



Legislative Council

65th Montana Legislature

SENATE MEMBERS

FRED THOMAS--Chair
EDWARD BUTTREY
TOM FACEY
JP POMNICHOWSKI
SCOTT SALES
JON SESSO

HOUSE MEMBERS

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WYLIE GALT
AUSTIN KNUDSEN
SHANE MORIGEAU
CASEY SCHREINER

COMMITTEE STAFF

SUSAN FOX, Executive Director
TODD EVERTS, Legal Division Director
FONG HOM, Secretary

MINUTES LOG

March 15, 2018
KwaTaqNuk Resort
Polson, Montana

Please note: This document is a Minutes Log and provides a notation 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 record 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 meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the "Exhibits" is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. EDWARD BUTTREY
SEN. TOM FACEY
SEN. JP POMNICHOWSKI

SEN. JON SESSO
SEN. FRED THOMAS
REP. SETH BERGLEE
REP. JENNY ECK
REP. SHANE MORIGEAU

COMMITTEE MEMBERS EXCUSED

SEN. SCOTT SALES
REP. WYLIE GALT
REP. AUSTIN KNUDSEN
REP. CASEY SCHREINER

STAFF PRESENT

SUSAN BYORTH FOX, Executive Director
TODD EVERTS, Legal Director
FONG HOM, Committee Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTION

The Legislative Council adopted motions to:

- authorize staff to move forward with the Mindcentric contract for legislator emails, to archive emails for 5 years, to require a strong password, and to migrate the current mt.gov accounts to the Zimbra system, with the option of migrating other accounts at a later date;
- reauthorize Information Technology Reserve funds in the amount of \$485,616 to pay for the completion of the Bill Drafting Editor and System of the SSR and TVMT critical needs;
- authorized the expenditure of an additional \$514,384 from the Information Technology Reserve Account to pay for the completion of the Bill Drafting Editor and System of the SSR;
- direct staff to come up with some decision points regarding specific policy decisions that have been outlined in the briefing paper, "Sexual Harassment Prevention Training and Policies", and to include a training curriculum to the next Council meeting; and
- direct staff to work with Jeff Mangan, Commissioner of Political Practices, on a proposal of best practices in relation to lobbyists' participation in sexual harassment [prevention] training to the next Council meeting.
- Rep. Eck and Sen. Facey were appointed to a subcommittee to work with staff and Commissioner Mangan on sexual harassment policies and procedures.

RECONVENE

00:00:01 Sen. Thomas reconvened the meeting at 8:05 a.m. The secretary called roll. Sen. Sales and Representatives Galt, Knudsen, and Schreiner were excused. ([Attachment 3](#))

COUNCIL BUSINESS

E-mail and public records - Darrin McLean and Susan Fox

00:01:46 Darrin McLean gave background information and a demonstration by Mindcentric on the Zimbra email system.

Zimbra Demonstration and Discussion

00:03:54 *Zimbra Demonstration*

00:44:22 Mr. McLean referred the committee to the document, "The Legislator Email Analysis" ([Exhibit 1](#)) that had been distributed to the committee at the December 13, 2017, meeting.

00:44:26 Mr. McLean discussed adopting the Mindcentric system as proposed in the document, "E-mail Solution Proposal". ([Exhibit 2](#))

00:48:20 Ms. Fox explained the May deadline for migrating to the new system.

Questions from the Committee

00:48:24 Sen. Pomnichowski asked about changing the legislator's email accounts on the

webpage and if those email accounts could be forwarded to Zimbra.
00:48:36 Mr. McLean said that he will check to see if ITSD allows forwarding.
00:49:31 Rep. Eck asked why a legislator would need a dedicated account for legislative work as opposed to everyone having their own Gmail account that is just dedicated to legislative work.
00:50:39 Ms. Fox said they were trying to maximize for multiple variables, of which archiving emails is a variable. The Legislative Services Division is encouraging legislators to have a legislative account for the purpose of public information requests.
00:53:01 Sen. Thomas added that we are neglecting our obligations to the public to have a robust system that archives and is accessible to the public in a very succinct and sound way.
00:55:24 Sen. Facey asked about the costs and the ability to archive, and noted that there should be a policy regarding tracking.
00:56:40 Sen. Buttrey commented on the security of importing his accounts to Zimbra and ITSD's oversight of the rates.
00:57:54 Ms. Fox discussed the ITSD's agreement with Microsoft.
01:03:51 Mr. Everts said that Zimbra allows the legislators to archive legislative business in one place so that they don't have to actively create files.

