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# 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 until July 1,  
11 2015.

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

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

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



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



1 support diversity of viewpoints and uphold the public's right of  
2 free speech.

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

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

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

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

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

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



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

5        (2) The director on any decision designating, modifying,  
6        or rescinding a designation of an access organization  
7        or the requirements therefor, as provided in section  
8        440G- .

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

13       SECTION 3. The auditor shall contract for a performance  
14       review or audit of Olelo Community Television to determine the  
15       effectiveness with which it implements its programs and uses its  
16       allocated resources. The review or audit shall include but not  
17       be limited to an examination of financial records, overall  
18       financial health and the use of allocated resources in relation  
19       to the services provided, programming results and effectiveness,  
20       and operating expenses.

21       The auditor shall submit the auditor's findings and  
22       recommendations to the legislature prior to July 1, 2012.



1 SECTION 4. The department of commerce and consumer affairs  
2 shall make funds from the compliance resolution fund available  
3 to the auditor to conduct the contracted performance review or  
4 audit required under section 3 of this Act.

5 SECTION 5. There is appropriated out of the compliance  
6 resolution fund the sum of \$ or so much thereof as may be  
7 necessary for fiscal year 2011-2012 for the department of  
8 commerce and consumer affairs to transfer to the auditor to  
9 contract for the performance review or audit specified in  
10 section 3 of this Act.

11 The sum appropriated shall be expended by the auditor for  
12 the purposes of this Act.

13 SECTION 6. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2030.



**Report Title:**

Cable Television Systems; PEG Access Organization; Olelo; Audit

**Description:**

Allows the Director of Commerce and Consumer Affairs to designate an access organization to oversee public, educational, and governmental channels on cable television. Requires an audit of Olelo Community Television. Effective July 1, 2030.  
(SB583 HD2)

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

