

STAND. COM. REP. NO.

2491

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 707
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Commerce and Consumer Protection and
Judiciary and Government Operations, to which was referred S.B.
No. 707 entitled:

"A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS,"

beg leave to report as follows:

The purpose of this measure is to allow the Director of
Commerce and Consumer Affairs to designate an access organization
to oversee public, educational, and governmental (PEG) channels on
cable television.

Your Committees received testimony in support of this measure
from Ho'ike: Kauai Community Television, Inc., Akaku: Maui
Community Television, 'Ōlelo Community Media, Lone Eagle
Consulting, Maui Venture Consulting, LLC, Hawaii Centers for
Independent Living, the Media Council of Hawai'i, and one hundred
fifty-five individuals. Your Committees received testimony in
opposition to this measure from the State Procurement Office and
two individuals. Testimony in support of the intent of this
measure with amendments was received from the Department of
Commerce and Consumer Affairs, the Department of Accounting and
General Services, and the H.C.R. No. 358 Task Force. Written
testimony presented to the Committees may be reviewed on the
Legislature's website.

Your Committees find that PEG television poses a particular
procurement challenge due to the differences in communities'
expectations throughout the State and historically low funding.

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Your Committees further find that PEG television, though financially unprofitable, is socially necessary as it is heavily used by Hawaii's more vulnerable populations, such as the elderly and the physically disabled.

Your Committees note the testimony of the Department of Accounting and General Services that the exemption from the Hawaii Public Procurement Code provided by this measure is consistent with section 103D-102(a), Hawaii Revised Statutes, which sets forth exceptions from the Code for certain contracts by government bodies. Furthermore, your Committees find that the designation and oversight authority provided to the Department of Commerce and Consumer Affairs by this measure will ensure that necessary safeguards are in place, including ensuring, among other things, the proper implementation of contract terms and conditions and fairness to the public.

Your Committees have amended this measure by:

- (1) Exempting the designation of PEG access organizations from the Hawaii Public Procurement Code, and clarifying that the exemption shall not apply to any specific access organization;
- (2) Clarifying that access services contracts between the Director of Commerce and Consumer Affairs and access organizations shall not be perpetual, and accordingly providing, upon termination of any such contract, for the automatic reversion to the State of:
 - (A) All assets, facilities, and equipment acquired with PEG access fees by access organizations; and
 - (B) All unspent funds provided by order of the Director of Commerce and Consumer Affairs to any PEG access organization; and
- (3) Making technical nonsubstantive changes to conform to applicable rules of style.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 707, as amended herein, and recommend that it pass Second



Reading in the form attached hereto as S.B. No. 707, S.D. 1, and
be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Judiciary and Government
Operations,



BRIAN T. TANIGUCHI, Chair

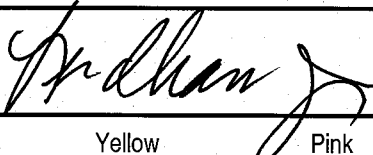


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

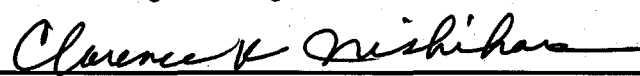
Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB707	Committee Referral: CPN/JGO	Date: 2-18-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)				✓
ESPERO, Will	✓			
GREEN, M.D., Josh				✓
IHARA, Jr., Les	✓			
SAKAMOTO, Norman	✓			
HEMMINGS, Fred				✓
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* SB 707	Committee Referral: CPN/JGO	Date: 2/19/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam		✓		
TOTAL	4	1	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes