practices and consumer protection to come forward to the table to present to the committee.

- 01:50:49 Charles Denowh, Internet Coalition, advised the committee that the topic is very broad and that the committee should be careful not to make Montana an outlier. **(Exhibit 6)**
- 01:55:18 Marcus Meyer, Office of Consumer Protection, Department of Justice, talked about identity thefts and regulations that are in place right now.
- 01:56:17 Brad Grffin, President, Montana Retail Association, addressed some of the points that Ms. Scurr discussed in her presentations, such as laws in different states and the EU-U.S. Privacy Shield.

#### Committee Questions

02:01:32 Sen. Kary asked Mr. Meyer about the Identity Theft Passport Card.

Public Comment - none

#### Committee Discussion

Committee members and staff discussed how the issue of ownership of personal information in Montana should be approached.

- 02:02:44 Ms. Scurr  
 02:03:28 Sen. Brown  
 02:04:25 Sen. Larsen  
 02:05:28 Rep. Bennett  
 02:07:08 Ms. Scurr

#### **Financial and Insurance Information**

Issue Brief - Sheri Scurr, Legislative Research Analyst

02:08:25 Ms. Scurr presented Issue Brief #3 entitled "Financial Services Providers: Current Law Exceptions Allowing for the Disclosure of Personal Information." **(Exhibit 7)**

#### Stakeholder Roundtable - Discussion with Committee

Jacqueline Lenmark, the American Insurance Association and AFLAC  
 Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions,  
 Department of Administration  
 Steve Turkiewicz, President/CEO, Montana Bankers Association

- 02:26:33 Nick Mazanec, Staff Attorney, State Auditor's Office, provided a report entitled "Insurance Data Security Model Law." **(Exhibit 8)**
- 02:36:03 Ms. Lenmark  
 02:40:19 Ms. O'Sullivan  
 02:42:06 Mr. Turkiewicz

#### Committee Questions of Mr. Mazanec

02:45:28 Sen. Brown asked about a bill that the State Auditor's Office is going to propose which will shorten the 60-day notification period for security breaches intentions and other components of the model bill.

02:46:41 Sen. Brown referred to a large breach of a DPHHS database and asked Mr. Mazanec if he could discuss that.

Public Comment - none

Committee Work Session on How to Proceed

Committee members and stakeholders provided their feedback regarding financial and insurance information and regarding committee's next steps about this topic.

02:47:33 Sen. Brown  
02:48:27 Rep. Bennett  
02:49:03 Rep. McKamey  
02:49:44 Mr. Mazanec  
02:50:28 Ms. O'Sullivan

**Motion**

02:50:51 Sen. Brown moved to take discussions about financial and insurance information off agenda in future SAVA meetings as this industry is already heavily regulated.

**Vote**

02:51:32 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.

**Health Information**

Research Brief - Sheri Scurr, Legislative Research Analyst

02:51:56 Ms. Scurr presenting Issue Brief #4 entitled "Health Information: HIPAA Issues Regarding Montana's Laws." ([Exhibit 9](#))

Stakeholder Roundtable - Discussion with Committee

Dick Brown, President/CEO, Montana Hospital Association  
Laurie Agostinelli, Montana Health Information Management Association  
Barb Slunaker, Director of Medical Records, St. Peter's Hospital

03:12:33 Mr. Brown  
03:15:41 Ms. Agostinelli  
03:16:41 Barb Slunaker

Committee Questions

03:18:08 Sen. Brown asked Mr. Brown whether patients are required to give out their SSN.

03:18:38 Rep. McKamey asked Mr. Brown whether there could still be some refinements to the law that would help healthcare organizations and consumers of healthcare.

03:19:48 Sen. Brown asked for clarification about verbal consent. Sen. Brown also asked whether all providers in Montana require written consent.

03:21:49 Sen. Larsen referred to hospitals and clinics being hacked and asked whether this committee could provide any help in this regard.

Public Comment - none

Committee Work Session on How to Proceed

**Motion**

- 03:25:01 Sen. Brown agreed with Sen. Larsen's offer of help and urged those organizations working with healthcare information to let the SAVA committee know if any assistance can be provided so that SAVA can carry an appropriate bill. Sen.
- 03:26:49 Brown moved to take discussion about HIPAA and other health-related information off the agenda for future SAVA meetings.

**Vote**

- 03:26:57 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.

**LUNCH** (reconvened at 1:00 p.m.)

**Government Information**

Research Brief - Sheri Scurr, Legislative Research Analyst

- 04:29:00 Sen. Brown
- 04:29:15 Ms. Scurr presented Issue Brief #5 entitled "Government Information: Exceptions to the Montana Information Technology Act." ([Exhibit 10](#))

Committee Questions of Ms. Scurr

- 04:40:07 Sen. Brown asked Ms. Scurr to confirm that State agency websites only collect personal information when a person is filling out a web-based form or application for various types of governmental services.
- 04:40:14 Ms. Scurr resumed her presentation.

Committee Questions of Ms. Scurr

- 04:47:28 Sen. Brown noted that the committee members need to make sure that the local governments in their districts have privacy policy visible on the front page of their websites as required by current law.
- 04:48:27 Rep. Mandeville asked whether an agency, in case it is not in compliance, would potentially be a subject to a lawsuit or whether the compliance is enforced internally, through the audit function.
- 04:49:35 Sen. Brown noted that Flathead county does not have a privacy policy on its local government website.
- 04:49:58 Rep. McKamey suggested that the chair of the SAVA committee do a press release about this.
- 04:51:36 Sen. Brown said that instead of a press release, educating counties and other local government units would be a better idea. Sen. Brown noted that, in

educating the local government entities, MACo and other local government associations would be a good resource.

- 04:51:05 Ms. Scurr addressed the concern about making sure each county is in compliance with providing a privacy notice on the front page of the local government website.
- 04:51:38 Sen. Brown asked Ms. Scurr to communicate to local government associations on behalf of the committee that the committee looks forward to local governments complying with the law requiring privacy policies be posted on their websites by some time this summer.

#### Stakeholder Roundtable - Discussion with Committee

- 04:51:55 Sen. Brown invited stakeholders to contribute to the discussion about government information in general terms.
- 04:52:48 Lynne Pizzini (on behalf of Ron Baldwin, Chief Information Officer), Deputy CIO, State Information Technology Services Division (SITSD), Department of Administration introduced herself.
- 04:53:12 Ms. Scurr explained to the committee that the intent for Ms. Pizzini to attend this meeting on behalf of Mr. Baldwin was to answer questions that the committee members may have regarding this agenda topic and therefore Ms. Pizzini does not have a presentation.
- 04:53:34 Sen. Brown asked Ms. Pizzini to weigh in on topic of the privacy policies in general and government information in general.
- 04:53:40 Ms. Pizzini addressed Sen. Brown's request.
- 04:54:31 Sen. Brown asked Ms. Pizzini whether SITSD has an easy cut-and-paste type of text that can be used for a privacy policy statement by the political subdivisions across the state.
- 04:55:57 Sen. Brown asked Ms. Pizzini for her email address so that those who need to could contact her.

#### Public Comment - none

#### Committee Work Session on How to Proceed

Committee members and staff discussed how the issue of privacy policies and government information in Montana should be approached.

- 04:56:54 Rep. Bennett assumed presiding officer duties.
- 04:56:57 Sen. Brown
- 04:57:20 Sen. Kary
- 04:58:29 Rep. McKamey
- 04:59:40 Sen. Brown
- 05:00:27 Rep. Bennett



05:02:12 Rep. Mandeville  
05:03:04 Sen. Brown  
05:03:48 Rep. Bennett  
05:06:06 Sen. Larsen  
05:08:34 Rep. Bennett  
05:09:11 Sen. Brown  
05:09:49 Rep. McKamey  
05:11:09 Rep. Bennett  
05:11:15 Rep. Mandeville  
05:11:58 Rep. McKamey  
05:12:30 Rep. Bennett  
05:13:45 Sen. Brown  
05:14:02 Ms. Scurr  
05:15:05 Sen. Kary  
05:15:40 Rep. Bennett

**Motion**

05:15:49 Sen. Brown moved that the committee proceed with requesting that the SITSD and local government associations engaged in an educational process in the next two or three months so that every state agency and political subdivision across the state comes into compliance with the law requiring a privacy policy statement on the front page of its website and moved that the SITSD take the lead in this process.

**Motion to Amend**

05:16:23 Rep. Bennett moved that Sen. Brown's motion be amended to include that the SITSD will provide the SAVA committee with a brief report about their work regarding the compliance.

05:16:42 Sen. Brown accepted Rep. Bennett's amendment.

**Discussion on the Motion**

05:16:37 Sen. Larsen  
05:17:15 Ms. Pizzini  
05:17:40 Shantil Siaperas, Montana Association of Counties

**Vote**

05:18:12 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.

**Committee Discussion**

Committee members and committee staff had a discussion about concentrating on the trade practices and consumer protection for the remainder of the study during the interim session.

05:18:25 Rep. Bennet  
05:19:23 Sen. Brown  
05:20:10 Ms. Scurr  
05:21:02 Sen. Brown  
05:21:59 Sen. Larsen  
05:22:27 Rep. Bennett

05:22:55 Ms. Scurr  
05:23:22 Rep. Bennett  
05:23:39 Sen. Brown

**HB 142 (2011) OVERSIGHT DUTIES - REVIEW AND AGENCY RECOMMENDATION**

05:24:08 Sen. Brown resumed presiding officer duties.

05:24:12 Ms. Scurr presented a report entitled "HB 142 (2011) Duties." ([Exhibit 11](#))

05:28:55 Ms. Pizzini, Deputy CIO, State Information Technology Services Division, Department of Administration, presentation of the agency's recommendation (included in Exhibit 11).

**Committee Questions**

05:33:17 Sen. Brown asked whether the information technology report will continue to be issued once the SAVA committee stops requesting it.

05:33:57 Sen. Brown asked whether there is a statute requiring this report being reviewed by the committee.

**Motion**

05:35:33 Rep. Bennett moved to remove the requirement that the information technology report be presented to the SAVA committee.

**Vote**

05:35:47 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.

05:36:30 Rep. McKamey asked for clarification on the elimination of the e-government council.

05:37:01 Sen. Brown confirmed that the e-government council was eliminated last session because it was redundant.

**Public Comment** - none

**HB 84 (2015) - ELECTION LAW GENERAL REVISION BILL - CLEANUP**

05:37:12 Sen. Brown introduced this agenda item.

05:37:34 Ms. Scurr presented Discussion Bill Draft LC0030 and the Table of Revisions Suggested to Date. ([Exhibit 12](#))

05:41:17 Ms. Aldrich provided an overview of Section 9 (voter review of local government), in the revisions table about Article XI (local government) of Montana Constitution. ([Exhibit 13](#))

### Committee Questions

- 05:42:50 Rep. Bennett asked how, in case there are not enough people to fill the local government study commission members positions, this problem gets addressed.
- 05:43:53 Rep. Bennett said that he strongly opposes allowing cancellation of a local government study approved by the voters.
- 05:44:12 Ms. Aldrich addressed Rep. Bennett's comment.
- 05:44:35 Sen. Larsen said that he likes the idea of jurisdiction leaders being able to make an appointment and that he would resist the kind of language where the committee would eliminate what people voted for.
- 05:45:32 Sen. Brown brought the committee's attention to the fact that cancellation of a local government study contradicts the Montana constitution and asked committee members to make a motion.

