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## A BILL FOR AN ACT

RELATING TO TELECOMMUNICATIONS.

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

1           SECTION 1. The legislature finds that the need for  
2 broadband services has continued to grow and that broadband  
3 service has become an essential infrastructure for society in  
4 the twenty-first century. The legislature further finds that  
5 the promotion and development of broadband services are critical  
6 for the advancement of education, health, public safety,  
7 research and innovation, civic participation, e-government,  
8 economic development and diversification, and public safety and  
9 services. These findings were reinforced in 2015 when the  
10 Federal Communications Commission reclassified broadband service  
11 under title II of the Federal Telecommunications Act,  
12 essentially classifying broadband service as a public utility on  
13 par with telecommunications service.

14           Act 199, Session Laws of Hawaii 2010, established the  
15 broadband assistance advisory council (advisory council). Act  
16 151, Session Laws of Hawaii 2011, amended Act 199 to make the  
17 director of commerce and consumer affairs a member and



1 chairperson of the advisory council. The advisory council is  
2 tasked with advising the director of commerce and consumer  
3 affairs on policy and funding priorities to promote and  
4 encourage the use of telework alternatives for public and  
5 private employees and to expedite the development of affordable  
6 and accessible broadband services in Hawaii.

7 The purpose of this Act is to:

- 8 (1) Make the director of business, economic development,  
9 and tourism a member of the advisory council;
- 10 (2) Ensure that each of the counties are represented on  
11 the advisory council; and
- 12 (3) Authorize the chair of the advisory council to include  
13 representatives of other interested public or private  
14 sector organizations on an ad hoc basis as members of  
15 the advisory council or the work groups of the  
16 advisory council.

17 SECTION 2. Act 199, Session Laws of Hawaii 2010, as  
18 amended by Act 151, Session Laws of Hawaii 2011, is amended by  
19 amending section 3 to read as follows:

20 "SECTION 3. Telework promotion [~~and~~]; broadband assistance  
21 advisory council; establishment; purpose. (a) The director of



1 commerce and consumer affairs shall convene and chair the  
2 broadband assistance advisory council to advise the director of  
3 commerce and consumer affairs on policy and funding priorities  
4 to promote and encourage use of telework alternatives for public  
5 and private employees, and expedite deployment of affordable and  
6 accessible broadband services in Hawaii.

7 (b) The council shall be composed of the director of  
8 commerce and consumer affairs, or the director's designee [7];  
9 the director of business, economic development, and tourism, or  
10 the director's designee; and the following twelve members who  
11 shall be equally appointed by the president of the senate and by  
12 the speaker of the house of representatives as follows:

- 13 (1) Two members of the senate, appointed by the president  
14 of the senate;
- 15 (2) Two members of the house of representatives, appointed  
16 by the speaker of the house of representatives;
- 17 (3) Four representatives of federal, state, and county  
18 government entities having a role in infrastructure  
19 deployment; management of public rights-of-way,  
20 regulation, and franchising; information technology;  
21 and economic development; and



1           (4) Four representatives of Hawaii's private sector  
2           technology, telecommunications, and investment  
3           industries.

4 In making the appointments pursuant to subsection (b)(1) through  
5 (b)(3), the president of the senate and the speaker of the house  
6 of representatives shall ensure representation of each of the  
7 counties of Hawaii, Maui, and Kauai, and the city and county of  
8 Honolulu by one or more appointed members. Except for the  
9 director of commerce and consumer affairs[7] and the director of  
10 business, economic development, and tourism, all members shall  
11 serve for a term of four years. Notwithstanding any law to the  
12 contrary, the terms of all members as of July 1, 2016, shall  
13 expire on June 30, 2019; and, each subsequent four-year term  
14 shall commence on July 1, and expire on June 30 every four years  
15 thereafter. Any member of the council whose term has expired  
16 may continue to serve as a holdover member until reappointment  
17 or until a successor is appointed. Any vacancies occurring in  
18 the membership of the advisory council shall be filled for the  
19 remainder of the unexpired term in the same manner as the  
20 original appointments.



1           (c) The director of commerce and consumer affairs shall  
2 serve as chairperson of the council. The chairperson may  
3 designate representatives of other interested public or private  
4 sector organizations to serve as members of the council, or as  
5 members of the work groups of the council to address specified  
6 issues on an ad hoc basis, as the chairperson deems necessary.  
7 The council shall meet at times as may be called by the  
8 chairperson. Members and ad hoc members shall be reimbursed for  
9 reasonable expenses, including travel expenses, necessary for  
10 the performance of their duties. Administrative support to the  
11 council shall be provided by the department of commerce and  
12 consumer affairs.

13           (d) The council shall:

- 14           (1) Monitor the broadband-based development efforts of  
15               other states and nations in areas such as business,  
16               education, and health;
- 17           (2) Advise the department on other states' best practices  
18               involving telework promotion and policies and  
19               strategies related to making affordable broadband  
20               services available to every Hawaii home and business;



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- 1       (3) Monitor broadband-related activities at the federal
- 2           level;
- 3       (4) Monitor regulatory and policy changes for potential
- 4           impact on broadband deployment and sustainability in
- 5           Hawaii; and
- 6       (5) Encourage public-private partnerships to increase the
- 7           deployment and adoption of broadband services and
- 8           applications."

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

11       SECTION 4. This Act shall take effect on July 1, 2016.

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INTRODUCED BY: \_\_\_\_\_

The block contains three handwritten signatures. The top signature is a large, stylized cursive signature. Below it is a signature that appears to read 'C. J. ...'. The bottom signature is a smaller, more compact cursive signature.

JAN 26 2016



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**Report Title:**

Broadband; Broadband Assistance Advisory Council

**Description:**

Includes the Director of Business, Economic Development, and Tourism as a permanent member on the Broadband Assistance Advisory Council. Ensures a member from each county is represented through appointment on the council. Authorizes the chair of the council to designate representatives of other interested public and private sector organizations to serve as members of the council or the work groups of the council on an ad hoc basis as needed.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

