

Honolulu, Hawaii

MAR 22 2013

RE: H.B. No. 635  
H.D. 2  
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 H.B. No. 635, H.D. 2, 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:

- (1) The State and counties to approve, approve with modification, or disapprove all broadband-related permits within sixty business days, or one hundred twenty business days for a conservation district use application, of submission of an application and applicable fee;
- (2) That the application be deemed approved if no action is taken by the permitting authority within sixty business days, or one hundred twenty business days for a conservation district use application for broadband facilities; and
- (3) Public Utilities use reasonable best efforts to comply with safety and engineering standards for permitted projects.

Your Committees received testimony in support of this measure from the Public Utilities Commission; Department of Business,



Economic Development, and Tourism; Office of Information Management and Technology; Department of Land and Natural Resources; Hawaiian Telcom; Oceanic Time Warner Cable; TW Telecom; Hawaiian Electric Company; and one individual.

Your Committees find that it is critical to increase Hawaii's current broadband capacity. This measure expedites the approval process for broadband-related permits while maintaining utility pole public safety standards.

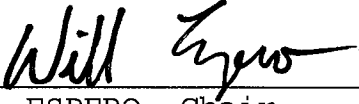
Your Committees have amended this measure by:

- (1) Limiting the State and counties to sixty days and one hundred twenty days, rather than business days, to take action on applications for non-conservation district use applications and conservation district use applications, respectively, for broadband-related permits;
- (2) Requiring the State and counties to take action on use applications for broadband facilities for the protective subzones of the conservation district within ninety days of submission of an application and any applicable fees;
- (3) Clarifying that applicants shall comply with all applicable safety and engineering requirements relating to broadband-related infrastructure; and
- (4) 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 H.B. No. 635, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 635, H.D. 2, S.D. 1, and be referred to the Committees on Commerce and Consumer Protection and Judiciary and Labor.

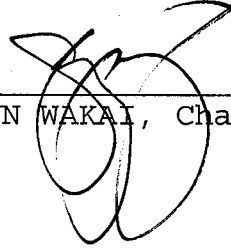


Respectfully submitted on  
behalf of the members of the  
Committees on Technology and  
the Arts and Public Safety,  
Intergovernmental and Military  
Affairs,



---

WILL ESPERO, Chair




---

GLENN WAKAI, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

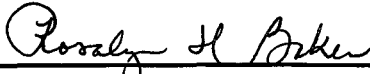
**Record of Votes**  
**Committee on Technology and the Arts**  
**TEC**

Bill / Resolution No.:* <b>HB 635, HD 2</b>	Committee Referral: <b>TEC/RM, CPN/JDL</b>	Date: <b>3/19/13</b>		
<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	/			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     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.:* <b>HB 635, HD2</b>	Committee Referral: <b>TEC/PSM, CPN/JDL</b>	Date: <b>3-19-2012</b>		
<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	✓			
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes