

### House Rules & Leadership Prep for January

**Note:** I this up to capture and share the conversations and planning that has been happening for months, in order to get quickly to a meaningful, productive conversation on next session and create a smooth transition to a new biennium. In addition to the needs of members, I ask you to keep in mind staff safety and capacity, as well as the access to both observe AND engage by the media, public, lobbyists and advocates. We all did a tremendous job in setting up an emergency remote system with unprecedented ability for the public to observe our proceedings. The next iteration needs to ensure that there are robust opportunities for non-members to also engage and give input, as happens in the State House. Our human-scaled Vermont democracy depends on it. Thank you for your stamina and thoughtfulness through this crisis. - Mitzi

#### Background on legislative operations in 2021:

- The Freeman, French and Freeman study gives the following capacities for rooms in the statehouse, assuming 6' between people (These number are for total number of people, not number of members):
  - House Chamber (including Rep desk, Senate seats, gallery and balcony- 70 people total, including members, staff, media and others.
  - Smaller committee rooms, like House Corrections and House General, 3-4 people
  - Larger committee rooms, like House Appropriations and House Care, 6-8 people
- Statute and rules and govern our operations:
  - Regarding our location of operations, [Act 154 \(the FY21 budget passed in Sept\)](#) Section E 126.1, page 157 says:
    - “(a) Notwithstanding the provisions of 2 V.S.A. § 1 (place of holding sessions) that require the sessions of the General Assembly to be held in the State House in Montpelier, the chambers of the General Assembly shall not be required to convene and organize or otherwise hold sessions in the State House during the 2021–22 legislative biennium”
  - Regarding our procedures for operation, the budget Section E 126.1, page 157 says:
    - “(b) If the COVID-19 global pandemic necessitates a departure from the customary convening and organizing procedures of either chamber of the General Assembly, the chamber’s Rules Committee may adopt alternative procedures to allow for the safe and orderly convening and organizing of the chamber for the 2021–22 legislative biennium”
- Background on available committee space, as named in the budget:
  - Sec. E.126.2 USE OF SPACE; FINDINGS; PURPOSE
    - (a) The General Assembly currently finds that it may be necessary for the Legislative Branch to use space in addition to the State House in Montpelier during the 2021–22 biennium to meet social distancing requirements and mitigate the public health impacts of the COVID-19 pandemic.
    - (b) The purpose of Sec. E.126.3 of this act is to provide alternative locations during the 2021–22 biennium of the General Assembly for the Legislative Branch to use in order to protect the public health, safety, and welfare during the COVID-19 pandemic while also maintaining the ability of the Legislative Branch to perform its constitutional legislative duties.
  - Sec. E.126.3 GENERAL ASSEMBLY; STATE BUILDINGS; USE OF SPACE; AUTHORITY OF SERGEANT AT ARMS; 2021–22 LEGISLATIVE BIENNIUM
    - (a) Notwithstanding the provisions of 29 V.S.A. § 165 and any other provision of law to the contrary, in order to perform its constitutional duties, the Legislative Branch shall have exclusive use of alternative locations during the 2021–22 legislative biennium, including the following:
      - (1) 133 State Street:
        - (A) Basement: stock room and rooms 012, 016, 015, 021, and 022.

- (B) First Floor: rooms 121, 122, and 126.
- (C) Fourth Floor: board room.
- (D) Fifth Floor: entire floor.

(2) 109 State Street:

- Basement: rooms B07 and B015 and surrounding space;
- Second floor: rooms 264, 267, 268, and 270.
- Fourth floor: conference room.

(3) 111 State Street: library stacks room on the second floor.

(b) The Sergeant at Arms and the Commissioner of Buildings and General Services shall consider ways to address any disruption to the functionality of the Executive and Legislative Branches in shared State building space.

(c) The authority of the Sergeant at Arms set forth in 2 V.S.A. chapter 62 shall apply in any rooms or spaces occupied by the Legislative Branch.



### Discussion on Operations for the House. Where to convene the first week:

- Standard Schedule the first week:
  - Wednesday activities: Gavel in by the Sec of State. Roll call and swearing in of members, election & swearing in of the Speaker, election and swearing in of the Clerk. Appointment and swearing in of the Clerk's staff. Adoption of House Rules (and perhaps Joint Rules), Nomination/appointment of the Canvassing Committee. In the Afternoon: Seating ceremony for new members, meeting of the canvassing committee.
  - Thursday: Morning- Joint session to certify the results of the canvassing committee, Afternoon- Joint session swearing in of statewide officers and Governor's Address.
  - Friday: Normally it's a quick floor and we move off to committee. As it is the first Friday the body will be convening in some way since September, and the first convening in person since March 13<sup>th</sup>, please consider the Friday memorial service when making plans. In 2020 remote memorial sessions, I said that we would revisit and honor those members when we could be in person and rise in their memory.
  
