
A BILL FOR AN ACT

RELATING TO CABLE TELEVISION.

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

1 SECTION 1. The purpose of this Act is to provide the
2 department of commerce and consumer affairs with explicit
3 statutory authority to implement a program to provide additional
4 funding to support public, educational, and governmental cable
5 television access in underserved areas of the State.

6 SECTION 2. Section 26-9, Hawaii Revised Statutes, is
7 amended by amending subsection (o) to read as follows:

8 "(o) Every person licensed under any chapter within the
9 jurisdiction of the department of commerce and consumer affairs
10 and every person licensed subject to chapter 485 shall pay upon
11 issuance of a license, permit, certificate, or registration a
12 fee and a subsequent annual fee to be determined by the director
13 and adjusted from time to time to ensure that the proceeds,
14 together with all other fines, income, and penalties collected
15 under this section, do not surpass the annual operating costs of
16 conducting compliance resolution activities required under this
17 section. The fees may be collected biennially or pursuant to
18 rules adopted under chapter 91, and shall be deposited into the



1 special fund established under this subsection. Every filing
2 pursuant to chapter 514E or section 485-6(15) shall be assessed,
3 upon initial filing and at each renewal period in which a
4 renewal is required, a fee that shall be prescribed by rules
5 adopted under chapter 91, and that shall be deposited into the
6 special fund established under this subsection. Any unpaid fee
7 shall be paid by the licensed person, upon application for
8 renewal, restoration, reactivation, or reinstatement of a
9 license, and by the person responsible for the renewal,
10 restoration, reactivation, or reinstatement of a license, upon
11 the application for renewal, restoration, reactivation, or
12 reinstatement of the license. If the fees are not paid, the
13 director may deny renewal, restoration, reactivation, or
14 reinstatement of the license. The director may establish,
15 increase, decrease, or repeal the fees when necessary pursuant
16 to rules adopted under chapter 91. The director may also
17 increase or decrease the fees pursuant to section 92-28.

18 There is created in the state treasury a special fund to be
19 known as the compliance resolution fund to be expended by the
20 director's designated representatives as provided by this
21 subsection. Notwithstanding any law to the contrary, all
22 revenues, fees, and fines collected by the department shall be



1 deposited into the compliance resolution fund. Unencumbered
2 balances existing on June 30, 1999, in the cable television fund
3 under chapter 440G, the division of consumer advocacy fund under
4 chapter 269, the financial institution examiners' revolving
5 fund, section 412:2-109, the special handling fund, section 414-
6 13, and unencumbered balances existing on June 30, 2002, in the
7 insurance regulation fund, section 431:2-215, shall be deposited
8 into the compliance resolution fund. This provision shall not
9 apply to the drivers education fund underwriters fee, section
10 431:10C-115, insurance premium taxes and revenues, revenues of
11 the workers' compensation special compensation fund, section
12 386-151, the captive insurance administrative fund, section
13 431:19-101.8, the insurance commissioner's education and
14 training fund, section 431:2-214, the medical malpractice
15 patients' compensation fund as administered under section 5 of
16 Act 232, Session Laws of Hawaii 1984, and fees collected for
17 deposit in the office of consumer protection restitution fund,
18 section 487-14, the real estate appraisers fund, section 466K-1,
19 the real estate recovery fund, section 467-16, the real estate
20 education fund, section 467-19, the contractors recovery fund,
21 section 444-26, the contractors education fund, section 444-29,
22 and the condominium education trust fund, section 514B-71. Any



1 law to the contrary notwithstanding, the director may use the
2 moneys in the fund to employ, without regard to chapter 76,
3 hearings officers, investigators, attorneys, accountants, and
4 other necessary personnel to implement this subsection. Any law
5 to the contrary notwithstanding, the moneys in the fund shall be
6 used to fund the operations of the department. Any law to the
7 contrary notwithstanding, the director may use moneys in the
8 fund deposited under chapter 440G to support public,
9 educational, and governmental access facilities, equipment, and
10 operations in underserved areas pursuant to the standards and
11 conditions adopted in accordance with section 440G-15. The
12 moneys in the fund may be used to train personnel as the
13 director deems necessary and for any other activity related to
14 compliance resolution.

15 As used in this subsection, unless otherwise required by
16 the context, "compliance resolution" means a determination of
17 whether:

- 18 (1) Any licensee or applicant under any chapter subject to
19 the jurisdiction of the department of commerce and
20 consumer affairs has complied with that chapter;
- 21 (2) Any person subject to chapter 485 has complied with
22 that chapter;



1 (3) Any person submitting any filing required by chapter
2 514E or section 485-6(15) has complied with chapter
3 514E or section 485-6(15); or

4 (4) Any person has complied with the prohibitions against
5 unfair and deceptive acts or practices in trade or
6 commerce;

7 and includes work involved in or supporting the above functions,
8 licensing, or registration of individuals or companies regulated
9 by the department, consumer protection, and other activities of
10 the department.

11 The director shall prepare and submit an annual report to
12 the governor and the legislature on the use of the compliance
13 resolution fund. The report shall describe expenditures made
14 from the fund including nonpayroll operating expenses."

15 SECTION 3. Section 440G-15, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§440G-15 Annual fees.** (a) Each cable operator shall pay
18 an annual fee to be determined by the director. The fees so
19 collected under this section shall be deposited into the
20 compliance resolution fund established under section 26-9(o).



1 (b) The director shall adjust the fees assessed under this
2 section, as necessary from time to time, pursuant to rules
3 adopted in accordance with chapter 91.

4 (c) The fees collected under this section and deposited to
5 the compliance resolution fund may be used to support public,
6 educational, or governmental access facilities, equipment, and
7 operations in underserved areas pursuant to the standards and
8 conditions established by a decision and order issued by the
9 director; provided that notwithstanding any law to the contrary:

10 (1) The decision and order shall not be subject to any of
11 the requirements of chapter 91; and

12 (2) Use of the funds to support public, educational, or
13 governmental access facilities, equipment, and
14 operations in underserved areas shall not be subject
15 to any of the requirements of chapter 42F."

16 SECTION 4. There is appropriated out of the compliance
17 resolution fund established in section 26-9(o), Hawaii Revised
18 Statutes, the sum of \$300,000, or so much thereof as may be
19 necessary for fiscal year 2006-2007, to support public,
20 educational, and governmental access facilities, equipment, and
21 operations in the amount of \$100,000 respectively to the
22 underserved areas of Molokai, Lanai, and Hana, Maui.

1 The sum appropriated shall be expended by the department of
2 commerce and consumer affairs for the purposes of this Act.

3 SECTION 5. New statutory material is underscored.

4 SECTION 6. This Act shall take effect upon its approval;
5 provided that section 4 shall take effect on July 1, 2006.
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INTRODUCED BY: Mele Carroll

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JAN 25 2006



Report Title:

Cable TV; PEG Programming; Underserved Areas

Description:

Authorizes DCCA to provide additional funding to support public, educational, and governmental access programming in underserved areas of the State. Appropriates funds from the compliance resolution fund to the underserved areas of Molokai, Lanai, and Hana, Maui.

