

STAND. COM. REP. NO. 714

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1680
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 1680, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TECHNOLOGY,"

begs leave to report as follows:

The purpose of this measure is to establish the Hawaii Broadband Commissioner to implement recommendations of the Hawaii Broadband Task Force.

Specifically, this measure:

- (1) Establishes the Hawaii Broadband Commissioner within the Department of Commerce and Consumer Affairs;
- (2) Transfers regulatory functions relating to telecommunications providers and telecommunications services from the Public Utilities Commission to the Hawaii Broadband Commissioner;
- (3) Transfers regulatory functions relating to cable operators from the Department of Commerce and Consumer Affairs to the Hawaii Broadband Commissioner;
- (4) Requires a cable operator to designate five or more channels for public, educational, or governmental use;



- (5) Authorizes the Hawaii Broadband Commissioner to adopt rules relating to the designation of public, educational, or governmental (PEG) access organizations;
- (6) Clarifies the status of ownership of PEG access organization assets;
- (7) Establishes the commissioner special fund to be administered by the Hawaii Broadband Commissioner, to fund the operations and programs of the Hawaii Broadband Commissioner;
- (8) Requires the transfer of four existing positions from the Cable Television Division of the Department of Commerce and Consumer Affairs and ten positions from the Department of Commerce and Consumer Affairs to be transferred to the Hawaii Broadband Commissioner;
- (9) Requires the Hawaii Broadband Commissioner to convene a work group to develop procedures for streamlined regulatory, franchising, and permitting for broadband service and technology and requires the work group to report its findings to the Legislature;
- (10) Requires the Legislative Reference Bureau to review Hawaii laws relating to broadband and related subjects and recommend amendments of these laws to conform to the new Hawaii Broadband Commissioner law or to facilitate implementation of that law; and
- (11) Takes effect on January 1, 2050.

Your Committee received one written comment on this measure. The written comment may be reviewed on the Legislature's website.

Your Committee finds that communications technologies of telecommunications, cable, and broadband have become increasingly intertwined, such that advances in any one technology have important ramifications for the others. Your Committee further finds that a unified approach to regulating providers of these services is required. Your Committee finds that this measure will enable the consolidated regulation of cable and telecommunications while promoting the growth and development of broadband infrastructure throughout the State. Your Committee believes that expanded access to affordable broadband will facilitate greater



economic and educational opportunities for individuals and businesses in the State.

Your Committee has amended this measure by:

- (1) Specifying that expenditures of cable franchise fee revenues by PEG access organizations shall not be subject to chapter 103D and revenues derived from cable franchise fees are not appropriations or funds of the State;
- (2) Authorizing the Hawaii Broadband Commissioner to apply for and receive federal moneys under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, and other applicable federal acts, for the purposes of developing broadband projects;
- (3) Designating the Hawaii Broadband Commissioner as the entity responsible for preparing broadband inventory maps as described in the American Recovery and Reinvestment Act of 2009 and the Broadband Data Improvement Act;
- (4) Appropriating an unspecified amount from the federal funds subaccount of the commissioner special fund to be used for broadband projects; and
- (5) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1680, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1680, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

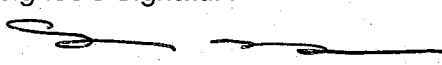


DONNA MERCADO KIM, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 1000 SPI	Committee Referral: EDT/CPN, WAM	Date: MAR 2, 2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol	/			
GALUTERIA, Brickwood	/			
HEE, Clayton				/
HOOSER, Gary L.	/			
KIDANI, Michelle N.	/			
KOKUBUN, Russell S.				/
TOKUDA, Jill N.	/			
HEMMINGS, Fred	/			
TOTAL	10	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes