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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol
415 S. Beretania Street, Room 446
Honolulu, Hawaii 96813

Written Comments

HB1209

RELATING TO THE LEGISLATIVE BROADCAST PROGRAM

Comments by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Legislative Management

Friday, February 1, 2013, 2:00 p.m.
Conference Room 423

Chair Nishimoto and Members of the Committee:

Good afternoon Chair Nishimoto and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Acting Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.B. No. 1209, Relating to the Legislative Broadcast Program.

The purpose of this bill is to:

- (1) Require the Legislative Broadcast Program to make an audio or audiovisual recording of all public hearings and informational briefings held at the State Capitol, and maintain an archive of the recordings to be made available to the public; and
- (2) Appropriate \$30,000 in general funds in fiscal years 2013-2014 and 2014-2015 to the Legislative Reference Bureau for the purchase of necessary recording equipment, archival materials, and the hiring of necessary staff.

While the Legislative Reference Bureau takes no position on this measure, we submit the following comments for your consideration.

As you know, the Legislative Broadcast Program was established pursuant to section 21G-3, Hawaii Revised Statutes. According to that law, while the Legislative Broadcast program was established as part of the Legislature's permanent public access program, the supervision of the Legislative Broadcast Program was vested with the Joint Legislative Access Committee established pursuant to section 21D-6, Hawaii Revised Statutes.

Neither the Bureau nor the Public Access Room, which is maintained by the Bureau, has any statutory authority over, or responsibility for, the Legislative Broadcast Project. Rather, as a matter of historical practice, the Public Access Room, simply implements the broadcast directives of the respective chambers. More specifically, according to the Legislative Broadcast Project contract, the Public Access Room Coordinator acts as the contract administrator of the Capitol TV program and is responsible for overseeing the contract, including system operations, fiscal agent operations, and monitoring and assessing contractor performance. In practice, the Public Access Room Coordinator primarily identifies and schedules certain legislative hearings to be recorded and broadcast, and reconciles the billing for services rendered by the contractor. (Historically, the House vests the identification, scheduling, recording, and broadcasting of its proceedings in the Vice Speaker's office.) The Bureau and the Public Access Room have no real control over the management of the Legislative Broadcast Program, nor do we have any experience with the negotiation of the contract for the services provided by Olelo and its contractor, Access Services Corporation, which conducts the actual recording of legislative proceedings.

The Bureau has historically received no moneys to execute the responsibilities delegated to it by the respective chambers for the Legislative Broadcast Project, and has not been involved in the "front end" formulation and negotiation of the parameters of Legislative Broadcast Program contract. Instead, it is our understanding that each house of the Legislature budgets approximately \$87,500 of its own moneys each year for the Legislative Broadcast Program and jointly contracts with Olelo and its contractor for the recording and broadcast services.

It is also our understanding that currently, a program to allow the general public to view recorded legislative proceedings already exists. Since 2009 in the Senate, and 2011 in the House, all legislative proceedings that have been selected to be recorded and broadcast by the Legislative Broadcast Project have been uploaded to the Internet and are available for viewing by the general public. The links to each chamber's recorded proceedings can be accessed from the Legislature's website and found at http://olelo.granicus.com/ViewPublisher.php?view_id=13 (Senate Webstreaming) and http://olelo.granicus.com/ViewPublisher.php?view_id=31 (House Webstreaming). The Bureau has had no involvement with the formulation, contracting, or execution of this pilot project to date.

As currently drafted, the bill seems to contemplate a physical archiving of recorded documents and a physical location (the Public Access Room) where constituents may borrow and review archived material. That would mean that if a constituent wanted to view a particular recorded legislative proceeding, the constituent would have to visit the Public Access Room in person to view it. As a practical matter, the Public Access Room lacks the physical space to house and maintain recording equipment and archived material. If the intent of the measure is to provide access to all legislative proceedings to as broad a constituency as possible, then this proposed method would fall well short of the audience that the existing House/Senate webstreaming pilot project potentially reaches.

Since a significant portion of what this bill is seeking to accomplish is already being accomplished by an existing pilot project of each chamber, it would seem more practical to simply expand the existing pilot project to include all proceedings of each chamber.

Thank you again for this opportunity to provide written comments.



House Legislative Management (LMG) Committee
Chair Scott Nishimoto, Vice Chair John Mizuno

Friday 02/01/13 at 02:00PM in Room 423
HB1209– Relating to the Legislative Broadcast Program

TESTIMONY

Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Nishimoto, Vice Chair Mizuno, and members of the Legislative Management Committee:

Common Cause Hawaii supports HB1209 with amendments. This bill would allow for audio or audiovisual recording of all public hearings and informational briefings held at the state Capitol, and would maintain the recordings in archive, and make them available to the public.

Common Cause would also like to suggest an amendment, in order to make the recordings available for viewing on demand after a reasonable time of 72 hours, after each hearing.

Please see the underlined portion for our proposed amendment:

The legislative broadcast program shall make an audio or audiovisual recording of all public hearings and informational briefings held at the state capitol and shall maintain an archive of the recordings, which shall be made available to the public. Recordings shall be made available for viewing on demand after a reasonable time of 48 hours after each hearing.

We believe that this bill would be a good step toward including members of the public, who are otherwise unable to attend public hearings, in our policy-making discussions.

Thank you for the opportunity to testify in support of HB1209, with amendments.