### **Motion**

- 05:45:51 Rep. Bennett moved for elimination from the bill draft the part allowing cancellation of a local government study when there are not enough people to fill the local government study commission members positions

### **Discussion on the Motion**

- 05:46:10 Rep. Swanson
- 05:46:48 Sen. Brown

### **Vote**

- 05:47:08 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.
- 05:47:27 Ms. Scurr resumed her report (see Exhibit 12). Ms. Scurr also distributed a written testimony to this bill draft written by Mona Jamison, Attorney, Big Sky Resort Are District. [\(Exhibit 14\)](#)

### Committee Questions

- 05:53:21 Sen. Brown asked Ms. Scurr whether the committee could craft the clean-up bill without putting "2016" inside the statute.

### **Motion**

- 05:54:52 Sen. Brown made a motion to strike the section in the clean-up bill that refers to the year 2016 and to create a section that is not codified that would provide for the transition of terms of office.

### **Vote**

- 05:55:24 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.

**Public Comment**

05:55:37 Regina Plettenberg, Clerk and Recorder/ Election Administrator/Superintendent of Schools, commented (via phone) on Topic No. 8 in Exhibit 12 that talks about cancellation of school and special district elections.

Committee Questions of Ms. Plettenberg

05:57:46 Rep. McKamey asked about the deadline for printing ballots for the elections.

06:00:20 Sen. Brown asked about the number of write-in candidates in the last 10 years.

06:02:41 Sen. Brown asked whether this could be a separate bill carried by a representative or senator during the 2017 legislature as opposed to being part of this clean-up bill.

06:03:24 Rep. Bennet asked Mr. Scurr about the write-in deadline.

**Public Comment - CONTINUED**

06:06:08 Nicole Thuotte, School Finance Specialist, OPI, provided a handout (**Exhibit 15**) and addressed topics number 6 (voter registration), 8 (cancellation of elections), and 10 (notice about closure of regular voter registration) as reflected in Exhibit 12.

Committee Questions of Ms. Thuotte

06:10:30 Sen. Brown asked who would be responsible for paying the county election administrator to process all the notices.

**Public Comment - CONTINUED**

06:11:22 Shantil Siaperas, Montana Association of Counties, addressed topic number 8 in Exhibit 12.

06:11:57 Ms. Scurr read a letter (**Exhibit 16**) on behalf of Linda McCulloch, Secretary of State, which addressed topic number 7 (conservation district elections) in Exhibit 12.

Committee Questions of Ms. Scurr

06:16:29 Sen. Brown asked whether the change proposed to 13-13-205 would address late registration.

06:17:08 Sen. Brown asked whether the 25- and 30-day ballot availability deadlines coincide with other elections.

06:18:47 Sen. Kary asked whether the late registration deadline would change.

**Public Comment - CONTINUED**

06:20:22 Bob Vogel, Montana School Boards Association, also addressed topic number 8 (cancellation of elections) in Exhibit 12.

### **Committee Questions, Discussion and Work Session**

- 06:22:39 Rep. Bennett commented on the clean-up bill draft going forward.
- 06:23:20 Sen. Brown suggested to either vote on each individual topic reflected in Exhibit 12 or vote on two or three topics grouped together but not on all ten topics as a whole.

### **Motion**

- 06:23:55 Rep. Bennett moved that the draft clean-up bill (LC0030 - Exhibit 12) would include the changes articulated in topics 1 through 10 (in Exhibit 12) except for topics 5 and 8.

### **Vote**

- 06:24:49 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.
- 06:25:24 Sen. Kary asked for clarification about topic number 5 (cancellation of a local government study) in Exhibit 12.

### **VETERAN ISSUES - INFORMATION BRIEFINGS**

#### **Biennial Report - Board of Veterans' Affairs/MVAD - Joe Foster, Administrator**

- 06:26:05 Mr. Foster

#### **Veterans' Courts - Brenda Desmond, Standing Master, Fourth Judicial District, Missoula**

- 06:31:45 Ms. Desmond and Missoula Veterans Court program mentors introduced themselves.
- 06:34:23 Ms. Desmond ([Exhibit 17](#)) ([Exhibit 18](#)) ([Exhibit 19](#))
- 06:48:48 Larry Anderson, Missoula Veterans Court
- 06:53:44 Sen. Brown spoke about jobs for veterans.
- 06:54:22 Mitchell Ferm, Missoula Veterans Court
- 06:56:17 John Crawford, Missoula Veterans Court

### **Committee Questions**

- 06:58:32 Sen. Larsen asked presenters for their feedback about the following: whether there are any missing pieces that the legislature could address to help facilitate similar veterans courts in other cities.

