



Education and Local Government Interim Committee

63rd Montana Legislature

SENATE MEMBERS

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FREDERICK (ERIC) MOORE
MATTHEW ROSENDALE
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COMMITTEE STAFF

PAD MCCRACKEN, Lead Staff
LAURA SANKEY, Staff Attorney
JOY LEWIS, Secretary

MINUTES LOG

Education and Local Government Interim Committee September 15, 2014 Room 137, State Capitol

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.

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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. TOM FACEY, Chair
REP. DONALD JONES, Vice Chair

SEN. DAVE LEWIS
SEN. FREDERICK (ERIC) MOORE
SEN. MATTHEW ROSENDALE
SEN. JONATHAN WINDY BOY

REP. KRISTIN HANSEN
REP. JEAN PRICE
REP. DANIEL SALOMON
REP. TOM WOODS

COMMITTEE MEMBERS ABSENT

REP. EDITH (EDIE) MCCLAFFERTY
SEN. SHARON STEWART-PEREGOY

STAFF PRESENT

PAD MCCRACKEN, Lead Staff
LAURA SANKEY, Staff Attorney
JOY LEWIS, Secretary

AGENDA & VISITORS' LIST

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

COMMITTEE ACTION

The committee approved the following changes to HJR 2 bill draft LCOptC:

- ! to accept "and the collections do not contain public information" in Section 3 subsection (3).
- ! to remove the last sentence of Section 4 subsection (3).
- ! to change Section 5, subsection (4) to read, "in accordance with the fees that are allowed under [section 4] the Montana Historical Society may charge fees as approved by its Board of Trustees for copies of materials contained in its collections based on documentable, curatorial duties as set in Section 23-3-101, MCA."
- ! to accept the language change for Section 49 subsection (1).
- ! to accept New Section 7.5 from Sankey memo. ([Exhibit 10](#))
- ! to strike Section 10, subsection (1b) "or another public agency," and subsection (2) "and used to distribute unsolicited information to the individuals on the list."
- ! to change the language in Section 7, subsection (2) "where the public officer or employee resides" to "is employed."

CALL TO ORDER AND ROLL CALL

- 00:03:17 Sen. Facey, chair, called the meeting to order. The secretary took the roll. ([Attachment 3](#)) Sen. Facey reviewed the agenda.
- 00:05:21 Pad McCracken, staff Research Analyst, reviewed the meeting packet materials.
- 00:06:47 Sen. Facey

STATE HERITAGE PROPERTIES STEWARDSHIP REPORT

- 00:07:32 Mark Baumler, State Historic Preservation Officer, presented an overview of "Montana's Shared Heritage Second Biennial Report on the Status, Condition, and Stewardship of Montana's State-Owned Heritage Properties." ([Exhibit 1](#))
- 00:10:35 Rep. Hansen and Mr. Baumler discussed where to find the different reports on the Historical Society website.
- 00:10:48 Mr. Baumler continued his presentation.
- 00:21:23 Dr. Tim Urbaniak, Montana Historic Preservation Review Board member, addressed issues of heritage preservation and he talked about some of the agencies that engage in best practices management. He highlighted the collaborative approach the agencies used to manage cultural

resources and provide better stewardship.

- 00:26:55 Lesley Gilmore, President, Montana Historic Preservation Review Board, gave an overview of the five recommendations in the "Montana Shared Heritage" report. She said these recommendations are designed to improve the management of the heritage properties on state-owned land. [\(Exhibit 1\)](#)

