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# A BILL FOR AN ACT

RELATING TO TECHNOLOGY.

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

1           SECTION 1. (a) Through Act 2 of the First Special Session  
2 of 2007, the legislature created the Hawaii broadband task force  
3 to provide recommendations on how to advance Hawaii's broadband  
4 capabilities and use. The legislature finds that advanced  
5 broadband services are essential infrastructure for an  
6 innovation economy and a knowledge society in the twenty-first  
7 century. High-speed broadband services at affordable prices are  
8 essential for the advancement of education, health, public  
9 safety, research and innovation, civic participation,  
10 e-government, economic development and diversification, and  
11 public safety and services. The legislature also recognizes the  
12 evolution in the manner in which communications and information  
13 services are delivered to the consumer, including by wireline,  
14 wireless, cable television, and satellite infrastructures, and  
15 that the voice, video, and data services provided over these  
16 infrastructures are converging.



1 Meeting the following goals is critical for Hawaii to  
2 compete successfully in the global economy of the twenty-first  
3 century:

4 (1) Ensure access to broadband communications for all  
5 households, businesses, and organizations throughout  
6 Hawaii by 2012 at speeds and prices comparable to the  
7 average speeds and prices available in the top three  
8 performing countries in the world;

9 (2) Increase availability of advanced broadband  
10 communications service on a competitive basis to  
11 reduce prices, increase service penetration, and  
12 improve service to all persons in Hawaii;

13 (3) Increase broadband availability at affordable costs to  
14 low-income and other disadvantaged groups, including  
15 making low-cost, broadband-capable computers available  
16 to eligible recipients;

17 (4) Increase sharing of the infrastructure used to deploy  
18 broadband in order to speed up implementation, reduce  
19 costs to providers, reduce underlying costs to  
20 providers through incentives rather than eminent  
21 domain procedures, ease deployment of broadband, and  
22 ease entry into a competitive broadband marketplace;



1 (5) Increase flexible, timely, and responsible access to  
2 public rights-of-way and public facilities for  
3 broadband service providers; and

4 (6) Develop a more streamlined permit approval process  
5 that reduces the time and cost of infrastructure  
6 deployment, to be created jointly by disparate  
7 permitting agencies, stakeholders, and other  
8 interested parties.

9 (b) The purpose of this Act is to begin implementation of  
10 activities to achieve these goals by:

11 (1) Adding the functions of telework promotion and  
12 broadband assistance to the department of commerce and  
13 consumer affairs' responsibilities over cable  
14 programming under chapter 440G, Hawaii Revised  
15 Statutes;

16 (2) Establishing a telework promotion and broadband  
17 assistance advisory council to meet the goals of  
18 expanded digital cable programming and services in the  
19 State of Hawaii;

20 (3) Establishing a work group to develop procedures for  
21 streamlined permitting functions applicable to the  
22 development of broadband services or technology; and



1 (4) Requiring the department of commerce and consumer  
2 affairs to report annually to the legislature on all  
3 expenditures of federal moneys received pursuant to  
4 the American Recovery and Reinvestment Act of 2009 or  
5 other federal funds, for purchasing broadband  
6 facilities, services, or equipment, or entering into  
7 contracts for broadband-related projects.

8 SECTION 2. Chapter 440G, Hawaii Revised Statutes, is  
9 amended by adding two new sections to be appropriately  
10 designated and to read as follows:

11 "§440G-A Other duties of the director; digital cable  
12 programming and services. In conjunction with expanded digital  
13 cable programming and services, the director shall:

14 (1) Promote and encourage use of telework alternatives for  
15 public and private employees, including but not  
16 limited to appropriate policy and legislative  
17 initiatives;

18 (2) Advise and assist state agencies, and upon request of  
19 the counties, advise and assist the counties, in  
20 planning, developing, and administering programs,  
21 projects, plans, policies, and other activities to



1 promote telecommuting by employees of state and county  
2 agencies;

3 (3) Support the efforts of both public and private  
4 entities in Hawaii to enhance or facilitate the  
5 deployment of, and access to, competitively priced,  
6 advanced electronic communications services, including  
7 digital cable programming and services and internet  
8 access services of general application throughout  
9 Hawaii;

10 (4) Make recommendations to establish affordable,  
11 accessible broadband services to unserved and  
12 underserved areas of Hawaii and monitor advancements  
13 in communications that will facilitate this goal;

14 (5) Advocate for, and facilitate the development and  
15 deployment of, expanded digital cable programming and  
16 applications, programs, and services including but not  
17 limited to telework, telemedicine, and e-learning that  
18 will bolster the usage of and demand for broadband  
19 level telecommunications; and

20 (6) Serve as a broadband information and applications  
21 clearinghouse for the State and a coordination point



1 for federal American Recovery and Reinvestment Act of  
2 2009 broadband-related services and programs.

3 The director shall submit an annual report to the  
4 legislature no later than twenty days prior to the convening of  
5 each regular session, on the department's efforts to utilize  
6 digital cable programming and services to develop and expand  
7 telework initiatives, including telework participation levels  
8 and trends of both private and public sector employees in  
9 Hawaii.

