



State Administration and Veterans' Affairs Interim Committee
63rd Montana Legislature

SENATE MEMBERS

DEE BROWN--Chair
LARRY JENT
DAVE LEWIS
SUE MALEK

HOUSE MEMBERS

BRYCE BENNETT--Vice Chair
JOANNE BLYTON
DOUG KARY
KATHY SWANSON

COMMITTEE STAFF

SHERI SCURR, Lead Staff
GINGER ALDRICH, Staff Attorney
KRISTINA LIMING, Secretary

MINUTES LOG

February 6, 2014
Room 102, Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. DEE BROWN, Chair
REP. BRYCE BENNETT, Vice Chair

SEN. LARRY JENT
SEN. DAVE LEWIS
SEN. SUE MALEK

REP. JOANNE BLYTON
REP. DOUG KARY
REP. KATHY SWANSON

STAFF PRESENT

SHERI SCURR, Lead Staff
GINGER ALDRICH, Staff Attorney
KRISTINA LIMING, Secretary

AGENDA & VISITORS' LIST

Agenda, [Attachment #1](#).
Visitors' list, [Attachment #2](#).

COMMITTEE ACTION

None.

CALL TO ORDER AND ROLL CALL

00:00:00 Call to order, **Sen. Dee Brown**, Presiding Officer
Roll call ([Attachment #3](#))

SEN. BROWN noted that former state Senator Robert DePratu had recently died and that she remembered him for sponsoring legislation authorizing special license plates and fees to help fund nonprofit community groups in Montana. She read off the names of the numerous organizations that had established special license plates under Sen. DePratu's legislation.

AGENDA

HJR 1 - Study of Office of Commissioner of Political Practices (COPP)

00:06:45 Additional 50-state survey results
Ms. Scurr, Legislative Research Analyst, summarized the additional 50-state survey results ([EXHIBIT 1](#)) and also included Georgia's survey response ([EXHIBIT 2](#)).

00:21:07 Committee Questions and Comments
SEN. BROWN
00:22:05 Ms. Scurr
00:22:32 SEN. BROWN asked Ms. Scurr for more information from the 20 states that responded to the survey regarding whether they had fines defined in statute.

00:23:39 Summary of Ideas raised at Dec. 10 meeting
Ms. Scurr gave a brief summary of ideas raised at Dec.10 meeting ([EXHIBIT 3](#)).

00:29:47 Commissioner's confirmation
Ms. Ginger Aldrich, Staff Attorney, presented a legal memorandum about confirmation of interim appointments of the Commissioner of Political Practices ([EXHIBIT 4](#)).

00:33:55 Committee Questions and Comments
SEN. BROWN asked that the committee have a discussion at the next meeting about whether to conduct a public hearing on the Commissioner's confirmation.

00:34:53 REP. BENNETT
00:35:09 SEN. BROWN

00:35:31 SEN. JENT
00:36:23 SEN. BROWN
00:36:26 Ms. Aldrich
00:36:30 SEN. BROWN

Additional information from the Commissioner

00:37:15 **Mr. Jonathan Motl, Commissioner of Political Practices**, presented the committee with information in responses to the committee's December 10 request for how much time his staff spends on matters involving incomplete basic information on disclosure reports (**EXHIBIT 5**) and a comparison of time spent on small and large tasks in the office (**EXHIBIT 6**) as well as a response to Sen. Brown's February 2 request for information on various aspects of the COPP's costs and caseload (**EXHIBIT 7**).

Committee Questions and Comments

00:41:46 SEN. BROWN
00:42:28 Mr. Motl
00:44:03 SEN. BROWN
00:46:07 Mr. Motl handed out a copy of his decision in *Commissioner of Political Practices v. Richard Miller* (**EXHIBIT 8**).

00:49:21 SEN. BROWN
00:50:10 Mr. Motl
00:52:05 SEN. BROWN
00:52:26 REP. KARY - Mr. Motl
01:03:20 SEN. BROWN - Mr. Motl
01:10:27 SEN. MALEK
01:12:19 Mr. Motl
01:14:30 REP. KARY
01:15:11 Mr. Motl
01:17:39 SEN. BROWN
01:18:25 Mr. Motl
01:18:42 SEN. LEWIS - Mr. Motl
01:21:09 SEN. BROWN - Mr. Motl
01:39:25 SEN. MALEK - Mr. Motl
01:43:01 SEN. BROWN - Mr. Motl
01:46:33 REP. BENNETT - Mr. Motl
01:49:56 SEN. BROWN
01:50:22 Mr. Motl
01:50:25 SEN. MALEK - Mr. Motl
01:53:33 SEN. BROWN - Mr. Motl
01:55:00 Ms. Scurr
01:57:21 **Mary Baker, Program Supervisor, COPP**, presented the committee with a status report on the Campaign Reporting System Project (**EXHIBIT 9**).

