

John Killacky testimony before House General, 1/24/24

Thank you for the invitation to speak today in support of H. 463, providing an ADA coordinator for the Legislature. The coordinator will:

- Oversee reasonable accommodations for General Assembly staff and members of the public.
- Help plan and oversee accessibility-related improvements to the State House.
- Develop and implement practices and procedures to the State House, other legislative buildings, and other legislative activities.
- Provide training to General Assembly staff related to accessibility and the provision of reasonable accommodations.

I wanted to share my experience as a former legislator and a person with a disability. For those that don't know me, I am paraplegic, and walk with the assistance of a cane or walker.

Legislative bodies are immune from compliance of the 1990 Americans with Disabilities Act. During my four years serving in the House, this caused many unnecessary complications. My very first day being seated was complicated. Tradition was that new legislator's names were called and then could find any available seat. When I told the Speaker's office this would be problematic, since I needed an aisle seat, she of course agreed, but other legislators grumbled to me that I had ruined tradition.

Once during disability awareness day, I was told by organizers that wheelchair users were asked to sit outside in the hallway as visitors were welcomed into "The People's House." Confused behind-the-scenes

scrambling finally allowed our visitors to wheel onto the floor of the House chamber.

I remember watching in horror as a school group was visiting the State House and invited to go upstairs in the balcony, leaving the one student in a wheelchair behind to sit by himself in the door aisleway. There isn't an elevator to the balcony and there are only stairs to sit at the back of the House. "The People's House" can and should do better.

All committee rooms are not accessible. Imagine inviting people in to hear testimony and then squeezing them into ill-equipped rooms with no prepared accommodations for the speakers. With training as proposed in this bill, these kinds of mistakes would not happen.

The State House has two accessible entrances, but visitors told me that oftentimes they are not open. When discussing this, one legislator told me, "You can't always believe those people." Wow! When I checked with the Sargent at Arms, it was confirmed that during the summer months, the back door is often locked.

When you enter through the back entrance of the State House, you pass by a marble plaque on the wall with a quote from Dorothy Canfield Fisher:

The Vermont Tradition grapples energetically with the basic problem of human conduct ... how to reconcile the needs of the group, of which every man or woman is a member ... with the craving for individual freedom to be what he really is.

(Dorothy Canfield Fisher, 1953)

You may remember that the Dorothy Canfield Fischer Book Award for children's literature was renamed in 2019 by the Vermont State Librarian Jason Broughton because of her ties to the eugenics movement - she served the Vermont Commission on Country Life, which was charged with revitalizing the state's Yankee roots.

Now read that quote through a eugenics lens which the Vermont Legislature apologized for. Vermont exceptionalism is chilling for people with disabilities.

During Covid many hybrid adaptations were quickly put into place, but often not informed by full accessibility needs. A coordinator could have made this process more beneficial for all.

As the pandemic continued and the legislature came back into in-person sessions, hybrid options remained for those legislators dealing with Covid as well for access to the public. Once, I asked for accommodation to attend online since a large snowstorm was predicted and it would be difficult for me to enter with my walker in a foot of snow.

My request was denied because it was not Covid related, and colleagues scrambled to find ways to assist me, all the while forgetting that their suggestions all required no changes from the institution itself. I spoke to the HR Director but was told she did not have any authority over legislators, only administrative staff. Some weeks later, House Rules did pass a resolution to provide accommodation while the Covid-hybrid options were still in force.

I remember sitting in on these discussions. One long-serving member on the House Rules Committee asked if people with disabilities could serve

their constituents. Representative Burrows was in that same session, and we were gob-smacked. This same argument was used in previous generations by men questioning if women can serve, and white people wondering if BIPOC folks were as qualified.

One snowy morning I arrived early and my assigned parking space nearby the accessible entrance was taken by a Senator. Using my walker, I found her, and she said, “Yeah, it really is slippery out there, so I took the open spot. Did you find something?”

In May 2022 H.R. 27 was adopted - requiring the House to apply the requirements of the federal Americans with Disabilities Act in regulating its procedures.

So, what’s happened since then:

- Developed an Accessibility Services Page to request services.
- Updated accessibility page with a contact for the Sergeant at Arms Offices.
- Improving physical accessibility supposedly part of the Pandemic Mitigation/Renovation Project.

Freeman, French, Freeman presented its report in December 2023 finding “existing conditions at the State House fall far short of current codes, and accessibility requirements and standards.” Some issues highlighted include entry doors not accessible, less than half of the plumbing fixtures are not code-compliant, there are no accessible bathrooms on the second and third floors, several doors are too narrow to meet code (including entrance to Senate Chamber), and existing ramps are non-compliant as well.

New steps were poured on the Pavilion Side of the State House – were ramps even considered? Apparently accessible door opening buttons are missing in a woman’s bathroom – no signage as to what other options are available.

An ADA coordinator as proposed in this bill, H.467, could make this easy and efficient. During my tenure, well-meaning folks tasked to handle accessibility concerns were not trained, and a person with lived experience with professional training would be better equipped to present options for the legislature.

So, if the legislature is really committed, as passed in HR. 27, to apply the requirements of the federal Americans with Disabilities Act in regulating its procedures, much work is needed and I urge you to consider passing the proposed bill, H. 463.

Thank you for time and your service.