
A BILL FOR AN ACT

RELATING TO CABLE TELEVISION SYSTEMS.

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

1 SECTION 1. Chapter 440G, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§440G- Designation of access organizations for PEG
5 access channels. (a) The director may designate one or more
6 access organizations to oversee the development, operation,
7 supervision, management, production, and broadcasting of
8 programs of public, educational, or governmental access
9 facilities obtained under this chapter, rules of the department,
10 or order of the director; provided that:

11 (1) The requirements for designating an access
12 organization shall be prescribed by rule adopted in
13 accordance with chapter 91;

14 (2) The director shall by contract:
15 (A) Designate access organizations;
16 (B) Set forth terms and conditions for the operation
17 of the access organization, which shall be fair



1 to the public, taking into account the
2 geographic, topographic, and economic
3 characteristics of the service area, and the
4 economics of providing cable access in the
5 service area;
6 (C) Identify government-owned property, government-
7 furnished property, and contractor-acquired
8 property held by the access organization in which
9 the State retains title, and establish the
10 parties' obligation with respect to the property;
11 and
12 (D) Require the access organization, upon termination
13 or expiration of the contract, to return
14 unobligated funds received under the contract to
15 the State or its designee, pursuant to the cost
16 principles of section 103D-601 and rules adopted
17 thereunder;
18 (3) Notwithstanding any other provision to the contrary in
19 chapter 103D, the designation of an access
20 organization shall be exempt from the requirements of
21 chapter 103D; provided that this exemption shall not



1 apply to procurements made by any access organization;

2 and

3 (4) A contract designating an access organization shall

4 not be perpetual.

5 (b) Any decision designating, modifying, or rescinding the

6 designation of an access organization or the requirements

7 therefor shall first be submitted to the cable advisory

8 committee established by section 440G-13."

9 SECTION 2. Section 440G-13, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§440G-13 Cable advisory committee. (a) There is
12 established the cable advisory committee. The committee shall
13 consist of five members appointed by the governor as provided in
14 section 26-34.

15 The committee shall advise [~~the~~]:

16 (1) The director [~~and~~], cable operators, and access
17 organizations on matters within the jurisdiction of
18 this chapter at the request of the director [~~or~~], any
19 cable operator [~~-~~], or any access organization; and

20 (2) The director on any decision designating, modifying,
21 or rescinding a designation of an access organization



1 or the requirements therefor, as provided in section
2 440G- .

3 (b) The members of the committee shall serve without pay
4 but shall be entitled to reimbursement for necessary expenses
5 while attending meetings and while in discharge of their
6 duties."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2010.



Report Title:

Cable Television Systems; Access Organizations; Cable Advisory Committee; Director of Commerce and Consumer Affairs

Description:

Codifies and clarifies the process by which the Director of Commerce and Consumer Affairs designates access organizations to oversee public, educational, and governmental channels on cable television. (SB707 HD1)

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