- My recommendation to the committee is to plan for convening in the Barre Auditorium for the first week, for the member that want to be there in person:
  - Capacity with 6' between people:
    - Large Room: 150 on the ground floor, room on the stage for Speaker/Presiding officer, parliamentarians and statewide officers and 39 in the balcony
    - Basement room: 100. There is a possibility of a screen in here to stream Floor proceedings
    - Room on the same floor as balcony: 31
    - Additionally, there are 4 small rooms for 5-6 people
  
  - Issues to consider:
    - **Remote participation.** Nothing in statute or the VT Constitution prevents members/members-elect from being sworn in remotely, and it has happened before under extenuating circumstances. Members-elect will have the opportunity to be trained on Everbridge before the session to be able to take the necessary votes on the first day. In the case of a contested Speaker's race, there will need to be contingencies for ballots for anyone not present, as we did for Judicial Retention in September.
    - **Remote voting.** After much discussion with the Director of Information Technology, the most feasible method of remote voting for the 21 session, given our timeline, staff resources, and budget is to continue with Everbridge.
    - **Changing plans.** COVID cases are moving in the wrong direction. Cooler weather, as well as gatherings based on current events and upcoming holidays may accelerate that trend. Under what circumstance and by what date would House Rules change our decision?
    - **Guest passes.** There's room for 39 people in the balcony. As members and parliamentary staff will be on the main floor and stage, my recommendation is to give a certain number of spaces (TBD) to media and Sgt-At-Arms staff and the rest to family members, with priority for guest given to members in new positions. (there are about 32 new members). Additional Day 1 passes could be given to watch the proceedings from the 100-person room.
    - **Food.** Space is limited under normal circumstances, and probably too tight to be safe under COVID conditions. My recommendation is to structure the day with a long lunch break so that people can go out to local restaurants. We have

someone looking into the possibility of a setting up a local loop for a shuttle bus downtown. I suggest we ask the Barre City/Barre Town delegation to team up and reach out to local restaurants to assemble information for attendees on which are open for lunch and/or breakfast, links to menus and how to make reservations or order ahead of time. In addition, a coffee truck near the Auditorium may be in order.

.....

**Discussion on Operations for the House. Where to convene the first week:**

The following are decisions and conversations that are needed for committee and floor work after the 1<sup>st</sup> week. Infection rates in Vermont and the country are in very different places than in the Spring when the staff began the extensive work and equipment procurement necessary to prepare for January.

The following suggestions and recommendations are a way the House COULD meet in a hybrid fashion. It may be unwise to do so.

Rather than merge all of these difficult conversations together, I suggest the following:

- 1) Put systems and policies in place for a hybrid system. They will be needed at some point- maybe January, maybe after Vermont turns the corner and “goes green” again, maybe when there is a vaccine.
- 2) Gather information from stakeholders on their suggestions and preferences. I am including questions on the committee assignment request form, and I’m sure you having conversations as well.
- 3) Come up with a deadline for making a decision about January. Consider checking in on a regular basis about whether the current policy- whatever it is- makes sense for the next week/2 weeks/month.

**On to House Operations:**

- **Committee meetings:**

- We have secured 7 committee rooms for the 14 House committees in the complex between the Statehouse, 115 State Street (the Tax Dept) and 109 State Street (The Pavillion/Judiciary)
- I recommend assigning 2 committees to a room. Each committee could meet 1 week in person and 1 week remotely. Their “committee roommate” would have the opposite schedule. I strongly recommend allowing ANY MEMBER to choose remote participation at any time. Between personal decisions about in person interactions, comfort with technology, health risk concerns for oneself or family member, the risk of exposing colleagues, internet access issues, childcare, eldercare, remote students at home, quarantining necessities, etc.... no member should have to choose between representing their communities and the safety of their family.
- The week on/week off gives an opportunity for cleaning between committee groups, it means that there are 10 days in between times that a given committee (and half of the membership) gathers, which is consistent with good practice from an epidemiological perspective to reduce asymptomatic transmission, and it’s easier than 2 days in person/ 2 days remote for members that live farther away.
- Committee rooms are being equipped with a large screen, a webcam so the whole committee can appear in one “hollywood square”, and microphones to improve sound quality, not only on the web but also as amplification within the room to make it easier to hear while spread out wearing masks.
- Our “usual” committee rooms are available for a few people at a time to use for work space, phone calls, remotely participating in floor action, 2-3 person meetings, eating lunch in a less crowded space, etc.

