

STAND. COM. REP. NO.

1753

Honolulu, Hawaii

April 7, 2017

RE: S.B. No. 1201
S.D. 2
H.D. 3

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1201, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TECHNOLOGY,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to facilitate the deployment of high-speed broadband infrastructure in Hawaii by establishing a broadband task force under the administration of the Department of Business, Economic Development, and Tourism, to develop a statewide broadband plan.

Prior to the hearing on this measure, your Committee circulated and received testimony on a Proposed House Draft 3 for S.B. No. 1201. The Proposed House Draft 3 maintained language establishing the broadband task force and requiring development of a statewide broadband plan. However, the Proposed House Draft 3 amended the composition of the task force, as well as broadband plan development, by:

- (1) Reducing the number of representatives of wireless providers from four to two and adding a member who is a mayor of a county or the mayor's representative;



- (2) Specifying that two members of the task force shall represent wireline, internet, and telecommunications service providers;
- (3) Specifying that the statewide broadband plan developed by the task force shall include a description of how present fees collected are used for public, educational, or government access provider infrastructure; and
- (4) Requiring that the statewide broadband plan include recommendations to facilitate the deployment of high-speed broadband infrastructure, including small wireless or wireline facilities.

Furthermore, the Proposed House Draft 3 removed specific language that made enactment of this measure contingent upon another measure and changed the effective date to July 1, 2059, to facilitate further discussion.

Finally, the Proposed House Draft 3 established a permit application, review, and approval process for the installation of broadband infrastructure, small wireless facilities, and small wireless facilities networks on state- and county-owned property and required written authorization from customers prior to an internet service provider's collection of the customer's personal information.

The Center for Democracy and Technology, Digital Privacy Alliance, Electronic Frontier Foundation, Mobilitie, and Young Progressives Demanding Action testified in support of the Proposed House Draft 3. The Department of Business, Economic Development, and Tourism, Department of Commerce and Consumer Affairs, Department of Transportation, Office of Planning, American Civil Liberties Union, Hawaiian Electric Company, Inc., Hawaii Electric Light Company, and Maui Electric Company, Limited testified in support of the intent of the Proposed House Draft 3. The Hawaii Council of Mayors, Hawaiian Telcom, and Cellular Telecommunications and Internet Association testified in opposition to the Proposed House Draft 3. The Office of the Mayor of the City and County of Honolulu, Charter Communications, Inc., and The Chamber of Commerce Hawaii provided comments.



After careful consideration your Committee has amended this measure by adopting the Proposed House Draft 3 with further amendments to:

- (1) Include the Mayor of each county, or their designees, as members of the task force;
- (2) Delete language establishing a permit application, review, and approval process for the installation of broadband infrastructure, small wireless facilities, and small wireless facilities networks on state- and county-owned property and requiring written authorization from customers prior to an internet service provider's collection of the customer's personal information; and
- (3) Make technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1201, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1201, S.D. 2, H.D. 3.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,

RTakumi

ROY M. TAKUMI, Chair