Motion

01:08:51 Sen. Facey moved to authorize staff to move forward with the Mindcentric contract.

Discussion

01:09:07 Sen. Facey said this system will help the legislators and the public.
01:09:25 Rep. Morigeau said he is having a hard time seeing why the Council wants to spend extra money every year to maintain the Zimbra system.
01:11:40 Sen. Sesso asked Mr. McLean about the costs to the Zimbra.
01:13:09 Mr. McLean discussed the pros for moving to Zimbra.
01:15:00 Mr. Everts said that you can't stop litigation from happening, but if we can get legislators to archive and find an easy way to get at it, that will minimize the risk in terms of the costs of litigation.
01:16:53 Sen. Thomas asked if the contract with Mindcentric is a 3-year contract at \$11,000.
01:19:12 Sen. Pomnichowski asked about legislative session staff having the mt.gov account and what the costs would be if they were on the Mindcentric system.
01:19:58 Rep. Eck said that her concern is that she doesn't know if Zimbra is the cutting edge of technology and Gmail is because it is user friendly and would last longer.
01:20:57 Mr. McLean said that staff is not versed in Gmail or Office 365 and they would have to contract services to support those two platforms. They are trying to get an email system that is an enterprise-based system that has security and can be managed by the legislator.
01:23:41 Rep. Morigeau asked about the difference in storage capabilities between Gmail and Mindcentric.

Vote

01:26:52 The motion passed with Rep. Schreiner's proxy voting no.

01:27:00 Sen. Thomas discussed retaining emails from end of a legislator's term and asked for a motion on archiving emails for five years.

Motion

01:27:51 Sen. Facey moved for an archive duration of five years to retain emails from end of term, to require a strong password as determined by Legislative Services Division, and to migrate current mt.gov accounts into the new system with the option of migrating other accounts at a later date.

Vote

01:29:51 The motion passed unanimously by voice vote.

01:29:59 Sen. Thomas asked about the recommendation in the proposal to offer a solution to existing legislators who use the mt.gov account.

01:30:08 The members of the committee discussed migrating email accounts of the 100 legislators who currently use the mt.gov account over to Zimbra, and that during training and orientation, they would offer that service to new legislators as well as offering it to holdover senators who do not use the mt.gov account. The committee also discussed what happens to the emails when a legislator is termed out, is not re-elected to office, or does not run again with regards to archiving. Sen. Buttrey asked what the charges might be to archive 150 legislators' emails. Mr. McLean said that when a legislator is no longer serving, his email account is disabled but the archived emails will remain in the system. That service is built into the price of Zimbra.

BREAK (reconvened at 9:54 a.m.)

SESSION SYSTEM REPLACEMENT UPDATE

Presentation - Susan Fox

01:49:37 Ms. Fox ([Exhibit 3](#))

Committee Questions

01:58:48 Sen. Pomnichowski asked if the new system will generate (hard copy) written minutes.

01:59:05 Ms. Fox said that a text document of the minutes will always be available and that document is archived with the Historical Society.

Budget request - Susan Fox

02:03:59 Ms. Fox discussed the funding requests for the Session Systems Replacement project.

Motion

02:13:14 Rep. Eck moved to reauthorize funds in the amount of \$485,616 to pay for the completion of the Bill Drafting Editor and System.

Discussion

02:13:34 Sen. Buttrey commented that the Legislative Services Division has been working

on the SSR project for a number of years and that it is something that the Council can afford out of the reserve fund.

Vote

02:14:07 The motion passed unanimously by voice vote.

Motion

02:14:24 Sen. Facey moved that Legislative Council authorize the expenditure of \$514,384 from the Information Technology Reserve Account.

Vote

02:15:05 The motion passed unanimously by voice vote.

PRESENTATION FROM THE SALISH KOOTENAI COLLEGE

02:15:29 Rep. Morigeau introduced Joe McDonald, President Emeritus of the Salish Kootenai College, Tracie McDonald, Dean of Students, and Dan Durglo, Vice President of Academic Affairs.

02:16:34 Joe McDonald, President Emeritus, Salish Kootenai College, gave a presentation on the College.

02:23:51 Dan Durglo distributed a document, "Critical Support for Montana's Students: Montana's Disproportionate Funding of Tribal College Students". ([Exhibit 4](#))

SEXUAL HARASSMENT PREVENTION TRAINING AND POLICIES

Presentation - Susan Fox

02:32:02 Ms. Fox discussed the document, "Sexual Harassment Prevention Training & Policies Issues and Options for Consideration", ([Exhibit 5](#)) and Todd Everts' memo "Current Legislative Branch Harassment Policy Questions ([Exhibit 6](#))".

