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TRANSCRIPT OF PROCEEDINGS

SACRAMENTO, CALIFORNIA

JUNE 13, 2016

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Transcript of Proceedings taken at 1315 10th
Street, Room 3191, Sacramento, California, commencing at
11:06 a.m., MONDAY, JUNE 13, 2016, before Wendy Harrity,
CSR No. 11494.

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SACRAMENTO, CALIFORNIA; MONDAY, JUNE 13, 2016

AT 11:06 A.M.

--- PROCEEDINGS ---

SENATOR LARA: Good morning, everyone. I would like to bring the Appropriation Committee Meeting to order. We have only two measures today to hear. One is a constitutional amendment and the other is a bill that implements the SCA.

As usual, members, I would like to remind you each of the items before us have had a lengthy policy discussion. We are asking members to stick to the fiscal. I know there are several amendments, but we'll review those quickly. Please refrain from a lengthy policy discussion. And I know both measures are suspense candidates, but we will be entertaining them as do pass motions because they need to be approved by the end of this month in order to appear on the November ballot. So we're going to move accordingly with the first item on our agenda, which is --

SENATOR BATES: Mr. Chair, quickly. You said that it had been substantially amended in a policy committee, so it would be helpful certainly for those of

1 us who are not apprised of that in the public, since
2 this is about the transparency, that we do have a little
3 more in length discussion on policy.

4 SENATOR LARA: Absolutely.

5 SENATOR BATES: Are we going to have that?

6 SENATOR LARA: We're going have Senator Wolk go
7 through those amendments.

8 SENATOR BATES: Okay.

9 SENATOR LARA: Yeah. She'll be doing that.

10 SENATOR BATES: Thank you. And maybe on how
11 they might have been improved it. I believe they were
12 responsive to some of the issues raised.

13 SENATOR LARA: Correct.

14 SENATOR BATES: Because it's trying to figure
15 out clearly for the public the difference between the
16 two if they both wind up on the ballot.

17 SENATOR LARA: Right. And that's the plan.

18 SENATOR BATES: Very good. Thank you.

19 SENATOR LARA: Okay. So we'll -- we're going
20 to begin first with SCA14. Senator Wolk, the floor is
21 yours.

22 SENATOR WOLK: Thank you very much, Mr. Chair.
23 This measure, along with its companion statute, which is
24 AB 884, authored by Assembly Member Gordon, was heard
25 extensively in a two-hour hearing on Wednesday in the

1 Senate Elections Committee. And during that hearing,
2 there were public comments made regarding both measures.
3 Comments came from supporters and opponents --
4 supporters, as well as proponents of the California
5 Legislative Transparency Act, the CLTA, former State
6 Senator Sam Blakslee, Dr. Charles Munger Jr., Senator
7 Hertzberg, who presented my bill in my absence and I'm
8 very grateful to him for doing that, listened to those
9 concerned, as did I, at a later time. And, of course,
10 Assembly Member Gordon was there, as well, and fully
11 engaged in the discussion.

12 We listened very closely. After discussions with
13 the Legislative Counsel Bureau, who are the people who
14 will be required to carry out the terms and the
15 responsibilities laid out by the measures, the ones who
16 know how the machinery works, as well as the
17 stakeholders. We made a number of amendments that I
18 will talk about briefly today, which we believe are
19 responsive to every issue raised in a sincere and
20 positive way.

21 I think one of the overall sentiments that was
22 expressed at the hearing, as I listened to it and I
23 agree with it, the author, is that there is more than
24 the eye on this than divides us and it is our intent in
25 a sincere and positive way to make -- to bring this

1 before the People of the State of California. And I
2 hope that we will be successful in doing that together.

3 There are a few amendments; they are significant.
4 And then I'll talk about the fiscal. First, in respect
5 to the 72-hour Rule, there was some concern that it did
6 not apply in certain circumstances. We made amendments
7 that made it very clear the bill before you guarantees
8 that no bill can ever come before -- can become law
9 without both houses having received a full 72 hours to
10 review the bill in its final form before voting on the
11 measure. We believe we have solved that problem with
12 our amendment.

13 Another comment that was made was that there was no
14 penalty if the 72-hour Rule was violated unlike the
15 initiative. Well, we weren't -- we feel strongly that
16 that's important. And we amended that no bill shall
17 become statute that fails to comply. We have done that.
18 That's solved.

19 Another comment was that we had failed to guarantee
20 in the constitution what was in AB 884 that there would
21 be public access to the audiovisual -- the audiovisual
22 recordings that we require. So we added to SCA that
23 there must be prompt public access and that these
24 recordings shall be made available to the public for at
25 least 20 years. 884 goes into greater detail, but we're

1 focused on the piece in the SCA. That problem we
2 believe is solved.

3 We even went further than the initiative by
4 requiring reasonable efforts shall be made to provide
5 proceedings to be broadcast live in realtime. That
6 problem, first of all, not only solved -- not dealt with
7 in the initiative, but frankly it's an added benefit
8 that we think is important.

9 There was also concern that AV requirements might
10 somehow be escaped because of the definition of standard
11 -- standing committees, which aren't defined in the
12 constitution. So we made it clear that this would be
13 applicable to all open and public proceedings in the
14 Capital, as well as any proceeding outside the Capital
15 where a vote or action could be taken regardless of the
16 kind of committee it is. Problem solved.

17 It was also argued that the statutory provisions of
18 AB 884 could be too easily amended or weakened by a
19 future legislature or governor. So in addition to
20 moving the core protections of public access into the
21 constitutional amendment, we also required that other
22 requirements in 884 could only be amended by a bill
23 available on-line, similar to the public -- Political
24 Reform Act at least 12 days in advance notice.

25 Finally, while we appropriately require the

1 legislative counsel to provide the AV services as part
2 of their regular duties, to provide public access to all
3 legislative information, it was argued that the
4 legislature might cut the budget of the counsel to
5 prevent these recordings. We don't accept that as
6 credible; however -- however, we amended the SCA to
7 require that the legislature shall make sufficient funds
8 available to carry out the purposes of this section. So
9 we believe that this also adds to the strength of the
10 SCA.

11 In conclusion, the package goes above and beyond
12 prior measures that I have authored and I authored in
13 co-authorship with republican colleagues who have also
14 authored bills over time in this area that goes above
15 and beyond, we think, the initiative that was proposed
16 for this November. We think it deserves your eye vote.

17 Let me turn briefly to the cost. Good government
18 has a cost; we know that. Our concern with the
19 initiative as proposed is that the money would come out
20 of Prop 140. We don't -- we think that's a disincentive
21 for the legislature to allow for the number of hearings
22 that we choose to have on policy bases. We believe it's
23 a general fund cost. It ought to be funded out of the
24 general fund and that is -- would be a one-time as
25 described in your analysis -- a one time, \$2 million

1 purchase for the appropriate equipment and about a
2 million dollars in ongoing general fund costs.

3 We also believe there is, of course, a one-time
4 cost to the Secretary of State to put this on the ballot
5 in the next statewide election.

6 In short, this is an appropriate general fund cost
7 and will not be restricted to the Prop 140 budget of the
8 legislature and with that, I would ask for your aye
9 vote.

10 SENATOR LARA: Thank you. Mr. Munger, would
11 you like to speak to the SCA or are you going to
12 present?

13 MR. MUNGER: I will wait to present.

14 SENATOR LARA: Okay. Great. Thank you.
15 Witnesses in support, please come forward.

16 SENATOR WOLK: Mr. Chair, can I have Senator
17 Hertzberg join me up here? He did a yeoman's job in
18 front of the Policy Committee and if there are some
19 questions that refer to that, he probably should be
20 here, as well.

21 SENATOR LARA: Senator Hertzberg.

22 SENATOR HERTZBERG: Thank you.

23 SENATOR LARA: Go ahead. Witnesses in support.

24 MR. EWERT: Mr. Chair, Members of the
25 Committee, Jim Ewert with the California Newspaper

1 Publishers Association. And while the introduced
2 version SCA 14 was a strong effort, we think that with
3 the amendments, it's even stronger now. Um, and with
4 respect to the cost, we agree that the best source of
5 that is from the general fund and it does create
6 incentive for the legislature to implement this. Um --
7 and with respect to the number that's involved there, we
8 think it's a good investment in strengthening the
9 integrity of legislative process and expanding the
10 participation of the public in that process. This is a
11 terrific investment and we would like your aye vote.

12 SENATOR LARA: Thank you. Additional witnesses
13 in support. Witnesses in opposition, please come
14 forward. Go ahead.

15 MR. MUNGER: Good morning, Honorable Members of
16 the Senate Appropriations Committee. I'm Charles
17 Munger, the proponent Senator Sam Blakslee of the
18 California Legislature Transparency Act, which is an
19 initiative constitutional amendment and statute that
20 will shortly qualify for the November ballot. The bill
21 is SCA 14, and AB 884 as amended on June 1 were
22 discussed two hours at a meeting of the Senate Committee
23 on Elections and (inaudible) Amendments on June 8th.
24 They were amended again on June 9th in attempt to
25 construct a bill on the transparency of the assembly and

1 senate in which the proponents and the legislature might
2 agree. This attempt is not a success. And if SCA 14
3 and AB 884, as amended June 9th, are put on the November
4 ballot, I, as the initiative proponent, not withdraw the
5 CLTA from the ballot and to qualify.

6 Before getting to the fiscal issues, let me briefly
7 list the three largest deficiencies of SCA 14. First,
8 on the 72-Hour Notice, I beg to disagree with the
9 honorable senator. There is still no guarantee that
10 every legislature and every house has at least 72-hours
11 notice of the text of a bill before a vote and they pass
12 that bill out of his or her house. (Inaudible) its
13 provision on June 1, SCA 14 was drafted in such a way as
14 to require a 74-hour notice only for the vote of the
15 second house. Some rather complicated language was
16 inserted on June 9th, evidently to attempt to address
17 this problem.

18 The opinion of me as an issue proponent and of the
19 attorneys, I've had to look at it is that, in fact, it
20 does not and it is still possible for one of the houses
21 to have legislators who will be compelled to vote on a
22 bill which they have not had any time to read.

23 Second deficiency, there is still no right for any
24 person present at a public meeting of a legislature to
25 make his or her own audiovisual recording of it. These

1 rights are assured by the Brown and Bagley-Keen Acts for
2 any person at a public meeting of every local government
3 agency and every state agency except the assembly and
4 senate. Such a right keeps the information available to
5 the public complete, current and it keeps any official
6 recording honest at no cost.

7 Second matter is that the freedom for any person to
8 use audiovisual recording made by the legislature is
9 apparently now set in AB 884 by putting content of the
10 records into the public domain. But, as we argued at
11 the senate hearing, this freedom is still put into a
12 legislative statute, which the next legislature can just
13 as easily remove. And it's not protected by requiring
14 the vote of the People to remove or abridge it.

15 I acknowledge legislature under the terms of the
16 revised act would have to post its revision for 12, I
17 believe, days before it could vote on it, but remove it,
18 that next legislature could.

19 I'm happy to respond to questions of this panel to
20 address other policy issues, but in view of the fact
21 this is the Appropriations Committee, let me turn to the
22 fiscal implications of SCA 14. And here, I'm pleased to
23 announce agreement. The legislative analyst, as part of
24 the process of putting our initiative on the ballot, did
25 an analysis of the cost of the legislature recording and

1 posting its legislative proceedings. The -- I believe
2 that the costs under SCA 14, if all the recordings are
3 made and costs under my initiative if all the costs, all
4 the recordings are made are the same, they are as
5 stated, \$1 million to \$2 million in capital cost and
6 annual costs about \$1 million. Now, we, in fact, would
7 go a little bit further than that. We think that those
8 estimates are actually safe upper bounds of the costs,
9 not just estimates may be high or low because these
10 estimates are based upon our analysis, on simply
11 extending the legislature's present camera system and
12 software. Take what you have and buy more of it. Such
13 systems tend to get less expensive with time, not more.
14 For example, a handheld camcorder with a microphone and
15 battery now runs of all of \$58.00 at BestBuy and almost
16 professional quality device runs between 500 to a
17 thousand dollars. And so we think (inaudible) the costs
18 are likely to go down, as much likely to stay -- likely
19 to go, rather than up.

20 Now, how to fund these costs remains an issue in
21 the difference between SCA 14 and the California
22 Legislative Transparency Act, the initiative. SCA 14
23 amends the constitution to guaranty these costs do not
24 come from the budget for the legislature's operations.

25 Now this budget is set by a constitutional formula

1 established by the passage of Prop 140 in 1990. Set to
2 scale, the annual incremental cost of SCA 14 and AB 884
3 are about 0.3 percent of the budget for the operations
4 of this legislature. The budget for those operations,
5 in real terms, went up roughly 5 percent last year; it
6 went up another 5 percent this year and we project it
7 will go up another 5 percent next year. It's a
8 permanent increase of about 15 percent in real terms
9 over the 3 years.

10 Now, the CLTA, in contrast, assigns those cost, as
11 the senator mentioned, to the budget for the state
12 legislature, but we do so on the grounds dedicating
13 about 2 percent of that permanent increase to run the
14 cameras, keep the public better informed. It's not a
15 lot for the public to require when keeping the public
16 informed is already part of the legislature's
17 responsibilities. The other 90 percent of the permanent
18 increase, legislature may use anyway it likes.

19 And we do believe that it is certainly a simple way
20 to guarantying that even a future legislature hostile to
21 transparency cannot cut off the funding for making the
22 recordings because it would be obliged to zero at some
23 budget. So we think that that provision in CLTA is
24 reasonable. But, you know -- and I think that, in fact,
25 it's the better way to go. But that's a policy issue in

1 which people can differ. And with that, I'm done.

