Date of Hearing: March 27, 2012

# ASSEMBLY COMMITTEE ON HIGHER EDUCATION Marty Block, Chair AB 1723 (Fuentes) – As Amended: March 19, 2012

<u>SUBJECT</u>: Postsecondary educational institutions: meetings: live audio transmissions.

<u>SUMMARY</u>: Requires public higher education entities, as specified, to make available on the Internet a live video broadcast of each of its meetings that is open to the public and to archive and make both video and audio recordings of open meetings available to the public for at least 12 months. Specifically, <u>this bill</u>:

- 1) Requires the Board of Governors of the California Community Colleges (CCC), the Board of Trustees of the California State University (CSU), the California Postsecondary Education Committee (CPEC), and the California Student Aid Commission (CSAC) and any auxiliary organization to make available on the Internet a live video broadcast of each of its meetings that is open to the public.
- 2) Requires these entities to archive and post their video and audio transmissions on the entity's Internet website for at least 12 months.
- 3) Requests the Regents of the University of California (UC) comply with these provisions.

#### **EXISTING LAW:**

- 1) Requires all meetings of a state body to be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in law, also known as the Bagley-Keene Open Meeting Act. (Government Code § 11123)
- 2) Requires public higher education entities, as specified, to make available on the Internet a live audio broadcast of each of its meetings that is open to the public. (Education Code § 66020.5, as established by AB 1436, Portantino, Chapter 233, Statutes of 2010)
- 3) Requires the State Board of Education and the State Allocation Board to provide for live video and audio transmission of all meetings and hearings that are open to the public through a technology that is accessible to as large a segment of the public as possible. (EC § 33009.7 and 15491, as established by SB 312, Romero, Chapter 179, Statutes of 2010)

FISCAL EFFECT: Unknown

<u>COMMENTS</u>: This bill is double-referred to the Assembly Governmental Organization Committee.

<u>Background</u>. Public higher education entities are required to provide live Internet audio access to their open meetings and to provide a website link to that audio transmission. When the implementing legislation was considered in 2010 (see Existing Law above), video streaming was not included in order to limit the costs to the institutions during a time of budget cuts. In November 2006, Governor Schwarzenegger signed an executive order to expand broadband

access and usage in California. Specifically, the executive order states, "The Department of General Services (DGS) and the Department of Technology Services (DTS) shall facilitate State use of streaming video technologies to broadcast public meetings over the Internet.... Within 180 days of the date of this Executive Order, DGS shall enter into a contract with one or multiple companies for offering webcasting services to State Agencies. DTS shall provide technical consulting and training to State Agencies that elect to use webcasting services."

<u>Need for the bill</u>. According to the author, video transmission of meetings is necessary to provide greater accountability. For example, listeners cannot easily follow along when visual aids are part of a presentation. The author also notes the need for a video record to resolve disagreements about board events and actions, citing a disagreement among the CSU Trustees about the accuracy of the minutes from the November 2011 Board of Trustees meeting, including attendance and the depiction of the events that occurred.

What is required for video transmission? At a minimum, live video transmission requires software, a camera, and an operator, which would provide a static, panoramic shot of the proceedings. In order to focus on speakers, multiple cameras are necessary. Live video transmission requires more Internet bandwidth than audio transmission, and the bandwidth needs vary depending upon the number of people accessing the transmission. For remote locations, the Legislature has a portable video transmission kit and contracts with outside vendors to ensure the necessary bandwidth is available.

Which entities currently provide live video transmission? CCC Board of Governors provides video transmissions of its open meetings with equipment purchased from its Telecommunication & Technology Infrastructure Program funds. CCC contracts with an outside vendor to stream the video on the Internet and to record and stream meetings at off-site locations. UC, CSU, and CSAC do not provide live video transmission of their meetings, and CPEC no longer functions since its funds were eliminated in the 2011-12 Budget Act.

The Legislature provides live video streaming of its public meetings, as does the State Board of Education and the State Allocation Board, as previously noted under Existing Law. Consistent with Governor Schwarzenegger's executive order, DGS, through the Office of State Publishing, operates a service that provides audio and video transmission for state agencies, including the Air Resources Board and the Water Resources Control Board under California Environmental Protection Agency. Public entities also contract with outside vendors for this service, which can include archiving.

Archiving and posting previous transmissions. The higher education institutions included in this bill, do not archive or post audio or video transmissions, as applicable. While DGS requires boards maintain a records retention policy, it does not appear to require that previous transmissions be archived and posted. Some state entities, including the State Board of Education and the State Allocation Board, and the Legislature archive and post previous transmissions. Many do not.

<u>Technical amendments</u>. Staff recommends the following technical amendments:

1) Page 2, line 24: (2) Archive and post the video and audio transmissions recorded pursuant to paragraph (1) on the entity's Internet Web site for at least 12 months following the initial transmission.

2) Page 2, line 27: (b) It is not a violation of this section if technical failures prevent an entity from providing a live <u>video or</u> audio transmission so long as the entity exercised reasonable diligence in making a live <u>video or</u> audio transmission available.

# REGISTERED SUPPORT / OPPOSITION:

## **Support**

Gavin Newsom, Lieutenant Governor, State of California California Broadcasters Association California Faculty Association (Sponsor)

## **Opposition**

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