

ACT 199

S. B. NO. 1588-72

A Bill for an Act Relating to Public Broadcasting.

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

SECTION 1. **Purpose.** The purpose of this Act is to stimulate the growth and development of public broadcasting to enlighten all the citizens of Hawaii by establishing an organization for public broadcasting to be known as the Hawaii public broadcasting authority and a governing body to be known as the board of public broadcasting.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER**  
**HAWAII PUBLIC BROADCASTING AUTHORITY**

**Sec. -1 Authority established; purpose.** There is hereby established the ‘Hawaii public broadcasting authority’. The authority shall be under the control of the board described in section -2 and be placed within the department of regulatory agencies for administrative purposes.

The purpose of the authority is to establish, manage, control and operate public broadcasting facilities, to produce or otherwise obtain for broadcast, programs intended to enlighten the people of the State, and to air such programs to the citizens of Hawaii.

**Sec. -2 Board; composition; appointment; removal.** There is hereby established the board of public broadcasting of eleven members.

All members shall be appointed by the governor as provided in section 26-34. The composition of the board shall reflect the distribution of the State population, with consideration for the varied community needs and interests in public broadcasting; provided, that there shall be at least one member from each of the counties of the State. One member of the board may be a representative of the commercial broadcasting industry. In addition to the appointed members the superintendent of education and the president of the university of Hawaii shall serve as ex officio, non-voting members of the board.

Any member of the board who is absent without cause for two consecutive meetings shall be removed by the governor.

**Sec. -3 Term; vacancy.** Members of the board shall serve for terms of six years and until their successors have been appointed and qualified. Of the members originally appointed, four shall be appointed for a term of two years, four for four years, and three for six years.

A member shall not serve for more than two consecutive terms.

**Sec. -4 Compensation; expenses.** All members shall serve without compensation but shall be reimbursed for travel and other expenses incurred in the performance of their duties.

**Sec. -5 Chairman.** The board shall select a chairman from its appointed members annually, who shall serve no more than two consecutive years as chairman.

**Sec. -6 Meeting; notice, records and minutes.** There shall be at least one meeting of the board every three months. The chairman may call a meeting of the board at any time by giving at least seven days’ written notice of the time and place of the meeting to all other members.

Any six appointed members may call a meeting of the board by giving at least ten days’ written notice of the time and place of the meeting to all other members.

A meeting of the board may be called at any time without notice if all appointed members agree.

The board shall keep records and minutes of all meetings of the board.

**Sec. -7 Quorum; voting power; majority; deadlock.** Six members shall constitute a quorum to transact business.

Each appointed member present at a meeting shall have one vote.

Any action taken shall be by a simple majority of the appointed members present at a meeting. If the vote on any matter is deadlocked, every appointed member present shall cast a vote.

**Sec. -8 Powers.** Except as otherwise provided in this chapter, the board may do all acts necessary to carry out the purposes of the authority, including but not limited to:

- (1) Establishing public broadcasting facilities and governing, controlling and operating each facility.
- (2) Establishing policies for the use of and charges for production services and broadcast facilities, including the use of and charges for air time.
- (3) Establishing policies for the allocation of air time, including the basic allocation of air time between instructional television and public television.
- (4) Applying for, receiving, and holding such authorizations and licenses and assignments and reassignments of channels from the federal communications commission as may be necessary to conduct its operations.
- (5) Establishing and abolishing advisory committees as it deems necessary for technical and program assistance.
- (6) Contracting with program production organizations, individuals, and noncommercial educational television stations within and without the State to produce, or otherwise to procure, programs for use by non-commercial stations within the State.
- (7) Making arrangements, where appropriate, with companies or other agencies and institutions operating suitable interconnection facilities.
- (8) Soliciting and receiving funds from private sources.

**Sec. -9 Duties.** The board shall do all acts necessary to achieve the purpose of this chapter, including but not limited to:

- (1) Hiring an executive director to function as general manager of all public broadcasting facilities.
- (2) Reviewing and approving all budgets, including operating and capital improvement programs.
- (3) Formulating specific objectives, format and emphasis and program standards for public broadcast programming.
- (4) Determining the character, diversity, quality, and excellence of programming which is released via its licensed facilities.
- (5) Developing, directing, and supervising public television programming.

- (6) Coordinating, when appropriate, the compatibility of equipment and systems acquired and used by other agencies, including but not limited to, the department of education and the university of Hawaii.

**Sec. -10 Executive director and staff.** The board shall appoint an executive director who shall not be subject to chapters 76 and 77. The board shall, subject to approval of the governor, determine the salary of the executive director which shall not be more than ninety-five per cent of the salary of the director of regulatory agencies.

The executive director shall hire at pleasure, with the approval of the board, such staff as may be necessary to carry out the purposes of this chapter. In determining the salary of each employee hired by the director, he shall consult with the department of personnel services and shall follow as closely as possible the recommendations of the department.

**Sec. -11. Transfer provisions.** Upon the appointment of not less than six members of the board of public broadcasting by the governor as provided in section -2, the board shall assume all responsibilities and functions heretofore performed by the State educational television council and the university of Hawaii board of regents with respect to educational television.

The board, in cooperation with the agencies affected by this chapter, shall submit to the seventh State legislature, twenty days before the regular session of 1973 convenes, (1) such proposals as it may deem necessary or desirable to effect the transfer of real property, personal property and personnel to carry out the purposes of this chapter, (2) a budget for the next fiscal biennium and program and financial plans as prescribed by chapter 37, (3) a compensation plan for its employees, and (4) such other related matters as it may determine should properly be considered by the legislature at said regular session.

Pending the approval by the legislature of the transfer of real property, personal property and personnel to carry out the purposes of this chapter, all employees of the university of Hawaii division of educational television shall be temporarily assigned to the authority, and the university of Hawaii shall continue to be responsible for expenditures for personnel, property, facilities, equipment, and all other costs relating to the management, operation, and maintenance of the educational television network as authorized by appropriations of the legislature.

**Sec. -12 Annual report.** The board shall submit an annual report, including a full disclosure of the objectives, accomplishments, policies, financial condition, and recommendations of the authority, to the governor and the legislature by December 31 for the preceding fiscal year.

**Sec. -13 Revolving fund.** There is established in the State treasury a fund to be known as the public broadcasting revolving fund which shall be utilized for the purpose of receiving and expending funds derived from private sources for services and airtime, and State funds specifically appropriated for deposit into the public broadcasting revolving fund."

**SECTION 3.** This Act, upon its approval, shall be effective July 1, 1972. The members of the State educational television council shall continue to per-

form public broadcasting functions as provided by law prior to the passage of this Act until such time that the governor has appointed a majority of the members of the board of public broadcasting as provided in section -2 of the new chapter established herein.

(Approved June 5, 1972.)