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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. The purpose of this Act is to:

2 (1) Delete the requirement that the department of commerce  
3 and consumer affairs conduct annual management and  
4 financial audits of designated public, educational, or  
5 governmental access channels, as these access  
6 organizations are already required to provide annual  
7 independently audited financial statements to the  
8 department; and

9 (2) Remove the sunset provision in Act 19, Session Laws of  
10 Hawaii 2011, thereby permanently allowing the director  
11 of commerce and consumer affairs to designate an  
12 access organization to oversee public, educational,  
13 and governmental channels and requiring the cable  
14 advisory committee to advise the director and access  
15 organizations on certain matters.

16 SECTION 2. Section 440G-8.3, Hawaii Revised Statutes, is  
17 amended to read as follows:



1 " [f]§440G-8.3 [f] Designation of access organizations for  
2 public, educational, or governmental access channels. (a) The  
3 director may designate an access organization to oversee the  
4 development, operation, supervision, management, production, and  
5 broadcasting of programs of public, educational, or governmental  
6 access facilities obtained under section 440G-8; provided that  
7 the designation shall be exempt from chapter 103D.

8 (b) No access organization shall be designated except upon  
9 written application or proposal to the director, and following a  
10 public hearing on each island within the local franchise area  
11 that provides opportunity for public input and allows interested  
12 parties to intervene.

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

- 15 (1) The content of the application or proposal;
- 16 (2) The public need for the proposed service;
- 17 (3) The ability and experience of the applicant to offer  
18 public, educational, or government programming  
19 broadcast services;
- 20 (4) The suitability of the applicant;
- 21 (5) The financial responsibility of the applicant;



1 (6) The technical and operational ability of the applicant  
2 to perform efficiently the services for which the  
3 designation is requested;

4 (7) Any objections arising from the public hearing, the  
5 cable advisory committee, or elsewhere; and

6 (8) Any other matters that the director deems appropriate  
7 under the circumstances.

8 (d) The director may require an applicant to provide  
9 information on its process for selecting members of its board of  
10 directors; provided that the director shall have no authority to  
11 require that an applicant amend its selection process as a  
12 condition of designation.

13 (e) An applicant shall provide information regarding its  
14 past performance and any proposed practices for ensuring that  
15 the public, educational, or governmental access facilities  
16 support the diversity of viewpoints and uphold the public's  
17 right of free speech.

18 (f) The director shall ensure that the terms and  
19 conditions required of the operation of an access organization  
20 designated under subsection (a) are fair to the public, taking  
21 into account the geographic, topographic, and economic



1 characteristics of the service area and the economics of  
2 providing cable access in the service area.

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

7 ~~[(h) The department shall conduct an annual management and  
8 financial audit of the access organization designated under this  
9 section.]"~~

10 SECTION 3. Act 19, Session Laws of Hawaii 2011, is amended  
11 by amending section 4 to read as follows:

12 "SECTION 4. This Act shall take effect on July 1, 2011[+  
13 ~~provided that this Act shall be repealed on June 30, 2014, and~~  
14 ~~section 440G 13, Hawaii Revised Statutes, shall be reenacted in~~  
15 ~~the form in which it read on the day prior to the effective date~~  
16 ~~of this Act]."~~

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken.

19 SECTION 5. This Act shall take effect on June 29, 2014.

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**Report Title:**

Cable Television Systems; Access Organizations; Public, Educational, and Governmental Channels

**Description:**

Deletes the requirement that the department of commerce and consumer affairs conduct annual management and financial audits of designated public, educational, or governmental access channels. Removes the sunset provision in Act 19, Session Laws of Hawaii 2011, thereby permanently allowing the director of commerce and consumer affairs to designate an access organization to oversee public, educational, and governmental channels and requiring the cable advisory committee to advise the director and access organizations on certain matters. (SD1)

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