

MINUTES
MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) SELECT COMMITTEE ON JUDICIAL TRANSPARENCY AND
ACCOUNTABILITY

Call to Order: Chair Sen. Greg Hertz-R, on April 13, 2022 at 10:00 AM, in Room 102 and

Zoom **ROLL CALL**

Members Present: Sen. Greg Hertz, Chair (R)
Rep. Sue Vinton, Vice Chair (R)
Rep. Kim Abbott (D)
Sen. Tom McGillvray (R)
Rep. Amy Regier (R)
Sen. Diane Sands (D)

Staff Present: Jameson Walker, Staff Attorney; Nadine Spencer, Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Public Records Statute Overview & Legislative History

Public Records Panel Discussing Policies and Procedures for Managing Public Records

Judicial Branch Rules and Procedures, Court Administrator Duties

Public Records Panel Discussing Records Retention/Preservation

Discussion of Information Requested from Legislative Audit Division

Update on HJ40 Study

Committee Work Session

10:00:50 Sen. Hertz

Public Records Statute Overview & Legislative History

10:02:11 Todd Everts, chief legal counsel and code commissioner,
Legislative Services Division (LSD). [\(Exhibit 1\)](#)

Committee questions for Mr. Everts

10:15:38 Sen. McGillvray

10:16:15 Mr. Everts

10:16:37 Sen. McGillvray

10:16:49 Mr. Everts

10:17:16 Sen. Sands

10:17:53 Mr. Everts [\(Exhibit 2\)](#)

10:18:42 Sen. Sands

10:18:57 Rep. Regier

10:19:10 Mr. Everts

10:20:51 Sen. Hertz

10:21:48 Mr. Everts

10:22:29 Sen. Sands

10:23:07 Mr. Everts

10:24:48 Sen. Sands

10:25:23 Mr. Everts

10:26:32 Sen. Sands

10:27:03 Mr. Everts

10:28:09 Rep. Vinton

10:28:32 Mr. Everts

10:30:07 Sen. Hertz

10:30:28 Mr. Everts

Public Records Panel 1: Discussing Policies and Procedures for Managing Public Records

10:31:16 Sen. Hertz provided an introduction.

Office of the Montana Secretary of State

10:32:48 Ray Dagnall, program specialist, Secretary of State's Office, and state records committee chair. [\(Exhibit 3\)](#)

10:35:54 Sen. Hertz

10:36:09 Mr. Dagnall

10:37:47 Sen. Hertz

10:38:01 Mr. Dagnall

10:39:57 Sen. Hertz

10:40:03 Mr. Dagnall

Committee questions for Mr. Dagnall

10:40:42 Rep. Abbott

10:41:03 Mr. Dagnall

10:42:45 Sen. Sands

10:43:32 Mr. Dagnall

10:44:03 Sen. Sands

10:44:20 Mr. Dagnall

10:44:53 Sen. Hertz

10:45:04	Mr. Dagnall
10:47:34	Sen. McGillvray
10:48:03	Mr. Dagnall
10:49:42	Sen. McGillvray
10:49:50	Mr. Dagnall
10:51:10	Rep. Vinton
10:51:22	Mr. Dagnall
10:51:51	Rep. Vinton
10:52:05	Mr. Dagnall
10:52:37	Sen. Sands
10:52:56	Mr. Dagnall
10:53:22	Sen. Sands
10:54:02	Mr. Dagnall
10:54:58	Sen. Hertz
10:55:20	Mr. Dagnall
10:55:30	Sen. McGillvray
10:55:53	Sen. Hertz
10:56:11	Mr. Dagnall
10:56:55	Rep. Abbott
10:57:31	Mr. Dagnall
10:58:24	Sen. Sands
10:58:45	Mr. Dagnall
10:58:56	Sen. Hertz
10:59:28	Mr. Dagnall

Susan Fox, Executive Director Legislative Services Division

- 11:00:51 Ms. Fox.
- 11:03:20 Ms. Fox discussed the current records plan. [\(Exhibit 4\)](#)
- 11:04:50 Ms. Fox said the committee received an excerpt from the legislative administrative manual. [\(Exhibit 5\)](#)
- 11:07:43 Ms. Fox said the committee received a copy of the presentation used for training legislators and staff, email guidelines for legislators, and a records decision tree. [\(Exhibit 6\)](#)
- 11:10:05 Ms. Fox discussed public records information requests. [\(Exhibit 7\)](#)