Questions from the committee/discussion

- 00:32:55 Sen. Facey
- 00:32:59 Sen. Windy Boy and Mr. Baumler discussed storage of the inventories Ms. Gilmore earlier mentioned.
- 00:34:31 Sen. Facey
- 00:34:42 Rep. Hansen and Mr. Baumler discussed the Montana Site Stewardship program which is a component of Project Archeology housed at the Montana State University. They addressed the growth of the volunteer program. They talked about state agency partnerships with other entities and specifically the Fort Assiniboine historic preservation group. They also discussed the report's findings that state there is no management system for state-owned historic buildings. Finally, they talked about recommended legislative action and issues of funding a study that could be completed in one-to-two years for \$100,000 to \$200,000.
- 00:45:36 Sen. Facey
- 00:45:42 Sen. Windy Boy and Mr. Baumler discussed working with some of the tribes concerning the identification of historic native sites that are located outside of the reservation boundaries such as the Sundance Lodge, south of Roundup, Montana.
- 00:48:45 Sen. Facey

MHS BIENNIAL REPORT AND UPDATE ON MONTANA HERITAGE CENTER PLANS

- 00:49:11 Bruce Whittenberg, Director, Montana Historical Society, MHS, gave an overview of the MHS Biennial Report touching on the key themes, strategic issues, and significant acquisitions. He gave an update on the New Montana Heritage Center plans. [\(Exhibit 2\)](#) [\(Exhibit 3\)](#)
- 01:07:56 Sen. Facey

Questions from the committee/discussion

- 01:08:01 Rep. Hansen and Mr. Whittenberg discussed underground parking and concourse design, and a feasibility study completed in 2010.
- 01:10:55 Sen. Facey
- 01:11:16 Sen. Lewis and Mr. Whittenberg discussed an alternate plan that looked at developing regional facilities rather than the one here in Helena.
- 01:15:58 Sen. Rosendale and Mr. Whittenberg discussed the \$29 million needed for the project.

01:16:35 Sen. Facey

SITSD UPDATE ON ECM PHASE 2 PROJECT

01:17:36 Anita Bangert, Office Manager, State IT Project Management, gave an overview of the need for electronic content management which includes the capture of paper documents, forms processing, document management, a document repository, work flow, business process management and the automated archiving retention and disposal of electronic records. She explained the RFI process and the request for proposal process, submitted on July 22, 2014.

Questions from the committee/discussion

01:21:36 Sen. Facey

01:21:59 Rep. Hansen and Ms. Bangert discussed the session system upgrade, buy-in from other agencies and the appropriation needed for the upgrade.

01:28:54 Sen. Facey recessed the meeting for a break.

Break

01:48:22 Sen. Facey reconvened the meeting at 10:12 a.m. and talked about the complicated nature of HJR 2. [\(Exhibit 4\)](#)

HJR 2 WORK GROUP REPORT RECOMMENDATIONS 3.2 AND 6.1 AND BILL DRAFTS

01:50:11 Mr. McCracken clarified the ECM phase 2 process and the workgroup's progress. [\(Exhibit 5\)](#)

LCMHSC (rec 6.1)

01:56:01 Jodie Foley, Montana Historical Society, State Archivist, reviewed four points of the proposed bill (LCMHSC) to hire a consultant to develop a digital archive plan. She submitted written testimony to the committee. [\(Exhibit 6\)](#)

02:02:46 Sen. Facey

02:02:51 Lucy Richards, Department of Natural Resources and Conservation DNRC, stated that the reason the state archives exist is to properly preserve the records for the citizens of the state. She explained that an electronic preservation archive maintained by the archives would be ideal for the DNRC to provide records for future generations. She provided an example for the committee that illustrated the need for digital record keeping.

02:05:01 Sen. Facey

02:05:21 Ms. Foley discussed the important points of the handout she gave to the

committee. **(Exhibit 6)**

02:11:03 Sen. Facey and Ms. Foley discussed creating a platform for local government to integrate into the system if they wanted to.

02:12:37 Sen. Facey

02:12:55 Rep. Jones and Ms. Foley talked about the deliverables and differentiating between the written report and implementing the survey.

02:15:07 Sen. Moore and Ms. Foley talked about the consultant's duties and spending the \$208,000 on in-staff expertise to accomplish the mission.

