



## State Administration and Veterans' Affairs Interim Committee

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### 65th Montana Legislature

#### SENATE MEMBERS

SUE MALEK--Chair  
DOUG KARY--Vice Chair  
DEE BROWN  
FRANK SMITH

#### HOUSE MEMBERS

DENISE HAYMAN  
FORREST MANDEVILLE  
WENDY MCKAMEY  
KATHY SWANSON

#### COMMITTEE STAFF

SHERI SCURR, Lead Staff  
K. VIRGINIA ALDRICH, Staff Attorney  
JENNI CARR, Secretary

# MINUTES LOG

September 14, 2017  
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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Please contact the Legislative Services Division at 406-444-3064 for more information.

#### **COMMITTEE MEMBERS PRESENT**

SEN. SUE MALEK, Chair  
SEN. DOUG KARY, Vice Chair  
SEN. DEE BROWN  
SEN. FRANK SMITH  
REP. DENISE HAYMAN  
REP. FORREST MANDEVILLE  
REP. WENDY MCKAMEY (by phone)  
REP. KATHY SWANSON

#### **COMMITTEE MEMBERS EXCUSED**

#### **STAFF PRESENT**

SHERI SCURR, Lead Staff  
K. VIRGINIA ALDRICH, Staff Attorney  
JENNI CARR, Secretary

## VISITORS' LIST(Attachment 1)

## AGENDA(Attachment 2)

### COMMITTEE ACTIONS

Adopted a study and work plan for the interim with the changes outlined below:

- Added examination of whether Common Access Cards (issued for military and overseas personnel) and use of digital signature verification could help make Montana elections more user friendly.
- Added to pension fund monitoring a special panel of speakers on how other states comparable to Montana manage their investments and consideration of whether Montana's approach to pension fund investments could be improved.
- Added that presentations on actuarial valuations of the pension funds include a 5- or 10-year legislative history.
- Added continued monitoring of veteran suicide prevention programs if it seems program changes may be necessary.
- Revised the approach to background and education on veteran benefit claims processing to involve a staff white paper to committee members prior to a meeting rather than taking up committee time during a meeting.
- Revised the approach to information on the VA health care system to rely more on a staff white paper for background and education and added a briefing from the Montana Medical Association on how Vet Choice II is working.
- Narrowed examination of campaign contribution limits to informational briefings to be provided only after the decision from the 9th Circuit Court has been issued.
- Eliminated further examination of special district election laws.
- Eliminated examination of statutes concerning cancellation of primary elections in county and municipal elections.
- Narrowed the approach to examining statutes on how local governments decide on whether to hold partisan or nonpartisan elections so that it is targeted only on a specific statute affected by HB 84 (2015).
- Expanded consideration of state employee pay plan issues to include briefings from the Department of Administration on current recruitment and retention issues, vacancies, and pay disparities. Instructed staff to inform SAVA about whether or how the Law and Justice Interim Committee may be addressing pay issues and staff shortages in the Department of Corrections.
- Added a limited examination of state disaster and emergency plans, specifically the

degree to which these plans rely on the readiness of local first responders who may not actually have the capability of responding as reflected in the state plans. Instructed staff that information should be exchanged between SAVA and the Local Government Interim Committee, which is examining local police departments under HJR 25 and emergency medical and volunteer firefighter systems under SJR 21.

- Added an informational briefing from the Office of Public Instruction on the Interstate Compact for Military Children.

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

00:00:03 Sen. Malek called the meeting to order. ([Attachment 3](#))

### **VETERANS AFFAIRS**

#### **Informational briefings on transportation issues - VA and DAV roles - Mike Garcia, public affairs officer for Montana VA healthcare system; Kenneth Fenstermacher**

00:01:40 Changes to the agenda

00:03:29 Mr. Garcia presented handouts for his presentation. ([Exhibit 1](#)) ([Exhibit 2](#)) ([Exhibit 3](#))

00:04:33 Mr. Fenstermacher began his presentation on VA transportation service.

00:09:53 Sen. Brown asked what type of people would enroll in the transportation program, what qualifications they should have, and how can the committee promote more drivers.

00:11:41 Sen. Brown asked how to obtain contact information to provide to people who would be interested in being a driver.

00:13:05 Sen. Malek asked why so many veterans are not enrolled. And asked if the information was accurate.