Committee questions for Ms. Fox

- 11:13:35 Sen. McGillvray
- 11:13:55 Ms. Fox
- 11:15:50 Sen. McGillvray
- 11:16:01 Ms. Fox
- 11:16:29 Sen. Hertz
- 11:16:41 Ms. Fox
- 11:17:22 Rep. Abbott
- 11:18:26 Ms. Fox
- 11:22:01 Rep. Regier
- 11:22:12 Ms. Fox
- 11:22:53 Sen. Hertz
- 11:23:04 Ms. Fox
- 11:23:26 Sen. Sands
- 11:23:59 Ms. Fox

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11:25:05	Sen. Sands
11:25:30	Ms. Fox
11:25:43	Sen. Sands
11:26:12	Ms. Fox
11:27:06	Sen. Sands
11:27:44	Rep. Vinton
11:28:07	Ms. Fox
11:29:03	Rep. Vinton
11:29:20	Ms. Fox
11:29:50	Sen. Hertz
11:30:04	Ms. Fox
11:30:29	Sen. Hertz
11:30:55	Ms. Fox
11:31:13	Sen. McGillvray
11:31:44	Ms. Fox
11:32:45	Sen. McGillvray
11:33:00	Sen. Hertz
11:33:11	Ms. Fox
11:33:21	Sen. Hertz
11:33:30	Ms. Fox
11:33:37	Sen. Hertz
11:33:44	Ms. Fox
11:34:30	Sen. Hertz
11:34:39	Ms. Fox

Beth McLaughlin, Supreme Court Administrator

11:36:06 Ms. McLaughlin. ([Exhibit 8](#))

Committee questions for Ms. McLaughlin

12:05:13 Sen. Sands
12:06:15 Ms. McLaughlin
12:07:45 Sen. Sands
12:08:47 Ms. McLaughlin
12:10:30 Sen. Sands
12:11:03 Ms. McLaughlin
12:12:23 Sen. McGillvray
12:13:27 Ms. McLaughlin
12:14:52 Sen. McGillvray
12:15:16 Ms. McLaughlin
12:16:46 Sen. Hertz
12:17:13 Ms. McLaughlin
12:18:33 Sen. Hertz
12:18:50 Ms. McLaughlin
12:19:17 Rep. Vinton
12:20:09 Ms. McLaughlin
12:22:18 Rep. Vinton
12:22:37 Ms. McLaughlin
12:25:24 Sen. McGillvray
12:25:52 Ms. McLaughlin

12:26:39	Sen. McGillvray
12:27:01	Ms. McLaughlin
12:27:24	Sen. Hertz
12:28:00	Ms. McLaughlin
12:30:19	Sen. Hertz
12:30:53	Ms. McLaughlin
12:32:44	Sen. Hertz
12:33:00	Ms. McLaughlin
12:33:47	Sen. Hertz

Judicial Branch Rules and Procedures, Court Administrator Duties

Beth McLaughlin, Supreme Court Administrator

12:34:45	Ms. McLaughlin. (Exhibit 9)
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Committee questions for Ms. McLaughlin

12:48:09	Sen. Sands
12:48:23	Ms. McLaughlin
12:48:37	Sen. Sands
12:48:49	Ms. McLaughlin
12:49:57	Rep. Vinton
12:50:28	Ms. McLaughlin
12:52:32	Sen. Hertz
12:52:59	Ms. McLaughlin
12:55:01	Sen. Hertz

