

JAN 23 2015

A BILL FOR AN ACT

RELATING TO FAIR PUBLIC ACCESS.

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

1 SECTION 1. The legislature finds that a centralized system
2 of state government provides for efficient coordination of
3 government functions and services, especially for a population
4 spread out over separate islands. However, issues relating to
5 accessibility and delivery of government information, services,
6 and proceedings to residents living on the neighbor islands as
7 well as rural Oahu remain an ongoing challenge, in part because
8 of the centralized location of state government in Honolulu's
9 urban core.

10 The legislature further finds that the residents of Hawaii,
11 Maui, Molokai, Lanai, Kauai, Niihau, and rural Oahu are
12 disadvantaged because of their location away from the seat of
13 government in Honolulu. This is true even though advancements
14 in technology, especially in the field of telecommunications,
15 have significantly reduced physical distance as a limitation on
16 the ability of these residents to access government information,
17 personnel, and proceedings.



S.B. NO. 523

1 The legislature believes it is the responsibility of
2 government, through its executive, legislative, and judicial
3 branches, to ensure that the residents of all islands have fair
4 access to government information, services, and proceedings. To
5 this end, the legislature finds that a statewide fair access
6 commission, such as the one convened in 1989, may prove
7 beneficial in providing recommendations to the governor.
8 Moreover, the joint legislative access committee, statutorily
9 created in 1996, has similar duties and thus is the most
10 appropriate body to recommend ways to ensure fair access to
11 legislative proceedings and information.

12 The purpose of this Act is to:

- 13 (1) Authorize the governor to establish a statewide fair
14 access commission;
- 15 (2) Require the statewide fair access commission and the
16 joint legislative access committee to review,
17 evaluate, and make recommendations for improving the
18 level of access by neighbor island and rural Oahu
19 residents to proceedings, information, and services of
20 government; and



1 (3) Appropriate funds to carry out the work of the fair
2 access commission.

3 SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended
4 by adding a new section to be appropriately designated and to
5 read as follows:

6 "§27- Fair access to state government. (a) The office
7 of the governor shall be responsible for ensuring that residents
8 throughout the State have fair access to government information,
9 services, and proceedings.

10 (b) Pursuant to subsection (a), the governor may appoint a
11 statewide fair access commission composed of representatives
12 from all the islands in the State to review, evaluate, and make
13 recommendations for improving the level of access to government
14 by residents on the neighbor islands and rural Oahu.

15 (c) The legislature shall be responsible for ensuring fair
16 access to information, services, and proceedings of the
17 legislative branch through programs that enable residents
18 statewide to have access to audio and video broadcasts of
19 legislative proceedings, legislative documents, and public
20 education and other services through technologies that allow
21 access by residents on all islands in the State.



1 (d) The judiciary shall be responsible for ensuring fair
2 access to information, services, and proceedings of the judicial
3 branch; provided that the judiciary shall determine which
4 records are non-administrative records of the judiciary and thus
5 not subject to disclosure under the provisions of chapter 92F."

6 SECTION 3. Section 21D-6, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~§~~21D-6 Joint legislative access committee.] There
9 is established the joint legislative access committee which
10 shall be composed of members of the legislature. The president
11 of the senate and the speaker of the house of representatives
12 shall each appoint a co-chair and two members or more to the
13 committee, one of whom shall be a member of the minority party.

14 The committee shall:

- 15 (1) Oversee the staff and operations of the legislative
16 broadcast [~~project,~~] program and recommend policies
17 for the project which shall be adopted by concurrent
18 resolution; [~~and~~]
- 19 (2) Review the operations of the public access room,
20 legislative internet project, and other public access
21 projects of the legislature and recommend policies for



1 these projects to the president of the senate and the
2 speaker of the house of representatives [-]; and
3 (3) Review, evaluate, and make recommendations to the
4 presiding officers of the house of representatives and
5 the senate for improving the level of access to
6 proceedings, information, and services of the
7 legislature by residents on the neighbor islands and
8 in rural Oahu."

9 SECTION 4. Section 27-1, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§27-1 **Functions of statewide concern.** The purpose of the
12 chapter is to fix responsibility for certain functions, which
13 are of statewide concern, in the state government. These
14 functions which are declared to be state functions are as
15 follows:

16 (1) Planning, construction, improvement and maintenance of
17 public school facilities and grounds and the
18 transportation of school children; provided that
19 nothing in this paragraph shall preclude the several
20 counties from expending their own funds to supplement
21 state funds;



- 1 (2) Burial of indigents;
- 2 (3) Planning, construction, improvement, maintenance, and
- 3 operation of public hospitals and other public health
- 4 and medical facilities;
- 5 (4) Rendering of medical treatment and hospitalization
- 6 services to state and county pensioners;
- 7 (5) Administration and operation of district courts; and
- 8 (6) Providing information [~~and~~], services, and access to
- 9 government proceedings to the public through joint
- 10 cooperation with the several counties[-] and a program
- 11 to ensure fair access for residents living on the
- 12 neighbor islands and in rural Oahu."

13 SECTION 5. There is appropriated out of the general
 14 revenues of the State of Hawaii the sum of \$ or so
 15 much thereof as may be necessary for fiscal year 2015-2016 and
 16 the same sum or so much thereof as may be necessary for fiscal
 17 year 2016-2017 to establish and carry out the work of the fair
 18 access commission.

19 The sums appropriated shall be expended by the office of
 20 the governor for the purposes of this Act.



S.B. NO. 523

1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2015.
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S.B. NO. 523

Report Title:

State Government; Fair Access Commission; Neighbor Island Access; Rural Access; Appropriation

Description:

Requires the governor, legislature including the joint legislative access committee, and judiciary to ensure public access to information, services, and proceedings of the executive, legislative, and judicial branches, respectively. Authorizes the governor to convene a statewide fair access commission to review public access issues for the neighbor islands and rural Oahu. Appropriates funds to establish and carry out the work of the fair access commission.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

