

SB

184

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/7/09

FURTHER: Finance

Date of 5-Day Notice: 1/21/10
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 1/28/10

State Affairs Committee considered SENATE BILL NO. 184

SB 184 INTERNET ACCESS TO LEG COMMITTEE MTGS

"An Act relating to public access to legislative committee meetings during regular legislative sessions by Internet broadcast."

and recommends:

- be replaced with SCS or CS _____ ()
- adopt previous SCS or CS _____ ()
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
<input type="checkbox"/> Same Title
<input type="checkbox"/> New Title

HOUSE BILL:
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____



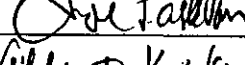
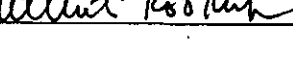

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Legislature	01/27/10	X			1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	X			
	PASKVAN	X			
	KOOKESH	X			
CHAIR: 	MENARD	✓			

Alaska State Legislature



Senator Hollis French

SB 184 – INTERNET ACCESS TO LEGISLATIVE COMMITTEE MEETINGS

Sponsor Statement

Senate Bill 184 is meant to bring the workings of the legislature to every computer in Alaska. The legislation would place a webcam in every room where committee meetings are held in the State Capitol. This would ensure that Alaskans can see their legislature in action, live via internet, whenever a scheduled meeting takes place.

These webcams will add to currently available media resources in the capitol. Gavel to Gavel - partly funded by the city of Juneau – provides excellent video coverage of select committee meetings, but the service doesn't have the capacity to cover all proceedings. The current draft of the bill won't replace or duplicate the valuable service provided by Gavel to Gavel, which can be viewed on cable TV networks across the state. Instead, it will ensure that all meetings have video coverage, while also providing a broadcast to anyone with internet access.

Washington, Florida and Texas have recently implemented similar web based initiatives. We know the technology is available. Senate Bill 184 would put this technology to work for Alaskans who want to follow their state government in action.



PUBLIC BROADCASTING
FROM ALASKA'S CAPITAL

January 27, 2010

Senator Linda Menard
Senate State Affairs Committee
Alaska State Capitol
Juneau, Alaska 99801

Dear Senator Menard:

I am writing regarding SB 184, Internet Access to Legislative Committee Hearings. We understand that the bill would provide for the installation of webcams and live video streams from committee rooms.

As the producer of Gavel to Gavel Alaska, we support steps to improve electronic access to state government. One of our long term goals is to install broadcast quality television cameras throughout the capitol, to enable us to provide video on demand of all official Legislative proceedings. SB 184 would provide a good demonstration of such a service, and we stand ready to work with Legislative staff on the project, to provide a seamless, easy to use service for Alaska citizens.

Please don't hesitate to contact me if I can provide more information.

Sincerely,

Bill Legere
President and General Manager



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LIVE EVENT WEBCASTS

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EVENTS FOR January 26, 2010

Use

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CURRENTLY LIVE

START TIME	EVENT TITLE	USP (HIGH QUALITY FLASH)	USP (WINDOWS MEDIA)	AUDIO (DIAL-UP)
8:00:00 AM	House General Government Appropriations Committee Public: HB 1096, HB 1436, HB 2460, HB 2863, HB 2880, HB 2902	Live Video (high quality Flash)	Live Video (Windows Media)	Audio (dial-up)
8:00:00 AM	House Education Appropriations Committee Public: HB 2759, HB 2893, HB 2776, HB 2840, HB 2746 Work Session: Review of the Quality Education Council Report and Recommendations.	Live Video (high quality Flash)	Live Video (Windows Media)	Audio (dial-up)
8:00:00 AM	House Health & Human Services Appropriations Cmte. Work Session: Effects of budget reductions and proposed reductions on the mental health system and alcohol and substance abuse programs in the 2009-11 biennium.	Live Video (high quality Flash)	Live Video (Windows Media)	Audio (dial-up)
9:00:00 AM	Washington State Supreme Court Lea Hudson v. Clifford & Jane Doe Hapner (Parties involved in auto accident underwent arbitration which resulted in an award for plaintiff - defendant requested a trial de novo, which occurred but was reversed on appeal, and now seeks to withdraw request)	Live Video (high quality Flash)	Live Video (Windows Media)	Audio (dial-up)