02:17:26 Rep. Price and Ms. Foley discussed the amount of the consultant fee and how MHS arrived at it.

02:19:14 Mr. McCracken suggested that a coordination section be added to the draft to make it easier for a stand alone appropriation to get attached to HB2.

02:20:05 Sen. Facey

LCOptC (rec 3.2)

02:20:37 Mr. McCracken discussed LCOptC and the work group recommendation for a more substantial reorganization. **(Exhibit 7) (Exhibit 8) (Exhibit 9) (Exhibit 10)**

02:24:51 Rep. Hansen and Mr. McCracken talked about the process for discussing the bill.

02:25:43 Sen. Facey

02:25:59 Ms. Laura Sankey, staff Attorney, described the bill chart and the memo. **(Exhibit 8) (Exhibit 10)**

02:27:24 Sen. Facey

02:28:03 Ms. Sankey discussed the policy question on whether to use the word "person" versus "citizen" throughout the sections of the bill draft.

02:32:33 Sen. Rosendale argued for using "citizen" instead of "person."

02:34:38 Rep. Hansen said she was comfortable with Alternative 2 described in Ms. Sankey's "Issues Identified and Alternatives Proposed" memo. **(Exhibit 10)**

02:35:59 Rep. Woods said that using either word wouldn't preclude anyone from gaining access to the information.

Public comment

02:36:38 **John MacDonald**, Montana Newspaper Association, recommended the word "person" and said that the association advocates making public records accessible to everyone.

Questions from the committee/discussion

02:39:11 Sen. Facey

02:39:18 Rep. Hansen and Ms. Sankey discussed the bracketing of "citizen" or "person" to call attention to them in the chart. They also talked about the rights provided by Section 8 versus Section 9 of Article 2 of the Montana

Constitution as they relate to electronic records management (ECM) and how much the proposed bill impacts the right of participation.

02:41:58 Rep. Hansen asked for insight on the subject from any work group member.

02:42:14 Sen. Facey

02:42:23 Ms. Foley said the work group's focus was to look at the right to access as opposed to participation.

02:42:44 Sen. Facey said he would entertain a motion to change "person" to "citizen," either alternative 1 or 2, from Section V of Ms. Sankey's memo.

02:43:29 Sen. Rosendale continued his argument for changing "person" to "citizen" to disallow outside agitators from gaining access to information. He made a motion to change the areas that allow for review onsite to reflect "person" and the areas that would require distribution to reflect "citizen."

02:45:33 Sen. Facey

02:46:26 Ms. Sankey clarified Sen. Rosendale's motion (Alternative 2) which maintains the current distinctions in statutes as they exist.

02:46:58 Sen. Rosendale and Ms. Sankey discussed the distinctions.

02:48:12 Sen. Rosendale said he could support Alternative 2 as long as language could be inserted that would make it clear that it is an intentional act.

02:48:41 Sen. Facey suggested leaving the bill to the side for Laura to find a definitive answer.

02:50:18 Ms. Sankey referenced Section 3 of the bill draft that concerns privacy and security exemptions and she referenced the Montana Newspaper Association's letter. [\(Exhibit 8\)](#) [\(Exhibit 10\)](#)

Public comment

02:52:56 **Stacy Ulman**, City Clerk, Bozeman, asked to have 2-6-102 subsection (3) changed to add "copyrighted materials." She read a draft proposal that stated that "every person has a right to examine and obtain a copy of any public information of this state, except for information that is constitutionally protected from disclosure including copyrighted materials, as well as legitimate trade secrets."

02:55:46 **Dave Nielson**, Interim Director, Montana League of Cities and Towns, gave some examples of public requests for public records and public information and the time constraints that occur with staffing the research requests. He asked for clarification on who does the research because it will overwhelm city employees.

03:01:31 Sen. Facey asked for specific language from Mr. Nielson.

