

---

---

# 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 public,  
5 educational, or governmental access channels. (a) The director  
6 may designate an access organization to oversee the development,  
7 operation, supervision, management, production, and broadcasting  
8 of programs of public, educational, or governmental access  
9 facilities obtained under section 440G-8; provided that the  
10 designation shall be exempt from chapter 103D.

11           (b) No access organization shall be designated except upon  
12 written application or proposal to the director, and following a  
13 public hearing on each island within the local franchise area  
14 that provides opportunity for input from the public.

15           (c) In determining whether to make a designation, the  
16 director shall consider:

17           (1) The content of the application or proposal;

18           (2) The public need for the proposed service;



- 1        (3) The ability and experience of the applicant to offer  
2                    public, educational, or government programming  
3                    broadcast services;
- 4        (4) The suitability of the applicant;
- 5        (5) The financial responsibility of the applicant;
- 6        (6) The technical and operational ability of the applicant  
7                    to efficiently perform the services for which the  
8                    designation is requested;
- 9        (7) Any objections arising from the public hearing, the  
10                   cable advisory committee, or elsewhere; and
- 11       (8) Any other matters as the director deems appropriate  
12                   under the circumstances.
  
- 13       (d) The director may require an applicant to provide  
14                   information on its processes for selecting members of its board  
15                   of directors; provided that the director shall have no authority  
16                   to require that an applicant amend its selection processes as a  
17                   condition of designation.
  
- 18       (e) An applicant shall provide information regarding its  
19                   past performance and any proposed practices for ensuring that  
20                   the public, educational, or governmental access facilities  
21                   support diversity of viewpoints and uphold the public's right of  
22                   free speech.



1        (f) The director shall ensure that the terms and  
 2 conditions required of the operation of an access organization  
 3 designated under subsection (a) are fair to the public, taking  
 4 into account the geographic, topographic, and economic  
 5 characteristics of the service area and the economics of  
 6 providing cable access in the service area.

7        (g) Any decision designating, modifying, or rescinding a  
 8 designation of an access organization or the requirements  
 9 therefor shall first be submitted to the cable advisory  
 10 committee for advice under section 440G-13.

11        (h) The director shall establish the requirements for the  
 12 designation of an access organization pursuant to rules adopted  
 13 under chapter 91."

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

16        "**§440G-13 Cable advisory committee.** (a) There is  
 17 established the cable advisory committee. The committee shall  
 18 consist of five members appointed by the governor as provided in  
 19 section 26-34.

20        The committee shall advise [the]:

21        (1) The director [and], cable operators, and access  
 22 organizations on matters within the jurisdiction of



1 this chapter at the request of the director [~~or~~], any  
2 cable operator[-], or any access organization; and

3 (2) The director on any decision designating, modifying,  
4 or rescinding a designation of an access organization  
5 or the requirements therefor, as provided in section  
6 440G- .

7 (b) The members of the committee shall serve without pay  
8 but shall be entitled to reimbursement for necessary expenses  
9 while attending meetings and while in discharge of their  
10 duties."

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2011.



**Report Title:**

Cable Television Systems; PEG Access Organizations

**Description:**

Allows the director of Commerce and Consumer Affairs to designate an access organization to oversee public, educational, and governmental channels on cable television. Effective July 1, 2011. (SB583 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