UP NEXT

START TIME	EVENT TITLE
10:00 AM	Washington State Supreme Court Oral arguments: State v. Abdinahir A. Osman (When is a missing portion of an electronic record of a court proceeding "significant or material" under RALJ 5.4?)
10:00 AM	House Ecology and Parks Committee Public: HB 2839, HB 3105 Executive: Bills previously heard in committee. Work Session: Federal update on greenhouse gas legislation from Senator Cantwell's office.
10:00 AM	House Higher Education Committee Public: HB 2930, HB 1949, HB 2973, HB 2979 Executive: Bills previously heard in committee.
10:00 AM	House Education Committee Public: HB 2915, HB 2852, HB 2904, HB 2913, HB 3025, HB 2996 Executive: SHB 1418, HB 2621, HB 2801
10:00 AM	House Public Safety & Emergency Preparedness Cmte. Public: HB 1072, HB 2619, HB 2777, HB 2787, HB 3056 Executive: HB 2787, HB 3056
10:00 AM	Senate Environment, Water and Energy Committee Public: SGA 9221, SGA 9229, SB 6656, SB 6672
10:00 AM	Senate Financial Institutions, Housing & Insurance Public: SB 6240, SB 6412, SB 6568, SB 6544, SB 6327, SB 6624, SB 6715

VIEW LIVE TV SIGNAL

WHAT'S ON TODAY 01/26

TV Schedule

Presented by

comcast

07:45 AM Legislative Week in Review

LIVE
08:00 AM House Financial Institutions & Insurance Committee

09:00 AM Governor Gregoire Media Availability

Engaged -
09:30 AM Students Becoming Citizens

LIVE
10:00 AM Senate Judiciary Committee

View Complete Listings



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A front row seat to state government and public affairs events

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Video and Audio Streams

Watch the Oregon Channel Now

The Oregon Channel program feed includes a mix of live and re-broadcast programming.

[Click Here](#) to see the web broadcast schedule.

Watch Capitol Events Live

If a Capitol event is happening now, but is not currently running on the Oregon Channel, click on the links below to access live streaming video directly from the Capitol chambers and hearing rooms:

Capitol Chambers:

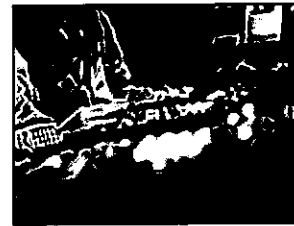
[Senate Chamber](#) | [House Chamber](#) |

Capitol Hearing Rooms:

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [50](#) | [170](#) | [174](#) | [343](#) | [357](#) |

[Live and Archived Legislative Audio](#)

Please visit the [Legislative Website](#) to find event information at the Capitol, including committee agendas and Senate/House chamber convening times.



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NATIONAL CONFERENCE
of STATE LEGISLATURES

The Forum for America's Ideas

7700 EAST FIRST PLACE DENVER, COLORADO 80230
303-364-7700 FAX: 303-364-7800

January 2010

The following request for information was posted to the electronic discussion group of the American Society of Legislative Clerks & Secretaries on January 20, 2010:

1. If your chamber has audio streaming, do you record and archive all sessions that are broadcast?
2. If you audio stream, do you turn it off when there is a "huddle" at the rostrum to sort out some parliamentary or other situation?
3. If you audio stream committees, do you follow the same procedures you do in your chamber?
4. Are you aware of any situation wherein a member's remarks were externally recorded, edited, and then used against the member?

New Hampshire House

- 1) Yes
- 2) No
- 3) N/A
- 4) Sure it's happened, but no different from sound bites in a media report. When needed, we advise folks to listen to remarks in entirety.

Kentucky

1. Yes, by KET
2. No
3. Yes
4. No

Vermont House

In the Vermont House we do stream through public radio and we do not record any of those broadcasts. At the rostrum we have a switch that will mute the microphone at the rostrum and another switch that will mute the members' mics and we do turn those off when we have a parliamentary situation at the rostrum. We record committee proceedings but do not stream those. I am unaware of remarks being used against a member.

