

**ACT 174**

H.B. NO. 3154

A Bill for an Act Relating to Public Access.

*Be It Enacted by the Legislature of the State of Hawaii:*

**PART I. PURPOSE**

**SECTION 1.** The legislature reaffirms its commitment to the legislative public access program and to enhanced citizen participation in the legislative process, which it believes is fundamental to the maintenance of a healthy democracy.

Since 1990, a major component of the legislature's public access program has been the public access room in the state capitol, which provides staff to educate citizens in the legislative process and the use of computer technology for retrieving legislative information.

Another major component of the public access program has been the broadcasting of floor sessions, committee hearings, and briefings via cable television to all counties in the State.

An exciting new component of the public access program for the upcoming fiscal year is the legislative internet project, which will allow citizens internet access to the ACCESS legislative computer information service.

The purpose of this Act is to:

- (1) Provide continued legislative support and funding for the legislative public access program, which includes the public access room, legislative broadcast project, and the new legislative internet project;
- (2) Transfer the functional duties of the public access room to the legislative reference bureau; and
- (3) Establish a joint legislative access committee.

## PART II. PUBLIC ACCESS ROOM

SECTION 2. Section 21G-2, Hawaii Revised Statutes, is amended to read as follows:

**“[§21G-2] Public access room established.** (a) There is established in the state capitol a public access room in which members of the public shall be allowed to utilize various equipment, services, and facilities to enhance their ability to participate in the legislative process. [The costs of operation shall be borne equally by both houses of the legislature.]

(b) The public access room shall be maintained by the legislative reference bureau.”

SECTION 3. Section 23G-3, Hawaii Revised Statutes, is amended to read as follows:

**“§23G-3 General purposes of bureau.** The purpose of the office of the legislative reference bureau shall be[:] to:

- (1) [To provide] Provide a comprehensive research and reference service on legislative problems for the legislature;
- (2) [To conduct] Conduct impartial research, including legal research, as may be necessary for the enactment of substantive legislation, upon request by the legislature, legislative committees, or legislators, or on its own initiative;
- (3) [To disseminate] Disseminate its research findings to the legislature on all research projects undertaken upon the request of the legislature or legislative committees;
- (4) [To secure] Secure reports of various officers and boards of the State and as far as may be of the states and of the other territories of the United States and such other material, periodicals, or books as will furnish the fullest information practicable upon all matters pertaining to current or proposed legislative problems;
- (5) [To secure] Secure information for the legislature, legislative committees, and legislators by cooperating with the legislative reference services in the states and with the legislative service conference maintained by the council of state governments;
- (6) [To maintain] Maintain a reference library for use by the legislature and legislative service agencies. Subject to the priorities established by the director, reference materials may be made available to the various departments and agencies of the State and the general public;
- (7) [To draft] Draft or aid in drafting bills, resolutions, memorials, and amendments thereto, including committee reports, for the legislature, legislative committees, and legislators when requested;
- (8) [To control] Control and maintain the operations of any legislative data processing program as may be established;

- (9) [To serve,] Serve, upon request, in an advisory capacity to the legislature and its committees on all matters within its competencies and responsibilities;
- (10) [To assist,] Assist, upon request, legislative service agencies on matters within its competency; [and]
- (11) [To perform] Perform the function of statute revision and publication of session laws, supplements, and replacement volumes[.]; and
- (12) Maintain the public access room established by chapter 21G.”

SECTION 4. All rights, powers, functions, and duties of the public access room shall be transferred to the legislative reference bureau.

All employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act.

SECTION 5. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the public access room shall be transferred to the legislative reference bureau with the functions to which they relate.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$85,000 or so much thereof as may be necessary for fiscal year 1996-1997 to provide year-round funding for staff, equipment, and operations of the public access room.

The sum appropriated shall be expended by the legislative reference bureau to carry out the purposes of this part.

### PART III. BROADCASTS OF LEGISLATIVE PROCEEDINGS

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000 or so much thereof as may be necessary for fiscal year 1996-1997 for the legislative broadcast project, including but not limited to the production and distribution of television broadcasts of legislative proceedings during 1996-1997.

The sum appropriated shall be expended by the legislature to carry out the purposes of this section.

The legislature may employ, without regard to chapters 76 and 77, Hawaii Revised Statutes, such persons as it deems necessary to conduct the legislative broadcast project.

SECTION 8. Act 5, Special Session Laws of Hawaii 1995, is amended by amending section 7 to read as follows:

“SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$20,000[,] or so much thereof as may be necessary for fiscal [year] years 1995-1996[,] and 1996-1997 for [plans and design to install] the installation of electronic hardware and equipment, which may include but not be limited to cameras, cables, control panels, and other equipment to provide greater public access to the legislature through television broadcasts of legislative proceedings.

The sum appropriated shall be expended by the legislature for the purposes of this part.”

#### PART IV. INTERNET ACCESS

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of \$70,000 or so much thereof as may be necessary for fiscal year 1996-1997 to provide funding for equipment and operations of the legislative internet project, which shall allow for the public access to “ACCESS”, the legislative computer information service on the internet.

The sum appropriated shall be expended by the legislature to carry out the purposes of this part.

#### PART V. JOINT LEGISLATIVE ACCESS COMMITTEE

SECTION 10. There is established the joint legislative access committee which shall be composed of members of the legislature. The president of the senate and the speaker of the house of representatives shall each appoint a co-chair and two members or more to the committee, one of whom shall be a member of the minority party.

The committee shall:

- (1) Oversee the staff and operations of the legislative broadcast project, and recommend policies for the project which shall be adopted by concurrent resolution; and
- (2) Review the operations of the public access room, legislative internet project, and other public access projects of the legislature and recommend policies for these projects to the president of the senate and the speaker of the house of representatives.

#### PART VI. AGENCY OR COMMISSION BROADCASTS OF STATE PROCEEDINGS

SECTION 11. The public utilities commission is requested to cablecast selected commission proceedings of interest to the public on cable television public access channels with timely notice provided to the public, and to coordinate with the cable television public access organizations to request use of cablecast equipment, technical assistance, programming air time, and possible crew contracts. The commission shall report to the legislature no later than twenty days prior to the convening of the 1997 regular session regarding its progress in this concern.

#### PART VII. SPECIAL FUND

SECTION 12. Chapter 21D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§21D- Hawaii legislative publications special fund; established. (a)** There is established a Hawaii legislative publications special fund within the treasury of the State into which shall be deposited:

- (1) All licensing fees or royalties derived from the publication of the Hawaii Revised Statutes in electronic format;
- (2) All appropriations made by the legislature to the fund; and
- (3) Any other proceeds derived from the publication and use of other legislative publications and information services in an electronic format.

All interest accrued by the revenues of the fund shall become part of the fund.

(b) Moneys in the Hawaii legislative publications special fund shall be used by the legislature to operate and improve the computer and public access systems of the legislature. Expenditures from the Hawaii legislative publications special fund shall be authorized and disbursed through joint agreement of the president of the senate and the speaker of the house of representatives.

(c) The Hawaii legislative publications special fund shall not be subject to section 36-27, 36-30, or 37-53.”

SECTION 13. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 14. This Act shall take effect on June 28, 1996.

(Approved June 17, 1996.)

**Note**

1. Edited pursuant to HRS §23G-16.5.