

## **Notes on IGA Phone Call with Assembly Staff**

Representatives from IGA participated on a call with Assembly staff to discuss the potential procedures being developed for holding committee hearings when the Legislature returns on May 4.

Representing the Assembly was Alf Brandt, Brian Ebbert and Brandon Seto. Representing IGA was Dominic DiMare, Kate Brandenburg, Jennifer Barrera, Christy Bouma, Chris Micheli, John Valencia and Danielle McKee listened in to ensure accurate reporting.

It is important to note that, according to Alf, nothing has been decided and they are still in the planning process.

### **Summary of Discussion:**

The discussion was framed by Alf Brandt as being an opportunity for them to hear from the lobbying community various concerns and ideas about how best to accommodate testimony and representation at the soon to be scheduled hearings when the Assembly reconvenes on May 4. Alf indicated that there were a number of issues both logistical and legal that the Assembly needed to address between now and the resumption of the Assembly business.

One of the major considerations for the Legislature is balancing public health and constitutional rights generally, including both First Amendment and rights under CA Legislature Transparency Act (Prop 54/2016) in Section 7 (right to attend, record and broadcast any and all parts of legislative proceedings). Alf acknowledged that it is a tricky balance and noted that the Assembly was committed to public access and witness of their proceedings. He did note that there is no right to testify at a hearing, but continued to explain that the Assembly is trying to find the right way to ensure participation of the public while protecting the public health.

Alf and Brian indicated the following logistical facts about the proposed hearings:

- Members will not participate remotely.
- There is a strong possibility that there will be a hearing on May 4 by at least one committee.
- Assembly staff have been contemplating the configuration of each hearing room to accommodate as many people as possible (which isn't many) while maintaining physical distancing.
- They indicated that Room 4202 will be the main hearing room and that there may be other rooms utilized as well as the Assembly Chambers.
- It is possible that there could be more than one hearing held at a time.
- The Assembly is contemplating in-person or remote testimony for sponsors and subject matter expert witnesses and telephone testimony for "me-toos." (More on this below)
- The Assembly is using WebEx as its video platform and AT&T as the teleconferencing platform.
- According to staff, spot bills currently in Rules Committee are going to be processed between now and the return of the Assembly and will be in print prior to May 4.
- Rules Committee will meet this Friday and all bills processed will have a May 4 amended date.

Discussion turned to the role of committee chairs and the authority they have been given including the power to determine which bills are necessary and which are not. IGA representatives wanted to know what level of discipline can we expect regarding the number of bills a member can carry and the time allowed for testimony on each bill. Will there be a uniform approach followed by each committee? Assembly staff indicated that it would be optimal for there to be a uniform approach but could not guarantee such an outcome. However, efficiency was a constant theme of the conversation and it was acknowledged that having consistent protocols and rules would help make the process more efficient.

Issues that the Assembly staff identified from both the Senate and Assembly informational hearings on COVID - 19 included the need for those testifying remotely to have a solid internet or broadband connection. They said that even DOF had some glitches. They noted that it would be difficult to have each person wishing to testify verify their connectivity, but did agree that making a segment concerning the minimum technological requirements for successful participation in a hearing would be a useful exercise.

Also, under consideration is setting up a remote video conferencing center within the Capitol, where people could testify in an environment that is more conducive to physical distancing. One issue raised by IGA was the sanitation of various apparatus used to facilitate video conferencing; microphones, laptops and other electronics as well as the room itself. We have heard from members that they are reticent to go into the Capitol out of concern for their and other loved ones' health.

We were assured that there would be sanitation protocols deployed in whatever environment was established for video participation. It also made the need for a more remote form of testimony apparent. One idea floated by the Assembly staff was to establish a limited number of locations outside of the Capitol (presumably in lobbyists' or association offices) where they could verify the connectivity and then have people testify from those locations. No agreement was made on this matter but we committed to bringing the idea back to the membership.

Another issue raised by IGA was the state level and Sacramento County shelter-at-home directives that could still be in place on May 4. Alf stated that Assembly leadership has conferred with the Governor and he does not object to the Assembly resuming its business and that, while coordinating and informing Sacramento County of its actions, the Assembly views themselves as an essential service and therefore able to conduct business under the directives. Moreover, he stated that the Legislature as a rule is not under the jurisdiction of the County or the Governor as a separate branch of state government.

The conversation progressed to a point where Assembly staff asked IGA representatives to share with our membership a few ideas for how to proceed. Again, these are conceptual and there were no commitments made as to how things will unfold. As a rough concept, we tossed around the idea that sponsors, and subject matter experts selected by the author, identify themselves to the committee secretary 48 hours prior to the hearing, who keeps a list of those admitted to the hearing room to testify on the bill.

Opposition witnesses would need to agree upon who provides lead opposition testimony and likewise notify the committee 48 hours prior. For "me too" testimony, there would be the remote video conference center or telephone testimony with a facilitator that would line participants up in a cue. With regard to the telephone testimony, the chair would announce a telephone number at the open and close of each bill. People would need to initiate a call for each individual bill and be prepared to answer three to five predetermined questions from the facilitator to help speed the process along (e.g. name, org, bill no., position). All of this will require forethought and preparation.

We emphasized that there needs to be consistency across all committees or this will end in chaos, which everyone recognized. We also emphasized the need to get information out as quickly as possible and that the information needed to effectively participate should be included in both the Daily File and on the Committees' websites. Staff took that under advisement.

### Proposal in Need of Feedback:

We are being asked to react to the scenario proposed above where sponsors, subject matter experts and the two lead persons testifying, support and opposition included, inform the committee Secretary of their intent to testify on a bill. The two primary witnesses could decide for themselves how to participate (in-person, video or telephone). “Me too” testimony will be done remotely either in a video conferencing center or by telephone. Health and safety protocols will be observed, which may facilitate physically distanced waiting.

We are also being asked to also consider the feasibility of setting up a remote video conferencing center outside of the Capitol where the Assembly IT staff can verify the connection and people can utilize for testimony.

### **In short form, we have been asked to seek your responses to the following:**

- Interest in coming into the Capitol to testify vs. remaining outside the Capitol.
- Interest in staying in a hearing room at social distancing for much of the hearing or coming into the hearing room for a specific bill.
- Identifying opposition witnesses 48 hours ahead of time, with authors identifying supporting witnesses at the same time
- Use of witness testimony centers (in the Capitol or outside the Capitol in private offices).
- Use of phone or video for testimony

We would welcome your feedback on these concepts and thoughts on how to make testimony during these extraordinary times more effective and efficient. We are asking you to respond to us by this **Friday afternoon**. We know that this is a quick turnaround time, but Assembly staff need time to prepare and arrange for whatever scenario is decided upon.