

STAND. COM. REP. NO.

347

Honolulu, Hawaii

February 12, 2013

RE: H.B. No. 635
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Economic Development & Business, to which was referred H.B. No. 635 entitled:

"A BILL FOR AN ACT RELATING TO BROADBAND,"

begs leave to report as follows:

The purpose of this measure is to expedite the approval process for broadband-related permits by requiring:

- (1) The State and the counties to approve, approve with modification, or disapprove all broadband-related permits within 60 business days of submitting a permit application and fee; and
- (2) That if no action is taken by the permitting authority within 60 business days, the permit application will be deemed as approved.

The Department of Business, Economic Development, and Tourism and Oceanic Time Warner Cable testified in support of this measure. Hawaiian Electric Company, Hawaii Electric Light Company, Maui Electric Company, and Hawaiian Telcom testified in support of this measure with amendments. The Department of Land and Natural Resources testified in opposition to this measure. The Department of Commerce and Consumer Affairs and the Public Utilities Commission provided comments.

HB635 HD1 HSCR EDB HMS 2013-1837



Your Committee acknowledges and appreciates the concerns raised by the public utilities that the measure's immunity provisions relating to the permitting process only applies to the State and county. Accordingly, your Committee has amended this measure by including public utilities within the scope of the immunity. Your Committee has further amended this measure by:

- (1) Mandating that public utilities use reasonable best efforts to comply with applicable safety and engineering standards when undertaking broadband related installations, improvements, construction, or infrastructure development;
- (2) Including the placement of broadband equipment in road rights-of-way among the broadband-related permits covered under this bill;
- (3) Including language to ensure that this bill does not weaken the utility pole public safety standards established under Act 151, Session Laws of Hawaii 2011; and
- (4) Changing its effective date to January 20, 2020, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Economic Development & Business that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 635, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 635, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

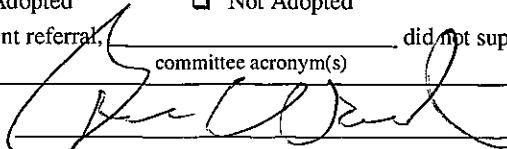
Respectfully submitted on
behalf of the members of the
Committee on Economic
Development & Business,



CLIFT TSUJI, Chair



Record of Votes of the Committee on Economic Development & Business

Bill/Resolution No.: HB 635	Committee Referral: EDB, CPC	Date: 2/5/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EDB Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	✓			
2. WARD, Gene (VC)	✓			
3. BROWER, Tom	✓			
4. CACHOLA, Romy M.	✓			
5. CHOY, Isaac W.	✓			
6. OHNO, Takashi	✓			
7. ONISHI, Richard H.K.	✓			
8. TAKAYAMA, Gregg	✓			
9. TOKIOKA, James Kunane				✓
TOTAL (9)	8	Ø	Ø	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				