

# Connecting Remotely

Technology is letting constituents who live far from the capitol testify at legislative hearings.

BY PAM GREENBERG

Pam Greenberg follows technology issues for NCSL.

In January 2015, Pateros School District Superintendent Lois Davies drove some 250 miles from her home in northern Washington to the Capitol in Olympia to testify in favor of a measure to help schools recover from natural disasters—like the 2014 wildfires that destroyed 131 homes in her district and caused \$2 million in damages to the high school.

Returning home in a snowstorm, Davies was seriously injured in a car accident on Stevens Pass. She spent more than a month in the hospital and was off work for six months. Although the Senate had begun a pilot project that year to let the public participate in some committee hearings by videoconference, the committee that took Davies' testimony was not yet part of the project.

Much had changed by the end of the year: Six standing committees had conducted 19 hearings at six sites in Spokane, Wenatchee and Pasco, with 44 witnesses participating. The hearings were held at educational facilities.

This year, the Senate expanded video-testimony options to all committees and has approved equipment upgrades. Washington is now among a handful of states using new communication tools to make it easier for remote constituents to be part of the legislative process.

## Pioneering States

Alaska and Nevada pioneered remote committee hearings. It's easy to see why. Alaska's borders are nearly as far apart as those of the entire lower 48 states. To bridge the distance, Alaska began holding remote hearings for residents in 1978, when the Legislature established a teleconference network. In 2014, more than 4,000 citizens participated remotely in 5,000 hours of legislative teleconferences.

In Nevada, only about 2 percent of the state's population lives in Carson City, the state capital. Seventy-six percent live in the Las Vegas metro area, some 400 miles away. The Legislature began videoconferencing hearings between the two cities in 1991. In 2015, 737 committee meetings were videoconferenced,

with a total of 6,699 citizens attending.

Other states, including Michigan and the Virginia Senate, hold occasional remote hearings, typically at the request of a committee chair and for issues especially relevant to residents outside the capital city. This year, for example, Michigan Senator Tom Casperson (R), sponsor of a bill that would encourage out-of-state residents to hunt and fish in Michigan, held hear-



ings of the Outdoor Recreation and Tourism Committee in two Upper Peninsula locations.

Holding remote hearings is still uncommon overall, but a new group of states is embarking on projects to expand opportunities.



Senator  
Tom Casperson  
Michigan

## Colorado

"The technology has evolved, and it's the right time and the right place," says Manish Jani, information technology director for the Colorado General Assembly, who was responsible for setting up the state's pilot project in 2015. The legislature conducted 11 videoconferenced hearings at one remote site (though

two sites were designated initially), with 55 witnesses participating. The pilot was considered a success, and was expanded to four sites this year.

One of the first remote hearings in 2016 was on a bill to fund full-day kindergarten. The sponsor, Senator Andy Kerr (D), a social studies teacher, had heard from people all over the state who felt passionately about the issue, but would face difficulties making a trip to the Capitol.

“A teacher in Grand Junction or Durango who wants to testify on a bill being heard on a Monday afternoon,” he says, “would have to leave on a Sunday, drive to Denver, spend Sunday night at a

testified,” Kerr says. “We tend to hear from the same people over and over again when we’re at the Capitol. For example, 90 percent of all kids in Denver Public Schools have full-day kindergarten, but throughout the rest of the state, only 75 percent do. It’s important to get rural perspectives. We’re hearing from different voices.”

**Nebraska**

The Nebraska Legislature partnered with Nebraska Educational TV in 2015 to offer videoconferencing at more than a dozen sites that use the technology for distance learning. The Legislature out-

rels of wastewater from Colorado fracturing operations into a well in Sioux County, Neb. The company’s heavy trucks would have to travel the local roads every day.

Instead of asking residents to drive 400 miles for three to five minutes of testimony, Stinner got approval from the Natural Resources Committee chair to hold a remote hearing in neighboring Scotts Bluff County. About 40 people attended, and some 20 testified. Most people feel part of the process, they were ranchers or landowners with property near the proposed well site.

