

A Bill for an Act Relating to Duties of the Director of Regulatory Agencies in Supervising Cable Television Systems.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 440G-12, Hawaii Revised Statutes, is amended to read:

Section 440G-12 Other duties of director; suit to enforce chapter. (a) The director has the power and jurisdiction to supervise and regulate every CATV company operating within this State so far as may be necessary to carry out the purposes of this chapter, and to do all things which are necessary or convenient in the exercise of this power and jurisdiction. The director may promulgate, pursuant to chapter 91, such rules and regulations as are necessary to carry out this chapter, including rules and regulations establishing criteria which:

- (1) Categorize CATV companies according to their method of operation or any other appropriate criteria;
- (2) Identify general requirements for the designation of service area; and
- (3) Govern the quality of the signal required to be transmitted by the CATV system.

(b) The director may approve or disapprove, as the public interest may require, all provisions of contracts or other agreements between CATV companies and public utilities concerning the use of the equipment of the public utility by the CATV company, except for those matters which are regulated by the public utilities commission or by the Federal Communications Commission.

(c) The director or a member of his department may from time to time visit the places of business and other premises and examine the records and facilities of all CATV companies to ascertain if all rules, regulations, and orders of the director have been complied with, and shall have the power to examine all officers, agents, and employees of such CATV companies, and all other persons, under oath, and to compel the production of papers and the attendance of witnesses to obtain the information necessary for administering this chapter.

(d) The director may appoint or contract for such assistants and such clerical, stenographic, and other staff as may be necessary for the proper administration and enforcement of this chapter, subject to chapters 76 and 77.

(e) The director shall have the power and authority to institute all proceedings and investigations, hear all complaints, issue all process and orders, and render all decisions necessary to enforce this chapter or the rules, regulations, and orders adopted thereunder, or to otherwise accomplish the purposes of this chapter.

(f) The director or other aggrieved party shall have the right to institute, or to intervene as a party in, any action in any court of law seeking a mandamus, or injunctive or other relief to compel compliance with this chapter, or any rule, regulation, or order adopted thereunder, or to restrain or otherwise prevent or prohibit any illegal or unauthorized conduct in connection therewith.

SECTION 2. All assistants and clerical, stenographic, and other staff appointed on a full-time basis pursuant to section 440G-12(d), Hawaii Revised Statutes, up to the effective date of this Act shall become civil service employees without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges, and without the necessity of examination.

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 28, 1971.)

*Edited accordingly.