03:01:54 **Mr. Nielson** said he only had generalities but his preference was to keep the public records approach and the right to inspect and copy in 2-6-102.

03:02:21 Sen. Facey asked Mr. Nielson if he had identified any changes to current practice or if he was just voicing concerns.

03:02:34 **Mr. Nielson** recommended keeping the current language for the right to inspect and copy in Section 4. He said the public information definition in

- Section 2 could be eliminated and he would like to the "public information request" changed to a "public record request."
- 03:03:37 **Shantil Siaperas**, Montana Association of Counties, talked about the definition of public information. She suggested that a catchall be added at the end of Section 2, subsection (9), that says "it is not otherwise deemed to be private or confidential."
- 03:04:54 **John MacDonald**, Montana Newspaper Association, gave an explanation of adding language to Section 3.1 that is included in the letter submitted by the Association. ([Exhibit 10](#))
- 03:06:32 Rep. Hansen and Mr. MacDonald discussed privacy interests, denial of access and providing a better explanation for why a denial occurred.
- 03:09:07 **Mr. MacDonald** continued his explanation and suggestions.
- 03:10:27 Rep. Hansen and Mr. MacDonald discussed the blending of public privacy, safety and security in Section 3, subsection (1) and (2).
- 03:12:44 Sen. Facey

Questions from the committee/discussion

- 03:13:05 Mr. McCracken addressed the concerns with the definition of public information and public records
- 03:15:38 Rep. Hansen and Mr. McCracken talked about public information versus public record and retention of some materials.
- 03:21:10 Sen. Facey reiterated that the committee was not making new law or new policy. It was just dealing with the records and continuing current practices.
- 03:21:57 Sen. Rosendale said he understood that the committee's purpose was to control the storage and access to the documents and define which ones will or will not be saved.
- 03:22:28 Mr. McCracken
- 03:22:36 Sen. Facey said that a new term has come up called "transient material."
- 03:23:24 Ms. Sankey clarified some language in subsection (1), Section 3.
- 03:25:27 Rep. Hansen and Ms. Sankey discussed the proposed changes as potentially being challenged in court.
- 03:26:41 Sen. Facey
- 03:26:55 Rep. Hansen moved to remove the phrase "individual privacy" from that section.
- 03:28:01 Ms. Sankey and Rep. Hansen discussed the motion.
- 03:28:40 Sen. Facey
- 03:28:47 Sen. Moore and Rep. Hansen discussed the possible redundancy and confusion of the motion.
- 03:30:48 Rep. Hansen withdrew her motion
- 03:31:11 Sen. Facey reminded the public of the process the committee was following with the bill draft and he asked the committee if they had addressed all of the public issues.
- 03:32:06 **Ms. Richards**, DNRC, talked about the fee section of the bill.

03:32:55 Sen. Facey

Public comment on MHS Access Exemption

03:34:02 **Mr. MacDonald** spoke about the Association's concern on access exemption with respect to donations.

03:37:15 **Ms. Foley** pointed out that the materials that are being referenced are private and not public information and she clarified the restrictions that fall under the private purview. She said that if the exemption was removed it would have a great impact on MHS's ability to accept important private records.

Questions from the committee/discussion

03:39:17 Sen. Rosendale suggested a change in Section 3 paragraph 3 to fix the problem.

03:39:40 Ms. Sankey pointed out that Sen. Rosendale's suggestion closely aligns with the language in New Section 3 subsection (3) on page 2 in the memo. [\(Exhibit 10\)](#)

03:40:04 Sen. Facey

03:40:35 Rep. Jones moved to accept the change "and the collections do not contain public information."

03:40:42 Sen. Moore questioned the motion's intent.

03:41:09 Ms. Foley reiterated that the materials are private ones.

03:41:37 Sen. Facey asked for a voice vote and the motion passed unanimously.

03:42:04 Mr. McCracken discussed Section 4 and the changes that were made.

