

JAN 18 2008

A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

1 SECTION 1. Hawaii's four public, educational, and
2 governmental access organizations, Olelo Community Television;
3 Akaku: Maui Community Television; Ho'ike: Kauai Community
4 Television; and Na Leo o Hawaii provide equipment and
5 infrastructure for public, educational, and governmental access
6 in all four counties. They are charged with the mission of
7 providing nondiscriminatory access to facilities and channels
8 and serving all three segments--public, education, and
9 government--equitably. Yet input from the public on its needs
10 has been virtually ignored, while the educational and
11 governmental entities' requests have been fulfilled and continue
12 to be the major focus of the access organizations.

13 Access organizations have been alleged to be spending
14 inordinate amount of funds on in-house productions, which have
15 preempted scheduling from certified clients who pay out of
16 pocket, turning the face of public, education, and government



1 access toward the corporate world and away from underserved
2 segments of the public.

3 Allegations of wrongdoing have arisen in regard to the
4 department of commerce and consumers affairs, which regulates
5 the access organizations. These allegations include possible
6 partisan preferential treatment of candidates for recent state
7 and federal elections, allegations of malfeasance by department
8 of commerce and consumer affairs personnel, and forcing the
9 access corporations to change their bylaws to give majority
10 board appointment power to the director of commerce and consumer
11 affairs. There was also an allegation of wrongdoing in the
12 governor's refusal to appoint members to the cable advisory
13 committee during crucial times.

14 Allegations have also arisen against the access
15 organizations themselves, including accusations that there was
16 interference with nondiscriminatory access to facilities and
17 channels, closing meetings to the public, and an emphasis on the
18 access organizations creating their own content rather than
19 facilitating the public with creating their own.

20 Furthermore, now that there is only one statewide cable
21 monopoly, there is concern that self-dealing can and will arise
22 between the department of commerce and consumer affairs, the



1 access organizations boards, the majority of which are appointed
2 by the department of commerce and consumer affairs and the
3 minority of which are appointed by the cable company, and the
4 cable company.

5 The State does not stand helpless in the face of these
6 serious allegations of impropriety and wrongdoing. These
7 organizations, while ostensibly private, are so closely entwined
8 with the State that the office of information practices issued
9 an opinion in 2003 involving two of the organizations, stating
10 that they should be considered agencies of the State for the
11 purposes of having to comply with chapter 92F, Hawaii Revised
12 Statutes, the Uniform Information Practices Act. The office's
13 rationale would apply equally to all four organizations. Since
14 2003, no opinion has been issued to the contrary. Accordingly,
15 the legislature finds that, as the access organizations are
16 state agencies for the purposes of the Uniform Information
17 Practices Act, so too are they state agencies for the purpose of
18 financial and management audits. The purpose of this Act is to
19 require audits of the public, educational, and governmental
20 access organizations.

21 SECTION 2. The auditor shall perform financial and
22 management audits of Olelo Community Television; Akaku: Maui



1 Community Television; Ho'ike: Kauai Community Television; and
2 Na Leo o Hawaii. The auditor shall report findings and
3 recommendations to the legislature no later than July 1, 2009.
4 The auditor may audit each organization individually.

5 SECTION 3. This Act shall take effect on July 1, 2008.

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INTRODUCED BY: 



Report Title:

Public, Education, and Government Access Organizations; Audit

Description:

Requires the auditor to perform a financial and managerial audit of the public, education, and government access organizations.