Iowa House:

1. We stream the session, but do not record or archive it. I believe, however, that the caucuses record the debate.
2. No, although the audio only picks up live microphones, so there would be no live mikes on during a huddle at the rostrum.
3. We do not regularly stream committees.
4. Yes. Anyone with Internet access could record debate. I am aware that debate recordings have been used in campaigns.

Oklahoma Senate:

- 1 – We stream live audio and video over the Internet. We archive audio of sessions.
- 2 – We do not turn off streaming during session. However, the audio is only available when a microphone is live, and “huddles” typically do not occur in front of a live mic.
- 3 – We stream live audio and video from two of our committee rooms, but this is not recorded or archived.
- 4 – Yes. There have been instances where audio has been used in campaign ads.

Florida House

In Florida, we use video streaming, live broadcast on both internet and public television through a contract we have with a provider called the Florida Channel. We've had an open government law since our 1838 Constitution that required *the doors of the chamber to be left open* for public view during Session. There have been situations where less than flattering images / audio and video streams have been posted on things like You Tube. In the case of the use of the Florida Channel video stream, there is a specific provision in the contract that makes it a violation for the video to be used for political purposes since state funds were used in the production of the content. There is a 'bug' placed on the video (a graphic) identifying the origin that makes the video hard to mask. In the cases where the video appears online in any format, the contractor (the Florida Channel) is obligated to contact the poster to order the contents removal.

Audio is generally not able to pick up member huddles at the rostrum when the mics are shut off. The Speaker has direct control of his mic. All other member mics are off unless the member is recognized to speak.

Louisiana House

Louisiana House live streams and archives a video/audio stream of every committee meeting in the Capitol & all floor proceedings.

Our microphones are directional, so huddles are not picked up. The Speaker or committee chair has the option of shutting down the live feed at any time.

Vermont Senate

Vermont Senate has audio-recorded its chamber sessions for 10 or so years, and they are able to be duplicated for the general public at a modest fee. The system is activated at the Secretary's desk.

For the last 4 or 5 years, Vermont Public Radio has "live-streamed" our chamber sessions by audio means by piggy-backing on to our recording system (assuming we remember to press the recording button). I understand that VPR does not archive these broadcasts.

Microphones (for purposes of recording and live-streaming only) are placed at various senators' desks, the Secretary's desk, and the presiding officer's podium. The Secretary's and the presiding officer's microphones can be muted, but not the others. Occasionally, "huddled" conversations among and between senators at their desks are picked up by the audio transmission system if they occur during the chamber session. If we have a brief recess to consider a parliamentary question or for some other reason, we turn off the recording system and, thus, there would be no live-streaming of those conversations over the radio. Also, as indicated, the presiding officer can prevent the airing of a brief conversation at the presiding officer's podium during a chamber session by holding down the "mute" button.

Committee meetings are usually recorded by legislative council staff, although some committee chairs prohibit such recordings. They are not live-streamed as of yet.

I have not heard any report of situations wherein a member's conversation has been recorded and then used against the member.

Massachusetts Senate

1. We do record and archive all "formal" sessions
2. In the Senate, the microphones are controlled by the Court Officers and when any brief recesses occur around the rostrum, the microphones are muted. In the House the I'm told that the Presiding Officer controls the microphone, additionally, there is a Court Officer nearby who also has the ability to mute the House Rostrum microphones.
3. As for committee hearings, at this point only selected hearings are streamed and if so are archived.
4. We have not had any incidents at this point, but obviously it is within the realm of possibilities.

Pennsylvania Senate

1. Yes, we audio/video stream much like CSPAN. It is controlled by Senate employees. We do record but we only archive for 6 months. We like the argument that the finally approved daily Journals are our official records and we would not want anyone trying to subpoena any recordings to try to go behind the Journal in litigation.
2. The audio is controlled at the rostrum and during a huddle, the mics are turned off. If the huddle lasts longer than a very short time, folks will hear/see a pic of a nice mural and hear some baroque chamber music until we reconvene.
3. Committees are rarely streamed. Only when a big issue is up for consideration. That is determined on an ad hoc basis.
4. In all these years, I am unaware of anyone taking any audio or video and using it against anyone or in a campaign. For what it may be worth, we also "prohibit" anything from being used for campaign purposes and we put a "bug" on the video too.

I guess I could add that there is a "library" of these Senate sessions and committee meetings at the Pennsylvania Cable Network, a private nonprofit corporation which takes our feed and televises it

statewide on cable television. Although not an "official" recording which I could certify for court, it could be obtained to rebut some political maneuver I would guess. Luckily, we have not faced such a problem in the many years we have been doing this. We did have quite a discussion though on whether or not to archive.

Pennsylvania is also one of the very few states to produce a verbatim Journal rather than some type a summary of floor proceedings type of Journal. Our court reporter is meticulous about every word being reflected in the Journal.

Virginia House

1. We do audio stream as well as televise and internet stream and we do record and archive until the Journal is published.
2. When there is a "huddle" at the Lt. Governor's desk we have the ability to turn off the mike as well as the stream from the chamber.
3. We do not audio stream committees.
4. Not aware of any but possible.

Delaware House

- 1) The House is in the third year of audio streaming our session. We record on DVD and archive all recordings.
- 2) A "huddle" on the podium would most likely not be picked up by the mics.
- 3) We do not have capability to audio stream committee meetings.
- 4) I am not aware of any recording being used against a Member but these days anything can happen. J

North Carolina House

The NC House does record and archive. The microphones are turned on and off by the members themselves. The Speaker or Clerk has the option to "kill" all microphones if necessary. Certain committee rooms and the press room have audio streaming, but they are not archived and posted on the web in the same manner as a daily session. The committees are recorded and CDs made available upon request. I am not aware of any situations that you mention, but it certainly would easy to do.

Maine House

The Maine House does audio/video streaming and archives the audio only in the Maine State Archives. In addition the Maine Legislature has produced a verbatim record since 1897.

We do have the capability to turn off the audio for podium discussions.

Committee public hearings and work sessions are audio streamed but not archived.

I don't know of any situation where an audio file has been edited by another, however, members' remarks do sometimes get used against them.

Wisconsin Senate:

1. We have licensed a 3rd party to video stream session and committees. That 3rd party archives all sessions and makes the archive available via their website. The content is subject to their copyrights and generally is not to be used without their consent.
2. The audio stream is switched to "background" audio during huddles, such that no single voice can be made out.
3. Same process regarding committees, although the background audio can be problematic in smaller hearing rooms.
4. Yes. We had a person make an unauthorized recording of footage from the archive, chop it up into a home-made campaign advertisement portraying the Senator in a poor light, and post it on YouTube. It was not a positive development from the standpoint of the Senate. To make matters worse, the copyright holder decided it was not prudent to attempt to enforce their copyrights, due to possible "fair use" arguments. Although this has happened just this once over the 5 years or so we have had streaming, the lesson we took away was, if you go down to road of making video/audio streams, you should not be surprised to see the stream used against you.

Utah

To add to your response on item 4, I've heard some of our legislators argue that having full recordings archived and available is the best defense against remarks being lifted out of context. If you do not have an official or semi-official recording, there is no public source with the whole picture. Media or even someone planning to run against a legislator, can make their own recording. They can then slice and dice it to the detriment of the sitting legislator. This was part of the reason we decided to stream and archive, floor and committee proceedings.

The other comment they made is that ultimately, you are responsible for what you say (in context of course).

Oklahoma House:

- 1.) Yes, we conduct live streaming and the audio is archived by date and bill number on the House website and then eventually stored in the state archives on DVD; see example at <http://www.okhouse.gov/OkhouseMedia/AudioArchivesList.aspx?AudioDate=5/6/2009>;
- 2.) No, the presiding officer only turns off the microphone; by House rule members are not allowed to approach the dais when a point of order is raised, only the presiding officer and the parliamentarian confer over how to proceed and this is not a public discussion;
- 3.) No, we do not yet stream committee activity;
- 4.) No, when we started streaming and archiving audio five years ago, the leadership figures at the time were very concerned that members would be embarrassed by statements made on the House Floor; to date, nothing like this has occurred; this is not to say that silly things have not been said on the Floor but such comments so far have not appeared in media stories or political ads.