00:14:49 Sen. Malek asked Mr. Garcia to go over Exhibit 3.

00:18:00 Sen. Kary asked about the southeast portion of the map.

00:18:43 Rep. Hayman asked how plans are being made for assisted living as the veteran population ages, specifically what's happening in the next 10 years.

00:23:19 Sen. Malek asked about use of private doctors and if using private care is helping alleviate any of the problems.

00:26:08 Sen. Malek asked if there's a doctor shortage in Montana.

00:28:00 Sen. Smith stated that veteran care is limited, and asked how they could get enough drivers to cover the transportation.

00:34:34 Sen. Malek asked about independent and assisted living, and how a veteran could access those services.

#### **Overview of VA veteran program - statistics and VA suicide prevention efforts - Sheri Scurr, staff researcher.**

00:36:20 Ms. Scurr began her presentation on veteran suicide. ([Exhibit 4](#))

00:44:37 Sen. Malek asked about suicide statistics.

00:49:32 Sen. Malek asked about a sponsored wilderness experience, and asked if any information about those services is provided.

00:51:22 Sen. Brown wanted to mention the lack of "connection" and the need for one on one contact to aid the prevention of veteran suicide and homelessness.

00:52:04 Rep. Hayman asked about families to help educate them about treatment of suicidal veterans.

00:53:59 Sen. Malek asked about the age of veterans and why older veterans tend to be more inclined to suicidal tendencies.

**State data on veteran suicides - Laura Williamson, state epidemiologist DPHHS**

00:57:01 Ms. Williamson began her presentation on state data. ([Exhibit 5](#))  
01:03:14 Sen. Brown asked if there's a correlation between age and the increased suicide rate.  
01:03:45 Rep. Hayman asked if there were statistics on veteran's who have harmed their family members at the same time they were experiencing mental distress.  
01:04:35 Sen. Kary asked about the correlation between the percentages of suicides and veterans with chronic pain.  
01:05:42 Sen. Malek asked if the reporting system for cause of death in Montana has improved.  
01:07:05 Sen. Malek asked if we were doing better at identifying suicidal veterans.

**State suicide prevention program, focus on veteran suicide prevention and implementation of HB 118 (2017) - Zoe Barnard, administrator of Addictive and Mental Disorders Division, DPHHS**

01:08:15 Ms. Barnard began her presentation on suicide prevention and details on the effects of HB 118.  
01:12:55 Sen. Kary asked if the Native American population had any plans in place yet.  
01:14:21 Rep. Hayman asked about the zero suicide academy.  
01:17:07 Sen. Malek asked about peer review methods that could be used.  
01:20:29 Sen. Malek asked if grant applications would be coming in on a rolling basis.  
01:21:16 Sen. Malek asked about mental health and guns, and whether there was any prevention in Montana to keep someone with mental health issues from purchasing a gun.

**BREAK** (reconvened at 10:30)

**Overview of Montana National Guard suicide prevention program - Brig. Gen. Fox**

01:31:47 Brig. Gen. Fox introduced the presenters for the suicide prevention program.  
01:32:45 Lt. Col. Gregory Olson, director of military personnel for the Montana National Guard, discussed the services provided for veterans.  
01:36:18 Video on veteran suicide. ([Exhibit 6](#))  
Note: Exhibit 6 is the video on veteran suicide and can be viewed at 01:36:18 in the video recording of the meeting, or a hard copy DVD is available in the Legislative Services Division upon request.  
01:47:20 Lt. Col. Olson continued his presentation, discussing the "I am valued" campaign.  
01:48:31 Sen. Brown thanked Lt. Col. Olson for the video and for the National Guard's response to the committee.  
01:49:12 Sen. Malek asked who sees the film.  
01:49:45 Rep. Hayman asked if the video can be seen statewide, and stated the video could resonate beyond the national guard.  
01:50:36 Rep. Mandeville asked if there was an outreach towards the older veterans.  
01:52:25 Sen. Brown suggested reaching out to Mr. Garcia to produce something for a different target group, and suggested a statewide broadcast of the video.

