

Honolulu, Hawaii

FEB 14 2013

RE: S.B. No. 941
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Technology and the Arts and Public Safety, Intergovernmental and Military Affairs, to which was referred S.B. No. 941 entitled:

"A BILL FOR AN ACT RELATING TO BROADBAND,"

beg leave to report as follows:

The purpose and intent of this measure is to require the State and counties to approve, approve with modification, or disapprove all broadband-related permits within sixty business days of submitting a permit application and a fee and to specify that the application will be automatically approved if there is no action taken on the sixty-first day.

Your Committees received testimony in support of this measure from the Public Utilities Commission; Department of Commerce and Consumer Affairs; Department of Land and Natural Resources; Hawaiian Electric Company, Inc.; and Hawaiian Telecom.

Your Committees find this measure supports the deployment of high-speed broadband infrastructure in Hawaii and streamlines the permit application process under the State's broadband initiative.

Your Committees have amended this measure by:

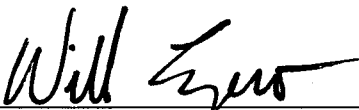
- (1) Extending the maximum processing time from sixty business days to one hundred twenty business days, allowing a more reasonable timeframe to complete an adequate review of proposed projects;



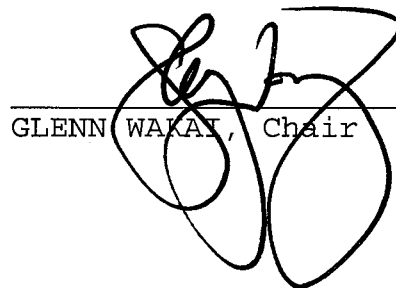
- (2) Deleting language that exempts the State and counties from any liability on account of actions or results from reviewing, approving, modifying, or disapproving a broadband-related permit application;
- (3) Requiring that a public utility shall use reasonable efforts to comply with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology;
- (4) Clarifying that the development of broadband service infrastructure, as referenced in the definition of "broadband-related permits", is limited to the landing of an undersea communications cables, not all undersea cables; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and the Arts and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 941, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 941, S.D. 1, and be referred to the Committees on Commerce and Consumer Protection and Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Technology and
the Arts and Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair




GLENN WAKAY, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

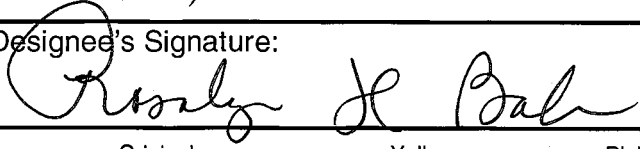
Record of Votes
Committee on Technology and the Arts
TEC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 941	CPN/ TEC/PSM, JDL	2/7/13		
<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
WAKAI, Glenn (C)	/			
NISHIHARA, Clarence K. (VC)	/			
GABBARD, Mike				/
TOKUDA, Jill N.		/		
SLOM, Sam				/
TOTAL	2	1	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB 941	Committee Referral: CPN/ TEC/PSM, JDL	Date: 1/31/13		
<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)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, Josh				✓
SLOM, Sam		✓		
TOTAL	3	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