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Legislature's openness questioned

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Island resident Tim Rohr is questioning the Legislature's transparency policy and ability to follow processes that lawmakers require of other government offices.

In a March 17 letter to Speaker Judith Won Pat, Rohr recounts his efforts to attain a copy of a Nov. 26 legislative journal. He also noted the Legislature's attempts to ensure government transparency in Bill 90-31, which would require public agencies to post minutes of meetings on their websites within 10 days of the meeting.

"Your bill, Bill 90-31, requires the Legislature to post to its website the audio and/or video recordings of legislative public hearings, committee of the whole, and legislative sessions within four days," Rohr wrote. "Frankly speaking Madame Speaker, the attached mess is far short of meeting the Organic Act requirement. The word 'journal' means a daily record, and the fact that that journal has not been available for more than three months after the session is a clear breach of the Organic Act and clearly out of step with your ideals as expressed in your bills as discussed above."

Won Pat disagrees.

"We're not dodging anything or violating any laws," she said.

She said legislative clerks are behind in their record-keeping, which she said should be understandable considering the volume of bills, amendments and substitutions of which clerks need to keep track. "It's only a matter of time" for them to catch up on the work, according to Won Pat.

"This session alone we have 27 bills," she said. "And it's not like they can work on transcribing the meetings from the audio or video all the time because they also have to sit in on the hearings."

Journals are similar to minutes kept by the secretary of a board. And like various boards and organizations, senators approve the record of previous meetings.

"We do approve the minutes... because we know they exist, maybe not in a written record, but in the video and audio records," Won Pat said.

The speaker noted that after receiving Rohr's letter, she's talked to the clerk's office to ask them to complete the journal for that session and to prioritize it.

Abortion bill

Since December, Rohr has been asking for a copy of the Legislature's journal for a Nov. 26, 2010

session. In that session, senators discussed Bill 54-30, a bill Rohr has been following.

The journal is central to an argument by Rohr and other proponents of the bill. They argue that in its original form, the bill would have required abortion clinics to inform women of the health and psychological risks of an abortion as well as information on alternatives to abortion.

Senators in the 30th Legislature passed the bill, but only after stripping much of the content. Rohr and other proponents, including then-Gov.-elect Eddie Calvo, urged Camacho not to sign the bill, saying the bill no longer had the required intent.

Calvo has since re-introduced the bill as Bill 52-31.

Rohr wants the information in the journal to help him make the arguments as he works to ensure the new bill doesn't suffer the same fate as it's predecessor.

Additional Facts

ORGANIC ACT

SUBCHAPTER 3: THE LEGISLATURE

Subsection 1423b: (The Legislature) shall choose from its members its own officers, determine its rules and procedure, not inconsistent with this chapter, and keep a journal.

Subsection 1423i: Approval of Bills. Every bill passed by the Legislature shall, before it becomes a law, be entered upon the journal and presented to the governor... When a bill is returned by the governor to the legislature with his objections, the Legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill.

BILL 90

Beginning July 1, 2011, each public agency shall post the minutes on its website within 10 days after the approval of the minutes by the public agency. The Legislature shall post all audio or video recordings of legislative public hearings, the committee of the whole and legislative sessions within four days.

Beginning July 1, 2011, the minutes of meetings open to the public posted on the public agency's website shall remain posted on the website for at least ninety (90) days after their initial posting. All audio or video recordings of legislative public hearings, the committee of the whole and legislative sessions shall be posted on the Legislature's website, and shall remain posted on the website for at least one year after their initial posting.
