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Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 984  
H.D. 4  
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 H.B. No. 984, H.D. 4, 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) Establishes the Communications Advisory Committee with an unspecified number of members, to be appointed by the Governor and which shall advise the Commissioner, telecommunications carriers, and cable operators;
- (3) Transfers regulatory functions relating to telecommunications providers' services from the Public Utilities Commission to the Hawaii Broadband Commissioner;
- (4) Transfers regulatory functions relating to cable operators from the Cable Television Division of the



Department of Commerce and Consumer Affairs to the  
Hawaii Broadband Commissioner;

- (5) Requires a cable operator to designate three or more channels for public, educational, or governmental use;
- (6) Authorizes the Hawaii Broadband Commissioner to adopt rules, pursuant to chapter 91, Hawaii Revised Statutes, relating to the designation of public, educational, or governmental access organizations;
- (7) Exempts contracts between the Commissioner and PEG access organizations for PEG access services from the Hawaii State Procurement Code;
- (8) Establishes the commissioner special fund to be administered by the Hawaii Broadband Commissioner, to fund the operations and programs of the Hawaii Broadband Commissioner;
- (9) Requires the Hawaii Broadband Commissioner to designate an entity to develop and maintain broadband inventory maps, consistent with federal law;
- (10) Authorizes the Hawaii Broadband Commissioner to apply for and expend federal economic stimulus funds for broadband-related projects;
- (11) Transfers four existing positions from the Cable Television Division of the Department of Commerce and Consumer Affairs and establishes up to ten new temporary exempt positions in the Hawaii Broadband Commissioner;
- (12) Requires the Hawaii Broadband Commissioner to convene a work group to develop procedures for streamlined permitting functions for broadband service and technology and requires the work group to report its findings to the Legislature;
- (13) 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



(14) Takes effect on July 1, 2050.

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

Your Committee further finds that the inextricably linked nature of telecommunications, cable, and broadband technologies necessitates a unified approach to regulating these services. Your Committee finds that this measure will enable the consolidated regulation of cable and telecommunications while also promoting the development of broadband infrastructure throughout the State. Your Committee believes that widespread access throughout Hawaii to affordable and reliable high-speed broadband will create greater economic and educational opportunities for individuals and businesses in the State and will make Hawaii a technological leader in the Pacific Rim.

Your Committee has amended this measure by:

- (1) Changing the amount of the appropriation to \$1 to facilitate further discussion; and
- (2) Making technical non-substantive changes 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 H.B. No. 984, H.D. 4, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 984, H.D. 4, S.D. 2.

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

  
DONNA MERCADO KIM, Chair