Nevada Senate

1. We have been audio/video streaming our Chamber and committee hearings for many, many years. The recordings of both are archived but not accessible to the public via the web; they must contact the Legislature for copies, and our Publications unit will send a CD (at a minimal cost) to the individual requesting the e-information. On all such recordings, our Broadcast and Production Services (BPS) unit will place a sticker noting: For Personal Use Only/Not For Campaign Purposes.

2. All recording (audio/video) is stopped when the Senate is at recess which is when a "huddle" would occur. BPS personnel will turn off the audio of the Chamber to the web recording, and the video shot will be of the State Seal in the Chamber until the Senate is gavelled back into session. During this time, the Senators/President/Secretary can still use the microphones (usually to get someone's attention), but the audio will not be recorded. However, Senators are notorious for walking around and talking with other members during a floor session. If they are not careful, those types of conversations can be recorded and broadcast. They must also be cognizant that when a member close to them is speaking, the cameras may capture their antics as well, since the camera is focused on the speaker's general vicinity. Also, the President and Secretary must be ever vigilant as to their microphones being engage/not when they are in discussion with each other during an active floor session.

3. Yes, except during a recess, the video is still being recorded/streamed. Public access to recordings are by request only. Since members' microphones are much closer to each other in a committee environment, they must be careful of any editorial remarks and the volume of their voices while another member has his/her microphone activated.

4. Not yet.

Arizona House

Audio Streaming:

1. We do record and archive all sessions.
2. No we do not turn it off in case of "huddles", it is controlled by the broadcast center.
3. We audio stream committees with the same procedures as in the chamber.
4. We have had no situations where Members' remarks were edited and used against them.

Washington Senate

1. If your chamber has audio streaming, do you record and archive all sessions that are broadcast?
Yes, audio and video via a contract with TVW (www.tvw.org) for the live sessions. They archived on their own and its all online. We archive our own audio as well and we get a request for an audio record once in a great while.
2. If you audio stream, do you turn it off when there is a "huddle" at the rostrum to sort out some parliamentary or other situation?
Yes, the member mics are controlled by a sound clerk at the rostrum. The President controls his own mic. Occasionally he forgets to turn it off but not often.
There is an ambient sound microphone above the floor that is always on. It was too sensitive a few years ago (it was picking up conversations on the floor) and we had it tuned down. Also, the PA clerk has a "privacy" button that completely cuts the sound feed to TVW's studios. We rarely have had to use it.
3. If you audio stream committees, do you follow the same procedures you do in your chamber?
Yes but the TVW studio directors have learned to do a much better job of cutting the sound during "mini-caucuses" and other breaks because committee members and clerks are less aware with the sound system until they hear themselves over their own speakers. (Yes, there were discussions with TVW about what "gavel-to-gavel coverage" meant to us.)
4. Are you aware of any situation wherein a member's remarks were externally recorded, edited, and then used against the member?
Not in quite some time. TVW's copyright and terms of use policies prohibit commercial or political use of their material. <http://www.tvw.org/about/copyright.cfm?bhcp=1> and they'll request campaigns to remove TVW clips from ads if they find a violation. TVW does air other "policy" events and had an issue with a local race last summer that wasn't resolved to their satisfaction. You can view their reaction here:
<http://www.tvw.org/modules/articles/TVWStatementOnConstantineAd.pdf>

Utah House:

1. Yes. Video/audio streaming is provided for all floor sessions. Floor session video/audio is archived on the legislature's website.
2. When there is a brief break in floor action, the camera can be either be directed to a large House seal, or the cameras can be manually paused, and the audio (microphones) can be muted by either the Speaker or the Clerk.
3. Committees hearings are audio streamed. The audio is archived to the legislature's website.
4. I am not aware of member's remarks in the Chamber being improperly edited and then used against the member. It may have happened, but not to my knowledge.

Colorado Legislature

The Colorado Legislature has had live audio streaming since either 1999 or 2000.