03:44:36 Sen. Facey

03:44:43 Sen. Moore and Mr. McCracken discussed the fee schedule time frame

03:45:43 Sen. Rosendale and Mr. McCracken discussed large requests for information and staffing problems.

03:48:03 Rep. Hansen

03:48:51 Ms. Richards answered all the questions posed by Sen. Moore and Sen. Rosendale.

03:51:50 Rep. Hansen and Ms. Richards talked about the public access to large quantities of files.

03:52:41 Sen. Rosendale

03:53:31 Sen. Facey

03:53:47 Rep. Jones

03:54:33 Sen. Facey

Public comment

03:55:12 **Stacy Ulman**, City Clerk, Bozeman proposed taking out the last sentence of Section 4.

03:57:37 Sen. Rosendale said he was inclined to agree with Sen. Moore's comment and proposed an amendment to remove the last sentence of Section 4.

Public information requests, subsection (3).
03:58:36 Sen. Facey called for a voice vote. The motion passed unanimously.
03:59:03 Sen. Facey recessed the meeting for lunch at 12.29 p.m.

LUNCH

HJR 2 STUDY OF ELECTRONIC RECORDS MANAGEMENT (CONTINUED)

04:48:16 Sen. Facey called the meeting to order at 1:15 p.m. and reviewed the agenda. He opened up discussion on Section 5 of the bill.
04:50:13 Ms. Sankey referred the committee to issue #5 in the Montana Newspaper Association's letter and the Association's concern with the exemption granted to the Montana Historical Society in Section 5 subsection (4) of the bill draft. **(Exhibit 10)**
04:51:15 Sen. Facey
04:51:25 Ms. Sankey
04:51:46 Mr. MacDonald deferred comments until after Ms. Krukenberg had spoken.
04:52:17 Molly Kruckenberg, Montana Historical Society, talked about fees and the requests for information from the public. She suggested changes to Section 5, subsection (4) to read, "in accordance with the fees that are allowed under Section 4 the Montana Historical Society may charge fees as approved by its Board of Trustees for copies of materials contained in its collections based on documentable, curatorial duties as set in Section 23-3-101, MCA."

Public Comment

04:54:40 **Mr. MacDonald** said the Association was good with the suggested change.

Questions from the committee/discussion

04:54:58 Sen. Facey asked for a motion.
04:55:09 Rep. Woods moved to change the language in Section 4 per Ms. Kruckenberg's request.
04:55:32 Rep. Jones and Ms. Kruckenberg spoke about the fee structure and keeping or deleting the new language.
04:56:59 Sen. Rosendale, Rep. Jones, and Ms. Kruckenberg further discussed the fee schedule
04:59:00 Ms. Sankey addressed Ms. Kruckenberg's concerns and the concerns of Sen. Rosendale and Rep. Jones.
05:00:32 Sen. Facey asked for a voice vote. The motion passed with Sen. Rosendale and Rep. Jones voting no.

Public Comment

- 05:02:01 **Stacy Ulman**, City Clerk, Bozeman, commented on Section 7, preservation of public records, subsection (2) and the language denoting where a person "works" rather than where an employee "resides."
- 05:03:01 **Kelly O'Sullivan**, staff Attorney for the Montana Division of Banking and Financial Institutions, addressed the confidentiality provision in LCOptC and the concern that it significantly changes the confidentiality provision in the Business and Industrial Development Corporation Act.

Questions from the committee/discussion

- 05:05:01 Ms. Sankey referenced the language change proposed in Section IV of the memo. **(Exhibit 10)**
- 05:05:17 Sen. Facey
- 05:05:52 Rep. Hansen made a motion to accept the language change in Section IV of the memo, for Section 49, 32-11-107, MCA. Confidentiality. subsection (1). **(Exhibit 10)**
- 05:06:29 Ms. Sankey
- 05:06:44 Sen. Facey asked for a voice vote. It passed unanimously.

