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LEGISLATIVE COUNCIL
67th Montana Legislature

SENATE MEMBERS

Mark Blasdel
Margaret (Margie) MacDonald
JP Pomnichowski
Scott Sales
Jon Sesso
Fred Thomas

HOUSE MEMBERS

Kim Abbott
Seth Berglee
Wylie Galt
Greg Hertz
Shane Morigeau
Casey Schreiner

COMMITTEE STAFF

Susan Fox - Executive Director
Todd Everts - Attorney
Fong Hom - Secretary

2021 SESSION PLANNING COMMITTEE
MINUTES LOG
ZOOM CONFERENCE MEETING
August 10, 2020
Remote Room 102, Capitol Building

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ROLL CALL

Committee Members Present:

Sen. Mark Blasdel, Chair
Sen. Margaret (Margie) MacDonald
Sen. JP Pomnichowski
Sen. Jon Sesso
Sen. Fred Thomas

Rep. Kim Abbott
Rep. Wylie Galt
Rep. Greg Hertz

Staff Present:

Todd Everts, Attorney
Susan Fox, Executive Director
Fong Hom, Secretary

AGENDA (Attachment 1)

CALL TO ORDER/ROLL CALL

13:00:59 Sen. Blasdel called the meeting to order at 1:00 p.m. and gave opening remarks. The secretary called roll. [\(Attachment 2\)](#)

LEGISLATOR SURVEY RESULTS

13:01:39 Joe Kolman, Director, Legislative Environmental Policy Office [\(Exhibit 1\)](#)

2021 SESSION PLANNING: DECISION POINTS & APPENDICES

13:09:37 Susan Fox, Executive Director, Legislative Services Division, gave a presentation on the 2021 Session, Scenarios & Decision Points. [\(Exhibit 2\)](#)

13:15:07 Sonja Nowakowski, Director, Office of Research and Policy Analysis, gave a presentation on the Appendices to the 2021 Session Scenarios & Decision Points. [\(Exhibit 3\)](#)

Questions and Discussion

13:17:42 Sen. Pomnichowski said that it is important for legislators to have laptops with connectivity and whatever else they need.

13:18:49 Sen. MacDonald asked Ms. Nowakowski if there were discussions on how to make it possible for the public to participate remotely.

Capitol HVAC

13:22:35 Bill Baumgardner, GSD/HVAC Manager, discussed what has been done regarding the COVID-19 pandemic.

Questions and Discussion

13:25:23 Sen. MacDonald asked Mr. Baumgardner about filters that can filter finer droplets and if that is relevant to his HVAC system.

State Medical Officer

No presentation made by Dr. Greg Holzman, DPHHS.

Legal Analysis

13:28:06 Mr. Everts gave a brief overview of the memo dated August 3, 2020, regarding Authority to Issue and Enforce Health Directives and Orders. [\(Exhibit 4\)](#) Mr. Everts discussed the Council's response.

Questions and Discussion

13:33:19 Sen. Pomnichowski commented on Mr. Everts' memo.

13:35:11 Sen. MacDonald asked about the constitutional immunity provision.

13:36:51 Jaret Coles, Staff Attorney, said that the reason it says, "going to and coming from the Capitol for legislative business," is exactly what the

constitutional immunity provision provides and doesn't get into anything with the exception of an arrest.

13:38:12 Rep. Hertz said that he hopes that the committee doesn't get wrapped around the axle on this issue of the governor's directives. We should focus on giving staff some direction on how we can operate the session going forward.

Legislative Branch Tort Liability based on COVID-19

13:39:05 Jaret Coles gave a presentation on the Legislative Branch Tort Liability based on COVID-19. [\(Exhibit 5\)](#)

Inventory and CARES Act Funding

13:46:38 Ms. Fox discussed accessing CARES Act funds for the COVID-19 safety supplies and for shoring up inventory.

13:47:52 Angie Carter, Financial Manager, Legislative Services Division, discussed what safety inventory has been purchased, the safety glass shields that are being installed in employees working spaces, and what projects will be reimbursed by the CARES Act.

Committee Questions

13:50:54 Rep. Abbott asked Ms. Carter about the kind of masks and the number of masks is she talking about.