- **Where to convene the body after the first week:**
  - Trekking to the Barre Auditorium regularly is logistically complicated, and time-consuming for all involved, as well as expensive. And most of the legislative work in the January/early February of the first year of the biennium is in committees, not on the floor
    - (Not for discussion now, but the budget address and joint sessions for the election of various boards might be the exception)
  - The capacity of the House Chamber (member seats, Senate seats, gallery and balcony) is 70 for people, including members, staff (Clerk's office, Sgt-at-Arms, Legislative Counsel), media and whomever else is allowed. I proposed for consideration designating a certain number of spaces for each necessary staff office, a certain number of spaces for the media, and create a method for allocating the remaining spaces for members.
    - One suggestion for member allocation is:
      - one space for the Speaker and one leadership member of each caucus, including a representative for the Independents. (5 seats total)
      - Spaces for each member of the committee whose bill is up at that time (8 to 11 spaces)
      - Remaining spaces divided proportionally between Ds, Rs, Ps, Is. Caucus leadership/a caucus appointee could take care of those sign-ups within each caucus. It's not practical to do that out of the Speaker's office.
  - Members not in the chamber may participate remotely from home (including Montpelier housing) or from any of the available legislative spaces in the complex.
  - There is 1 camera focused on the Speaker's podium and Clerk's desk, and one camera facing the other direction, focused on the 2 podiums at the end of the Page table. Members in the Chamber may step up to those podiums to present, debate or interrogate on camera. There will be large screens behind the Senate seats (just like an in-person December Briefing) to display everyone on zoom.
  
- **Needed Policies for consideration:**
  - Mandatory masks for anyone participating in person, consistent with CDC guidelines and the Governor's order.
  - Who, in addition to members and staff are allowed in person? I recommend focus groups with stakeholders to help develop reasonable policies in these areas:
    - Media
    - Witnesses
    - Members of the public
    - Lobbyists/Advocates
  - For future thought: For any groups very limited, or not allowed in person, are there ways to create the "hallway conversation" opportunities that are difficult to re-create in the land of remote legislating?
  - Possible regular or available testing?
  - Protocol for Contact tracing (for later discussion)
  - Protocol for reporting an illness or potential symptoms
  - Protocol for how/when to shut down the building (for later discussion)
  
- **House Rules & procedures for consideration:**

- The 2019-2020 Rules Committee should look at current and emergency House Rules, gather input from members getting sworn in, and make a recommendation to the 2021-2022 Rules Committee on how to proceed. What worked and what didn't?
- At a future date, we should go over the details of how remote floor sessions worked and what all the little steps of Everbridge voting, so a critical mass of Rules members/leadership are on the same page about our precedent.



**The Timeline of the To-Do list:**

- **Decisions needed first, ASAP:**
  - Decision re: Plan A where to convene on Day 1 and 2
  - What a hybrid committee plan looks like, so staff can prepare
  - What a hybrid floor plan looks like for week 2 and beyond.
  
- **Decisions needed in the medium term, perhaps by the end of November:**
  - Solid Draft Policies for who has access to legislative spaces (Media, witnesses, Public, advocates, lobbyists)
  - Decision on where Day 3 will take place
  - Thoughts on regular testing for COVID?
  - Final Protocol for Contact tracing (should be in conjunction with Senate)
  - Draft Protocol for reporting an illness or potential symptoms (should be in conjunction with Senate)
  - Draft Protocol for how/when to shut down the building (should be in conjunction with Senate)
  
- **Decisions needed by mid Dec- perhaps the 18<sup>th</sup>?** (it's after caucuses so we'll have a better idea of 2021 All-House Leadership and the Rules committee):
  - Final recommendation for proposed House Rules to present to the chamber
  - Confirming decision on where to Convene Day 1 and 2 (Are you going with Plan A or B? when is the final deadline for the ability to "plug the plug" on an in-person convening?)
  - Policy on how to allocate "guest passes" for Day 1
  - Policy on how to allocate "guest passes" for Day 2 (this involves Senate and Administration)
  - Policy on how to allocate chamber seats among members for week 2+
  - Final Protocol for reporting an illness or potential symptoms (should be in conjunction with Senate)
  - Final Protocol for how/when to shut down the building (should be in conjunction with Senate)