As one resident said in his testimony,



*Hawaii Representative Nicole Lowen demonstrates videoconferencing from the Capitol in Honolulu by talking with David Case on the Big Island of Hawaii.*

hotel, testify Monday afternoon and then either drive back late or stay another night in Denver. Either way, they might be missing three days of school.”

Colorado winter weather adds to the difficulties. On the day of the hearing, a major snowstorm closed schools and highways across the state. The hearing went forward, however, with witnesses testifying remotely from Durango, Alamosa, Trinidad and Grand Junction.

“Without remote testimony, there are some who otherwise wouldn’t have

fitted two hearing rooms with cameras and gave committee chairs the option to hold remote hearings. The project looked questionable the first year, when no one made requests. But it took off in following years with about six remote hearings held during each of the legislative sessions.

Senator John Stinner (R) was one of the first to request a remote hearing on a bill. He had been hearing constituent concerns about an oil and gas company’s application to deposit 10,000 bar-



*“People feel part of the process; they feel their voice is being heard.”*

—SENATOR JOHN STINNER, NEBRASKA

## Early Efforts

Several states in the 1990s authorized studies or conducted pilot projects using videoconferencing for public hearings. In several of these states, projects did not go forward or were discontinued due to costs, scheduling conflicts at the remote facilities (for example, universities with multiple groups competing for videoconferencing equipment) or lower than anticipated public participation.

As costs of videoconferencing technologies have dropped, and as desktop software tools such as Skype and GoToWebinar have become widely available and easy to use, some of the barriers to videoconferencing have fallen. Numerous states now bring in experts via videoconference to testify for a committee.

“I live on the highway. I have friends, family, people that work for me that live on Highway 29. It’s not a very big highway, and it’s not going to support 160 trucks a day.” Others shared concerns about water quality. Nonprofit, government and industry representatives also weighed in on both sides.

The process worked well, Stinner says, both for those involved and in terms of the technology. “I guarantee only four or five people could’ve driven down” to Lincoln, the capital, he says. “People feel part of the process; they feel their voice is being heard. It gives everyone a chance to weigh in, and they start to understand what the other opinions may be.”

Stinner believes remote testimony works especially well for issues of consequence in areas outside Lincoln and for selected statewide issues. “It’s critical if you’re going to do this to go to the media and get the word out. You have to pick the issues. We have some hotly contested statewide issues also, but we have to get the word out.”

Kerr also sees the need to spread the word as a growing pain with remote testimony. He relies on interested individuals, especially those in the state’s remote areas who can help inform others. He’s also publicized hearings on social media.

## Hawaii

The Hawaii Senate Neighbor Island Videoconferencing Pilot Project, begun in

2014, also has experienced growing pains. Just one committee room has the technology necessary for remote testimony. The project is continuing with limited use in one committee through this year.

Hawaiians do not travel to a specific site to offer testimony; instead, they need a newer computer with a webcam, microphone and a reliable broadband connection to participate. They must complete an online application form and submit written testimony electronically to the committee at least 24 hours before the hearing. They then receive a hyperlink to join the hearing on their computers by teleconference.

The Senate’s website has information about system requirements and how to use the GoToWebinar software, but it also hints at the difficulty some might have with the technology. The goal, the site explains, is “to expand the project in the future to cover more committees, more hearings and perhaps a wider audience; however, initially, this pilot project will be limited and will require the patience and

understanding of all senators and staff, as well as the public.”

The Hawaii House began a similar project in one committee this year. Representative Nicole Lowen (D), who helped test the system, sponsored a bill that would have created a committee to develop remote testimony procedures for both chambers.



Senator  
Nicole Lowen  
Hawaii

“It’s a huge burden,” she says, “when our constituents on the neighbor islands have to pay for a plane ticket, hotel room and rental car just to get a few minutes of time to speak in front of a committee.”

At a recent demonstration for legislators and staffers, Lowen, at the Capitol in Honolulu on the island of Oahu, videoconferenced with David Case, a resident of Kailua-Kona on Hawaii, about 170 miles, or a 40-minute flight, away.