Information Technology Decisions

13:52:02 Ms. Fox addressed Sen. Pomnichowski's suggestion of a common platform and concluded that the IT department is trying to find a laptop with applications that can work on the legislator's laptop is difficult.

13:57:45 Dale Gow, CIO, Legislative Information Technology, said that staff is looking at web-based products, such as remote voting, e-mail, TEAMS, and ZOOM, and working on instructions for each of those products.

Questions and Discussion

14:00:01 Sen. Pomnichowski suggested reaching out to returning legislators and to the newly elected legislators and inform them about the internet connections and funding for those connections.

14:00:34 Rep. Hertz suggested that if we are going to do some type of authentication, to use a phone app and not a fob. He asked Ms. Fox how to reimburse holdover legislators who purchased computers before the election.

14:03:03 Ms. Fox responded to Rep. Hertz' question regarding reimbursing holdover legislators who purchased the devices before elections. Ms. Fox also responded to Sen. MacDonald's concern about having monitors on the first floor.

GENERAL PUBLIC COMMENT

- 14:04:09 Mike Markovich gave a presentation on Kart Kleen, a machine that cleans non-human germs using ultraviolet rays. He introduced Jason Gardiner, the developer of Kart Kleen.
- 14:07:12 Jason Gardiner gave a presentation on Kart Kleen. [\(Exhibit 6\)](#)
- 14:10:28 John MacDonald, Montana Newspapers Association, said that the Association is available to help during the 2021 session.
- 14:14:31 Rep. Mary Ann Dunwell, House District 84, advocated for a virtual session.
- 14:19:55 William Holben, Kart Kleen, elaborated on Jason Gardiner's presentation.
- 14:22:21 Rep. Andrea Olsen, House District 100, agrees with Rep. Dunwell's support of moving forward with a virtual session.

Questions and Discussion

- 14:24:44 Rep. Tom Jacobson commented on a hybrid session and what the Legislature needs to accomplish in the 2021 session.
- 14:27:38 Rep. Hertz said the Legislature needs to be flexible moving forward with recommendations to staff on a remote/hybrid session.

PRE-SESSION PLANNING: CAUCUS, ORIENTATION, TRAINING, FIRST TWO WEEKS

- 14:29:27 Ms. Fox discussed the 2021 Pre-Session Preparation. [\(Exhibit 7\)](#)

Questions and Discussion

- 14:37:43 Sen. MacDonald said that having dinner with the party's caucus is something to take off the table.
- 14:38:40 Rep. Hertz discussed confidentiality in electing leadership after the elections.
- 14:39:10 Rep. Abbott discussed the challenge of limiting the number of people in one space during the session. She suggested figuring out a way to balance the in-person with the remote.
- 14:41:22 Sen. Pomnichowski commented on the idea of issuing a "save the date" for the caucuses and making plans for having an online format.
- 14:43:16 Sen. Blasdel commented on Ms. Fox's recommendation for members interest in working on the voting systems and asked about a timeframe. Ms. Nowakowski discussed the timeframe of testing the voting system. Sen. Blasdel said he would be interested in being on the team. Sen. Pomnichowski, Rep. Abbott, and Sen. Jacobson indicated that they would also be interested.
- 14:45:33 Sen. Blasdel discussed the options on how to handle the next session with new leadership.
- 14:49:14 Rep. Hertz recommended an allowance of \$3,000 per legislator to buy hardware and software and create a separate fund authorized by leadership for someone with special circumstances.

Sen. Sesso joined the meeting at 2:50 p.m.

- 14:50:08 Sen. Sesso said that we should be as responsive to the public process and public involvement. He doesn't think that a 100% virtual session is doable. Leadership should agree to be on-site and make sure their caucuses are engaged. He said he would like to narrow down to a hybrid session and make sure that the public is engaged.
- 14:56:35 Sen. Blasdel discussed wanting to know what other states are doing with remote meetings and how they manage having the public have their say and input remotely.
- 14:59:07 Sen. Pomnichowski said that the committee had talked about having places around the state, such as public libraries or community centers, where people could go and watch committee hearings and be able to comment.
- 15:01:32 Sen. Jacobson suggested finding a facility that would allow using multiple rooms to accommodate public testimony for different hearings.

ADJOURNMENT

- 15:05:39 Sen. Blasdel adjourned the meeting at 3:05 p.m.

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