2 SENATOR LARA: Thank you. Additional witnesses
3 in opposition?

4 MR. WOLF: Yes, Mr. Chair and members. Good
5 morning. And just briefly, David Wolf with the Howard
6 Jarvis Taxpayers Association. HJTA is officially in
7 support of the CLTA and opposed to SCA 14 and its
8 companion statutory measure.

9 Members, I would just like to wholeheartedly agree
10 with Mr. Munger's comments regarding the ambiguity of
11 these amendments. We don't believe they are sufficient
12 in the slightest to the provisions found in the CLTA, as
13 referenced by Mr. Munger.

14 And Members, just an additional comment. Over the
15 last five or six years, there have been probably a half
16 dozen measures introduced to add transparency to the
17 legislative process including 72 hours in print. And
18 members, if those measures got a hearing at all, usually
19 in a budget subcommittee kind of off to the side, they
20 were routinely rejected out of hand. And yet here we
21 are in, you know, the final days before a major
22 deadline, June 30th, and the legislature comes in and
23 attempts to try to solve this problem, you know, and
24 again in a way that is not satisfactory. And we just
25 don't believe it's appropriate. We've been wanting this

1 for years and years and years and, you know, now that
2 feet are being held to the fire, something is finally
3 happening and it's just not appropriate. Ask for a
4 no vote.

5 SENATOR LARA: Thank you. Finance isn't here.
6 We will go to questions or comments from Committee,
7 Senator Nielsen.

8 MR. NIELSEN: Let me ask the -- Senator Wolk,
9 in the normal legislative process, there are numerous
10 policy committee hearings. There's always one policy
11 committee hearing in each house, sometimes as many as
12 three, and then a fiscal hearing if the bill has fiscal
13 consequences. Under this plan, would a bill be required
14 to be heard in policy committee in both houses or could
15 it simply go from one house, be amended and heard in
16 policy committee in only one house, not in both?
17 Fundamental question, under this plan, would policy
18 committees have to be held in both houses on any bill,
19 both houses, full policy committee hearings?

20 SENATOR WOLK: We believe that the amendments
21 are very clear and, in fact, do go to the heart of this
22 issue. That 72-hour in print rule would be necessary.
23 There would be -- no bill could be adopted or voted on
24 without having that 72 hours in one house and the other.

25 MR. NIELSEN: But my understanding is it would

1 be a policy committee in one house, 72 hours. Then
2 before it could -- the bill considered in the next house
3 as amended, there would be 72 hours. But that may not
4 have to have a full policy committee hearing in the
5 second house. In other words, we're cutting one house
6 out of the picture. That's the way I read this.

7 SENATOR WOLK: Not at all.

8 SENATOR NIELSEN: Okay. Could I get somebody
9 in leg. counsel to give me that -- affirm that? I don't
10 agree with that. I don't think that's the way it works.

11 SENATOR LARA: Can we point to the amendment?

12 SENATOR WOLK: The amendment is on page 5.
13 There are 3 A, B and C. And then D has to do with no
14 bill shall become a statute that fails to comply with
15 the requirement of those above. So you have no bill may
16 be passed until it has been published on the internet in
17 its final form for at least 72 hours prior to the final
18 vote in the second house. B, if a bill passed by the
19 house of origin without having been published on the
20 internet in its final form at least 72 hours prior to
21 that vote and the bill is not amended thereafter in the
22 second house, then the bill may not be passed except by
23 a second rollcall vote in the house of origin following
24 the final vote in the second house. And then it
25 continues upon a rollcall vote, two-thirds of the

1 membership concurring if this is a state emergency. Is
2 that clear?

3 SENATOR NIELSEN: That's very clear, but that
4 does not get to whether it goes to policy committee.
5 That could come back simply for concurrence. That does
6 not require it to be held -- heard in the policy
7 committee in the second house.

8 SENATOR LARA: Go ahead, Senator.

9 SENATOR HERTZBERG: The rules of each house is
10 adopted by their respective rules committee conduct --
11 determine what the process is with respect to hearings,
12 referrals and the like. Joint rules, as you know, has
13 their responsibility in that regard. This is not
14 focused on the issue of whether pursuant to the rules of
15 either house, a body determines where and what committee
16 to go to. This governs the relationship between the
17 public and the legislature as a whole and ensures that
18 the public, in any instance before final action,
19 whatever took place to get to that final action, has a
20 right to see what the government is passing. So it's
21 silent as to that. The rules are the rules. There are
22 certain sets of rules, the difference between each house
23 as to what percentage it takes to waive certain rulings
24 and the like, as you certainly know as leader yourself.
25 But the bottom line is that the message here is not what

1 the process is to pass a law within the legislature as
2 governed by each house, but that the relationship
3 between the legislature and the public. And certainly,
4 we have all been working on this issue for years and
5 years to make sure that there is a minimal amount of
6 time that you don't have these recommends or any types
7 of last minute amendments that ultimately deprive the
8 public of their opportunity to understand what's before
9 the legislature, if that's helpful.

10 SENATOR NIELSEN: My last observation on this
11 point is we really ought to take the opportunity to fix
12 what's broken. Right now we're going to be dealing with
13 in these next few days budget trailer bills that leave
14 one house early in the year as skeleton bills come back
15 to the floor. Maybe we may have a policy committee
16 hearing -- I think we're going to have one here in a
17 little bit on the trailer bills.

18 But the major -- Senator Leno and I talked about
19 this extensively in the budget conference committee last
20 week. Major policy changes in budget trailer bills that
21 are not thoroughly examined in policy committees --
22 major policies -- we're going to be doing that again
23 this year. That has become the norm, not the exception.
24 And 72 hours is nice. Somebody's at least going to have
25 a chance to maybe know about it, but what then is the

1 forum to object? If there is no committee, where does
2 the public have the opportunity to voice its objections,
3 maybe finally in the floor vote through the member. But
4 it's attempt to make a change, it would be kind of my
5 concern. And, again, we're going to face it right here.

6 And in terms of taking the measure out to the
7 public and making a recording of it, it says reasonable
8 effort. I think -- find no comfort in reasonable
9 effort. I think that reasonable effort is easily
10 circumvented. In this community, there is not enough
11 audiovisual equipment. I mean, that's a pretty low
12 test. My concern is I'm not really sure that we're
13 fixing much here.

14 SENATOR LARA: Senator Wolk, can you respond to
15 the reasonable effort?

16 SENATOR WOLK: Sure. I think that's an
17 important thing. We also talk about live streaming.
18 These are efforts that are made by the legislature and
19 there will be more information as you look at 884. This
20 is what is in the constitution and then the implementing
21 statute is also important there, but this was an
22 amendment and an effort on our part to make it clear
23 that this throws to the level of the amendment, the
24 constitutional amendment, and I believe that is a good
25 faith effort to put -- to respond to that concern. And

1 we believe we have done that.