12:55:37 Ms. McLaughlin

12:57:11 Sen. Hertz

BREAK

12:57:53 Recess

13:49:31 Reconvene

Public Records Panel 2: Discussing Records Retention/Preservation

Kevin Gilbertson, State CIO, SITSD

13:50:19 Mr. Gilbertson

13:51:21 Don Harris, chief legal counsel, Department of Administration

Committee questions

13:52:02 Sen. Hertz

13:52:24 Mr. Gilbertson

13:55:37 Sen. Hertz

13:55:50 Mr. Gilbertson

13:56:17 Rep. Abbott

13:56:57 Mr. Gilbertson

13:57:13 Rep. Abbott

13:57:39 Mr. Gilbertson

13:58:10 Sen. Hertz

13:58:39 Mr. Harris

13:58:59 Sen. Hertz

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13:59:29	Mr. Gilbertson
14:01:18	Sen. Hertz
14:01:27	Mr. Gilbertson
14:02:27	Sen. Hertz
14:02:54	Mr. Gilbertson
14:04:34	Rep. Regier
14:04:50	Mr. Gilbertson
14:05:40	Rep. Regier
14:05:56	Mr. Gilbertson
14:06:34	Sen. Hertz
14:06:46	Mr. Gilbertson
14:07:14	Sen. Hertz
14:07:30	Mr. Gilbertson
14:08:09	Mr. Harris
14:08:37	Rep. Vinton
14:08:52	Mr. Gilbertson
14:09:23	Rep. Vinton
14:09:34	Mr. Gilbertson
14:09:55	Mr. Harris
14:10:49	Rep. Vinton
14:11:12	Mr. Harris
14:12:06	Sen. Hertz
14:12:23	Mr. Gilbertson

Ray Dagnall, Chair, State Records Committee

14:12:57 Sen. Hertz said Mr. Dagnall spoke earlier and did not have any new information to add.

Rich Aarstad, Montana Historical Society

14:13:44 Mr. Aarstad

14:13:56 Sen. Hertz

14:14:21 Mr. Aarstad

14:15:49 Sen. Hertz

14:16:05 Mr. Aarstad

14:17:08 Sen. Hertz

14:17:24 Mr. Aarstad

14:17:34 Sen. Hertz

14:17:44 Mr. Aarstad

Committee questions for Mr. Aarstad

14:18:14 Sen. Sands

14:18:47 Mr. Aarstad

14:19:47 Sen. Sands

14:20:23 Mr. Aarstad

14:20:40 Sen. McGillvray

14:20:54 Mr. Aarstad

14:22:19 Sen. McGillvray

14:22:44 Mr. Aarstad redirect

14:23:03 Molly Kruckenberg, director, Montana Historical Society
14:24:04 Sen. McGillvray
14:24:15 Ms. Kruckenberg
14:24:58 Sen. Hertz
14:25:21 Mr. Gilbertson
14:25:36 Rep. Abbott
14:26:01 Sen. Hertz
14:26:21 Mr. Gilbertson

Bowen Greenwood, Clerk of Supreme Court

14:26:45 Mr. Greenwood

Committee questions for Mr. Greenwood

14:34:29 Sen. Hertz
14:34:56 Mr. Greenwood

Public comment

None

Discussion of information requested from Legislative Audit Division

Angus Maciver, Legislative Auditor

14:37:28 Mr. Maciver. ([Exhibit 10](#))

Committee questions for Mr. Maciver

14:52:43 Sen. McGillvray

14:52:58 Mr. Maciver

14:53:37 Sen. McGillvray

14:54:03 Mr. Maciver

14:55:51 Sen. Hertz

14:56:36 Mr. Maciver

14:58:09 Sen. Hertz

14:58:28 Mr. Maciver

Update on HJ 40 Study

14:59:22 Ms. Weiss. [\(Exhibit 11\)](#)

Committee questions for Ms. Weiss

15:02:13 Sen. McGillvray

15:02:29 Ms. Weiss

Public Comment [\(Exhibit 12\)](#)

15:04:17 Bart Crabtree, Montana Citizens Council on Judicial
Accountability [\(Exhibit 13\)](#)

15:07:22 Pascal Redfern

15:14:18 Sen. McGillvray

15:15:50 Mr. Redfern

15:18:31 Sen. McGillvray

15:18:56 Mr. Redfern

15:20:05 Sen. Hertz [\(Exhibit 14\)](#)

Committee Work Session

Discussion of next steps and timeline

15:21:31	Sen. Hertz
15:22:00	Rep. Abbott
15:23:00	Sen. McGillvray
15:24:11	Rep. Vinton
15:24:34	Sen. Sands
15:26:24	Sen. Hertz

ADJOURNMENT

Adjournment: 15:29:33

Nadine Spencer, Secretary

Additional Documents: