STAND. COM. REP. NO. 1974 -12

Honolulu, Hawaii

Mark 16 , 2012

RE: S.B. No. 2235

S.D. 2 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Economic Revitalization & Business, to which was referred S.B. No. 2235, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COMMUNICATIONS TECHNOLOGY,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to incorporate the recommendations of the Hawaii Broadband Task Force in the Hawaii State Plan to promote broadband services as critical infrastructure for communications.

For the purposes of a public hearing on this measure, your Committee circulated Proposed S.B. No. 2235, S.D. 2, H.D. 1 and notified the public that it would be accepting testimony on the proposal, which:

- (1) Requires that the State and the counties approve, approve with modification, or disapprove all broadband related permits within forty-five business days; and
- (2) Provides that if no action is taken, the application will be deemed approved on the forty-sixth business day.

Your Committee received testimony from the following organizations and individuals on S.B. No. 2235, S.D. 2, as received by your Committee, and on the proposed draft:

The Department of Business, Economic Development, and Tourism and the Department of Commerce and Consumer Affairs testified in support of this measure as received by your Committee.

AT&T, Verizon, and Sandwich Isles Communications, Inc., testified in support of the proposed draft. The Department of Business, Economic Development, and Tourism; Department of Commerce and Consumer Affairs; Office of Planning; and Hawaiian Telcom testified in support of the intent of the proposed draft. Friends of Lanai and an individual testified in opposition to the proposed draft. The Department of Land and Natural Resources, Hawaiian Electric Company, Hawaii Electric Light Company, and Maui Electric Company provided comments on the proposed draft.

Your Committee has amended this measure by:

- (1) Adopting the contents of the proposed draft;
- (2) Changing the forty-five day approval period to sixty days;
- (3) Changing the effective date to July 1, 2112, to encourage further discussion of this issue; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Revitalization & Business that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2235, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2235, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Economic Revitalization & Business,

ANGUS L.K. McKELVEY, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Economic Revitalization & Business

Proposed HJ				
Bill/Resolution No.: SCP Committee Referral: Date: 3/15/12				
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	χ			
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2. CHOY, Isaac W. (VC)	X			
3. AWANA, Karen L.	X			
4. BROWER, Tom	X			
5. EVANS, Cindy	X			
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6. HASHEM, Mark J.	X		· · · · · · · · · · · · · · · · · · ·	
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7. NISHIMOTO, Scott Y.	<u> </u>			
8. TOKIOKA, James Kunane	X	-		
9. TSUJI, Clift	X			
10. MADIMOTO Parkana C				
10. MARUMOTO, Barbara C.	X			
11. PINE, Kymberly Marcos	V		<u></u>	······································
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TOTAL (11)				
TOTAL (11)				
The recommendation is: Adopted If joint referral, did not support recommendation.				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				