
HOUSE 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
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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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31 WHEREAS, the public is effectively taxed twice to receive
32 government programming by paying property taxes and by paying



1 their cable bills that include a charge to cover the cable
2 franchise fee; and

3
4 WHEREAS, since 1998, the Hawaii Educational Network
5 Consortium, representing public and private primary, secondary,
6 and higher educational institutions, has contracted with 'Ōlelo
7 to provide educational programming using the portion of the
8 franchise fees collected for that purpose; and

9
10 WHEREAS, the production of county council proceedings
11 qualifies for and should be funded with the portion of the
12 franchise fees collected for government programming; and

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

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

31
32 BE IT FURTHER RESOLVED that certified copies of this
33 Resolution be transmitted to the Governor, the Director of
34 Commerce and Consumer Affairs, the Mayor and Council Chair of
35 the County of Hawaii, the Mayor and Council Chair of the City
36 and County of Honolulu, the Mayor and Council Chair of the
37 County of Kauai, the Mayor and Council Chair of the County of
38 Maui, and the local Public, Education, and Government access
39 centers: the Chair of the Board of Directors of 'Ōlelo Community
40 Television; the Chair of the Board of Directors of Akaku: Maui
41 Community Television; the President of the Board of Directors of
42 Ho'ike: Kauai Community Television; and the Executive Director
43 of Na Leo O Hawaii.



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OFFERED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature appears to be 'James J. ...'.

MAR 17 2009