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HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT
Rep. Scott Nishimoto, Chair, Rep. John Mizuno, Vice-Chair

Friday, February 1, 2013, 2:00 p.m., Conference Room 423

HB 1209 Relating to the Legislative Broadcast Program

TESTIMONY

Douglas Meller, Legislative Committee Member, League of Women Voters of Hawaii

Chair Nishimoto, Vice-Chair Mizuno, and Committee Members:

The League of Women Voters of Hawaii supports HB1209 which would provide audio-visual recording of all legislative hearings (not just public hearings), and we support the creation of a permanent public archive of legislative audio-visual recordings. In time we hope that the public will be able to use the Legislature's website to selectively download audio-visual recordings of legislative hearings. We believe that it is practical and logical to allow interested members of the public a convenient way to hear the actual oral questions, answers, and discussions on bills that concern them.

We urge you to pass this bill. Thank you for the opportunity to submit testimony.

HB1209

Submitted on: 1/31/2013

Testimony for LMG on Feb 1, 2013 14:00PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara B. Polk	Americans for Democratic Action/Hawaii	Support	No

Comments: ADA/H supports this bill. In the past, only a few hearings have been broadcast and not all of those have been archived. On-line access to hearings will allow those citizens on neighbor islands or who cannot attend a hearing to at least hear the discussions that take place.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB1209

Submitted on: 1/30/2013

Testimony for LMG on Feb 1, 2013 14:00PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Erway	Individual	Support	No

Comments: This is important for the ongoingness of democracy. Please support.

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Submitted testimony for HB1209 on Feb 1, 2013 14:00PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, January 30, 2013 1:00 PM

To: LMGtestimony

Cc: ndavlantes@aol.com

HB1209

Submitted on: 1/30/2013

Testimony for LMG on Feb 1, 2013 14:00PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Testimony to the House Committee on Legislative Management
Friday, February 1, 2013, 2:00 p.m.
State Capitol, Conf. Room 423**

RE: SUPPORT FOR HOUSE BILL NO. 1209, RELATING TO THE LEGISLATIVE BROADCAST PROGRAM.

Chair Nishimoto, Vice Chair Mizuno, and Members of the Committee:

My name is Erik Abe and am Special Assistant to Representative Marcus R. Oshiro, 46th House District (Wahiawa, Whitmore Village, Launani Valley). **I am submitting this written testimony in SUPPORT of this bill.**

At the outset, I state for the record that I am testifying on my own volition, and that I prepared this testimony on my own computer and during my free time away from work. I am also transmitting this document via email after my normal work hours.

As presently drafted, this bill would require the Legislative Broadcast Program, which is administered by the Public Access Room and under the auspices of the Legislative Reference Bureau, to:

- (1) Make audio or audiovisual recordings of all public hearings and informational briefings held at the State Capitol; and
- (2) Maintain an archive of the recordings and make them available to the public.

Currently, no legislative agency is required to record the committee proceedings at the State Capitol. It is my understanding that shortly after the enactment of the Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statutes (HRS) (**See**, Act 262, Session Laws of Hawaii 1988.), concerns were raised by both Legislators and staff that Chapter 92F, HRS, could be construed to require the Legislature to make, maintain, and archive transcriptions of any recording of a public hearing if the recording was made by staff regardless of whether it was required by policy or rule, or done so at the staff's initiative. Because the costs of preparing transcriptions were deemed to be prohibitive, staff were instructed never to bring a tape recorder to any public hearing even if it was intended for personal notetaking use.

Testimony on House Bill No. 1209
Friday, February 1, 2013
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More than twenty years have passed since then and the technology used by the Legislature has grown enormously. Among other things, every office in the State Capitol is currently connected by cable to every conference room and is able to monitor the proceedings by television. OLELO also broadcasts certain noteworthy public hearings and floor sessions for the general public.

As legislative staff, over the past four years, I personally set up a television and recordable DVD player in my office to record the proceedings of standing committees for my own personal use. As a researcher, where my duties included the preparation of summaries and analyses of measures proceeding through the standing committee process, these recordings served as an effective tool for me, especially when I needed to monitor multiple hearings occurring simultaneously.

The cost of setting this up was relatively inexpensive – 1 old television; 1 recordable DVD player; 1 rewritable DVD; and freeware software downloaded from the internet that converts DVD recordings into MP4 format.

If this set up is used as a model, the Public Access Room could record and maintain an archive of all public hearings and informational briefings for a very inconsequential cost. The initial costs would be for the purchase of televisions (if needed since both the House and Senate already have some in storage) and recordable DVD players (one each per conference room). Once recorded on DVD, it would only be a matter of converting it to MP4 or another format, and storing the files on a separate hard drive or server. Perhaps too this could be done by volunteers or part-time workers.

Once converted, the Legislature could either post the MP4 files on the Legislature's website, or if it is deemed too costly to use up that much space on the servers, allow the staff of the Public Access Room to store the files on external hard drives and burn DVDs for the public as requested at cost.

Ultimately, a program like this would cost very little, but could greatly benefit staff and the general public. From a citizen's perspective, there is no way of obtaining a recording of a public hearing except for those broadcast by OLELO. This bill would change that and allow for legislative proceedings to be maintained for posterity's sake.

In light of the foregoing, I respectfully request your favorable consideration of House Bill No. 1209.

Should you have any questions, please do not hesitate to contact me.