#### **Suicides and Prevention, Including Tribal Issues - Sheri Scurr for Karl Rosston, State Suicide Prevention Coordinator**

- 07:05:58 Sen. Brown introduced the topic.
- 07:06:24 Sen. Brown called the Veterans Suicide Hotline and spoke to an operator.
- 07:10:25 Ms. Scurr reported on veteran suicides and prevention in Montana. ([Exhibit 20](#)) ([Exhibit 21](#))

### **Committee Questions**

- 07:18:33 Sen. Brown asked about the reply from Richard Opper, Director of DPHHS, about his intent to hire a consultant, who would be paid a portion of money that was appropriated, irrespective of the wishes of the State-Tribal Relations

Committee for that money not to be paid to a consultant (see page 2 of Exhibit 21).

07:20:32 Sen. Brown commented on Montana's high suicide rate and said the state needs to do a better job on prevention. She asked Mr. Foster to comment on what the Board of Veterans' Affairs is doing on this topic.

07:21:24 Joe Foster, Division Administrator, Montana Veterans Affairs, addressed Sen. Brown's points.

07:23:01 Sen. Brown asked to have Juliana Hallows, Suicide Prevention Coordinator, Veterans Affairs Montana Health Care System, report on the topic during SAVA's next meeting.

Public Comment - none

### **LEGISLATIVE AUDIT 14P-13 - RAILROAD SAFETY**

#### **Overview of Recommendations for Dept. of Military Affairs (Disaster and Emergency Services Division) - Diedra Murray, LAD**

07:24:22 Ms. Murray ([Exhibit 22](#)) ([Exhibit 23](#))

#### Committee Questions fo Ms. Murray

07:37:00 Sen. Brown asked whether the tax revenue has ever been specified for anything other than the General Fund.

Public Comment - none

#### Agency Response

07:37:58 Major General Matthew Quinn, Montana National Guard, commented on the three findings in the audit related to Disaster and Emergency Services Division of DMA.

### **MONTANA NATIONAL GUARD - INFORMATIONAL BRIEFING**

07:42:07 Major General Matthew Quinn, Montana National Guard, provided background information regarding the conversion of U.S.C. Title 32 military technicians to Title 5 civilian employees. ([Exhibit 24](#))

#### Committee Questions of Major General Quinn

07:45:37 Sen. Brown asked about railroad hazards and how this conversion might affect providing first response to those disasters.

07:47:22 Sen. Brown provided a comment to Major General Quinn's answer.

07:47:43 Rep. Bennett asked whether the national change concerning the military technician conversion to civilian employees is going to be reflected in the uniform code of military justice bill that has to be passed each legislation session.

**Motion**

07:48:41 Rep. Bennett moved that the committee support the effort to repeal the portion of the federal Defense Authorization Act requiring the conversion of the positions to federal employees so that the state can keep the military technicians under state jurisdiction.

**Vote**

07:49:33 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.

Committee Questions of Major General Quinn

07:49:43 Sen. Brown asked Major General Quinn what he would suggest that the legislature do with the four million dollar railroad tax that would direct it toward railroad safety.

07:51:26 Major General Quinn commented on veteran suicides. He noted that the National Guard extended employee assistance program benefits at the state level to all national guard members as one of the suicide preventive measures.

**AGENCY BILL DRAFT PROPOSALS**

**Montana Board of Veterans' Affairs and MVAD**

No bill drafts were proposed.