2 SENATOR LARA: Thank you. Senator Gordon,
3 would you like to --

4 SENATOR GORDON: Let me attempt to address this
5 question. The language is written, says that if there
6 is any committee hearing, any meeting of the legislature
7 where a decision will be reached -- in other words, that
8 we're going to vote on something, there's a policy issue
9 at stake, a vote will be taken whether that meeting is
10 held here in the Capital or elsewhere in the state, it
11 will be broadcast. That's what the language says. It
12 says that if the legislature holds informational
13 hearings, that's where the issue of the reasonable
14 effort will be made. And we have select committees,
15 both houses that periodically hold informational
16 hearings. Most recently in the State Assembly, Senator,
17 we had several hearings regarding the salt and sea. And
18 those hearings were held at the shore of the salt and
19 sea so that the impacted constituents could be present
20 at the hearing. Um, the ability to broadcast that
21 hearing, given its location was essentially impossible
22 and would have been exceedingly expensive. If that
23 hearing, under this legislation, had been one where a
24 decision was going to be reached, it would have been
25 broadcast regardless of the cost. But if it were an

1 informational hearing, a select committee hearing, no
2 decision being reached and the cost became prohibitive,
3 the legislature could waive that broadcast under this
4 language, but it would have to make every reasonable
5 effort and demonstrate that every reasonable effort was
6 made to broadcast even an information hearing.

7 SENATOR LARA: So is that decision -- the
8 reasonable effort is only for informational hearings?

9 SENATOR GORDON: Correct.

10 SENATOR LARA: But for official hearings,
11 whether there is an actual vote being taken?

12 SENATOR GORDON: Any hearing where a vote will
13 be taken, that has to be broadcast.

14 SENATOR WOLK: And that's in the constitutional
15 amendment.

16 SENATOR NIELSEN: Allow me to read the entirety
17 of the provisions. C, in Section 2, it says, "Make
18 reasonable efforts to broadcast to the public in
19 realtime all proceedings of the legislature and
20 committees thereof that are held in the State Capital
21 Building." So it's not just out on the road; it's in
22 the Capital Building. So it's even reasonable efforts
23 in the Capital Building. For example, the lights --

24 SENATOR WOLK: Go back to No. 1. Go back to
25 the beginning of the section, Senator. That was my

1 error. Shall do -- commencing January 1st and that is
2 the operative section, section --

3 SENATOR LARA: Senator Wolk, can you explain to
4 us where exactly?

5 SENATOR WOLK: Section 73, page 3 --

6 SENATOR LARA: Line 31?

7 SENATOR WOLK: Line -- yes, line 34.

8 SENATOR LARA: 34?

9 SENATOR WOLK: Calls, "All AV recording to be
10 made of all floor sessions of each house of the
11 legislature, the committee proceedings thereof of which
12 a vote is taken or other action as recorded and
13 committee proceedings thereof held in the state capital
14 building regardless of whether a vote is taken or an
15 action is recorded." This is in the constitutional
16 amendment. No. 2, "Make reasonable effort to cause AV
17 recordings to be made of all committee proceedings held
18 outside the State Capital Building at which no vote is
19 taken and no action is recorded."

20 SENATOR LARA: All right.

21 SENATOR WOLK: And you heard Senator -- I mean,
22 Assembly Member Gordon's description of the salt and
23 sea. I could certainly add select committee proceedings
24 elsewhere in the state, as well. And then make
25 reasonable efforts to broadcast to the public in

1 realtime all proceedings of this legislature and the
2 committees thereof that held in the State Capital
3 Building. And that is live stream.

4 SENATOR LARA: Mr. Munger, do you want to add?

5 MR. MUNGER: Yes, on a few points which have
6 been raised here. It's obviously a disagreement of
7 whether current language in SCA 4 does or does not
8 guaranty that every legislator gets to read a bill
9 before it comes out of their house. Allow me to show
10 you the kind of concern that we have. We've only had 72
11 hours, of course, to parse this language and the
12 language is dense, but this is our concern: It is
13 agreed under consider SCA 4 as it was submitted June 1,
14 that it required 72-hours notice only in the second
15 house. So if you're on the assembly and somebody takes
16 a bill in dog catching, amends it quickly to a bill of
17 criminal justice and shoots it straight across to the
18 senate, then only in the senate would anyone pause for
19 72 hours and vote on it. The 4 -- 39 members of the
20 assembly who might have voted against the bill still
21 have no chance to read it. And that was a problem and
22 I acknowledge that is now -- now, we come to the new
23 language in current version.

24 If you read it carefully, it says under certain
25 rather complicated conditions, something may occur.

1 Now, what will occur will be another vote in the house
2 of origin for the bill. And the problem is, is that the
3 legislators who may not have had a chance to read the
4 bill, may not be in the house of origin of the bill.
5 How this might happen, the bill on dog catching in the
6 assembly might be passed with due notice to the senate.
7 In the senate, it will be gutted and amended with zero
8 notice and shipped across back to the assembly. You
9 have 19 members of the senate who have never read this
10 bill. It's now in the assembly. It has to wait,
11 according to the first rule, 72 hours for the assembly
12 to make that final vote. So they make their vote. Then
13 we invoke a clause that says another vote must occur in
14 the house of origin for the bill, which is, of course,
15 the assembly for this bill, not for the senate.

16 So you still have 19 members of the senate who are
17 saying I never read that bill before the vote occurred
18 that had been dismissed from my house. So we have
19 concerns that, in fact, one can operate the procedures
20 in order to blind-side the sub-majority, in this case,
21 the senate and if you reverse the rules of the bills,
22 you could start with a bill whose house origin was the
23 senate and choose to blind-side 39 members of the
24 assembly.

25 We don't think, therefore, that this language

1 adequately captures the intent that every legislature
2 should always be allowed 72 hours in order to -- before
3 they're called upon to make a vote on the bill that
4 might dismiss that bill from their house.

5 So that is the largest matter we have. The other
6 matter we have is I frankly agree with Senator Nielsen.
7 As a constitutional matter, if this legislature decides
8 an effort is reasonable, if this legislature decides
9 that sufficient funds are appropriated, what authority
10 is going to tell this legislature that it's not. There
11 is not a whole lot in the State of California and in our
12 system that can overrule the California legislature. In
13 fact, the only agency one can imagine would be the
14 California Supreme Court. And I do not think that
15 anyone coming to the Supreme Court with the legislature
16 saying that we appropriated -- yeah, some people say it
17 should be \$3 million for this or \$1 million for this; we
18 appropriated it to \$50,000, but we think that's
19 reasonable.

20 I do not think a case ordering the legislature to
21 direct more money is going to succeed. And if the
22 legislature said we made reasonable efforts to broadcast
23 a certain meeting, I don't think anyone is going to be
24 able to come back and say, well, the efforts weren't
25 reasonable. While I applaud the efforts to try to put

1 the constitutional protections, the language basically
2 says the legislature shall volunteer to make whatever
3 efforts the legislature deems best, which is something
4 that you can and do now. This meeting is being recorded
5 right now. It could be live streamed. I don't know.
6 Somebody can tell me, but these are at the discretion of
7 the legislature now. So, in fact, these constitutional
8 provisions are not actually adding anything. They just
9 give the illusion that something is now protected in the
10 constitution, which is and will remain in the hands of
11 the legislature to determine.

