
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; broadband and
12 digital cable programming and services. In conjunction with
13 expanded digital cable programming and services, the director
14 shall:

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

19 (2) Advise and assist state agencies, and upon request of
20 the counties, advise and assist the counties, in
21 planning, developing, and administering programs,
22 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 Pursuant to chapter 440G-12(d), the director may appoint
11 and employ engineers, accountants, attorneys, and professional,
12 clerical, stenographic, or other assistants, as required, with
13 or without regard to chapter 76.

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



1 (b) The council shall be composed of the administrator of
2 the cable television division and the following thirteen members
3 appointed by the governor, as provided in section 26-34, except
4 as otherwise provided in this section:

5 (1) Two members of the senate, appointed by the president
6 of the senate;

7 (2) Two members of the house of representatives, appointed
8 by the speaker of the house of representatives;

9 (3) Four representatives of federal, state, and county
10 government entities having a role in infrastructure
11 deployment; management of public rights-of-way,
12 regulation, and franchising; information technology;
13 and economic development; and

14 (4) Five representatives of Hawaii's private sector
15 technology, telecommunications, and investment
16 industries, including the incumbent cable provider.

17 Except for the administrator of the cable television division,
18 all members shall serve for a term of four years. Any vacancies
19 occurring in the membership of the advisory council shall be
20 filled for the remainder of the unexpired term in the same
21 manner as the original appointments.



1 (c) The administrator of the cable television division
2 shall serve as chairperson of the council. The council shall
3 meet at times as may be called by the chairperson. Members
4 shall be reimbursed for reasonable expenses, including travel
5 expenses, necessary for the performance of their duties.
6 Administrative support to the council shall be provided by the
7 department of commerce and consumer affairs.

8 (d) The council shall:

- 9 (1) Monitor the broadband-based development efforts of
10 other states and nations in areas such as business,
11 education, and health;
- 12 (2) Advise the department on other states' best practices
13 involving telework promotion and policies and
14 strategies related to making affordable broadband
15 services available to every Hawaii home and business;
- 16 (3) Monitor broadband-related activities at the federal
17 level;
- 18 (4) Monitor regulatory and policy changes for potential
19 impact on broadband deployment and sustainability in
20 Hawaii; and



1 (5) Encourage public-private partnerships to increase the
2 deployment and adoption of broadband services and
3 applications."

4 SECTION 3. **Work group; establishment; reporting.** (a) The
5 administrator of the cable television division shall convene a
6 work group to develop procedures for streamlined permitting
7 functions that are applicable to the development of broadband
8 services and broadband technology that are normally available to
9 state and local governments for the use or development of
10 broadband service or broadband technology. Members of the work
11 group shall include:

- 12 (1) The administrator of the cable television division, or
13 the administrator's designee;
- 14 (2) The mayor of the county of Hawaii, or the mayor's
15 designee;
- 16 (3) The mayor of the city and county of Honolulu, or the
17 mayor's designee;
- 18 (4) The mayor of the county of Kauai, or the mayor's
19 designee;
- 20 (5) The mayor of the county of Maui, or the mayor's
21 designee;

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

4 (7) Two representatives of state agencies with
5 jurisdiction over land use and permitting at the state
6 level.

7 (b) The work group shall submit to the legislature no
8 later than January 1, 2011, a report with its recommended
9 procedures for streamlining and expediting all permitting
10 functions normally available to state and local governments for
11 the use or development of broadband service or broadband
12 technology. The procedures shall be consistent across all
13 counties and shall provide that any permitting fees and revenues
14 traditionally accruing to the counties that relate to the use or
15 development of broadband service or broadband technology shall
16 continue to accrue to the counties after the procedures go into
17 effect.

18 SECTION 4. The department of commerce and consumer affairs
19 shall report annually to the legislature, no later than twenty
20 days prior to the convening of each regular session, on the
21 receipt and expenditure of federal moneys from the American
22 Recovery and Reinvestment Act of 2009, and moneys from other



1 federal appropriation measures or applicable federal acts, for
2 the purposes of purchasing broadband facilities, services, or
3 equipment or for entering into contracts for broadband-related
4 projects by all state agencies for all state agencies approval.

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 2050.



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. Effective 7/1/2050.

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