
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, First Special Session Laws
2 of Hawaii 2007, the legislature created the Hawaii broadband
3 task force to provide recommendations on how to advance Hawaii's
4 broadband capabilities and use. The legislature finds that
5 advanced 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 to speed up implementation, reduce costs to
19 providers, reduce underlying costs to providers
20 through incentives rather than eminent domain
21 procedures, ease deployment of broadband, and ease
22 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) Appropriating moneys from the compliance resolution
17 fund for fiscal year 2010-2011 to fund telework and
18 broadband activities;

19 (3) Establishing a telework promotion and broadband
20 assistance advisory council to meet the goals of
21 expanded broadband and its products and services in
22 the State of Hawaii;



- 1 (4) Establishing a work group to develop procedures for
2 streamlined permitting functions applicable to the
3 development of broadband services or technology; and
- 4 (5) Requiring the department of commerce and consumer
5 affairs to report annually to the legislature on all
6 expenditures of federal moneys received pursuant to
7 the American Recovery and Reinvestment Act of 2009 or
8 other federal funds, for purchasing broadband
9 facilities, services, or equipment, or entering into
10 contracts for broadband-related projects.

11 SECTION 2. Chapter 440G, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§440G- Other duties of the director; broadband
15 services. In conjunction with broadband services, the director
16 shall:

- 17 (1) Promote and encourage use of telework alternatives for
18 public and private employees, including appropriate
19 policy and legislative initiatives;
- 20 (2) Advise and assist state agencies, and upon request of
21 the counties, advise and assist the counties, in
22 planning, developing, and administering programs,



- 1 projects, plans, policies, and other activities to
2 promote telecommuting by employees of state and county
3 agencies;
- 4 (3) Support the efforts of both public and private
5 entities in Hawaii to enhance or facilitate the
6 deployment of, and access to, competitively priced,
7 advanced electronic communications services, including
8 broadband and its products and services and Internet
9 access services of general application throughout
10 Hawaii;
- 11 (4) Make recommendations to establish affordable,
12 accessible broadband services to unserved and
13 underserved areas of Hawaii and monitor advancements
14 in communications that will facilitate this goal;
- 15 (5) Advocate for, and facilitate the development and
16 deployment of, expanded broadband applications,
17 programs, and services, including telework,
18 telemedicine, and e-learning, that will bolster the
19 usage of and demand for broadband level
20 telecommunications;
- 21 (6) Serve as a broadband information and applications
22 clearinghouse for the state and a coordination point



1 for federal American Recovery and Reinvestment Act of
2 2009 broadband-related services and programs; and
3 (7) Promote, advocate, and facilitate the implementation
4 of the findings and recommendations of the Hawaii
5 broadband task force established by Act 2, First
6 Special Session Laws of Hawaii 2007.

7 The director shall submit an annual report to the
8 legislature, no later than twenty days prior to the convening of
9 each regular session, on the department's efforts to use
10 broadband and its products and services to develop and expand
11 telework initiatives, including telework participation levels
12 and trends of both private and public sector employees in
13 Hawaii.

14 Pursuant to chapter 440G-12(d), the director may appoint
15 and employ engineers, accountants, attorneys, and professional,
16 clerical, stenographic, or other assistants, as required, with
17 or without regard to chapter 76."

18 SECTION 3. Telework promotion and broadband assistance
19 advisory council; establishment; purpose. (a) The
20 administrator of the cable television division of the department
21 of commerce and consumer affairs shall convene and chair the
22 broadband assistance advisory council to advise the



1 administrator on policy and funding priorities to promote and
2 encourage use of telework alternatives for public and private
3 employees, and expedite deployment of affordable and accessible
4 broadband services in Hawaii.

5 (b) The council shall be composed of the administrator of
6 the cable television division and the following twelve members
7 who shall be equally appointed by the president of the senate
8 and by the speaker of the house of representatives as follows:

- 9 (1) Two members of the senate, appointed by the president
10 of the senate;
- 11 (2) Two members of the house of representatives, appointed
12 by the speaker of the house of representatives;
- 13 (3) Four representatives of federal, state, and county
14 government entities having a role in infrastructure
15 deployment; management of public rights-of-way,
16 regulation, and franchising; information technology;
17 and economic development; and
- 18 (4) Four representatives of Hawaii's private sector
19 technology, telecommunications, and investment
20 industries.

21 Except for the administrator of the cable television division,
22 all members shall serve for a term of four years. Any vacancies



1 occurring in the membership of the advisory council shall be
2 filled for the remainder of the unexpired term in the same
3 manner as the original appointments.

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

11 (d) The council shall:

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



1 (4) Monitor regulatory and policy changes for potential
2 impact on broadband deployment and sustainability in
3 Hawaii; and

4 (5) Encourage public-private partnerships to increase the
5 deployment and adoption of broadband services and
6 applications.

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

16 (1) The administrator of the cable television division, or
17 the administrator's designee;

18 (2) The mayor of the county of Hawaii, or the mayor's
19 designee;

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



- 1 (4) The mayor of the county of Kauai, or the mayor's
2 designee;
- 3 (5) The mayor of the county of Maui, or the mayor's
4 designee;
- 5 (6) The chairperson of the Hawaii broadband task force
6 established by Act 2, First Special Session Laws of
7 Hawaii 2007; and
- 8 (7) Two representatives of state agencies with
9 jurisdiction over land use and permitting at the state
10 level.
- 11 (b) The work group shall submit to the legislature, no
12 later than January 1, 2011, a report with its recommended
13 procedures for streamlining and expediting all permitting
14 functions normally available to state and local governments for
15 the use or development of broadband service or broadband
16 technology. The procedures shall be consistent across all
17 counties and shall provide that any permitting fees and revenues
18 traditionally accruing to the counties that relate to the use or
19 development of broadband service or broadband technology shall
20 continue to accrue to the counties after the procedures go into
21 effect.



