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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 Finance

Monday, February 25, 2013, 1:30 p.m.
Conference Room 308

Chair Luke and Members of the Committee:

Good afternoon Chair Luke 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 foregoing 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 and the Bureau's Library lack the physical space to house and maintain recording equipment and additional 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.

In addition, we would like to note that if, in the future, these recordings are to become electronically accessible by posting the recordings on the Legislature's website, then there are certain operational and equipment issues that must first be addressed. If the recordings are to be accessed through the Legislature's website (a site that the Bureau has no control over), the additional electronic traffic could have a significant adverse impact on the speed of the Legislature's integrated computer systems (the current webstreaming project does not reside on the Legislature's system and therefore, any use of the electronic documents uploaded to the olelo.granicus.com site has no adverse impact on the Legislature's integrated computer systems). This issue would need to be resolved prior to moving forward with such an initiative.

Finally, since a significant portion of what this bill is seeking to accomplish is already being accomplished by an existing pilot project that reaches, at the very least, a statewide audience, it would seem more efficacious to expand the existing pilot project to include all proceedings of each chamber. We would like to note that if the pilot project is to be expanded, we estimate the cost, excluding the cost of any additional recording equipment, to be in excess of \$3,000,000. (See attached estimate.)

Thank you again for this opportunity to provide written comments.

ROUGH COST ESTIMATE FOR EXPANSION OF THE EXISTING LEGISLATIVE BROADCAST PROGRAM TO INCLUDE THE RECORDING OF ALL LEGISLATIVE PROCEEDINGS AT THE STATE CAPITOL DURING A REGULAR SESSION

The cost to expand the Legislative Broadcast Program to include the recording of all proceedings of the Legislature at the State Capitol during a given regular session, as envisioned under H.B. No. 1209, is estimated to be at just over \$3,000,000.

Method of Calculation

We arrived at the figure by first dividing the \$175,000 that is appropriated under the Legislature's budget act each year and divided that amount by 350 hours of broadcast recording time that the appropriation has historically purchased from the contractor, Access Services Corporation. The product of that calculation comes out to \$500 per recorded hour.

We then determined that there are currently thirty-five standing committees for both the House and Senate. For the purposes of creating this cost estimate, we estimated that each committee would have a recording allocation of eight hours per week. Since the current regular session is approximately 15.5 weeks long, we first multiplied the number of total standing committees (35), by the allocated recording hours per week (8), and then multiplied that amount by 15.5 (weeks). That amount came out to 4,340.

We then estimated that each session day (48) would require approximately 1.5 hours of recording time. Consequently, we multiplied the two numbers and arrived at an estimate of seventy-two recording hours for all floor sessions, multiplied by two (House and Senate). That estimate came out to 144 recording hours.

We then added the total estimated committee recording hours (4,340) to the total estimated floor session hours (144) and came to the sum of 4,484 estimated recording hours. That number was multiplied by \$500 (approximate cost per recording hour), which resulted in an amount of \$2,242,000.

In the abundance of caution, we then included closed captioning costs at \$175 hour by multiplying the total estimated recording hours (4,484) by \$175, which resulted in an amount of \$784,700. We then added the total estimated recording cost (\$2,242,000) to the estimated closed captioning cost (\$784,700), which resulted in the sum of \$3,026,700.

Other Cost Factors

We note that this estimate does not include any hardware costs that would need to be incurred by the contractor, Olelo, or the Department of Commerce and Consumer Affairs to purchase the necessary camera and recording equipment for the House and Senate chambers, the auditorium, and every single conference room in the State Capitol that hosts a public hearing. Those costs would probably be significant as well, but we have no information on the cost of such equipment.



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HOUSE FINANCE COMMITTEE

Rep. Sylvia Luke, Chair, Rep. Scott Y. Nishimoto, Vice-Chair, Rep. Aaron Ling Johanson, Vice-Chair

Monday, February 25, 2013, 1:30 p.m., Conference Room 308

HB 1209 HSCR182, Relating to the Legislative Broadcast Program

TESTIMONY

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

Chair Luke, Vice-Chairs Nishimoto and Johanson and Committee Members:

The League of Women Voters of Hawaii supports HB1209, HSCR182 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.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 23, 2013 10:07 AM
To: FINTestimony
Cc: OccupyHiloMedia@yahoo.com
Subject: Submitted testimony for HB1209 on Feb 25, 2013 13:30PM

HB1209

Submitted on: 2/23/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Marks	Occupy Hilo Media Team	Support	No

Comments: Strongly Support! The vast majority of us living on the outer islands cannot afford to take off a whole day of work and fly over to Oahu to testify or listen to the proceedings. Having these hearings and especially the informational briefings available for on-demand viewing is crucial to our ability to participate and be informed of the proceedings. The Occupy Hilo Media Team has been archiving and storing hearings broadcast on YouTube for free for over a year. The cost of digital storage is at an all time low right now, and the benefit to the public for providing this service is HUGE. Mahalo for considering this bill. Please pass and fund this measure. Kerri Marks Occupy Hilo Media Team Hawaii Island

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: 2/22/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
MS Matson	Individual	Support	No

Comments: Strongly support,

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FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 23, 2013 9:30 PM
To: FINTestimony
Cc: barbarapolk@hawaiiintel.net
Subject: Submitted testimony for HB1209 on Feb 25, 2013 13:30PM

HB1209

Submitted on: 2/23/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara B. Polk	Individual	Support	No

Comments: Archiving of hearings is important. However, the bill needs to be amended to make sure that the public has access to the hearing very shortly after it takes place (within 24 hours?). 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 have taken place. Better yet, the legislature needs to move toward live on-line broadcast of all hearings.

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FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 23, 2013 12:43 AM
To: FINTestimony
Cc: shannonkona@gmail.com
Subject: *Submitted testimony for HB1209 on Feb 25, 2013 13:30PM*

HB1209

Submitted on: 2/23/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

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FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 23, 2013 4:39 PM
To: FINTestimony
Cc: tabraham08@gmail.com
Subject: *Submitted testimony for HB1209 on Feb 25, 2013 13:30PM*

HB1209

Submitted on: 2/23/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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