

MAR 13 2008

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# SENATE CONCURRENT RESOLUTION

REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF HAWAII'S PUBLIC,  
GOVERNMENTAL, AND EDUCATIONAL ACCESS ORGANIZATIONS.

1           WHEREAS, 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; and

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8           WHEREAS, these four organizations are charged with the  
9 mission of providing nondiscriminatory access to facilities and  
10 channels while serving the public, education, and government  
11 segments equitably; and

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13           WHEREAS, the input from the public on its needs, however,  
14 has been virtually ignored, while the educational and  
15 governmental entities' requests have been fulfilled and continue  
16 to be the major focus of the access organizations; and

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18           WHEREAS, it has been alleged that access organizations have  
19 been spending an inordinate amount of funds on in-house  
20 productions, which have preempted scheduling from certified  
21 clients who pay out-of-pocket, turning the face of public,  
22 education, and government access toward the corporate world and  
23 away from underserved segments of the public; and

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25           WHEREAS, allegations of wrongdoing have arisen in regard to  
26 the Department of Commerce and Consumers Affairs, which  
27 regulates the access organizations, including possible partisan  
28 preferential treatment of candidates for recent state and  
29 federal elections, allegations of malfeasance by the Department  
30 of Commerce and Consumer Affairs personnel, and forcing the  
31 access corporations to change their bylaws to give majority  
32 board appointment power to the Director of Commerce and Consumer  
33 Affairs; and



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WHEREAS, allegations have also arisen against the access organizations themselves, including accusations that there has been interference with nondiscriminatory access to facilities and channels, closing meetings to the public, and an emphasis on the access organizations creating their own content rather than facilitating the public in creating their own content; and

WHEREAS, now that there is only one statewide cable monopoly, there is concern that self-dealing can and will arise between the Department of Commerce and Consumer Affairs, the access organizations boards, the majority of which are appointed by the Department of Commerce and Consumer Affairs and the minority of which are appointed by the cable company; and

WHEREAS, these organizations, while ostensibly private, are so closely connected with the State that the Office of Information Practices issued an opinion in 2003 involving two of these organizations, stating that they should be considered agencies of the State for the purposes of having to comply with chapter 92F, Hawaii Revised Statutes, the Uniform Information Practices Act; and

WHEREAS, the Office of Information Practice's 2003 opinion would also apply to these two other access organizations; and

WHEREAS, since 2003, no other opinion has been issued to the contrary, therefore, as these access organizations are state agencies for the purposes of the Uniform Information Practices Act, so too are they state agencies for the purpose of financial and management audits; and

WHEREAS, the public is charged and pays a fee to these access organizations through their cable bills; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, the House of Representatives concurring, that the Auditor is requested to perform financial and managerial audits of Hawaii's four public, educational, and governmental access organizations; and

BE IT FURTHER RESOLVED that the Auditor submit the findings and recommendations of the audits to the Legislature not later

1 than twenty days prior to the convening of the 2009 Regular  
2 Session; and

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BE IT FURTHER RESOLVED that certified copies of this  
Concurrent Resolution be transmitted to the Auditor, the  
Director of Commerce and Consumer Affairs, and the executive  
directors of: Olelo Community Television, Akaku: Maui  
Community Television, Ho'ike: Kauai Community Television, and Na  
Leo o Hawaii.

OFFERED BY:

  
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By Request

