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LEGISLATIVE COUNCIL
67th Montana Legislature

SENATE MEMBERS

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

HOUSE MEMBERS

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

COMMITTEE STAFF

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

MINUTES LOG
ZOOM REMOTE MEETING

June 9, 2020
Capitol Building, Remote Room 137
Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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ROLL CALL

Members Present:

Rep. Casey Schreiner, Chair
Sen. Mark Blasdel, Vice Chair
Rep. Kim Abbott
Rep. Seth Berglee
Rep. Wylie Galt
Rep. Greg Hertz (R)
Sen. Margaret (Margie) MacDonald
Rep. Shane Morigeau
Sen. JP Pomnichowski
Sen. Scott Sales
Sen. Jon Sesso
Sen. Fred Thomas

Staff Present:

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

Committee Action

AGENDA (Attachment 1)

CALL TO ORDER/ROLL CALL

- 09:00:00 Rep. Casey Schreiner called the meeting to order at 9:01 a.m. The secretary called roll. Everyone was present.
- 09:02:49 Rep. Schreiner gave opening remarks.

COUNCIL BUSINESS

PLAN FOR CONTINUITY OF GOVERNMENT, GUIDANCE FOR INTERIM COMMITTEES - PHASE II, SESSION

- 09:03:32 Susan Fox, Executive Director, discussed Guidelines for Legislative Branch Committees Reentry, Phase II (**Exhibit 1**) and the document "Capitol Meeting and Conference Room Status" (**Exhibit 2**).

Committee Discussion

- 09:06:32 Rep. Kim Abbott asked for a way for people to participate remotely if they need to, and when people show up in person in the Capitol, they know that social distancing will be enforced and that masks will be required.
- 09:09:48 Sen. Thomas discussed committee members getting tested for COVID-19 the week before their meeting if they plan on meeting in-person.
- 09:12:00 Sen. JP Pomnichowski asked about the liability to members and the public while gathering in the Capitol. She shared the same concerns as Rep. Abbott regarding confidentiality of health of members and public.
- 09:14:15 Sen. Margie MacDonald asked if there was a way to add monitors to other committee rooms.
- 09:15:25 Rep. Greg Hertz discussed the inconsistencies in the statements regarding "masks may be included to be worn"; "all participants must wear a mask"; and "if a participant does not want to wear a mask".
- 09:20:27 Sen. Thomas asked that COVID testing be looked into and that wearing masks is secondary to being tested.
- 09:21:26 Sen. Pomnichowski said that testing is important and has started on asymptomatic individuals.
- 09:22:42 Sen. MacDonald urged the Council to have have a policy in requiring masks to be worn while attending in-person meetings.

Motion

- 09:23:59 Rep. Abbott moved that the statement "masks are required to be worn when participating in in-person meetings" be made consistent throughout the Guidelines for Committee Reentry, Phase II.

Committee Discussion on the motion

- 09:24:40 Rep. Hertz asked if that is only for Phase II.

09:24:55 Rep. Abbott said just throughout the portion when considering meeting in person in Phase II.

09:25:22 Sen. Thomas commented on wearing masks.

Vote

09:26:08 The motion failed on a tie roll call vote, 6-6, with Sen. MacDonald, Sen. Pomnichowski, Sen. Sesso, Rep. Morigeau, Rep. Schreiner, and Rep. Abbott voting yes; Sen. Sales, Sen. Thomas, Sen. Blasdel, Rep. Galt, Rep. Hertz, and Rep. Berglee voting no.

Committee Discussion

09:28:09 Rep. Schreiner said he would like to know about opportunities for CareHere to test for COVID.

09:28:32 Sen. Sales discussed purchasing thermometers.

09:29:14 Ms. Fox discussed CareHere's procedure for COVID-19.

09:29:51 Rep. Schreiner asked what the benefit are for in person meeting in the Capitol vs. meeting remotely.

09:30:47 Sen. Sesso thought that interim committees were going to continue with the Zoom format.

09:34:46 Sen. Sales commented on it being the responsibility of each person on whether they wanted to come and meet in person or not; if they don't feel healthy or safe, stay at home.

09:36:39 Rep. Hertz said he supports hybrid meetings.

09:37:29 Sen. Pomnichowski asked about the guidelines for passing the temperature testing. She said it is putting the onus on staff to make that decision.

09:40:02 Sen. Thomas said he would like to have more discussions on meeting via Zoom and meeting in person.

09:41:56 Sen. Pomnichowski asked if there was a policy for protecting staff.

09:42:32 Ms. Fox said that she will look into CareHere's protocol and send that to Council members. She discussed the options that staff has regarding working from home or working in the office.

09:44:33 Rep. Hertz asked about the comfort level of the staff participating in meetings where masks are not required.

Public Comment

09:45:32 Webb Brown, Montana Society of Association Executives

Committee Discussion the Phase II Plan

09:49:38 Ms. Fox gave an overview of the Phase II Plan. Ms. Fox requested that a decision be made for public participation in the Capitol.

09:50:43 Rep. Abbott said her preference is to continue to meet by Zoom until later in the year.

