
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 if Hawaii is to
2 compete successfully in the global economy of the twenty-first
3 century:

4 (1) Ensure access to broadband communications to 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 by making low-cost, broadband-capable computers
16 available 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 expended 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. The Hawaii Revised Statutes is amended by
9 adding two new sections to chapter 440G 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 areas of
12 Hawaii and monitor advancements in communication that
13 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
17 not limited to telework, telemedicine, and e-learning
18 that will bolster the usage of and demand for
19 broadband 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 on the department's efforts to utilize digital cable
5 programming and services to develop and expand telework
6 initiatives, including telework participation levels and trends
7 of both private and public sector employees in Hawaii.

8 **§440G-B Telework promotion and broadband assistance**
9 **advisory council; purpose; membership; compensation;**

10 **chairperson.** (a) There is established within the department of
11 commerce and consumer affairs for administrative purposes, the
12 broadband advisory council to advise on policy and funding
13 priorities to promote and encourage use of telework alternatives
14 for public and private employees, and expedite deployment of
15 affordable and accessible broadband services in Hawaii.

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

19 (1) Two members of the senate, appointed by the president
20 of the senate;

21 (2) Two members of the house of representatives, appointed
22 by the speaker of the house of representatives;

1 (3) Four representatives of federal, state, and county
2 government entities having a role in infrastructure
3 deployment; management of public rights-of-way,
4 regulation, and franchising; information technology;
5 and economic development; and

6 (4) Five representatives of Hawaii's private sector
7 technology, telecommunications, and investment
8 industries, including the incumbent cable provider.

9 All members shall serve for a term of four years. Any vacancies
10 occurring in the membership of the advisory council shall be
11 filled for the remainder of the unexpired term in the same
12 manner as the original appointments.

13 (c) The members of the advisory council shall select the
14 chairperson of the advisory council and shall meet at times as
15 may be called by the chairperson or a majority of the advisory
16 council. Members shall be reimbursed for reasonable expenses,
17 including travel expenses, necessary for the performance of
18 their duties. Administrative support to the advisory council
19 shall be provided by the department of commerce and consumer
20 affairs.

21 (d) The advisory council shall:

- 1 (1) Monitor the broadband-based development efforts of
2 other states and nations in areas such as business,
3 education, and health;
- 4 (2) Advise the department on other states' best practices
5 involving telework promotion and policies and
6 strategies related to making affordable broadband
7 services available to every Hawaii home and business;
- 8 (3) Monitor broadband-related activities at the federal
9 level;
- 10 (4) Monitor regulatory and policy changes for potential
11 impact on broadband deployment and sustainability in
12 Hawaii; and
- 13 (5) Encourage public-private partnerships to increase the
14 deployment and adoption of broadband services and
15 applications."

16 SECTION 3. **Work group; establishment; reporting.** (a) The
17 director of commerce and consumer affairs shall convene a work
18 group to develop procedures for streamlined permitting functions
19 that are applicable to the development of broadband services and
20 broadband technology which are normally available to state and
21 local governments for the use or development of broadband

1 service or broadband technology. Members of the work group
2 shall include:

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

5 (2) The mayor of the county of Hawaii, or the mayor's
6 designee;

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

9 (4) The mayor of the county of Kauai, or the mayor's
10 designee;

11 (5) The mayor of the county of Maui, or the mayor's
12 designee;

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

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

19 (b) The work group shall submit to the legislature no
20 later than January 1, 2011, a report with its recommended
21 procedures for streamlining and expediting all permitting
22 functions normally available to state and local governments for

1 the use or development of broadband service or broadband
2 technology. The procedures shall be consistent across all
3 counties and shall provide that any permitting fees and revenues
4 traditionally accruing to the counties that relate to the use or
5 development of broadband service or broadband technology will
6 continue to accrue to the counties once the procedures go into
7 effect.

8 SECTION 4. The department of commerce and consumer affairs
9 shall report annually to the legislature on the receipt and
10 expenditure of federal moneys from the American Recovery and
11 Reinvestment Act of 2009, and moneys from other federal
12 appropriation measures or applicable federal acts, for the
13 purposes of purchasing broadband facilities, services, or
14 equipment, or for entering into contracts for broadband-related
15 projects by all state agencies for all state agencies approval.

16 SECTION 5. This Act shall take effect upon approval.
17

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, 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 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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