
A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there is no
2 requirement that legislative proceedings at the state capitol be
3 recorded. Shortly after the enactment of the Uniform
4 Information Practices Act, chapter 92F, Hawaii Revised Statutes,
5 concerns were raised by both legislators and staff that chapter
6 92F could be construed to require the legislature to make,
7 maintain, and archive transcriptions of any recording of a
8 public hearing if the recording was made by staff, regardless of
9 whether it was required by policy or rule, or done so at the
10 staff's initiative. Because the costs of preparing
11 transcriptions were deemed to be prohibitive, staff were
12 instructed never to bring a tape recorder to any public hearing
13 even if it was intended for personal note-taking use.

14 More than twenty years have passed since the enactment of
15 the Uniform Information Practices Act, and the technology used
16 by the legislature has advanced tremendously. Among other
17 things, every legislative office in the state capitol is now
18 connected by cable to every legislative conference room and is



1 able to monitor an audio or audiovisual feed of legislative
2 proceedings. As a result, it is a common practice for
3 legislative staff to use a television and a Digital Versatile
4 Disc recorder to record the proceedings of standing committees
5 for official use. These recordings serve as an effective tool
6 for individual legislative offices, especially when staff must
7 monitor multiple hearings occurring simultaneously. But there
8 is presently no statutorily required, systematic recording of
9 these proceedings or publicly accessible archiving of them.

10 The legislature also finds that the contractor for the
11 legislative broadcast program jointly operated by the house of
12 representatives and the senate pursuant to section 21G-3, Hawaii
13 Revised Statutes, produces televised coverage of certain
14 noteworthy committee hearings and floor sessions. This coverage
15 is currently provided live to the public in three of four
16 counties on a public, educational, or governmental access
17 channel operated pursuant to chapter 440G, Hawaii Revised
18 Statutes. Pursuant to contract, the televised broadcast
19 provides both an audio and a visual signal, multiple camera
20 angles, high quality sound, and closed captioning.

21 The coverage produced by the legislative broadcast
22 program's contractor is also recorded, made available for



1 rebroadcast, and archived on the legislature's website.
2 Currently, the legislative broadcast program expends
3 approximately \$175,000 per year for production of this coverage,
4 which requires set up and take down of production equipment by
5 contractor staff for each legislative proceeding. Yet, the
6 approximately three hundred fifty hours of annual broadcast
7 coverage produced by the contractor represents perhaps 10 per
8 cent to 15 per cent of the approximately one thousand hearings,
9 briefings, and floor sessions conducted each year.

10 Although all hearings, briefings, and floor sessions
11 produced by the legislative broadcast program's contractor are
12 recorded and archived to the legislature's website, only a
13 limited number of other proceedings are now recorded and
14 archived. Specifically, floor sessions not produced for
15 broadcast by the contractor are recorded by arrangement between
16 the respective body and the Oahu public, educational, or
17 governmental access channel operator. The cost of recording
18 these proceedings does not include the production costs incurred
19 by the legislative broadcast program's contractor because they
20 are taken from the existing audio and video infrastructure,
21 involve little or no additional personnel cost, and are not
22 close captioned.



1 Potentially, recordings of committee hearings and briefings
2 not covered by the legislative broadcast program contractor
3 could be made using the audio or video feed provided by the
4 existing infrastructure in each legislative conference room and
5 then archived to the legislature's website. The cost of
6 recording and archiving these proceedings would be considerably
7 less than those produced by the contractor because they would
8 also be taken from the existing audio and video infrastructure
9 with no additional production costs, including costs
10 attributable to the use of multiple cameras, high quality audio,
11 or closed captioning. A pilot project to ascertain the
12 feasibility of this approach would permit the legislature to
13 make an informed decision about the costs and utility of
14 recording and archiving all legislative proceedings not
15 currently recorded and archived.

16 The purpose of this Act is to:

- 17 (1) Statutorily require the recording and archiving of all
18 legislative proceedings, subject to the availability
19 of funds; and
- 20 (2) Establish a pilot project to assess the feasibility
21 and estimate the cost of recording and archiving all
22 legislative proceedings.



1 SECTION 2. Section 21G-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established in the state capitol a
4 legislative broadcast program that shall become part of the
5 legislature's permanent public access program. The legislative
6 broadcast program shall make an audio or audiovisual recording
7 of all public hearings and informational briefings held at the
8 state capitol and shall maintain an archive of the recordings,
9 which shall be made available to the public to the extent funds
10 are made available for such purposes and subject to such
11 restrictions and procedures relating thereto as may be provided
12 by law or any applicable rules of the legislature."

13 SECTION 3. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$30,000 or so much
15 thereof as may be necessary for fiscal year 2014-2015 for the
16 purchase of necessary recording equipment and archival
17 materials, and the hiring of necessary staff.

18 The sums appropriated shall be expended by the legislative
19 reference bureau for the purposes of this Act.

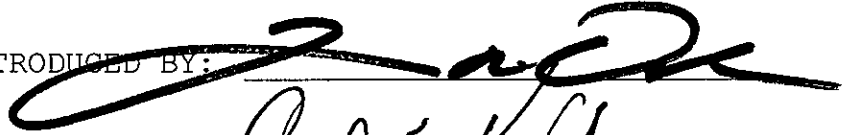
20 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2014.

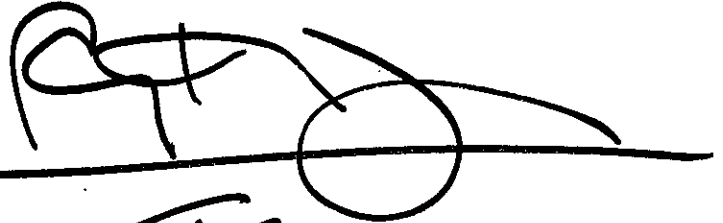
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H.B. NO. 1828

Report Title:

Public Access Room; Legislative Broadcast Program; Record

Description:

Requires 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. Appropriates funds. Effective 07/01/2014.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