Public Comment

- 05:07:14 **Shantile Siaperas** expressed concern that there was no effective date on the bill.
- 05:07:41 Sen. Rosendale and Ms. Siaperas discussed the effective date.
- 05:08:09 Ms. Sankey clarified that the standard effective date is October 1, 2015.
- 05:08:31 Sen. Rosendale
- 05:08:51 **Mr. MacDonald** talked about the enforcement provision and distribution lists or contact information.
- 05:10:10 **Mr. Nielson**, proposed a change in Section 4, subsection (2) to minimize fees for certain simple requests.
- 05:11:38 Rep. Hansen
- 05:12:40 Sen. Facey

MONTANA LIBRARY ASSOCIATION

- 05:13:54 Nanette Gilbertson, lobbyist, Montana Library Association,

Role of teacher librarians

- 05:15:22 Laura Trapp, Teacher Librarian, Rossiter Elementary School, Helena talked about her role as teacher librarian. She submitted written material to the committee. **(Exhibit 11) (Exhibit 12)**
- 05:20:58 Sen. Facey

Effects of HB 203 (2013)

- 05:21:13 Nanette Gilbertson talked about HB 203 and what the funds were used

- for.
- 05:23:10 Carly Delsigne, Director of Clancy Library, explained what the funds have done for her library by simply replacing the old computers. She submitted written material to the committee. **(Exhibit 13)**
- 05:28:25 Judy Hart, Lewis & Clark Library Director, Helena, Chair, Government Relations, MLA, shared with the committee some highlights and benefits of the direct aid to many libraries. She submitted written material to the committee. **(Exhibit 14)**
- 05:35:33 Sen. Facey

Questions from the committee/discussion

- 05:35:43 Sen. Facey
- 05:36:10 Rep. Jones and Ms. Gilbertson discussed high speed connectivity in Montana.
- 05:36:55 Sen. Facey

REPORT ON MONTANA INDIAN LANGUAGES PRESERVATION PROGRAM PILOT

- 05:37:11 Casey Barrs, Lead Staff, State-Tribal Relations Interim Committee, gave a brief history of the program and an overview of the report. **(Exhibit 15)**

Questions from the committee/discussion

- 05:47:23 Rep. Hansen and Mr. Barrs discussed working with the MHS in drafting the final report.
- 05:49:19 Sen. Windy Boy and Mr. Barrs discussed the deadlines for the reports and their availability in four-to-six weeks.
- 05:50:51 Rep. Woods commented on the ambitious nature of this program.
- 05:51:59 Casey Lozar, Department of Commerce, Director, State Tribal Economic Development Commission, talked about the program's progress and the various projects throughout the state. He talked about the key elements; project time lines, pro bono work, networking with community members, and building relationships.

Questions from the committee/discussion

- 06:08:23 Sen. Windy Boy commented on the progress and the future of the programs.

Public Comment

- 06:11:25 There was none.

UPDATE FROM MONTANA ARTS COUNCIL

- 06:12:03 Arni Fishbaugh, Executive Director, Montana Arts Council (MAC),

presented a video and talked about the economic impact the arts have in Montana. She also talked about arts education and the role that arts organizations are playing in education. She touched on some arts education challenges that the council is facing. She submitted written testimony to the committee. **(Exhibit 16)**

06:27:37 Sen. Facey

Questions from the committee/discussion

06:27:43 Sen. Windy Boy and Ms. Fishbaugh discussed tax incentives to boost the arts in Montana.

06:29:48 J. P. Gabriel, MAC, spoke about what the Arts Council has done for him and the business he has built supporting the film industry in Montana. He also talked about his efforts to keep the tax incentives.

06:32:16 Sen. Facey

Public Comment

There was none.

06:32:46 Break at 3:00 p.m.

06:49:39 Sen. Facey reconvened the meeting at 3:15 p.m.

FOLLOW-UP ON DIGITAL LEARNING - EDUCATOR PERSPECTIVES

06:50:40 Mr. McCracken

06:50:58 Laurie Barron, Superintendent, Evergreen School District, Kalispell, spoke about the Bring Your Own Device pilot program (BYOD) and digital learning. **(Exhibit 17)**

07:04:09 Anna Baldwin, Teacher, Arlee High School, 2014 Montana Teacher of the Year, talked about how she teaches using a digital approach and the Chromebook computers that were purchased for the students, and how engaged the students are in the learning process.

07:13:33 Ritchie Boyd, Educational Technology Consultant, formerly at the Center for Faculty Excellence, MSU, Bozeman, talked about the intersection of learning and technology. He described the distinction between learning and googling something for an answer and pointed to the teacher as the person who can help develop that distinction for students.

07:24:34 Dan Case, Associate Director, Learning Technology, Carroll College, talked about how he teaches teachers at Carroll to engage students in the digital learning process. He talked about facing the digital future with knowledge and expertise in the field.

07:31:40 Sen. Facey

Questions from the committee/discussion

- 07:32:24 Rep. Hansen and Ms. Barron discussed digital learning in the context of introverted versus extraverted students
- 07:37:48 Sen Moore and Mr. Boyd discussed the intersection of digital technology and the learning process and the challenges it poses.
- 07:43:08 Rep. Woods talked about how little time or support teachers have for learning and implementing technology in their classrooms.
- 07:46:30 Sen. Lewis and Ms. Baldwin discussed the Kahn Academy.
- 07:48:51 Rep. Salomon and Ms. Baldwin talked about the Digital Academy and her methods of teaching in the classroom.
- 07:51:24 Rep. Salomon and Ms. Barron discussed how districts can become tech savvy and have the ability to move ahead with technology and funding challenges.
- 07:54:35 Rep. Jones and Ms. Barron talked about getting all teachers in her district onboard with the BYOD program.
- 07:59:05 Sen. Windy Boy and Ms. Barron discussed non-competitive grants in rural low-income areas.
- 08:01:43 Sen. Facey and Ms. Barron talked about funding equity and discussed the travel levy.

HJR 2 STUDY OF ELECTRONIC RECORDS MANAGEMENT (CONTINUED)

- 08:04:33 Sen. Facey reviewed the issues identified in [\(Exhibit 9\)](#). He opened the discussion on New Section 7.5.
- 08:05:46 Ms. Sankey talked about Section 1 in the memo and she gave an overview of subsections (1-3) of New Section 7.5. [\(Exhibit 10\)](#)
- 08:07:57 Rep. Price moved to accept New Section 7.5.
- 08:08:21 Sen. Facey
- 08:08:45 Sen. Moore and Ms. Sankey discussed the written explanation for denial of information request in subsection (1) of New Section 7.5 and consistency with current statutes and code.
- 08:09:48 Sen. Facey provided more explanation of New Section 7.5, subsection (1).
- 08:10:54 Sen. Rosendale and Ms. Sankey discussed subsection (1).
- 08:11:34 Sen. Moore and Ms. Sankey discussed subsection (3).
- 08:12:39 Sen. Facey called for a voice vote. It passed 11-1. Sen. Moore voted no.
- 08:13:30 Mr. McCracken reviewed Section 10 in the memo and the chart and talked about the Newspaper Association's concern.
- 08:16:55 Mr. MacDonald addressed the expectation of privacy when signing a sign-in sheet at a public meeting.
- 08:18:39 Sen. Rosendale asked about distribution of lists.
- 08:19:19 Sen. Facey
- 08:20:00 Mr. McCracken discussed the current statute, 2-6-109, MCA, and the intent of the new language in the bill.

08:22:10 Ms. Richards, DNRC, spoke to Sen. Rosendale's question about sign-in lists.

08:23:35 Sen. Rosendale questioned the clarity of the current statute and working toward cleaning it up.

