
A BILL FOR AN ACT

RELATING TO BROADBAND.

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

1 PART I

2 SECTION 1. The legislature finds that equitable access to
3 high-speed broadband internet is a pressing challenge for the
4 State. The legislature further finds that there is a
5 significant amount of federal funds available to support state
6 broadband initiatives and that some of these programs require
7 matching funds from the State or other non-federal partners.
8 The legislature also finds that the composition of the working
9 group established pursuant to Act 231, Session Laws of Hawaii
10 2022, should be amended to facilitate its purpose in determining
11 the appropriate governance structure to implement, operate, and
12 maintain broadband infrastructure development in the State.

13 The purpose of this Act is to:

14 (1) Transfer the Hawaii broadband and digital equity
15 office from the department of business, economic
16 development, and tourism to the office of the
17 lieutenant governor on a temporary, four-year basis;



- 1 (2) Provide the matching funds required to receive federal
- 2 funds for state broadband initiatives; and
- 3 (3) Require the office of the lieutenant governor to
- 4 convene and chair the working group established
- 5 pursuant to Act 231, Session Laws of Hawaii 2022.

PART II

7 SECTION 2. Section 206S-1, Hawaii Revised Statutes, is
8 amended by repealing the definition of "department".

9 [~~"Department" means the department of business, economic~~
10 ~~development, and tourism."~~]

11 SECTION 3. Section 206S-2, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There is established the Hawaii broadband and digital
14 equity office within the [~~department of business, economic~~
15 ~~development, and tourism.~~] office of the lieutenant governor."

16 SECTION 4. Section 206S-4, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

- 18 "(a) The office shall:
- 19 (1) Seek input and the widest possible cooperation from
- 20 public and private agencies and individuals to achieve
- 21 the purposes of this chapter;



- 1 (2) Work closely with and assist the counties in the
2 promotion of coordinated state and county broadband
3 planning;
- 4 (3) Encourage every state department, county agency, and
5 other public or private agencies and individuals
6 involved in broadband programs to participate in the
7 activities of the office and incorporate, to the
8 extent feasible, the ideas and suggestions of the
9 participants in the office's comprehensive planning
10 goals;
- 11 (4) Monitor the broadband-based development efforts of
12 other states and nations in areas such as business,
13 education, and health;
- 14 (5) Advise the [~~department~~] lieutenant governor on other
15 states' best practices involving remote work promotion
16 and policies and strategies related to making
17 affordable broadband services available to every home
18 and business in the State;
- 19 (6) Monitor broadband-related activities at the federal
20 level;



- 1 (7) Encourage public-private partnerships to increase the
2 deployment and adoption of broadband services and
3 applications;
- 4 (8) Monitor regulatory and policy changes for potential
5 impact on broadband deployment and sustainability in
6 the State; and
- 7 (9) Advise the [~~director of business, economic~~
8 ~~development, and tourism~~] lieutenant governor on
9 broadband deployment."

10 SECTION 5. All rights, powers, functions, and duties of
11 the Hawaii broadband and digital equity office shall be
12 maintained when the office is transferred from the department of
13 business, economic development, and tourism to the office of the
14 lieutenant governor.

15 All officers and employees whose functions are transferred
16 by this part shall be transferred with their functions and shall
17 continue to perform their regular duties upon their transfer,
18 subject to the state personnel laws and this part.

19 No officer or employee of the State having tenure shall
20 suffer any loss of salary, seniority, prior service credit,
21 vacation, sick leave, or other employee benefit or privilege as



1 a consequence of this part, and such officer or employee may be
2 transferred or appointed to a civil service position without the
3 necessity of examination; provided that the officer or employee
4 possesses the minimum qualifications for the position to which
5 transferred or appointed; and provided that subsequent changes
6 in status may be made pursuant to applicable civil service and
7 compensation laws.

8 An officer or employee of the State who does not have
9 tenure and who may be transferred or appointed to a civil
10 service position as a consequence of this part shall become a
11 civil service employee without the loss of salary, seniority,
12 prior service credit, vacation, sick leave, or other employee
13 benefits or privileges and without the necessity of examination;
14 provided that such officer or employee possesses the minimum
15 qualifications for the position to which transferred or
16 appointed.

17 If an office or position held by an officer or employee
18 having tenure is abolished, the officer or employee shall not
19 thereby be separated from public employment, but shall remain in
20 the employment of the State with the same pay and classification
21 and shall be transferred to some other office or position for



1 which the officer or employee is eligible under the personnel
2 laws of the State as determined by the head of the department or
3 the governor.

4 SECTION 6. All rules, policies, procedures, guidelines,
5 and other material adopted or developed by the department of
6 business, economic development, and tourism to implement
7 provisions of the Hawaii Revised Statutes that are reenacted or
8 made applicable to the office of the lieutenant governor by this
9 part shall remain in full force and effect until amended or
10 repealed by the office of the lieutenant governor pursuant to
11 chapter 91, Hawaii Revised Statutes. In the interim, every
12 reference to the department of business, economic development,
13 and tourism or the director of business, economic development,
14 and tourism in those rules, policies, procedures, guidelines,
15 and other material is amended to refer to the office of the
16 lieutenant governor or the lieutenant governor, as appropriate.

17 SECTION 7. All deeds, leases, contracts, loans,
18 agreements, permits, or other documents executed or entered into
19 by or on behalf of the department of business, economic
20 development, and tourism pursuant to the provisions of the
21 Hawaii Revised Statutes, which are reenacted or made applicable



1 to the office of the lieutenant governor by this part, shall
 2 remain in full force and effect. Upon the effective date of
 3 this part, every reference to the department of business,
 4 economic development, and tourism or the director of business,
 5 economic development, and tourism therein shall be construed as
 6 a reference to the office of the lieutenant governor or the
 7 lieutenant governor, as appropriate.

