## HOUSE OF REPRESENTATIVES TWENTY-FIFTH LEGISLATURE, 2010 STATE OF HAWAII

H.B. NO. <sup>2698</sup> H.D. 2 S.D. 2

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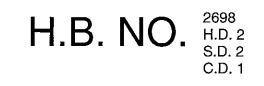
# A BILL FOR AN ACT

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.





Meeting the following goals is critical for Hawaii to
compete successfully in the global economy of the twenty-first
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;

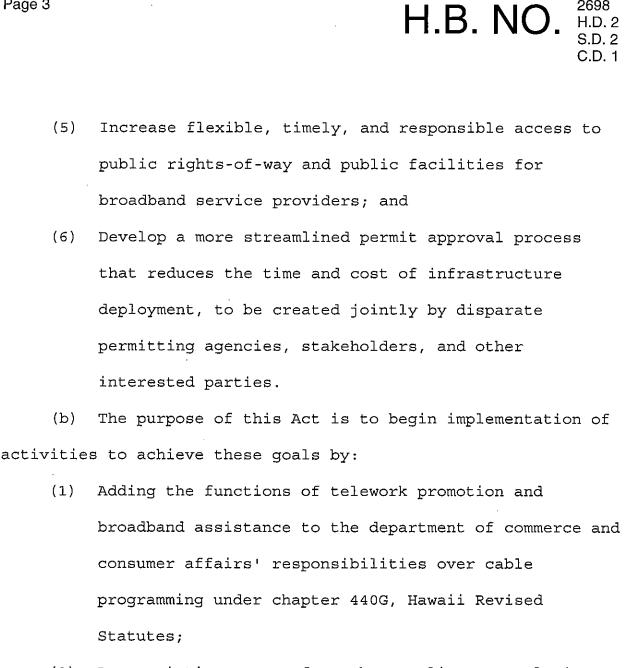
9 (2) Increase availability of advanced broadband
10 communications service on a competitive basis to
11 reduce prices, increase service penetration, and
12 improve service to all persons in Hawaii;

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;



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(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;



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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	SECT	ION 2. Chapter 440G, Hawaii Revised Statutes, is
12	amended b	y adding a new section to be appropriately designated
13	and to re	ad as follows:
14	" <u>§</u> 44	0G- 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
<b>19</b> .		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,

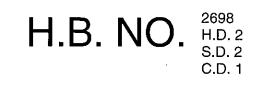
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1		projects, plans, policies, and other activities to
2		promote telecommuting by employees of state and county
3		agencies;
4	(3)	Support the efforts of both public and private
5		entities in Hawaii to enhance or facilitate the
6		deployment of, and 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
<b>16</b> ·		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 administrator of the cable television division of the department 20 21 of commerce and consumer affairs shall convene and chair the 22 broadband assistance advisory council to advise the

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administrator on policy and funding priorities to promote and
 encourage use of telework alternatives for public and private
 employees, and expedite deployment of affordable and accessible
 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

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- 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 manufaction and formalizing defermention to should be a state of the state
- 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



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.

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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.

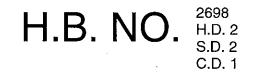
11 (d) The council shall:

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;



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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 administrator of the cable television division of the department 8 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 The mayor of the city and county of Honolulu, or the (3) 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.		

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1 The department of commerce and consumer affairs SECTION 5. shall report annually to the legislature, no later than twenty 2 3 days prior to the convening of each regular session, on the 4 receipt and expenditure of federal moneys from the American Recovery and Reinvestment Act of 2009, and moneys from other 5 6 federal appropriation measures or applicable federal acts, for 7 the purposes of purchasing broadband facilities, services, or 8 equipment or for entering into contracts for broadband-related 9 projects by all state agencies for all state agencies approval. 10 SECTION 6. There is appropriated out of the compliance resolution fund subaccount CCA102, established under section 26-11 12 9(o), Hawaii Revised Statutes, the sum of \$500,000 or so much 13 thereof as may be necessary for fiscal year 2010-2011 to be used 14 for the purposes of Section 2 of this Act. 15

15 The sum appropriated shall be expended by the department of 16 commerce and consumer affairs for the purposes of this Act.

17 SECTION 7. New statutory material is underscored.

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



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### Report Title:

Technology; Telework Promotion and Broadband Assistance; Advisory Council; Federal Moneys

#### Description:

Requires the Director of DCCA to promote and encourage telework in conjunction with broadband services and appropriates moneys from the Compliance Resolution Fund for these activities; Establishes a Telework Promotion and Broadband Assistance Advisory Council; Establishes a work group to develop streamlined permitting procedures for development of broadband services or technology; Requires DCCA to report annually to the Legislature on expenditures of federal moneys for broadband facilities, services, equipment, or contracts. (HB2698 CD1)

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

