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

SECTION 1. (a) Through Act 2, First Special Session Laws of Hawaii 2007, the legislature created the Hawaii broadband task force to provide recommendations on how to advance Hawaii's broadband capabilities and use. The legislature finds that advanced broadband services are essential infrastructure for an innovation economy and a knowledge society in the twenty-first century. High-speed broadband services at affordable prices are essential for the advancement of education, health, public safety, research and innovation, civic participation, e-government, economic development and diversification, and public safety and services. The legislature also recognizes the evolution in the manner in which communications and information services are delivered to the consumer, including by wireline, wireless, cable television, and satellite infrastructures, and that the voice, video, and data services provided over these infrastructures are converging.
Meeting the following goals is critical for Hawaii to
compete successfully in the global economy of the twenty-first
century:

(1) Ensure access to broadband communications for all
households, businesses, and organizations throughout
Hawaii by 2012 at speeds and prices comparable to the
average speeds and prices available in the top three
performing countries in the world;

(2) Increase availability of advanced broadband
communications service on a competitive basis to
reduce prices, increase service penetration, and
improve service to all persons in Hawaii;

(3) Increase broadband availability at affordable costs to
low-income and other disadvantaged groups, including
making low-cost, broadband-capable computers available
to eligible recipients;

(4) Increase sharing of the infrastructure used to deploy
broadband to speed up implementation, reduce costs to
providers, reduce underlying costs to providers
through incentives rather than eminent domain
procedures, ease deployment of broadband, and ease
entry into a competitive broadband marketplace;
(5) Increase flexible, timely, and responsible access to public rights-of-way and public facilities for broadband service providers; and

(6) Develop a more streamlined permit approval process that reduces the time and cost of infrastructure deployment, to be created jointly by disparate permitting agencies, stakeholders, and other interested parties.

(b) The purpose of this Act is to begin implementation of activities to achieve these goals by:

(1) Adding the functions of telework promotion and broadband assistance to the department of commerce and consumer affairs' responsibilities over cable programming under chapter 440G, Hawaii Revised Statutes;

(2) Appropriating moneys from the compliance resolution fund for fiscal year 2010-2011 to fund telework and broadband activities;

(3) Establishing a telework promotion and broadband assistance advisory council to meet the goals of expanded broadband and its products and services in the State of Hawaii;
(4) Establishing a work group to develop procedures for streamlined permitting functions applicable to the development of broadband services or technology; and

(5) Requiring the department of commerce and consumer affairs to report annually to the legislature on all expenditures of federal moneys received pursuant to the American Recovery and Reinvestment Act of 2009 or other federal funds, for purchasing broadband facilities, services, or equipment, or entering into contracts for broadband-related projects.

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

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

(1) Promote and encourage use of telework alternatives for public and private employees, including appropriate policy and legislative initiatives;

(2) Advise and assist state agencies, and upon request of the counties, advise and assist the counties, in planning, developing, and administering programs,
projects, plans, policies, and other activities to
promote telecommuting by employees of state and county
agencies;

(3) Support the efforts of both public and private
entities in Hawaii to enhance or facilitate the
deployment of, and access to, competitively priced,
advanced electronic communications services, including
broadband and its products and services and Internet
access services of general application throughout
Hawaii;

(4) Make recommendations to establish affordable,
accessible broadband services to unserved and
underserved areas of Hawaii and monitor advancements
in communications that will facilitate this goal;

(5) Advocate for, and facilitate the development and
deployment of, expanded broadband applications,
programs, and services, including telework,
telemedicine, and e-learning, that will bolster the
usage of and demand for broadband level
telecommunications;

(6) Serve as a broadband information and applications
clearinghouse for the state and a coordination point
for federal American Recovery and Reinvestment Act of
2009 broadband-related services and programs; and
(7) Promote, advocate, and facilitate the implementation
of the findings and recommendations of the Hawaii
broadband task force established by Act 2, First

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

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

SECTION 3. Telework promotion and broadband assistance
advisory council; establishment; purpose. (a) The
administrator of the cable television division of the department
of commerce and consumer affairs shall convene and chair the
broadband assistance advisory council to advise the
administrator on policy and funding priorities to promote and
courage use of telework alternatives for public and private
employees, and expedite deployment of affordable and accessible
broadband services in Hawaii.

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

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

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

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

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

Except for the administrator of the cable television division,
all members shall serve for a term of four years. Any vacancies
occurring in the membership of the advisory council shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

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

(d) The council shall:

(1) Monitor the broadband-based development efforts of other states and nations in areas such as business, education, and health;

(2) Advise the department on other states' best practices involving telework promotion and policies and strategies related to making affordable broadband services available to every Hawaii home and business;

(3) Monitor broadband-related activities at the federal level;
Monitor regulatory and policy changes for potential impact on broadband deployment and sustainability in Hawaii; and

Encourage public-private partnerships to increase the deployment and adoption of broadband services and applications.

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

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

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

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

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

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

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

(b) The work group shall submit to the legislature, no
later than January 1, 2011, a report with its recommended
procedures for streamlining and expediting all permitting
functions normally available to state and local governments for
the use or development of broadband service or broadband
technology. The procedures shall be consistent across all
counties and shall provide that any permitting fees and revenues
traditionally accruing to the counties that relate to the use or
development of broadband service or broadband technology shall
continue to accrue to the counties after the procedures go into
effect.
SECTION 5. The department of commerce and consumer affairs shall report annually to the legislature, no later than twenty days prior to the convening of each regular session, on the receipt and expenditure of federal moneys from the American Recovery and Reinvestment Act of 2009, and moneys from other federal appropriation measures or applicable federal acts, for the purposes of purchasing broadband facilities, services, or equipment or for entering into contracts for broadband-related projects by all state agencies for all state agencies approval.

SECTION 6. There is appropriated out of the compliance resolution fund subaccount CCA102, established under section 26-9(o), Hawaii Revised Statutes, the sum of $500,000 or so much thereof as may be necessary for fiscal year 2010-2011 to be used for the purposes of Section 2 of this Act.

The sum appropriated shall be expended by the department of commerce and consumer affairs for the purposes of this Act.

SECTION 7. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 2010.

APPROVED this day of , 2010

GOVERNOR OF THE STATE OF HAWAII