01:56:25 SEN. BROWN
01:57:16 REP. BENNETT
01:57:34 Ms. Baker
01:58:30 SEN. BROWN

Public comment on HJR 1 Study

01:58:50 None.
01:59:07 **LUNCH**
03:03:00 SEN. BROWN called the meeting back to order

Veteran Information

Overview
03:03:51 Ms. Scurr gave an overview of available data about Montana's veteran population. She reviewed a Research Memorandum (**EXHIBIT 10**) and noted an e-mail response from the Department of Justice (**EXHIBIT 11**).

Committee Questions and Comments
03:11:44 SEN. BROWN requested that Ms. Scurr provide more information at the next meeting correlating alcohol abuse with the age of the veteran.
03:12:05 Ms. Scurr
03:12:31 SEN. BROWN asked Ms. Scurr to also provide information about how "veteran status" is reported or determined.

Montana Department of Veterans' Affairs Information
03:14:30 **Mr. Joe Foster, Administrator, Montana Veterans' Affairs Division (MVAD)**, spoke to the committee about the status of recent projects and statistics for the MVAD. He presented informational brochures on the MVAD (**EXHIBIT 12**) as well as the Veterans Cemetery Program (**EXHIBIT 13**), the Federal VA Compensation Statistics for Fiscal Year 2014 (**EXHIBIT 14**), a "Veteran" Driver License poster (**EXHIBIT 15**) and a letter from Joe Foster regarding the "veteran" Driver License (**EXHIBIT 16**).

Committee Questions and Comments
03:33:30 SEN. BROWN - Mr. Foster
03:33:45 SEN. JENT
03:39:40 SEN. BROWN
03:40:17 SEN. JENT
03:40:19 SEN. BROWN
03:41:47 SEN. MALEK - Mr. Foster
03:43:46 SEN. BROWN

Pension Oversight

Plan Choice Rate
03:44:08 Ms. Scurr gave an overview on the history of the Plan Choice Rate (PCR) (**EXHIBIT 17**)

Committee Questions and Comments
04:04:36 SEN. BROWN
04:04:51 Ms. Scurr
04:17:52 SEN. BROWN

04:18:22 SEN. JENT
04:19:01 SEN. BROWN requested that staff present at a future meeting information about the various triggers that terminate certain contributions in the public retirement systems.
04:19:14 SEN. JENT requested a copy of the district court decisions to grant an injunction of the Guaranteed Annual Benefit Reductions in the Teachers' and Public Employees' Retirement Systems (TRS and PERS).
04:19:43 SEN. LEWIS
04:23:02 SEN. BROWN

Public comment
04:23:45 **Roxanne Minnehan, Executive Director, Montana Public Employees Retirement Administration**, explained that the PER Board would request legislation to pay off the Plan Choice Rate.
04:25:00 **Terrence Smith, representing himself**, commented about the Plan Choice Rate and the initial transfer of PERS members from the Defined Benefit to the Defined Contribution Plan.

Investment return assumption
04:27:35 Ms. Scurr presented information on how the actuarial investment rate of return assumption is set.

Public comment
04:36:15 **Shawn Graham**, Executive Director of the Teachers Retirement System, reported that the TRS actuary was currently doing an experience study and would be presenting the results to the TRS Board at its May 16 meeting.
04:37:30 SEN. BROWN requested an update from the TRS May 16 meeting.

SJR 14 - Subcommittee on Elections

04:37:48 Rep. Bryce Bennett delivered an update on the SJR 14 Subcommittee on Elections ([EXHIBIT 18](#)).

04:50:55 SEN. BROWN
04:53:00 REP. BLYTON
04:54:11 SEN. BROWN
04:54:47 REP. SWANSON
04:55:37 SEN. BROWN

Rule Review

04:56:08 Ms. Aldrich presented the committee with reports on Rule Notices 2-63-503 ([EXHIBIT 19](#)) and 2-5-488 ([EXHIBIT 20](#)).

Committee Questions and Comments
05:01:38 REP. BENNETT

05:02:00 Ms. Aldrich
05:02:33 SEN. BROWN

05:02:53 Public Comment
NONE.

COMMITTEE WORK SESSION

05:03:30 Ms. Scurr reviewed the next steps for the HJR 1 study.

05:04:45 SEN. BROWN

05:06:15 Ms. Aldrich asked whether the committee was interested in requesting a clean-up bill to amend or take out unconstitutional campaign practice statutes. She reviewed a document regarding Montana Election and Campaign Finance Following Recent Legal Challenges (**EXHIBIT 21**).

05:10:13 SEN. BROWN - Ms. Aldrich
05:12:00 REP. BENNETT
05:12:25 Ms. Aldrich
05:13:12 SEN. MALEK
05:13:45 Ms. Aldrich
05:14:00 SEN. BROWN

05:14:30 Other issues
None.

05:14:40 Instructions to staff
Next meeting, April 8

ADJOURNMENT

05:15:00 With no further business before the committee, Sen. Brown adjourned the meeting.