08:24:10 Sen. Facey attempted to clarify what public knowledge is.

08:25:18 Sen. Rosendale asked what "a public agency may not distribute" means and why it would be left in the bill.

08:25:51 Ms. Richards

08:26:38 Sen. Rosendale, Rep. Hansen, Ms. Sankey, Sen. Facey, Rep. Salomon, Sen. Moore, Sen. Rosendale, Ms. Richards, Rep. Woods, and Ms. Richards had an in depth discussion about New Section 10, subsections (1), (2) and (3).

08:59:27 Rep. Hansen moved that the committee accept the language in Section 10 amending out subsection (1b) "or another public agency," and amending out in subsection (2), "and used to distribute unsolicited information to the individuals on the list."

09:00:16 Sen. Facey called for a voice vote and the motion passed unanimously.

09:00:38 Rep. Hansen

09:01:05 Sen. Facey asked for a motion to accept changes 2-8. **(Exhibit 9)**

09:02:42 Sen. Rosendale

09:02:56 Sen. Facey

09:03:31 Rep. Hansen questioned the language on page 16 in the bill draft.

09:04:16 Mr. McCracken clarified her language concern in the gray bill draft. **(Exhibit 7)**

09:05:41 Rep. Hansen

09:06:05 Sen. Facey

09:07:11 Ms. Sankey reviewed Section 2, subsection (12)," records manager."

09:08:44 Sen Facey

09:08:51 Mr. McCracken reviewed Section 5, subsection (4) page 7.

09:09:45 Ms. Sankey explained the work group's decision to strike Section 7 from the previous draft.

09:10:57 Rep. Woods made a motion to change the language in Section 7, subsection (2) "where the public officer or employee resides" to "is employed."

09:11:09 Sen. Facey called a voice vote and the motion passed unanimously.

09:11:21 Rep. Hansen questioned the change in language.

09:14:08 Rep. Hansen and Ms. Sankey discussed changing the language in Section 7, subsection (2).

09:15:26 Sen. Facey

09:15:34 Rep. Woods made a motion to move on.

09:15:44 Mr. McCracken gave an overview of Section 8 and certified copies of records.

09:16:56 Ms. Sankey gave an overview of Section 6 and management of records.

09:18:23 Mr. McCracken clarified minor changes made to Section 12 on page 14, Section 15 on page 16, and New subsection 7 on page 17.

09:19:52 Sen. Moore
09:20:06 Mr. McCracken
09:20:37 Sen. Moore
09:20:48 Ms. Sankey clarified some changes in Section 18, Section 19 and Section 20. **(Exhibit 8)**
09:23:01 Sen. Facey
09:23:45 Sen. Moore expressed his dislike for what he called an 80-page housekeeping bill.
09:24:52 Sen. Facey, Sen. Moore, Rep. Jones and Mr. McCracken discussed breaking the bill into separate bills.
09:29:10 Sen. Facey expressed his desire to adjourn soon and tackle Issue #1 concerning Section 3 first thing in the morning.
09:31:00 Mr. McCracken clarified the committee work for the next day.
09:32:45 Sen. Facey spoke about the digital archives bill for MHS and asked the committee to move it ahead.
09:33:31 Sen. Rosendale would feel more comfortable with much more specific information on how the money will be spent.
09:34:23 Sen. Facey

**PUBLIC COMMENT AND COMMITTEE DISCUSSION OF ANY
ADDITIONAL/EMERGING ISSUES WITHIN ELG'S JURISDICTION**

09:34:42 **Gina Satterfield** spoke about John Ayers and Charter schools. She submitted written testimony to the committee. **(Exhibit 18)**
09:39:23 Sen. Facey
09:40:04 Rep. Woods
09:40:17 Mr. McCracken
09:40:27 Rep. Price thanked the work group for its dedication and work on LCOptC.
09:41:13 Sen. Facey adjourned the meeting.

Meeting Adjourned at 6:10 p.m.