1. We record and archive all.
2. We pause the recording for all recesses or when we're at ease for a side discussion.
3. All committees are also live and recorded and archived.
4. We have had no trouble with any recordings being edited or used in a negative way.

Virginia House of Delegates

1. Yes, we are streaming audio and video of the House floor sessions on the internet. We also record onto DVD and provide copies to leadership, caucuses, Journal staff, and anyone willing to pay for it.
2. When the members and/or staff huddle, the Clerk or the Speaker can turn off the microphones. If neither one does so, staff listening or watching elsewhere in the Capitol complex will often call to remind someone to turn off the microphones.
3. We do not broadcast committee or sub-committee meetings.
4. Video of our floor sessions have appeared on YouTube, on blogs, and on other websites. Sometimes the context is used to present a member in a bad light. It is more often used by members to promote themselves or their positions. I am not personally aware of any incidents of video being "doctored", but this could happen. Honestly, we waited for a long time to do this, and so far none of the fears have been realized. It is also important to note that most of the video that is being posted is coming from the DVD source that we sell and/or give to members and less of it comes from our internet feed.

Oregon

1. If your chamber has audio-streaming, do you record and archive all sessions that are broadcast?
Both our chambers (and committees) have live audio streaming and archiving. After each session is complete, the audio recording (Real Audio format) is immediately available for access by the public on our website. Audio recordings of all proceedings are also permanently archived at our State Archives agency (which is required by statute).
2. If you audio stream, do you turn it off when there is a "huddle" at the rostrum to sort out some parliamentary or other situation?
Yes. During recesses or when the chamber/committee is at ease, the sound system (microphones) are turned off in the chamber or hearing room and no sound is transmitted to

the streaming system. Also, during floor sessions, microphones are only activated when someone is recognized to speak--- so even in-between dialogue, there is no sound coming from the chambers.

3. If you audio stream committees, do you follow the same procedures you do in your chamber? Slightly different for the hearing rooms. All of the microphones are activated when the meeting is called to order, and all the microphones remain on (and the audio is streamed) until the meeting is recessed, at ease or adjourned. So in-between dialogue during a committee, audio can still be heard on the live stream and on the recording.
4. Are you aware of any situation wherein a member's remarks were externally recorded, edited, and then used against the member?

I am not aware of this happening here, but it is certainly possible. This might be a better question to ask the caucus communications directors.

Nevada Assembly

The Nevada Assembly's recording and archiving practices are consistent with those of the Nevada Senate. My leadership have the same concern, but I am not aware of any instance where a member's remarks were externally recorded, edited, and used against the him.

Mississippi House

Mississippi House rules prohibit recording and archiving our A/V stream. We have a state seal that we use during photography sessions, etc. We do not stream our committee meetings. I am not aware of any situation as described in your fourth question.

Arkansas Senate

We do not have audio streaming in the Arkansas Senate.

Texas Senate

We've been telecasting and webcasting for a number of years (16 and 11 years, respectively), even though our rules only require an audio recording of our sessions and committee hearings. We also have videos of our chamber sessions (not of committee hearings) and CD copies of the audio of both chamber sessions and committee hearings.

1. Yes, we do record and archive all webcasts of sessions and committee hearings.
2. We can turn off the sound system, but we do not because the presiding officer has a switch for his microphone and he turns it off. I turn my microphone off and on constantly, only having it turned on when I am speaking, to prevent the conversations of members who are huddled around me from being recorded and broadcast.
3. Yes, we webcast all committee hearings and record and archive those webcasts. For sound control, the members turn their microphones on when they wish to speak and off when they are not speaking.
4. We are not aware of any remarks being taken, edited, and used against a member. On YouTube we have seen several instances of audio/video on the site that were not flattering and for which permission to use had not been given. Because all of our recordings are copyrighted, YouTube will take the clips down if we ask them.

Witness List

Matt Wallace, Alaska Public Interest Group

Sue Gullefson (Gul-EFF-son), Legislative Affairs Agency

Arliss Sturgulewski (Stir-juh-loo-ski), Fmr. State Senator

Bill Legere (Le-jair), General Manager, KTOO Broadcasting (Questions only)