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The number of people who participated in the 2013 Legislature's recent special session was unprecedented. More than 25,000 pieces of testimony were submitted or presented orally; committee hearings lasted for several days; and hundreds gathered and camped out at the state Capitol.

Despite the volume of public participation, people have accused our Legislature of acting illegally. Hundreds of pieces of testimony included cut-and-paste statements about how the "democratic process was not being upheld." This is a serious charge.

It should be noted that the claim that the governor called a special session "illegally" is unfounded. According to Article III, Section 10 of Hawaii's Constitution, the governor may call a special session.

As indicated in opposition advocacy strategy that was leaked mid-session, the goal was to stall any decision on a bill. Many people became angry when legislators stopped allowing "substitute" testimony. However, lawmakers were in the right to limit substitutes under the circumstances, and prevent citizens from blatantly abusing the process.

In our opinion, oral testimony was properly limited to those who speak on another's behalf only when representing an organization, or when someone is disabled or needs a translator. We feel that access to giving oral testimony at committee hearings was excellent, especially considering the high volume of testimony and the time constraints of the special session.

We at Common Cause did not see any glaring procedure violations, and felt the Legislature made efforts to accommodate as much oral testimony as reasonably possible. There were, however, some criticisms that we feel are valid, though they apply equally to the regular sessions of the Legislature.

Some neighbor island citizens have claimed that they were purposely excluded from the session since public hearings were not held on neighbor islands "during special session." But even during regular session, public hearings are not held on neighbor islands.

To address the desire of neighbor island residents and others who cannot attend legislative hearings, we have previously advocated the introduction of technology that would allow for remote, live oral testimony, as proposed in Senate Bill 369 and its companion bill, House Bill 358, during the 2013 legislative session to improve public access at our Legislature during both regular and special sessions.

Common Cause has also long advocated for live broadcast and recording of public hearings and floor readings. While most of the special session was broadcast live and aired on Capitol TV, live broadcast was not available during the second reading from the House floor — arguably the most contentious day during special session. This was allegedly due to schedule conflicts.

However, to maintain public confidence, access to hearings for those unable to attend must be improved and be consistent. We've also urged legislative leaders to make these webcasts available within a reasonable time period.

The timely release of draft amendments is another area that needs considerable improvement. In addition to viewing public hearings live, and remotely, citizens should also be able to access and review the same amendments that legislators are considering prior to a hearing.

Scanning and posting online any suggested amendments before a vote should be standard best practice. In fact, legislative staff already scan and distribute amendments to legislators. We can assume that the additional effort involved to post the document online would be minimal.

No matter how a citizen feels about an issue, he or she deserves to be able to participate in the policy-making process if desired.

While this special session was a good case study displaying how the legislators can conduct such a session efficiently, it also highlights certain significant gaps that need to be addressed to realize consistent access for Hawaii's citizens in the legislative processes.

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