



GOV. MSG. NO. 1119

April 27, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 27, 2011, the following bill was signed into law:

HB112 HD1

RELATING TO CABLE TELEVISION SYSTEMS
ACT 019 (11)

Alaka
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.B. NO. 112
H.D. 1

A BILL FOR AN ACT

RELATING TO CABLE TELEVISION SYSTEMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 440G, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

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

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

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

(1) The content of the application or proposal;



1 (2) The public need for the proposed service;

2 (3) The ability and experience of the applicant to offer
3 public, educational, or government programming
4 broadcast services;

5 (4) The suitability of the applicant;

6 (5) The financial responsibility of the applicant;

7 (6) The technical and operational ability of the applicant
8 to perform efficiently the services for which the
9 designation is requested;

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

12 (8) Any other matters that the director deems appropriate
13 under the circumstances.

14 (d) The director may require an applicant to provide
15 information on its process for selecting members of its board of
16 directors; provided that the director shall have no authority to
17 require that an applicant amend its selection process as a
18 condition of designation.

19 (e) An applicant shall provide information regarding its
20 past performance and any proposed practices for ensuring that
21 the public, educational, or governmental access facilities



1 support the diversity of viewpoints and uphold the public's
2 right of free speech.

3 (f) The director shall ensure that the terms and
4 conditions required of the operation of an access organization
5 designated under subsection (a) are fair to the public, taking
6 into account the geographic, topographic, and economic
7 characteristics of the service area and the economics of
8 providing cable access in the service area.

9 (g) Any decision designating, modifying, or rescinding a
10 designation of an access organization or the requirements
11 therefore shall first be submitted to the cable advisory
12 committee for advice under section 440G-13.

13 (h) The department shall conduct an annual management and
14 financial audit of the access organization designated under this
15 section."

16 SECTION 2. Section 440G-13, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§440G-13 Cable advisory committee. (a) There is
19 established the cable advisory committee. The committee shall
20 consist of five members appointed by the governor as provided in
21 section 26-34.

22 The committee shall advise ~~[the]~~:



(1) The director [~~and~~], cable operators, and access organizations on matters within the jurisdiction of this chapter at the request of the director [~~or~~], any cable operator[~~or~~], or any access organization; and

(2) The director on any decision designating, modifying, or rescinding a designation of an access organization or the requirements therefor, as provided in section 440G- .

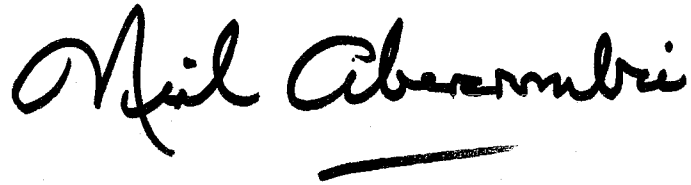
(b) The members of the committee shall serve without pay but shall be entitled to reimbursement for necessary expenses while attending meetings and while in discharge of their duties."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2011; provided that this Act shall be repealed on June 30, 2014, and section 440G-13, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.



APPROVED this 27 day of APR, 2011

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a horizontal line underneath the name.

GOVERNOR OF THE STATE OF HAWAII