

JULY 2020



2021 SESSION

SCENARIOS & DECISION POINTS

PREPARED BY
Legislative Services Division

SESSION PLANNING

Legislative Council members agreed last month that the 2021 Legislature will convene as required. However, planning for this session involves new challenges related to the COVID-19 pandemic.

Four scenarios are offered for consideration, recognizing that future leadership will decide operations for the 2021 Legislative Session and those operations may be affected by the status of the pandemic in Montana at the time¹.

All scenarios assume basic safety measures at the Capitol are employed relative to the number of people in the building, including complimentary masks for those who wish to wear one, hand sanitizing stations, and regular facility disinfection. Depending on the scenario, staff also will address other measures, including food and drink. Leadership may address additional requirements, if any.



THE COVID-19 PANDEMIC = NEW CHALLENGES

¹Staff developed the options using protocols implemented by the Colorado and New Mexico Legislatures. In mid-June, Colorado concluded a month-long hybrid session. Each chamber adopted a resolution changing the rules to allow leadership to adopt regulations related to remote participation. Legislative leadership adopted safety protocols for floor sessions. Colorado's Legislative Services' directors adopted protocols for committees and the distribution of bills and amendments. New Mexico met June 18-22. New Mexico's Legislative Council only allowed members of the media, lawmakers, and staff in the Capitol during the special session. New Mexico's Supreme Court upheld the restrictions, when challenged by public entities. Lawmakers wore masks, practiced social distancing, and sometimes voted remotely. Montana actions may be subject to executive orders issued by the Governor and public health orders issued by the state or Lewis and Clark County. Options also subject to Department of Administration regulations on use of Capitol.

SCENARIOS

01 PHASE 1²

VIRTUAL SESSION

Majority of 150 members and staff participate remotely from their home. Gatherings limited to 10 or fewer people.

02 PHASE 2

HYBRID VIRTUAL SESSION

Members and staff have option to participate remotely from their home or remotely from other locations in Helena. All public participation is remote. Group size limited to 50.

Scenarios 2 & 3 could be combined.

03 PHASE 2

HYBRID, SOCIALLY DISTANCED SESSION

Members and staff have option to participate remotely from home, remotely from locations around Helena, or in person at the Capitol. In-person and remote public participation is allowed, with limits on group size. Group size remains under 250.

04 PHASE 3

REGULAR SESSION

Voluntary social distancing, most members and staff are in the Capitol. (May still require some limitations and remote technology.)

²The scenarios are presented as corresponding to phases as outlined in the governor's plan: [MONTANA REOPENING THE BIG SKY PHASED APPROACH](#).

DECISION POINTS

A few key decisions will help guide staff toward ensuring the 2021 Legislature safely conducts its business. In varying degrees, these decisions apply to all scenarios. Detailed analysis follows for each scenario and includes opportunities for leadership guidance.

Considerations for all scenarios include:

- time needed to prepare for new technology and processes;
- cost of new technologies and potentially new session staff;
- availability of session staff to perform new duties (i.e. tech support);
- adequate number of permanent staff to prepare and support technology; and
- willingness of legislators to adapt to new technology and processes.

01

Use of personal device with common applications for remote participation?

- Legislators generally prefer to purchase their own devices to use for legislative business. LSD currently assists legislators in the building with personal devices, which may include several devices per legislator and assistance with network connections, email, and other support. Legislators participating remotely would need to select one personal device for legislative business. (Issuing standard, state-owned devices would entail additional network costs and staff support.)
- While legislators may use a mtleg.gov email account, most continue to use personal email accounts.
- Under a virtual, hybrid, or socially distanced session, there will be a need to vote remotely. This includes a need to authenticate remote votes. This includes additional security measures.
- Assuming legislators prefer personal devices and personal email and the need for secure voting, leadership may consider:
 - Issuing system requirements to ensure legislator devices meet technical standards for voting;
 - Increasing technology allowance as an incentive to purchase devices that meet technical standards;
 - Allowing purchase of printers and paper for legislators participating virtually;
 - Requiring legislators to participate in testing to ensure devices and internet connections are reliable.

02

Reduce or eliminate printing of bills and fiscal notes?

- Reducing or eliminating documents is currently feasible, though a rule change may be required. Under a virtual, hybrid, or socially distanced scenario, it is difficult to distribute hard copies.
 - All scenarios benefit by reducing documents touched by various people.
 - This allows LSD and chamber staff to focus on new duties required by new processes.
 - A reduction requires legislators to view documents electronically with limited individual printing.
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03

Changes to timing, process, facilities, and staffing for session?

- A virtual, hybrid, or socially distanced scenario would necessitate legislators and public working from different locations. Considerations may include:
 - Changes to duration and timing of session;
 - Changes to committee sizes and durations of hearings;
 - Changes or limitations on bill drafts or introduction of bills;
 - Different requirements for session staff (additional Zoom managers); and
 - Reservation of sites away from the Capitol for socially distanced hearings.
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04

Level of public participation (including lobbyists)?

- Is public allowed via Zoom in all scenarios?
 - In what scenarios is the public allowed in the Capitol? Are there conditions to in-person public participation (masks, temperature checks)?
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05

Additional safety protocols?

- Requirement of masks and temperature checks? Other personal measures? Enforcement?
- Plexiglass installation in chambers and committee rooms?
- Other measures?