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# 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 benefits or privileges



1 as a consequence of this part, and the officer or employee may  
2 be transferred or appointed to a civil service position without  
3 the necessity of examination; provided that the officer or  
4 employee possesses the minimum qualifications for the position  
5 to which the office or employee is transferred or appointed; and  
6 provided further that subsequent changes in status may be made  
7 pursuant to applicable civil service and 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 the office or employee  
16 is transferred or 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 chapter 206S, Hawaii Revised Statutes, that are  
8 reenacted or made applicable to the office of the lieutenant  
9 governor by this part shall remain in full force and effect  
10 until amended or repealed by the office of the lieutenant  
11 governor pursuant to chapter 91, Hawaii Revised Statutes. In  
12 the interim, every reference to the department of business,  
13 economic development, and tourism or the director of business,  
14 economic development, and tourism in those rules, policies,  
15 procedures, guidelines, and other material is amended to refer  
16 to the office of the lieutenant governor or the lieutenant  
17 governor, as appropriate.

18 SECTION 7. All deeds, leases, contracts, loans,  
19 agreements, permits, or other documents executed or entered into  
20 by or on behalf of the department of business, economic  
21 development, and tourism pursuant to the provisions of the



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

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

17 PART III

18 SECTION 9. There is appropriated out of the general  
 19 revenues of the State of Hawaii the sum of \$ or so  
 20 much thereof as may be necessary for fiscal year 2023-2024 to



1 provide required matching funds for the implementation of the  
2 federal Broadband Equity, Access, and Deployment Program.

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

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

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

17 SECTION 11. 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 and  
20 the sum of \$ or so much thereof as may be necessary





1 for fiscal year 2024-2025 for additional matching fund  
2 requirements for federal fund programs related to broadband.

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

9 PART IV

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

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

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

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





1 SECTION 13. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 14. This Act shall take effect on June 30, 3000;  
4 provided that:

5 (1) Parts II and III shall take effect on July 1, 2023;

6 and

7 (2) On June 30, 2027:

8 (A) Part II shall be repealed;

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

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



1 office is transferred back to the department of  
2 business, economic development, and tourism, in  
3 the same manner as described in sections 5 to 8  
4 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, four-year basis. Appropriates general funds to provide required matching funds for the Broadband Equity, Access, and Deployment Program. Appropriates funds received by the State 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, Session Laws of Hawaii 2022. Effective 6/30/3000. (HD1)

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