12 SENATOR LARA: Thank you. Thank you. Any
13 additional -- give me a second -- any additional
14 questions? I want to make sure we get to --

15 SENATOR HILL: The issue of reasonably
16 accessible or reasonable, is that a legal term that has
17 a particular criteria or standard? I mean, is it as
18 subjective as it appears to be? It is. Okay. Because
19 it does -- just looking at the part related to the
20 audiovisual records and the recordings shall remain
21 reasonably accessible to the public for not less than
22 20 years. And how do we deal today -- and I don't know
23 if anyone has an answer for that. How do we deal today
24 with the accessibility to other documents? I mean,
25 obviously the Public Records Act, is reasonable a part

1 of that discussion or that determination within that or
2 is it just, as we would say, that they would remain
3 accessible to the public for not less than 20 years?

4 SENATOR LARA: Again, Senator Hill, I just want
5 to reiterate again --

6 SENATOR HILL: Yeah, I know. They're talking
7 about dollars and cents here.

8 SENATOR LARA: Right, right. Now, the other
9 thing is I just want to reassure you that for under this
10 initiative, under any hearing where there's an actual
11 vote, where there's an official action being taken, we
12 are making that mandatory. And this is for the
13 reasonable is the example of the select committees,
14 which I believe some of those are actually recorded here
15 in the building, but Senator Hertzberg, if you can
16 respond to the reasonable --

17 SENATOR HERTZBERG: If I can also,
18 Mr. Chairman, if I could? With respect to the issue of
19 the bills coming back to the second house, it comes back
20 for concurrence. If there's a gut and amend, it's not
21 as if no one knows. It's a concurrence vote, you know,
22 and that's required between the houses. So clearly, the
23 whole issue of notice is otherwise met. And I know this
24 is indirectly related to the jurisdiction of this
25 committee, but I think it informs that given the

1 questions of the committee members. In the last
2 committee, there were, you know -- this is, there's no
3 doubt I think what was indicated by earlier testimony is
4 that both of us have been deeply involved in this issue
5 over the years and have not been successful. This has
6 been informed by the initiative, the initiative that was
7 filed had an impact on the legislature. That is the
8 tension that often exists between the initiative process
9 and the legislative process. The frustration that we
10 had that we tried to fix, that this body voted under SB
11 1253 was when there is this tension, to give an
12 opportunity, albeit late, but an opportunity for the
13 legislature to engage and to fix it now.

14 The point here is, and particularly with respect to
15 what Senator Nielsen appropriately raised, is that
16 what's before the voters if this matter is qualified and
17 goes before the voters that's currently there that
18 Mr. Munger is referring to, it has certain provisions.
19 The things that we're discussing here are things that
20 are additional points. In other words, what happened in
21 the amendments over the last number of days has been how
22 do we reach an accommodation to make sure we have an
23 agreement on the 72 hours, on the language certainly is
24 a violation of the law, the various points. These
25 additional points about having these other hearings,

1 about using technology pieces, live streaming,
2 copyright, flexibility for remote hearings, ensuring the
3 funding, those have been additions to in an effort to
4 improve upon what's before us. If this measure doesn't
5 go forward and the initiative does go forward, there is
6 no issue to which Senator Nielsen raises that's
7 addressed by the initiative. It doesn't even consider
8 it. It's all about the underlying architecture of the
9 relationship between actions by the legislative branch
10 of government and the People, not what happens within
11 the rules.

12 So all I was just going to share with you in the
13 last point about reasonableness, is, yes, there is
14 standards in the law. The entire basis of common law is
15 all about the reasonable person test. There is huge
16 amounts of understanding what constitutes that. Could
17 it be litigated? Of course, there is no question. Just
18 like any of the these things can be litigated. But the
19 reality is that what good lawyers are trying to do, in
20 my judgment, by drafting it the way they drafted it is
21 to set a standard. They're adding on a whole host of
22 new things that weren't initially -- that aren't in
23 Mr. Munger's measure. So I just wanted to share that
24 with you.

25 SENATOR LARA: Thank you. Additional

1 questions? Senator Bates.

2 SENATOR BATES: I'd like to go back to just a
3 couple points. One is the amendment and the concern
4 over the amendment procedure. My understanding is that
5 if it's amended, it comes back to the house on
6 concurrence. Are those amendments in print and
7 available to the other house within 72 hours?

8 SENATOR WOLK: Yes.

9 SENATOR BATES: So what we currently have on a
10 gut and amend is if it's -- we all have a problem with
11 that, right? Frankly, the initiative was addressing
12 that, but what I'm concerned about is we're talking
13 about the internet access. You know and I know -- and
14 you're looking at somebody who doesn't use that. I use
15 the print. We've had a difficulty here this morning
16 trying to figure out what the printed stuff says. What
17 if we were trying to do that on the internet, you know,
18 when it's posted there. So I just want your absolute
19 confirmation that when this is going back and forth on
20 this one house issue that's been raised, that the other
21 house was not having full access in print to whatever
22 happened in the other house. And that remains a
23 contention if I heard what Mr. Munger was saying in
24 terms of his concern and opposition to this.

25 SENATOR WOLK: We believe our amendments meet

1 that test.

2 SENATOR BATES: Okay. Well, I guess that
3 remains a difficulty. With regard to the rules, we all
4 have a problem with the way the rules can be waived with
5 the majority position. So for us to tell the public
6 that's okay, we have a rule and maybe it doesn't get a
7 policy hearing the way we would want it to happen,
8 Senator Hertzberg, because the rules in that house don't
9 require that. That's not good enough. I mean, that's
10 one of the basics that's here in terms of what we're
11 discussing on transparency and accountability. So that
12 one doesn't pass muster for me. I think that that's why
13 I would assume that the Legislature Transparency Act is
14 a better way to go.

15 And my last question I would like to pose to you,
16 if it's approved by our Chair, I would like to ask the
17 newspaper folks who spoke in support of the SCA 14 if
18 they would also be supportive of the transparent --
19 Legislative Transparency Act because, to me, it's the
20 more perfect statement to the public about what I think
21 the public wants to know about what we do up here.

22 SENATOR LARA: Okay. First, let's answer the
23 first part of Senator Bates' question and then we'll
24 move to --

25 SENATOR WOLK: All right. First of all, it's

1 important. One of the things that we did add in because
2 we did hear the concerns, was that the bill -- the
3 penalty for this is the bill doesn't become a statute
4 unless it complies with what, again, we believe to be is
5 a clear 72-hour requirement.

6 SENATOR BATES: In print?

7 SENATOR WOLK: Yes, posted on the internet and
8 in print.

9 SENATOR LARA: Is that in the statute, in print
10 and online?

11 SENATOR WOLK: No, it says posted.

12 SENATOR BATES: It says internet. It does not
13 say, in --

14 SENATOR WOLK: In its final form for at least
15 72 hours prior to the final vote in the second house.
16 So it's on the internet.