8 SECTION 8. All appropriations, records, equipment,
 9 machines, files, supplies, contracts, books, papers, documents,
 10 maps, and other personal property heretofore made, used,
 11 acquired, or held by the department of business, economic
 12 development, and tourism relating to the functions of the Hawaii
 13 broadband and digital equity office shall be transferred to the
 14 office of the lieutenant governor with the functions to which
 15 they relate.

16 PART III

17 SECTION 9. There is appropriated out of the general
 18 revenues of the State of Hawaii the sum of \$ or so
 19 much thereof as may be necessary for fiscal year 2023-2024 to
 20 provide required matching funds for the implementation of the
 21 federal Broadband Equity, Access, and Deployment Program.



1 The sum appropriated shall be expended by the office of the
 2 lieutenant governor for the purposes of this Act; provided that
 3 the moneys appropriated by this section shall not lapse at the
 4 end of the fiscal year for which the appropriation is made;
 5 provided further that all moneys from the appropriation
 6 unencumbered as of June 30, 2026, shall lapse as of that date.

7 SECTION 10. There is appropriated out of the funds
 8 received by the State of Hawaii from the Infrastructure
 9 Investment and Jobs Act (IIJA), the sum of \$ or so
 10 much thereof as may be necessary for fiscal year 2023-2024 for
 11 the implementation of the federal Broadband Equity, Access, and
 12 Deployment Program.

13 The sum appropriated shall be expended by the office of the
 14 lieutenant governor for the purposes of this Act.

15 SECTION 11. There is appropriated out of the general
 16 revenues of the State of Hawaii the sum of \$ or so
 17 much thereof as may be necessary for fiscal year 2023-2024 and
 18 \$ or so much thereof as may be necessary for fiscal
 19 year 2024-2025 for additional matching fund requirements for
 20 federal fund programs related to broadband.



1 The sums appropriated shall be expended by the office of
2 the lieutenant governor for the purposes of this Act; provided
3 that the moneys appropriated by this section shall not lapse at
4 the end of the fiscal year for which the appropriation is made;
5 provided further that all moneys from the appropriation
6 unencumbered as of June 30, 2026, shall lapse as of that date.

7 PART IV

8 SECTION 12. Act 231, Session Laws of Hawaii 2022,
9 section 2, is amended by amending subsections (a) through (c) to
10 read as follows:

11 " (a) The [~~University of Hawaii and Hawaii broadband and~~
12 ~~digital equity office]~~ office of the lieutenant governor shall
13 [~~jointly~~] convene a working group to determine the appropriate
14 governance structure to implement, operate, and maintain
15 broadband infrastructure development in the State.

16 (b) The working group shall consist of the following
17 members, or their designees:

18 (1) The president of the University of Hawaii [~~, who shall~~
19 ~~serve as co chair~~];

20 (2) The strategic broadband coordinator [~~, who shall serve~~
21 ~~as co chair~~];



- 1 (3) The director of finance;
- 2 (4) The director of commerce and consumer affairs;
- 3 (5) The comptroller;
- 4 (6) The director of business, economic development, and
- 5 tourism;
- 6 (7) The director of health;
- 7 (8) The superintendent of education;
- 8 (9) The chairperson of the Hawaiian homes commission;
- 9 ~~[and]~~
- 10 (10) The mayors of the counties~~[-]~~; and
- 11 (11) The lieutenant governor, who shall serve as chair.

12 (c) The ~~[co-chairs]~~ chair of the working group shall
 13 invite the following individuals to become members of the
 14 working group:

- 15 (1) The governor;
- 16 (2) The State's congressional delegation;
- 17 (3) Representatives from private sector partners; and
- 18 (4) Others as recommended by the working group."

PART V

20 SECTION 13. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.



1 SECTION 14. This Act shall take effect on January 1, 2050;
2 provided that:

3 (1) Part II shall take effect on July 1, 2023; and

4 (2) On June 30, 2027:

5 (A) Part II shall be repealed;

6 (B) Sections 206S-1, 206S-2, and 206S-4, Hawaii
7 Revised Statutes, shall be reenacted in the forms
8 in which they read on the day prior to the
9 effective date of part II; and

10 (C) The rights, powers, duties, officers, employees,
11 obligations toward employees, rules, policies,
12 procedures, guidelines, materials, deeds, leases,
13 contracts, loans, agreements, permits,
14 appropriations, records, equipment, machines,
15 files, supplies, contracts, books, papers,
16 documents, maps, and other personal property of
17 the Hawaii broadband and digital equity office
18 shall be transferred with the office when the
19 office is transferred back to the department of
20 business, economic development, and tourism, in



1 the same manner as described in sections 5 to 8
2 of this Act.



Report Title:

Broadband Funds; Office of the Lieutenant Governor; Broadband Infrastructure Development; Working Group; Appropriation

Description:

Transfers the Hawaii Broadband and Digital Equity Office from the Department of Business, Economic Development, and Tourism to the Office of the Lieutenant Governor on a temporary, 4-year basis. Appropriates general funds to provide required matching funds for the Broadband Equity, Access, and Deployment Program. Appropriates from the funds received by the State of Hawaii from the Infrastructure Investment and Jobs Act for the Broadband Equity, Access, and Deployment Program. Requires the Office of the Lieutenant Governor to convene and lead the working group established pursuant to Act 231, SLH 2022. Effective 1/1/2050. (SD3)

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