10 §440G-B Telework promotion and broadband assistance  
11 advisory council; purpose; membership; compensation;  
12 chairperson. (a) There is established within the department of  
13 commerce and consumer affairs for administrative purposes, the  
14 broadband assistance advisory council to advise on policy and  
15 funding priorities to promote and encourage use of telework  
16 alternatives for public and private employees, and expedite  
17 deployment of affordable and accessible broadband services in  
18 Hawaii.

19 (b) The council shall be composed of thirteen members  
20 appointed by the governor, as provided in section 26-34, except  
21 as otherwise provided in this section:



- 1        (1) Two members of the senate, appointed by the president  
2                    of the senate;
- 3        (2) Two members of the house of representatives, appointed  
4                    by the speaker of the house of representatives;
- 5        (3) Four representatives of federal, state, and county  
6                    government entities having a role in infrastructure  
7                    deployment; management of public rights-of-way,  
8                    regulation, and franchising; information technology;  
9                    and economic development; and
- 10       (4) Five representatives of Hawaii's private sector  
11                    technology, telecommunications, and investment  
12                    industries, including the incumbent cable provider.

13 All members shall serve for a term of four years. Any vacancies  
14 occurring in the membership of the advisory council shall be  
15 filled for the remainder of the unexpired term in the same  
16 manner as the original appointments.

17        (c) The members of the council shall select a chairperson  
18 and shall meet at times as may be called by the chairperson or a  
19 majority of the council. Members shall be reimbursed for  
20 reasonable expenses, including travel expenses, necessary for  
21 the performance of their duties. Administrative support to the

1 council shall be provided by the department of commerce and  
2 consumer affairs.

3 (d) The council shall:

4 (1) Monitor the broadband-based development efforts of  
5 other states and nations in areas such as business,  
6 education, and health;

7 (2) Advise the department on other states' best practices  
8 involving telework promotion and policies and  
9 strategies related to making affordable broadband  
10 services available to every Hawaii home and business;

11 (3) Monitor broadband-related activities at the federal  
12 level;

13 (4) Monitor regulatory and policy changes for potential  
14 impact on broadband deployment and sustainability in  
15 Hawaii; and

16 (5) Encourage public-private partnerships to increase the  
17 deployment and adoption of broadband services and  
18 applications."

19 SECTION 3. **Work group; establishment; reporting.** (a) The  
20 director of commerce and consumer affairs shall convene a work  
21 group to develop procedures for streamlined permitting functions  
22 that are applicable to the development of broadband services and





1 broadband technology that are normally available to state and  
2 local governments for the use or development of broadband  
3 service or broadband technology. Members of the work group  
4 shall include:

5 (1) The director of commerce and consumer affairs, or the  
6 director's designee;

7 (2) The mayor of the county of Hawaii, or the mayor's  
8 designee;

9 (3) The mayor of the city and county of Honolulu, or the  
10 mayor's designee;

11 (4) The mayor of the county of Kauai, or the mayor's  
12 designee;

13 (5) The mayor of the county of Maui, or the mayor's  
14 designee;

15 (6) The chairperson of the Hawaii broadband task force  
16 established by Act 2, First Special Session Laws of  
17 Hawaii 2007; and

18 (7) Two representatives of state agencies with  
19 jurisdiction over land use and permitting at the state  
20 level.

21 (b) The work group shall submit to the legislature no  
22 later than January 1, 2011, a report with its recommended



1 procedures for streamlining and expediting all permitting  
2 functions normally available to state and local governments for  
3 the use or development of broadband service or broadband  
4 technology. The procedures shall be consistent across all  
5 counties and shall provide that any permitting fees and revenues  
6 traditionally accruing to the counties that relate to the use or  
7 development of broadband service or broadband technology shall  
8 continue to accrue to the counties after the procedures go into  
9 effect.

10 SECTION 4. The department of commerce and consumer affairs  
11 shall report annually to the legislature, no later than twenty  
12 days prior to the convening of each regular session, on the  
13 receipt and expenditure of federal moneys from the American  
14 Recovery and Reinvestment Act of 2009, and moneys from other  
15 federal appropriation measures or applicable federal acts, for  
16 the purposes of purchasing broadband facilities, services, or  
17 equipment or for entering into contracts for broadband-related  
18 projects by all state agencies for all state agencies approval.

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on July 1, 2010.



**Report Title:**

Technology; Telework Promotion and Broadband Assistance;  
Advisory Council; Federal Moneys

**Description:**

Requires the director of commerce and consumer affairs, in conjunction with expanded digital cable programming and services, to promote and encourage telework; establishes a telework promotion and broadband assistance advisory council; establishes a work group to develop procedures for streamlined permitting functions applicable to development of broadband services or technology; requires the department of commerce and consumer affairs to report annually to the legislature on expenditures of federal moneys for broadband facilities, services, equipment, or contracts. (SD1)

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