17 SENATOR BATES Okay. That should be changed.

18 SENATOR LARA: Definitely. As it moves onto
19 another -- somebody gets out -- we'll take a look at
20 that.

21 SENATOR BATES: I would like to get your
22 comments. We have two proposals here.

23 SENATOR GORDON: Thank you, Senator Bates. We
24 had been working with Senator Blakslee and Mr. Munger on
25 language of that initiative. Over time they sought our

1 counsel on several things. At the end of the day,
2 however, my association has a position pretty much based
3 on principle, but the association does not engage in the
4 initiative process just because of limitations that our
5 association sees as it being sort of a one-shot deal.
6 You qualify something for the ballot and you only get
7 one shot to get it right, whereas a constitutional
8 amendment considered by the legislature has a process
9 and we're going through the process right now where
10 criticisms and opposition can be raised and changes can
11 be made to make the ultimate language that goes onto the
12 ballot for consideration by voters, a much better
13 quality thing. And so we are not supporting that for
14 that reason. But it's not based on content; it's based
15 on our ideological position on the issue.

16 SENATOR LARA: Thank you.

17 SENATOR BATES: And it's based on process is
18 what you're saying?

19 SENATOR GORDON: Yes.

20 SENATOR BATES: So you would be more likely to
21 take a neutral position on either one if they get the
22 ballot together?

23 SENATOR GORDON: We have taken a neutral
24 position on the initiative as it's being qualified right
25 now, although some of my members have come out in

1 support of it individually.

2 SENATOR BATES: Okay.

3 SENATOR GORDON: But I have not yet seen any
4 reaction to the SCA and AB 884 from any of our members,
5 and it may very likely that they'll support both.

6 SENATOR LARA: Thank you. Any additional
7 comments or questions? Senator Mendoza.

8 SENATOR MENDOZA: Mr. Munger, I know that your
9 initiative in moving forward, is there anything that can
10 be done and what's being proposed right now or changed
11 that would make you one of the (inaudible) initiatives,
12 anything -- I mean, because some of the parts here, we
13 are kind of filling in some of the gaps and probably
14 were missing over there. But is there anything we can
15 possibly amend it or change it where it might be more
16 feasible for you?

17 MR. MUNGER: That's why I'm here. That's the
18 process continues. Obviously it's possible for me to
19 withdraw the initiative if the legislative proposal is
20 put on the ballot, which I agree. It's even possible if
21 you keep -- if this takes longer and it goes on the
22 ballot, that doesn't mean that I have to campaign for my
23 version. I can, in fact, campaign for a different
24 version. It might be the version put on by the
25 legislature. I'm here to engage. I and my proponent

1 had the view that we're here to take what the CLTA would
2 guaranty to the public in the way of transparency and
3 say, first of all, we're not going backwards on it.

4 Okay, so we're going to be very careful on language
5 the legislature might offer. We are very careful that
6 if it's different language but purports to do the same
7 thing, but it, in fact, does the same of what we had.
8 We had months to work out -- find details in
9 constitutional language. We don't want out of good
10 intent, but a little bit too hasty to open a gap which
11 some court will find later, which will diminish the
12 transparency. We're very interested in increasing the
13 degree of transparency in the legislature. We've been
14 careful not to lay burdens on the legislature that we --
15 that an unwilling legislature might not want to do. But
16 if a willing legislature wishes, for example, to live
17 stream a subset of its meetings, that's a definite
18 improvement. We didn't lay that burden on you. We said
19 you had to post things within 24 hours, but that's
20 clearly more transparency. You can also say that for
21 some or all bills that are of particular importance, you
22 might say 72 hours is just not quite enough to go
23 through them. I had exactly 72 hours from the new
24 language on this, working through the weekend to assess
25 it. I could understand that there might be a subset of

1 bills that you would say, yeah, perhaps future things
2 that go to the ballot maybe should have more than 72
3 hours. Perhaps urgency statute should have more than
4 72 hours. There are possibilities. We are taking
5 particularly consequential bills and saying let's be
6 very certain we have those right because if an urgency
7 status passes, it can't be referended. The governor's
8 opinion is irrelevant because a two-thirds vote passes
9 it. Maybe a little more deliberation is in order.
10 There are ideas that direction. There are ideas and
11 directions that we did lay on the legislature making
12 these recordings not only available, but easily
13 accessible and useable by the public. So if the
14 legislature were to determine it would be a really great
15 idea to transcribe them so that deaf can follow the
16 proceedings in some reasonable amount of time after the
17 actual proceeding. If they were to be translated into
18 Mandarin or Spanish, if they were to be cross-correlated
19 with the agenda, if they were to be made searchable, if
20 this were to be basically a marvelous top of the line
21 engine that allows any citizen not only be able to play
22 the hearing, but to find exactly the five minutes that
23 is most relevant to them.

24 All of these are things that we left to the
25 legislature to workout. If this legislature had in mind

1 working them out, we would be delighted to participate
2 in this sort of endeavor. But we wish to take what we
3 have, the guaranties that we have and move it forward.
4 One of the easiest ones that's not in this yet, but we
5 really think has got to be there is that if a member of
6 the public comes here and comes to a public meeting
7 with -- any member of the public can attend and wants to
8 pull out a cell phone or a camcorder or whatever it is,
9 as long as they're not disrupting your meeting, they can
10 make their own recording because that way we keep the
11 official recording complete and honest. And it's the
12 case in all local governments and should be the case
13 here. Thank you.

14 SENATOR LARA: Thank you. Thank you. Um, you
15 know, just some thoughts. Whether we agree with this
16 constitutional amendment or the referendum, the
17 initiative, I think it's a healthiest question to have
18 on how we can improve transparency of the government and
19 utilize technology to the best of our ability to ensure
20 that we do have access for everyone in a way that I
21 think is reasonable and a way that -- definitely, if
22 we're an official vote or official meeting of a body
23 within the building or outside the building. So I think
24 the conversation is one that merits further
25 contemplation and, Senator Wolk, I know you -- Senator

1 Bates brought in some important questions and I think
2 hopefully we consider those as well.

3 And so if there is no other questions from
4 committee, I will entertain a motion is do pass
5 recommendation to the senate floor. This is a motion by
6 Senator Hill.

7 SENATOR BATES: Mr. Chair, I would like to do a
8 substitute motion which is probably not appropriate, but
9 I think it has merit. I believe that this -- I would
10 like to move that the bills go to suspense so that you
11 can continue to work on the -- following our discussion
12 here -- both fiscally and some of the policy
13 discussions. There is time. I understand we have a
14 June 30 deadline. We are going to work ourselves very
15 hard in the next couple of weeks. There's time and
16 perhaps we can get consensus so what we put before the
17 public is something that we all think is going to do the
18 job, that one million people wanted done, that signed
19 the petition for the Legislative Transparency Act.

20 I think that -- I think that's our obligation to
21 the People. We're here to represent them, of by and for
22 the People. So let's try to put the best product out
23 there.

