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# HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ASSIST  
THE COUNTIES IN NEGOTIATING CABLE TELEVISION PUBLIC ACCESS  
CONTRACTS WITH LOCAL PUBLIC ACCESS PROVIDERS.

1           WHEREAS, section 440G-8.2(f), Hawaii Revised Statutes,  
2 states that cable operators shall designate three or more  
3 channels for public, educational, or governmental use, and  
4 section 16-131-34, Hawaii Administrative Rules, states that each  
5 cable operator shall maintain at least one specially designated  
6 channel for government use; and  
7

8           WHEREAS, government access programming is available to the  
9 residents of each county of the State through the Public,  
10 Education, and Government access centers: 'Ōlelo Community  
11 Television, Oahu; Akaku: Maui Community Television, Ho'ike:  
12 Kauai Community Television, and Na Leo O Hawaii, Hawaii; and  
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14           WHEREAS, the Department of Commerce and Consumer Affairs  
15 collects a cable franchise fee from local cable operators, as  
16 authorized by the federal Cable Communications Act of 1984, and  
17 passes the revenues collected from this fee to the Public,  
18 Education, and Government access centers; and  
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20           WHEREAS, the cable franchise fee collected by the  
21 Department of Commerce and Consumer Affairs is a charge that is  
22 passed on by the local cable operators to cable customers  
23 through their cable bills; and  
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25           WHEREAS, the county councils currently use their counties'  
26 general fund money, taken from property taxes and other sources,  
27 to execute contracts with private television production  
28 companies to produce council proceedings for broadcast through  
29 the Public, Education, and Government access centers; and  
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1 WHEREAS, the public is effectively taxed twice to receive  
2 government programming by paying property taxes and by paying  
3 their cable bills that include a charge to cover the cable  
4 franchise fee; and

5  
6 WHEREAS, since 1998, the Hawaii Educational Network  
7 Consortium, representing public and private primary, secondary,  
8 and higher educational institutions, has contracted with 'Ōlelo  
9 to provide educational programming using the portion of the  
10 franchise fees collected for that purpose; and

11  
12 WHEREAS, the production of county council proceedings  
13 qualifies for and should be funded with the portion of the  
14 franchise fees collected for government programming; and

15  
16 WHEREAS, the Hawaii Educational Network Consortium  
17 agreement with 'Ōlelo, as approved by the Department of Commerce  
18 and Consumer Affairs, to provide educational programming may  
19 provide a model for counties to negotiate directly with the  
20 Public, Education, and Government access centers and receive  
21 funding dedicated for government programming, thereby avoiding  
22 the use of property tax money for production of government  
23 programming, including council proceedings; now, therefore,

24  
25 BE IT RESOLVED by the House of Representatives of the  
26 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
27 of 2009, the Senate concurring, that the Department of Commerce  
28 and Consumer Affairs is urged to assist counties in negotiating  
29 with local public, education, and government access providers to  
30 allow counties to execute a contract to provide programming  
31 using the portion of the franchise fees collected for the  
32 purpose of government programming including county council  
33 proceedings; and

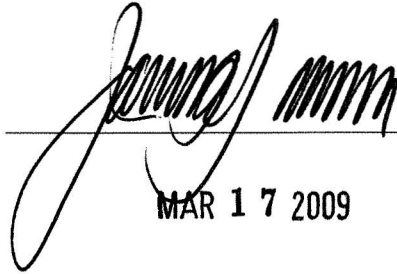
34  
35 BE IT FURTHER RESOLVED that certified copies of this  
36 Concurrent Resolution be transmitted to the Governor, the  
37 Director of Commerce and Consumer Affairs, the Mayor and Council  
38 Chair of the County of Hawaii, the Mayor and Council Chair of  
39 the City and County of Honolulu, the Mayor and Council Chair of  
40 the County of Kauai, the Mayor and Council Chair of the County  
41 of Maui, and the local Public, Education, and Government access  
42 centers: the Chair of the Board of Directors of 'Ōlelo Community  
43 Television; the Chair of the Board of Directors of Akaku: Maui



# H.C.R. NO. 190

1 Community Television; the President of the Board of Directors of  
2 Ho'ike: Kauai Community Television; and the Executive Director  
3 of Na Leo O Hawaii.  
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OFFERED BY: \_\_\_\_\_



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