01:53:05 Sen. Malek asked if networks cover public service announcements.  
01:53:46 Sen. Smith asked if the suicidal people over the age of 50 had other medical problems.  
01:54:31 Col. Patricia Wood, deputy state surgeon for the Montana Army National Guard, began her presentation on the state's behavioral health support program..  
01:58:20 Sen. Malek asked about the employee assistance program (EAP).  
01:59:08 Sen. Malek asked about the importance and need for the EAP.  
02:00:22 Lt. Col. Olson discussed how EAP services were utilized.  
02:01:18 Brig. Gen. Fox commented that they're working hard to establish a culture of resiliency, and giving soldiers and airmen the tools and skills they need to identify veterans in distress.  
02:02:37 Sen. Malek asked about the wildfire relief efforts regarding the fires in the state.

### **Public comment on veterans issues**

02:04:35 Roger Hagan, American Legion Department of Montana, updated the committee on Senate Joint Resolution 32.  
02:06:20 Jean Branscum, CEO Montana Medical Association, discussed HB 118, as well as the vet choice program, offering a physician's perspective.

### **SPECIAL PURPOSE DISTRICT ELECTIONS**

#### **Staff report on types of districts and elections, statutory framework, inconsistencies identified to date - Sheri Scurr, staff research analyst**

02:21:15 Ms. Scurr began her presentation, reviewing the structure of local government. ([Exhibit 7](#))  
02:29:18 Ms. Scurr continued with the presentation outline. ([Exhibit 8](#))  
02:38:52 Ms. Scurr began her presentation on special district laws. ([Exhibit 9](#))  
02:46:35 Sen. Brown asked how page 2 of exhibit 9 would compare to the work done on HB 83, and what kind of time are staff going to be using if the committee continued to study special district election laws.  
02:48:40 Sen. Kary asked if it would be possible to do the work district by district so that it wouldn't be so "encumbering."  
02:49:00 Sen. Malek asked to hear from share holders first.

### **Public Comment**

02:49:43 Harold Blattie, executive director of the Montana Association of Counties.  
02:53:41 Linda Stoll, Montana Association of Clerks, Records, and Election Administrators.  
02:54:54 Kelly Lynch, deputy director and general council of the Montana League of Cities and Towns.

### **Committee discussion and potential action on next steps**

02:57:27 Sen. Brown commented that perhaps if things need changing, the Local Government Interim Committee needs to be tasked with it.  
02:58:23 Sen. Malek remarked on specific issues about some special districts and the county elections office that brought about certain bills.

**LUNCH** (reconvened at 1:02)

## **ELECTION ADMINISTRATION - MAIL AND ABSENTEE BALLOT PROCESSING**

### **Staff report on statutes concerning instructions to voters, handling of ballots, ballot rejection, and challenges or contests - Ms. Scurr**

- 04:03:06 Ms. Scurr began her presentation on absentee ballots. ([Exhibit 10](#))
- 04:14:21 Ms. Scurr began her presentation on ballots and voting system. ([Exhibit 11](#)) ([Exhibit 12](#))
- 04:22:23 Sen. Brown asked how many times the public has been asked to vote on whether they wanted to purchase new voting machines.
- 04:22:54 Sen. Brown asked if the Secretary of State looks at all the options of systems, asks if the counties wants them, and then purchases them.

### **Ms. Regina Plettenberg, legislative chair, MT Clerks and Records and Election Administrators Association, and Ravalli County Election Administrator**

- 04:25:09 Regina Plettenberg, introduced her team and began her presentation on voting machines.
- 04:28:18 Ms. Plettenberg began a power-point presentation on ballot processing. ([Exhibit 13](#))
- 04:33:17 Bret Rutherford, Yellowstone County election administrator, advised of the process used in his county.
- 04:45:05 Sen. Brown asked Mr. Rutherford if legislation has been proposed regarding the opening of the ballots before election day.
- 04:47:29 Sen. Malek asked if voter turnout was better with one polling place.
- 04:51:15 Rep. Mandeville asked if it was possible to change your vote on an absentee or mail ballot before election day.
- 04:54:08 Ms. Plettenberg continued the presentation discussing voting machines for the disabled. ([Exhibit 14](#))([Exhibit 15](#))
- 05:03:01 Mr. Rutherford stated that the equipment is required.
- 05:03:35 Sen. Brown asked how many states are using more mobile equipment.
- 05:05:09 Sen. Brown mentioned a "freeware" becoming available in the short-term.
- 05:05:56 Mr. Rutherford said to use caution as the state can't build their own systems for the freeware.
- 05:06:45 Rep. Hayman asked what can be done about voters who are visually impaired, and how many voters would use the system.
- 05:11:38 Rep. Hayman asked if it was a possibility to temporarily set up wi-fi in polling places to make it easier.
- 05:12:37 Sen. Brown asked if starting with the disabled community would be beneficial instead of trying to offer them equipment after the fact.
- 05:14:17 Sen. Brown asked how new equipment could solve anything since some people want to vote at home, while others want to go to a polling place.
- 05:15:40 Sen. Kary suggested that state programmers could develop something more mobile to assist the voters in need.
- 05:20:02 Sen. Malek asked about the Secretary of State's involvement and if the counties have to pay for the software and the equipment.
- 05:26:05 Sen. Malek asked if states that have all mail ballots have places where ballots are dropped off.
- 05:27:16 Sen. Brown asked if there was a way to utilize a mobile unit at a lower cost.

05:30:30 Rep. Mandeville stated that every one should have a certain time to vote.  
05:31:06 Sen. Malek asked if the election administrators are elected or appointed.  
05:33:20 Ms. Scurr wanted to point out that a copy of the governor's amendments to HB 103 that would have allowed nonconforming ballots was in their meeting packet. ([Exhibit 16](#))

**Secretary of State's letter in response to information requested by Sen. Malek in her letter dated Aug. 3, 2017, concerning rejected ballots from May 2017 special election to fill vacancy in Montana's seat in the U.S. House of Representatives**

05:35:27 Sen. Malek began discussion of the letter sent to the secretary of state. ([Exhibit 17](#))  
05:35:38 Christie Jacobson, chief of staff, Secretary of State's office, read a letter of response from the Secretary of State. ([Exhibit 18](#))  
05:40:19 Rep. Hayman asked for clarification on the letter and whether there was voter fraud in the state.  
05:42:26 Sen. Malek remarked on her own investigation on the matter.  
05:45:24 Rep. Hayman stated the number of questioned votes and her belief that voter fraud is a nonissue in the state.  
05:46:52 Rep. Mandeville asked what an acceptable percentage of voter fraud is.  
05:47:29 Sen. Malek reiterated that there was no evidence of voter fraud in Missoula County.  
05:49:00 Sen. Kary asked Sen. Malek where the line would be drawn on voter fraud, and asked if Sen. Malek intended on apologizing to the Secretary of State.  
05:49:45 Sen. Malek responded.

**BREAK** (reconvene at 3:15)

**Secretary of State's conference room (3:15-3:53)**

The committee received a demonstration of the statewide voter registration data base and received a handout of what voter file information is public. ([Exhibit 19](#))

**Return to Room 102**

**Public Comment**

06:54:13 Sen. Malek called the meeting back to order, mentioning a public comment email Richard Liebert regarding election fraud. ([Exhibit 20](#))

**RULE REVIEW**

**Overview of rule review activities, any questions from committee members - Ginger Aldrich, staff attorney**

06:55:10 Ms. Aldrich discussed rule review memos. ([Exhibit 21](#)) ([Exhibit 22](#))  
06:59:53 Sen. Malek asked for clarification on the first rule review on business filings.

**STUDY AND WORK PLAN**

**Overview and committee work session of proposed study plan - Ms. Scurr**

07:01:51 Ms. Scurr began work-plan discussion with the topic of elections. ([Exhibit 23](#))  
07:06:07 Committee discussion.

07:10:11 Ms. Scurr continued with the topic of pensions.  
07:11:45 Committee discussion.

07:16:04 Committee discussion on veteran's suicide prevention.

07:17:41 Ms. Scurr explained the statutes of budget reductions that may affect the committee's budget. ([Exhibit 24](#))

07:22:45 Committee discussion on veteran's benefit claims.

07:31:27 Committee discussion on campaign contribution limits.

07:36:24 Committee discussion on state employee pay plans.

07:44:21 Representative Hayman asked about disaster and emergency services.

**Public Comment**

07:59:27 Ms. Scurr pointed out an email from Superintendent of Public Instruction, Elsie Arntzen. ([Exhibit 25](#))

**Motion**

08:00:27 Sen. Kary moved to accept the work plan.

**Vote**

08:00:30 The motion was passed on an unanimous voice vote.

**Adjournment (5:00pm)**