Committee Questions

02:44:22 Sen. Buttrey asked Mr. Everts who pays for the defense if a complaint was lodged against a legislator or staff, and if training is mandatory, will the state pick up the tab.

02:48:56 Sen. Thomas commented that this policy needs to be updated.

02:51:07 Sen. Facey encouraged staff to come to the next Council meeting with some decision points reflecting both the policies and procedures that are outlined in the briefing paper, "Sexual Harassment Prevention Training & Policies" , and to include lobbyists in the discussion.

Motion

02:54:18 Sen. Facey moved that the Legislative Council staff bring to the next Council meeting decision points regarding specific policy decisions that have been outlined in Ms. Fox's briefing paper, "Sexual Harassment Prevention Training & Policies Issues and Options for Consideration, February 2018", and to include a

discussion about lobbyists.

Discussion

- 02:54:58 Sen. Thomas said he would like to take the lobbyist issue out and make a motion on that later.
- 02:55:16 Sen. Facey said he would withdraw the issue of lobbyists from his motion.
- 02:55:27 Rep. Eck commented on the training and policy aspects. She discussed the letter from the Montana Coalition Against Domestic & Sexual Violence.
(Exhibit 7)
- 02:59:21 Rep. Morigeau encouraged the compilation of a list of legislators who attended the training.
- 03:00:12 Sen. Thomas said that that is a difficult issue because we want legislators to take the training and it is not easy to make training mandatory. He asked Ms. Fox if every participant signs a document stating that they have taken the training.
- 03:01:55 Ms. Fox said that if a request does come up regarding whether or not there is documentation of a person having participated in training, that documentation is valuable.
- 03:02:41 Sen. Pomnichowski said she would like Sen. Facey's motion to include a training curriculum.
- 03:03:00 Sen. Facey said that he did mention Ms. Fox's document dated February 2018 in his motion.
- 03:03:13 Sen. Pomnichowski commented on the importance of a robust policy, and that it is incumbent upon us as leaders to model the conduct that we expect.

Vote

- 03:06:40 The motion passed unanimously by voice vote.
- 03:08:10 Jeff Mangan, Commissioner of Political Practices, discussed how his office deals with sexual harassment training for lobbyists.

Committee Questions

- 03:09:56 The committee discussed proposing policies to address sexual harassment training for lobbyists and if lobbyists are required to participate.
- 03:13:17 Commissioner Mangan said he would like to make training as part of the registration process for lobbyists and said that he would look at potential legal issues.

Motion

- 03:17:43 Sen. Facey moved to direct staff to work with Commissioner Mangan on presenting a proposal of best practices in relation to lobbyists participation in sexual harassment training to the next Council meeting.

Discussion

- 03:18:11 Rep. Eck asked Commissioner Mangan for his suggestions.
- 03:18:20 Commissioner Mangan commented on looking at a code of conduct for lobbyists.

Vote

03:20:27 The motion passed unanimously by voice vote.

Council direction for development of training and policies

03:20:54 Sen. Thomas discussed having staff work with Commissioner Mangan on policies and procedures to be presented at the next meeting.

03:21:37 Rep. Eck suggested having a subcommittee to work on the policies and procedures.

03:22:17 Sen. Thomas appointed Rep. Eck and Sen. Facey to the subcommittee.

S&K TECHNOLOGIES, INC. - Chad Cottet, CEO S&K Technologies, Inc.

03:23:59 Mr. Cottet ([Exhibit 8](#))

REMOTE TESTIMONY

Revisit information - Susan Fox

03:41:58 Ms. Fox provided an update on the topic of Videoconferencing & Remote Testimony. ([Exhibit 9](#))

Committee Questions

03:49:09 Sen. Buttrey discussed the pilot project.

03:50:13 Sen. Pomnichowski asked Ms. Fox about online platforms that can tie into a video-conference that will accommodate a queue.

03:51:35 Ms. Fox said that they will look at all potential possibilities.

PUBLIC COMMENT on any matter under Council's jurisdiction - None

WORK PLAN, NEXT MEETING DATE: May 23, 24, 2018, Butte

03:52:35 The committee discussed the dates and location for the next meeting. Sen. Sesso asked how the committee wanted to set up the meeting and if the committee wanted to go on any tours.

03:56:40 Rep. Morigeau thanked the staff for working with him.

03:57:10 Sen. Thomas briefly mentioned the Rules Subcommittee.

ADJOURNMENT

03:57:45 With no further business before the committee, Sen. Thomas adjourned the meeting at 12:03 p.m.

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