

STAND. COM. REP. NO.

852

Honolulu, Hawaii

MAR 23 2011

RE: H.B. No. 1342  
H.D. 1  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs, to which was referred H.B. No. 1342, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to expedite the deployment of high-speed broadband technology in Hawaii by exempting the installation, improvement, construction, or development of infrastructure relating to broadband service from certain permitting requirements for the period of January 1, 2012, to January 1, 2017.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; Department of Land and Natural Resources; Department of Transportation; Hawaiian Electric Company, Inc.; Hawaiian Telcom; and The Chamber of Commerce of Hawaii. Your Committees received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting and a member of the Maui County Council. Your Committees received comments on this measure from tw telecom.

Your Committees previously heard a companion measure, S.B. No. 1161, that was passed out of your Committees with amendments. Your Committees have amended this measure by deleting its contents

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and replacing them with the language in S.B. No. 1161, S.D. 1, which contains substantially comparable provisions to this measure. As amended, this measure retains its original provisions and makes the following amendments:

- (1) Deletes the reference to maximum utility pole safe weight capacities established by the Hawaii Public Utilities Commission;
- (2) Changes the effective date from July 1, 2112, to July 1, 2050, to allow for further discussion; and
- (3) Makes technical, nonsubstantive amendments for the purposes of clarity and consistency.


Your Committees understand that the Broadband Working Group established by Act 199, Session Laws of Hawaii 2010, has reconvened to discuss additional amendments to this measure related to issues of specific permitting exemptions, liability, indemnification by the State, and costs of equipment replacement and remediation. In addition, members of the Broadband Working Group are reviewing federal actions, including Federal Communications Commission rules related to access. Your Committees are in strong support of the intent of this measure and urge the Broadband Working Group to continue to work with the Legislature regarding further amendments to resolve the above concerns.

As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1342, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1342, H.D. 1, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.



Respectfully submitted on  
behalf of the members of the  
Committees on Economic  
Development and Technology and  
Public Safety, Government  
Operations, and Military  
Affairs,

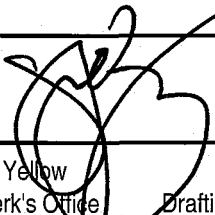
  
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WILL ESPERO, Chair

  
\_\_\_\_\_  
CAROL FUKUNAGA, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

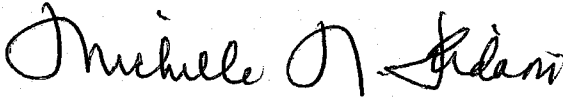
**Record of Votes**  
**Committee on Economic Development and Technology**  
**EDT**

Bill / Resolution No.:* <b>HB 1342, HD1</b>	Committee Referral: <b>EDT/PGM, CPN</b>	Date: <b>3/17/11</b>		
<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
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
<b>Distribution:</b> 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-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Government Operations, and**  
**Military Affairs**  
**PGM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1342, HD 1	EDT/PGM, CPN	3-17-11		
<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
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)	✓			
BAKER, Rosalyn H.	✓			
RYAN, Pohai	✓			
SLOM, Sam				✓
<b>TOTAL</b>	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
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