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

## Written Comments

### **HB416**

### **RELATING TO THE LEGISLATIVE BROADCAST PROGRAM**

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

Presented to the House Committee on Legislative Management

Wednesday, February 8, 2017, 2:00 p.m.  
Conference Room 423

Chair Kobayashi and Members of the Committee:

Good afternoon Chair Kobayashi and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.B. No. 416, Relating to the Legislative Broadcast Program.

The purpose of this bill is to:

- (1) Require the Legislative Broadcast Project 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 an unspecified sum in general funds in fiscal years 2017-2018 and 2018-2019 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 Project was established pursuant to section 21G-3, Hawaii Revised Statutes. According to that law, while the Legislative Broadcast Project was established as part of the Legislature's permanent public access program, the supervision of the Legislative Broadcast Project 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. The Bureau and the Public Access Room have no real control over the management of the Legislative Broadcast Project, nor do we have any experience with the negotiation of the contract for the services provided by the contractor, Access Media 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 the Legislative Broadcast Project contract. Instead, it is our understanding that there are a number of parties involved in the project. Each house of the Legislature budgets approximately \$112,500 of its own moneys each year for the Legislative Broadcast Project and jointly contracts with the contractor for the recording and distribution services. In fulfillment of the contract, Access Media Services Corporation then uses equipment provided by the Olelo Community Media, and works with Olelo to coordinate broadcasting and the web posting of content. (We understand that physical resources currently limit production to no more than two events at a time; to increase the scope of project to cover all events would involve a significant increase in resources as well as restructuring of the project.)

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](http://olelo.granicus.com/ViewPublisher.php?view_id=13) (Senate Webstreaming) and [http://olelo.granicus.com/ViewPublisher.php?view\\_id=31](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 (presumably, 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 Committee  
Chair Bertrand Kobayashi, Vice Chair John Mizuno

02/08/2017 at 2:00 PM in Room 423  
HB416 – Relating to the Legislative Broadcasting Program

TESTIMONY — STRONG SUPPORT  
Corie Tanida, Executive Director, Common Cause Hawaii

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

**Common Cause Hawaii strongly supports** HB416 which would require the Legislative Broadcast Program to make audio or audio or audiovisual recordings of all public hearings and informational briefings held at the State Capitol, to maintain the recordings in archive, and to make the recordings available to the public.

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

We commend your consideration of this important step to use existing technology and pathways to improve the public's access to the legislature and reducing barriers to their participation.

Thank you for the opportunity to offer testimony in **strong support of HB416**.



**Testimony to the House Committee on Legislative Management  
Rep. Bertrand Kobayashi, Chair  
Rep. John Mizuno, Vice Chair  
Wednesday, February 8, 2017 at 2:00 p.m.  
Conference Room 423  
HB 154, 416, 1547 - Relating to Legislative Hearings; the Legislative Broadcast Program;  
and to Remote Testimony**

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Dear Chair Kobayashi, Vice Chair Mizuno, and members of the committee:

On behalf of the Hawai'i Alliance of Nonprofit Organizations, I would like to offer our comments in support of **HB 154, 416 and 1547**, which all provide greater access to and transparency of the legislative process.

Hawai'i Alliance of Nonprofit Organizations (HANO) is a statewide, sector-wide professional association of nonprofits. Our mission is to unite and strengthen the nonprofit sector as a collective force to improve the quality of life in Hawai'i. Our member organizations provide essential services to every community in the state.

As a statewide organization, HANO believes it is important to engage nonprofit organizations and their communities on all islands throughout the state. Legislative modernizations like pre-recorded testimonies, remote live testimony and video recordings of past hearings, will make the legislative process more accessible to those who live and work on the neighbor islands, and/or who are homebound, and cannot come to the State Capitol in person. We support this effort to improve statewide public participation in our policymaking process.

As an island state, we value being inclusive of all citizens regardless of geographic distance.

Thank you very much for your consideration.

Mahalo,

Lisa Maruyama  
President and CEO

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 5, 2017 3:47 PM  
**To:** LMGtestimony  
**Cc:** canthecant@gmail.com  
**Subject:** Submitted testimony for HB416 on Feb 8, 2017 14:00PM

**HB416**

Submitted on: 2/5/2017

Testimony for LMG on Feb 8, 2017 14:00PM in Conference Room 423

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darlene Ewan	Individual	Support	No

Comments: I support this bill however you will need to include closed captioning as part legislative broadcast programming.

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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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 7, 2017 11:58 PM  
**To:** LMGtestimony  
**Cc:** the-green-one@hawaii.rr.com  
**Subject:** Submitted testimony for HB416 on Feb 8, 2017 14:00PM



**HB416**

Submitted on: 2/7/2017

Testimony for LMG on Feb 8, 2017 14:00PM in Conference Room 423

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Natalie Iwasa	Individual	Support	No

Comments: It would be very much appreciated if legislative hearings were recorded and available for on-demand viewing. Please vote "yes." (Please do not post my email address online.)

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HOUSE OF REPRESENTATIVES  
THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2017

COMMITTEE ON LEGISLATIVE MANAGEMENT

Testimony on H.B. 416

Hearing: February 8, 2017

RELATING TO THE LEGISLATIVE BROADCAST PROGRAM.

Chair Kobayashi, Vice Chair Mizuno and members of the Committee, my name is Peter Fritz. I am an individual with a hearing disability and an attorney. I am **offering comments because this bill does not address the needs of individuals with hearing disabilities.**

This bill 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.

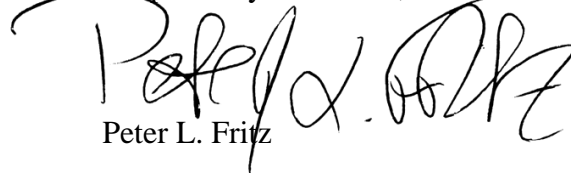
Many members of the public are deaf and communicate using American Sign Language (ASL). Other members of the public are hearing disabled and need a transcript of audio files or captioning for audiovisual files. Without captioning or ASL services, these files will be unavailable to these members of the public.

It may be possible to provide such services by contracting with a company to provide captioning or ASL services on demand. For example, hospitals sometimes use remote ASL services via the internet when an ASL interpreter is not available. Hawaii Relay <http://www.relayhawaii.com> will caption or provide an ASL interpreter for meetings that are teleconferenced. Perhaps Hawaii Relay can expand its services to offer similar services for the archived audio or audiovisual files. It is likely that other services are available.

It is respectfully submitted that the appropriation should include funds to contract with a company to provide on demand ASL interpretation for individuals who are deaf or captioning for the hearing disabled or kupuna that need such services to access archived audio or audiovisual recordings.

Thank you for the opportunity to testify.

Respectfully submitted,



Peter L. Fritz