



June 5, 2020

Dear Speaker Rendon and Pro Tem Atkins,

Legislative Process During COVID-19

Having completed the policy committee deadline, the Institute of Governmental Advocates (IGA) would like to share feedback and perspective on the legislative process during the COVID-19 emergency. IGA's primary mission is to protect and defend the rights of advocates (professional and private citizens) on behalf of their clients with the Legislature, Executive Branch and state agencies and departments. The members of IGA represent every aspect of activity and life in California, and quite literally comprise the voice of the "public" when it comes to input on public policy matters.

We appreciate the fact that your staff reached out and sought the IGA's input on how the process would resume prior to returning. Now that we have experienced policy committees in both bodies under the new framework we wish to provide additional input in the hope of improving the legislative process going forward.

With that in mind, we offer the following comments for your consideration.

1. **Non-Essential Legislative Agenda.** Based on public statements, communications from leaders to the members and committee chairs, and the staff briefing provided to IGA, there was a general belief that the Legislature would return in order to focus on essential legislative activity, including the state budget, COVID-19 response, economic recovery, and extending legislative sunsets. However, many members and committees continued to push forward bills unrelated to any of the above. As a community we were asked to urge our clients to forego sponsored legislation that did not meet these criteria. We complied with that request based on a belief that there would be reciprocity.
2. **Transparency of Committee Agendas.** With a majority of legislators determined to pursue many of their bills, lobbyists needed to schedule meetings, prepare letters, and try to lobby bills. Some committee staff acknowledged that certain bills would not be set. However, for those bills that remained, many committees released their committee agenda exactly on the four-day file notice deadline, which left little or no time to effectively advocate on a bill.
3. **Uncertain Committee Membership.** It is not possible to lobby members of a committee if there is no certainty that a member sitting on a committee will be

participating in the scheduled committee hearing. It is a further challenge if that Member is not physically present at the hearing, or in even in Sacramento.

4. **Testimony Does Not Equal Advocacy.** Great effort and expense was made to accommodate lobbyists and the general public's ability to provide testimony in person, video conference, and telephone. Providing testimony in committee is a tool in advocacy, but by itself it does not equal advocacy. As advocates, we are tasked with educating legislators and staff and bringing perspective to issues that are before the committees. That requires the ability to speak to members and staff in the days prior to and even during committee hearings. That was not possible during the house-of-origin policy committees. As the County of Sacramento adjusts their COVID guidelines moving through Phase 2 and Phase 3, it is appropriate that the Legislature make the building more accessible to professional advocates and members of the public, both permitting staff to return to work in offices and allowing advocates to visit duly elected officials in their primary place of work.
5. **Limited Testimony.** As noted above, providing public testimony is not the key to effective advocacy, but it is a tool that has become more necessary due to the limited advocacy opportunities currently available. That makes the use of the arbitrary contrivance that is the two-and-two rule even more gratuitous in its application during the COVID-19 crisis. In fact, some committee chairs opted to restrict testimony to a total of three minutes per side. The limited ability to testify combined with an often chaotic and unwieldy call-in que process added frustration to both committee chairs and the public. There is little justification for further restricting the time advocates have to testify on a bill. In fact, circumstances warrant expanded time to testify given the lack of ability to connect with Legislators and staff.
6. **Breakdown of the Public Process.** Several committees in both houses experienced significant disruptions to remote public participation, mainly with the ability of callers to engage through the moderated phone conference lines. To the best of our knowledge, access has been available and worked seamlessly for those entering the Capitol and attending hearings in person or using the Virtual Witness Rooms. However, there have been significant challenges using the phone system, and one observation about public testimony for committees meetings in the Chambers:
 - a. The location of the place designated for public testimony in the gallery of both Chambers restricts the members of the public from seeing the committee, and vice versa. Those public speaking stations should be relocated to allow for a clear view of the committee and the committee to see those who are petitioning them and have made the effort to attend in person.
 - b. Committee chairs should STOP the committee process and only resume when technical issues with the conference lines have been resolved. All of us are aware of or have personally experienced the inability to testify on an item in committee for one or more of the following reasons:
 - i. The inability for callers to identify themselves to the moderator that they wish to speak on a particular item
 - ii. Moderators neglecting to inform members of the public how to "raise their hand" to enter the queue for comment.
 - iii. Moderators neglecting to give participants their line number, so that confusion occurs when moderators are opening lines for public comment.
 - iv. Inaccurate conference line information in the Daily File, on committee websites, or read aloud by the Committee chair at the beginning of the hearing.

7. **Floor Debate.** As the House of Origin deadline approaches we are very concerned that the aforementioned challenges will continue to impede our ability to inform legislators in even the most basic manner. In all candor, we believe that the accommodations that have enabled us to advocate in front of committee will be insufficient to allow effective advocacy leading up to and during floor debates.

While we appreciate the legislative leadership's desire to ensure the safety of its members, staff and the public, that safety has come at the expense of the public's First Amendment right to petition its government. We would ask you to take immediate steps that help rectify these serious impediments to effective public access and advocacy in front of the Legislature.

Respectfully,

Dominic DiMare, President,
Institute of Governmental Advocates