24 SENATOR LARA: Thank you. Senator Bates, a
25 subject to motion is completely in order.

1 SENATOR BATES: Okay.

2 SENATOR LARA: Although I don't agree with it,
3 I think we are -- have to actually have the process for
4 it to go to the other house, as well, so it is a timely
5 issue. I don't -- I think having discussion on both the
6 initiative and the constitutional amendment will yield a
7 better on the product, I think, on both ends. So
8 Senator Bates has a substitute motion. Chairman is
9 requesting a no vote. Our vice chairwoman is requesting
10 an aye vote. Secretary, please call the roll.

11 THE SECRETARY: Lara?

12 SENATOR LARA: No.

13 THE SECRETARY: Lara, no. Bates?

14 SENATOR BATES: Aye.

15 THE SECRETARY: Bates, aye. Beall?

16 SENATOR BEALL: No.

17 THE SECRETARY: Beall, no. Hill?

18 SENATOR HILL: No.

19 THE SECRETARY: Hill, no. McGuire?

20 SENATOR MCGUIRE: No.

21 THE SECRETARY: McGuire, no. Mendoza?

22 SENATOR MENDOZA: No.

23 THE SECRETARY: Mendoza, no. Nielsen?

24 SENATOR NEILSEN: Aye.

25 THE SECRETARY: Nielsen, aye.

1 SENATOR LARA: Substitute motion is defeated.
2 Now the motion at the table is a do pass recommendation
3 to the senate floor. Secretary, please call the roll.

4 THE SECRETARY: Lara?

5 SENATOR LARA: Aye.

6 THE SECRETARY: Laura, aye. Bates?

7 SENATOR BATES: No.

8 THE SECRETARY: Bates, no. Beall?

9 SENATOR BEALL: Aye.

10 THE SECRETARY: Beall, aye. Hill?

11 SENATOR HILL: Aye.

12 THE SECRETARY: Hill, aye. McGuire?

13 SENATOR MCGUIRE: Aye.

14 THE SECRETARY: McGuire, aye. Mendoza?

15 SENATOR MENDOZA: Aye.

16 THE SECRETARY: Mendoza, aye. Nielsen?

17 SENATOR NIELSEN: No.

18 THE SECRETARY: Nielsen, no.

19 SENATOR LARA: That measure is out with the 5
20 to 2 vote. Now we have AB 884. Senator Gordon, please
21 proceed.

22 SENATOR GORDON: Thank you, Mr. Chairman.
23 Senators, you've just heard a lengthy discussion on
24 SCA 14. AB 884 is a companion measure, that taken
25 together will modernize the operations of legislature in

1 order to bridge the divide between the public and the
2 legislature and our decision-making process. You know,
3 currently our constitution provides that the proceedings
4 of each house, legislature and its committees shall be
5 open to the public, but very few Californians actually
6 have the opportunity to come here to Sacramento to
7 attend our hearings. These measures will make these
8 hearings available to the public in formats that are
9 retrievable and in many cases, live streamed. Um,
10 AB 884 contains details of the implementation necessary
11 for SCA 14. It provides a framework for how the
12 legislature would arrange for the audiovisual recordings
13 in a way that provides clear and unambiguous direction.
14 Since this is the Appropriations Committee, and let me
15 acknowledge that there will be some costs with
16 implementation. The one time cost, as you've heard, for
17 equipment could be in the range of \$2 million and
18 ongoing costs of \$1 million on an annual basis. These
19 measures, again, were drafted to provide certainly
20 without ambiguity. So we don't believe that the costs
21 will exceed expectations. We believe these are
22 reasonable cost expectations. And in the end, AB 884
23 and SCA 14 would simply and appropriately narrow the
24 distance between the lawmakers and our citizens. And I
25 respectfully ask for an aye vote.

1 SENATOR LARA: Thank you. Witnesses in
2 support.

3 MR. EWERT: Mr. Chairman, members of the
4 Committee, Jim Ewert with the California Newspaper
5 Publishers Association. We had a supportive amended
6 position on this bill when it was first amended several
7 days ago. And the concern that we had at the time was
8 the idea that the legislature had the ability to assert
9 a copyright interest in the disclosure of information
10 and the impact that might have on the Public Records
11 Act. And not so much the ability to access the
12 information, but more on the ability to use the
13 information once it was accessed. And we are currently
14 involved in opposition to another measure that's going
15 through the process now in the very same issue. Much to
16 our delight, the bill was amended recently to
17 specifically address that issue. And not only is the
18 footage that would be subject to disclosure going to be
19 placed in the public domain, but all the documents in
20 that code section, including access to histories and
21 other parts of the bill file, will also be in the public
22 domain and we think that strengthens the effort and
23 ultimately strengthens the process because the public
24 can't really participate if it doesn't know what it is
25 that the legislature is contemplating. And for this

1 reason, we urge your aye vote.

2 SENATOR LARA: Additional witnesses in support?
3 Witnesses in opposition?

4 MR. MUNGER: Thank you, honorable members.
5 Charles Munger here again. I'm not going to go back
6 over the policy issues that are tangled in this bill and
7 the previous senate bill. There's been an adequate
8 discussion of those. I will confine myself to the
9 fiscal issues of this bill. One of them I'm not going
10 to addressing at all, which are the fiscal issues
11 regarding this copyright provision. I just -- 72 hours
12 is not enough to try to ascertain the costs associated
13 with that, if any. However, I do want to address the
14 costs involved in archiving the recordings and making
15 them available on the internet. This is incredibly
16 cheap, that, yes, the previous bill might cost a million
17 or \$2 million to give the cameras and it may cost you a
18 million to actually have someone to run those cameras,
19 but once you have the recordings, keeping them on the
20 internet and keeping them in an archive accessible, the
21 costs are essentially zero. Zero is a number you very
22 seldom hear in these committees. Let me give you some
23 examples. You can buy a one terabyte hard drive right
24 now at Target for 90 bucks, which will store 2000 hours
25 of video. Okay. Finding a place to store every hour,

1 every minute of every legislative public proceeding,
2 which the CLTA does or the subset, which this bill does,
3 the cost are not at all important. We're talking about
4 the costs of archiving them; we are talking about
5 records of digital files. Normally when you talk about
6 archiving something, you worry about certain things.
7 You're talking about media which are decaying like
8 historic documents printed on acid containing paper.
9 You're talking about a large mass of material which has
10 to be sorted through. Someone needs to be a librarian.
11 Someone has to guide you to it. Somebody has to make
12 sure you show up and use it that you don't steal it or
13 damage it, et cetera, et cetera. We're talking about
14 digital files on the internet.

15 My gut estimates are that you can take all the
16 digital footage for the legislature for an entire
17 calendar year, go to a commercial firm and say put this
18 on the internet and ask how much it's going to cost. It
19 will cost less than it will cost you, the legislature,
20 to buy the paper for your 120 copies that you looked at
21 on the floor before you voted to approve the
22 legislation. That's how cheap it is. So, as far as the
23 fiscal cost of this measure, again I recuse myself in
24 the questions of copyright, they're utterly negligible.
25 Thank you.