**Montana Department of Military Affairs**

07:52:31 Beverly Schneider, Lieutenant Colonel, Montana National Guard, presented a summary of three DMA bill draft proposals. ([Exhibit 25](#))

07:57:30 Sen. Brown reminded the committee members that the committee needs to authorize drafting of the bills to meet preintroduction deadlines but that the committee does not have to support that bill, as this action is simply to authorize a bill draft.

**Public Comment** - none

**Motion**

07:59:21 Rep. Bennet moved that the committee authorize the drafting of the three bills proposed by the Montana Department of Military Affairs.

**Vote**

07:59:52 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.

08:00:04 Lieutenant Colonel Schneider concluded her presentation.

**OFFICE OF COMMISSIONER OF POLITICAL PRACTICES - INFORMATIONAL BRIEFING**

08:01:12 Jonathan Motl, Commissioner of Political Practices (COPP), presented information on the litigation his office is involved in. ([Exhibit 26](#))

### Committee Questions

- 08:08:27 Sen. Brown asked for clarification about pro bono work done by attorneys.
- 08:09:45 Sen. Brown also asked about how coordination of campaign activities is determined for campaign contribution reporting.
- 08:12:00 Rep. Mandeville asked about in-kind contributions.
- 08:12:47 Sen. Brown asked about stuffing envelopes for a campaign.

### **RULE REVIEW MATTERS**

- 08:14:33 Ginger Aldrich, Staff Attorney

### **PUBLIC COMMENT ON ANY MATTER UNDER SAVA'S JURISDICTION**

- 08:16:28 Roger Hagan, Legislative Chairman, American Legion, provided a comment about the conversion of military technicians from Title 32 to Title 5 federal civilian employees.

### **WRAP UP**

Committee members discussed a possible committee bill draft addressing concerns brought up in HJR 21.

- 08:20:17 Rep. Bennet provided proposed content for the bill draft. ([Exhibit 27](#))
- 08:23:12 Sen. Brown
- 08:23:36 Rep. Bennett
- 08:24:04 Sen. Brown
- 08:24:25 Rep. Bennett
- 08:24:38 Sen. Brown
- 08:26:35 Rep. Mandeville distributed a document containing sections of a statute in Utah regarding protection of nonpublic personal information. ([Exhibit 28](#))
- 08:30:36 Sen. Larsen
- 08:31:07 Rep. Mandeville
- 08:31:22 Sen. Kary
- 08:32:21 Rep. McKamey
- 08:33:02 Sen. Brown
- 08:33:15 Rep. McKamey
- 08:34:13 Sen. Kary
- 08:36:09 Sen. Larsen
- 08:37:24 Ms. Scurr
- 08:39:29 Rep. Bennett
- 08:42:04 Ms. Aldrich
- 08:43:15 Rep. McKamey
- 08:43:46 Rep. Mandeville
- 08:44:20 Rep. McKamey
- 08:44:42 Rep. Bennett
- 08:45:21 Sen. Brown



08:45:32 Ms. Scurr  
08:46:00 Sen. Kary

**Motion**

08:46:24 Rep. Bennett moved that the committee develop a committee bill to require commercial websites that collect personal information on Montana consumers to post online privacy policies. The motion included instructions to model the bill after certain provisions of the EU-U.S. Privacy Shield, California online privacy laws, and a Utah act.

**Discussion on the Motion**

08:47:19 Sen. Brown  
08:47:28 Rep. Mandeville  
08:47:48 Rep. Bennett  
08:48:01 Rep. Mandeville  
08:48:06 Sen. Brown

**Vote**

08:48:16 The motion passed unanimously on a voice vote. Sen. Windy Boy was excused.  
  
08:48:31 Ms. Scurr asked for clarification about her responsibilities with respect to the motion made earlier regarding the committee supporting the State's opposition to the federal law on the conversion of military technicians to federal civilian employee positions.

**ADJOURNMENT**

08:50:45 With no further business before the committee, Sen. Brown adjourned the meeting at 5:25 p.m.

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