09:52:28 Ms. Fox discussed on whose authority it is to tell the chair that hybrid meetings can't be held.

09:53:38 Rep. Schreiner asked if the plan needs to be formally adopted.

09:53:54 Rep. Hertz said that the plan is for guidance purposes and it is up to committee chairs and members on how they want to proceed with their meetings.

09:55:56 Rep. Schreiner asked Mr. Everts to address the authority piece.

09:56:33 Todd Everts, Legal Division, said that the Legislative Council doesn't necessarily have the authority over committees.

09:57:37 Sen. Pomnichowski said that some direction from Council for the chairs and the interim committees is needed.

09:58:46 Rep. Schreiner asked Mr. Everts if a chair can enforce in-person meetings.

10:00:39 Sen. MacDonald said under the current guidance, the chair can require masks and then people can choose the Zoom format if they aren't comfortable.

REMOTE LEGISLATURE
Special Session - 2021 Session

10:01:57 Ms. Fox updated the Council on how other states are handling special sessions. She has been working with General Services and plans to work with the Lewis and Clark County Health Department on coming up with options on how to proceed with the 2021 Session. She said she would like legislators to participate in that discussion and suggested putting together a working group for that purpose.

10:04:42 Sen. MacDonald asked about increasing technology in committee rooms in order to facilitate what we know are going to be challenges in the coming year around managing crowd size, room size, and enabling public participation.

10:05:50 Ms. Fox discussed the new vote boards having the capability to project images.

10:06:57 Sen. Pomnichowski asked Ms. Fox about having a consistent platform for technology for legislators.

10:09:55 Ms. Fox discussed working on a document with the IT staff on options regarding legislator device support and the legislator portal.

10:12:05 Mr. Everts provided a legal analysis on whether the Montana Legislature has the constitutional authority during a declared public health emergency to convene and conduct a regular session or special session, either remotely or through a hybrid scenario that allows some or all members to participate remotely either within the capitol or away from the capitol.

10:33:20 Rep. Hertz discussed pursuing the technology side for session.

- 10:34:24 Sen. Pomnichowski asked Mr. Everts about identification of participants by video and audio ID when conducting meetings and where a quorum is needed.
- 10:36:03 Sen. Pomnichowski asked Mr. Everts if there was any precedent from the last pandemic for alternate means of meeting.
- 10:40:55 Rep. Schreiner confirmed establishing a working group to address conducting the upcoming 2021 Session remotely or through a hybrid scenario. Members of the working group will be Senators JP Pomnichowski, Mark Blasdel, Margie MacDonald, Fred Thomas, and Jon Sesso; Representatives Greg Hertz, Kim Abbott, and Wylie Galt.

RULES SUBCOMMITTEE

Discussion on Potential Rule Changes

- 10:45:32 Ms. Fox said that if there were any ideas of rules that the Council wanted to charge the Rules Subcommittee with, please send them to her or Mr. Everts.
- 10:46:17 Rep. Hertz asked for more research on the rules for hearings on bills. He would like Ms. Fox to find out which state legislatures have a similar rule or if they have a select type committee that determines if a bill has a hearing or not.

LEGISLATIVE SERVICES DIVISION BUDGET DEVELOPMENT

- 10:47:19 Ms. Fox discussed the current budgets and the September 1 deadline for submission of the Branch budget to the Office of Budget and Program Planning.
- 10:48:20 Ms. Fox discussed Program 21 (**Exhibit 3**) and the Organization and Participation budgets (**Exhibit 4**). Ms. Fox discussed the proposal for the Education Commission of the States committee.

Committee Discussion

- 10:52:34 Rep. Schreiner said he would like to maintain the budget assuming that committees are still being encouraged to take the meetings on the road and have participation throughout the state.
- 10:53:58 Rep. Hertz said that we need to continue to upgrade as normal.
- 10:54:09 Ms. Fox discussed that before the budget is submitted, that the Council should review the August revenue report and make any changes in the budget before it is finalized.

GENERAL PUBLIC COMMENT

None.

Public Comment

- 10:56:34 Sen. Sesso said that the Senate caucus wanted a conversation to consider different options on the business of slowing the session down,

meeting on a designated day, and then taking a small recess to get everybody acclimated doing session via Zoom.

10:58:13 Rep. Schreiner discussed the process of the legislators having to sign their bill when they pick it up.

10:58:29 Rep. Hertz said we need to keep in mind that the legislators need to be flexible in the next session.

10:59:12 Sen. Pomnichowski discussed what a legislative day is and asked if the working group might look at some other models from other states where orientation and committee hearings happen in legislative days.

Public Comment

11:02:25 Webb Brown, Montana Society of Association Executives

Next Meeting

11:03:38 Ms. Fox discussed the upcoming Legislative Council meeting scheduled for August 24 and 25; the SB 310 Steering Committee meeting on June 22; meetings on June 23 and August 11 with the Finance Committee and the Revenue Interim Committee; and a Rules Subcommittee meeting in the near future.

ADJOURNMENT

11:05:34 Rep. Schreiner adjourned the meeting at 11:05 a.m.