1 SENATOR LARA: Thank you. Just let it be
2 known, June 13th I actually agree with Mr. Munger. Go
3 ahead.

4 MR. WOLF: Thank you, Mr. Chair. Members, good
5 morning. David Wolf again with the Harvard Jarvis
6 Taxpayers Association opposed AB 884. Members, I'll be
7 brief and simply reiterate a point Mr. Munger has made
8 already. Article Section 10 of the California
9 constitution states that an initiative statute approved
10 by voters can only be amended by way of another ballot
11 measure. AB 884 offers no such assurances at all that
12 this can be the case and nothing stops this legislature
13 from coming back technically the day after SCA 14 is
14 approved by voters should it make the ballot and make
15 amendments and statutes to those provisions. And you
16 know, we just believe that the 12 days as seen in SCA 14
17 is not at all sufficient to the protections offered by
18 the CLTA in terms of being able to make amendments. So
19 for those reasons, I ask for a no vote.

20 SENATOR LARA: Thank you. Additional witnesses
21 in opposition? Comments from Committee? Senator Beall.

22 SENATOR BEALL: The whole audiovisual recording
23 should be totally open and available to the public.
24 That's my opinion. I mean, you know, we're a public
25 agency and if we spend any money, we should be updating

1 these ancient buildings that we have. We realize these
2 are ancient buildings and I hope some day all the state
3 buildings we have any kind of hearing will be
4 facilitating anybody in California or the world to look
5 and see what we're discussing because I think we're
6 discussing issues of great importance. Everybody should
7 be able to at any time to see live streaming of that
8 information. And quite frankly, I think if you had some
9 kind of a public private partnership or some other kind
10 of way, it probably costs nothing. I don't know. I
11 mean that could be another way of looking at. It
12 probably won't cost anything, in my opinion.

13 SENATOR LARA: Additional comments or
14 questions? Senator McGuire?

15 SENATOR MCGUIRE: As this bill continues to
16 move forward, I know one item that many counties do is
17 contract with their local media centers to be able to
18 look at an expensive alternative to both digital media
19 storage, as well as filming. And I'm not suggesting
20 that we look at that in the filming, but it is a very
21 inexpensive alternative and potential resource for that.
22 Could be once the State took all peg fees away, local
23 government potentially looking at those peg fees to be
24 able to help use to fund the digital storage of that, as
25 it was originally intended to do anyway.

1 SENATOR LARA: I think the importance too is to
2 stay technology neutral ensuring that we allow any
3 technologies to enter, again will cut the cost, which is
4 already minimal, in my opinion. So is there any
5 additional comments or questions.

6 SENATOR BATES: Just a closing one. A very
7 interesting thing happened in my senate district over
8 the election. Two measures were on the ballot, one by
9 City Council vote and one by the People. The one by the
10 City Council did not take into account the issues that
11 the public wanted amended. Guess which one won? The
12 one that the People had door to door, shopping center to
13 shopping center and gather signatures, it passed. And
14 as we are concerned here in initiative form, it really
15 has affected the opportunity to do something we all feel
16 is very important in affordable housing without a vote
17 of the People. Some of that is now part of their
18 constitution, their charter.

19 So I can't leave this hearing without urging that
20 we take into consideration the oppositions' concerns
21 with what you're putting out there because I guarantee
22 you a million people become a very angry hornet's nest.
23 And if we will not pay attention to the problems that
24 have been raised in terms of responding to a million
25 people who are talking about this, then I think we're

1 going to be very disappointed with the outcome and
2 perhaps people like me are going to be more happy about
3 it. But I think it needs improvement and I think we can
4 all agree to that including the author.

5 So I will have to oppose this one as I did the
6 other, understanding that I know you're trying, Senator
7 Wolk and Assembly Member Gordon, but you have got some
8 more work to do or this is not going to get us where we
9 want to be.

10 SENATOR LARA: Thank you, Madam Vice Chair.
11 Again, I think both the initiative and the
12 constitutional amendment have really gotten us to a
13 place where we're finally having a discussion about
14 transparency. And I think there was some valid points
15 brought up by the opposition that I think deserve and
16 merit further discussion and dialogue.

17 Again, the worry that I have is that in an
18 initiative process, things change. Technologies change.
19 Ways in which we conduct our legislative business
20 changes. And so allowing for that flexibility to allow
21 technology to continue to make our government more
22 transparent, I think is important. And the way we do
23 that also can change given technology. And so, you
24 know, all I say is as somebody who is putting something
25 on the ballot this November to change archaic pedagogy

1 when it comes to English language, learners again,
2 having to go through that processing and not new
3 technologies, new methodologies to come in to also
4 hinder the process. But I think that the work that's
5 being done to the initiative, the work that's being done
6 to the constitutional amendment and the legislature --
7 the legislation I think continued to have a very
8 important dialogue on how we better conduct business and
9 an open and transparent manner for Californians.

10 And so with that, I'm going to recommend a do pass
11 recommendation for their second item AB 884.

12 Secretary, please call -- oh, sorry. Can we --
13 Senator Wolk and Assembly Member Gordon, would you like
14 to close on the measure?

15 SENATOR GORDON: Let me just say thank you for
16 this hearing. And I also want to sincerely thank the
17 opposition for coming and being here. I think that all
18 of us have seen this process as irritative in working
19 towards the best level of transparency that we can get
20 to make sure that our citizens understand what we do and
21 are part of the process and can inform us in our
22 decision making. So their respect -- the discussion, I
23 think, will make us better as we move forward and I
24 think both of us are committed to continuing to work
25 with the opposition as this moves forward should this

1 motion pass today.

2 With that I ask for an aye vote.

3 SENATOR LARA: Senator Wolk, would you like
4 to --

5 SENATOR WOLK: I would just like to thank the
6 Chair and thank the members for their suggestions, for
7 their questions. We will continue to work on this.
8 There was some good suggestions and I think we can move
9 forward on this. As someone who has been involved in
10 this issues and has authored bills and co-authored
11 bills, we finally do have a hearing, did we not, in
12 fact, several hearings. I'd like to see us be able to
13 move forward with one item on the ballot. I think that
14 would be a beneficial service to the State of
15 California. Thanks for your aye vote.

16 SENATOR LARA: Thank you. Does someone
17 entertain a motion, do pass motion to -- moved by
18 Senator Hill. Secretary, please call the roll.

19 THE SECRETARY: Lara?

20 SENATOR LARA: Aye.

21 THE SECRETARY: Lara, aye. Bates?

22 SENATOR BATES: No.

23 THE SECRETARY: Bates, no. Beall?

24 SENATOR BEALL: Aye.

25 THE SECRETARY: Beall, aye. Hill?

1 SENATOR HILL: Aye.

2 THE SECRETARY: Hill, aye. McGuire?

3 SENATOR MCGUIRE: Aye.

4 THE SECRETARY: McGuire, aye. Mendoza --
5 Nielsen?

6 SENATOR NEILSEN: No.

7 THE SECRETARY: Nielsen, no.

8 SENATOR LARA: We will keep the roll open until
9 our last member (inaudible). Appreciate your time.
10 Thank you.

11 (Concluded at 12:11 p.m.)

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