“This is great,” Case said during the demonstration. “It seems to do everything

## Posting Policies

### Nebraska

Written policy addresses some of the questions that arise with remote testimony:

- A request for videoconferencing must be received by the chair of the executive board at least two weeks before the proposed hearing date.
- The bill’s sponsor and the chair of the committee must agree to videoconference a hearing, and have approval from the chair of the executive board.
- The subject of the bill, resolution or interim study must have statewide interest or have a significant interest to citizens at the remote locations.
- At the start of a videoconferenced hearing, the committee chair should cover how the hearing will be conducted, including the amount of time each site will be allowed to present testimony; the process for signing the testifier sheet; the use, if any, of a timer or light system; the handling of exhibits; the time the remote site closes, if necessary; and the consequences of disrupting testimony.

### Colorado

Information and a list of bills available for remote testimony are available on the General Assembly’s website; those wishing to testify remotely must fill out an online form. In addition:

- Legislators’ requests for remote testimony must be approved by legislative leadership in each caucus.
- For a site to be available for remote testimony, at least one witness must be registered to testify at the site at least 24 hours before the hearing.
- Additional witnesses may continue to sign up online to testify until one hour before the scheduled hearing time, and may sign up at the remote testimony site until public testimony on the bill concludes.

you want and need the process to do. It's certainly preferable to spending \$200 to \$300 [on airfare] and taking up a whole day to testify for two or three minutes before a committee at the Legislature."

Although Lowen's bill passed the House Committee on Finance, it was ultimately unsuccessful.

### What's Next?

Legislatures lead all branches of government in allowing the public to listen to or watch their proceedings from home. All 50 states offer audio or video webcasts of floor proceedings, and 41 states webcast committee hearings, with more doing so every year. At least 10 legislatures have online systems that allow residents to vote on bills and provide comments.

*"The more people involved, the better chance we'll get good legislation.*

—SENATOR ANDY KERR, COLORADO



## Questions to Consider

Remote public hearings raise a number of procedural and logistical questions. What happens if the technology fails? How will open meeting and notice requirements be met? Will all legislators and the public be able to see and hear all testimony being given? Before conducting remote hearings, the Washington Senate developed a comprehensive set of questions on hearing management, staffing, public participation, security and information technology:

- Will remote testimony be subject to the same rules and procedures as in-person testimony (timers, handouts, personal information, decorum)?
- Will the chair have the ability to mute remote testifiers?
- Who will staff remote sites, what will be their responsibilities and how will they be trained?
- How will committee staff in on-campus hearings communicate privately with remote staff?
- How will remote staff manage crowds and hearing disruptions?
- Will there be dedicated security staff at remote sites?
- What is the appropriate response when a remote connection is lost? Should the hearing be postponed or continued until the connection is restored?

What's next, especially if the costs, staffing or technical and procedural burdens of remote hearings are considered too high, or if they cannot attract or sustain the interest of constituents?

Some, like Washington Senator Cyrus Habib (D), propose making the process even easier. He is sponsoring a bill that would let people record YouTube-type video testimony—at their convenience and using their own devices—for legislators to

view before voting on a measure.

It seems likely that lawmakers will continue to search for ways to make remote testimony work. Kerr, of Colorado, says constituent input is an integral part of the committee process. "I think every bill should have the underlying opportunity to be heard remotely," he says. "The more people involved, the better chance we'll get good legislation. It does cost more, and it takes staff to run the technology, but at the end of the day, it's a cost that's certainly worth it."

Lois Davies, the Washington school superintendent, would no doubt agree. 🏛️

## How Much Does It Cost?

Washington spent about \$7,000 initially for a portable videoconferencing system. Another \$209,000 was approved for future upgrades. Legislative audio-visual technicians expanded their work to support and install the equipment; 170 staff hours were dedicated to the pilot project. Community college and university systems made their equipment and rooms available at no cost.

Colorado allocated \$135,000 and one full-time employee for implementation. The legislature also pays \$30 per hour for each remote site.

For Nebraska, implementation ran about \$55,000. The Legislature pays \$80 per hour for the videoconference facilities.