

JAN 23 2015

A BILL FOR AN ACT

RELATING TO BROADBAND.

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

1 SECTION 1. The legislature finds that advanced broadband
2 services are essential infrastructures for an innovation economy
3 and a knowledgeable and competitive society in the twenty-first
4 century. High-speed broadband services at affordable prices are
5 essential for the advancement of education, health, public
6 safety, research and innovation, civic participation,
7 e-government, economic development and diversification, and
8 public safety and services. The legislature also recognizes
9 that the manner in which communications and information services
10 are delivered to the consumer is evolving, including by
11 wireline, wireless, cable television, and satellite
12 infrastructures, and that the voice, video, and data services
13 provided over these infrastructures are converging.

14 The purpose of this Act is to establish the Hawaii
15 broadband commission and the Hawaii broadband commissioner to
16 position Hawaii for global competitiveness in the twenty-first
17 century by promoting the following goals:



- (1) Access to broadband communications for all households, businesses, and organizations throughout the State;
- (2) Availability of advanced broadband communications service on a competitive basis to reduce prices, increase service penetration, and improve service to all persons in the State;
- (3) Increased broadband availability at affordable costs to low-income and other disadvantaged groups, including by making low-cost, broadband-capable computers available to eligible recipients;
- (4) Increased sharing of the infrastructure used to deploy broadband to reduce costs for providers, ease deployment of broadband, and ease entry into a competitive broadband marketplace;
- (5) Increased, flexible, timely, and responsible access to public rights-of-way and public facilities for broadband service providers; and
- (6) A more streamlined permit approval process that reduces the time and cost of infrastructure deployment, to be created jointly by stakeholders.



SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

HAWAII BROADBAND COMMISSION AND COMMISSIONER

§ -1 Definitions. As used in this chapter, unless the context otherwise requires:

"Broadband" means an "always on" data networking service that enables end users to access the Internet and use a variety of applications.

"Commission" means the Hawaii broadband commission.

"Commissioner" means the Hawaii broadband commissioner.

§ -2 Hawaii broadband commission; established; terms; qualifications. (a) There is established within the department of accounting and general services for administrative purposes the Hawaii broadband commission, to implement this chapter.

(b) The Hawaii broadband commission shall consist of five members who shall be appointed by the governor, with the advice and consent of the senate, from a list of nominees provided by the speaker of the house of representatives. The term of each member shall be four years; provided that, of the members



1 initially appointed, three members shall serve for three years,
2 and the two remaining members shall serve for two years.

3 Vacancies shall be filled for the remainder of any unexpired
4 term in the same manner as original appointments. All meetings
5 of the commission shall be conducted subject to chapter 92.

6 (c) Members of the commission shall have the following
7 qualifications:

8 (1) Two members shall have significant experience and
9 knowledge of the broadband, information technology, or
10 communications industry; provided that during each
11 member's term, the member may not be employed or
12 compensated by a telecommunications or technology
13 entity that is or may be regulated by the commission
14 at a future time or that currently has contracts with
15 the State for the provision of goods or services;

16 (2) Two members shall have significant experience in
17 public service and possess significant knowledge of
18 state and federal laws, rules, and regulations related
19 to permitting, procurement, and administration of
20 communications services; provided further that during
21 each member's term, the member may not be employed by



1 any state or county agency, with the exception of the
2 University of Hawaii or the natural energy laboratory
3 of Hawaii authority; and

4 (3) One member shall have significant experience and
5 knowledge of consumer advocacy;

6 provided further that no fewer than two members of the
7 commission shall each be a resident of a county with less
8 than five hundred thousand residents.

9 (d) The members of the commission shall serve without
10 compensation but shall be reimbursed for expenses, including
11 travel expenses, necessary for the performance of their duties.

12 **§ -3 Hawaii broadband commissioner; qualifications;**

13 **duties.** (a) There is established the Hawaii broadband
14 commissioner within the department of accounting and general
15 services for administrative purposes. The commissioner shall be
16 exempt from chapters 76 and 89, and shall be appointed by the
17 governor, with the advice and consent of the senate, from a list
18 of nominees provided by the speaker of the house of
19 representatives. The term of the commissioner shall be six
20 years, and vacancies shall be filled for the remainder of any
21 unexpired term in the same manner as original appointments. The



1 commissioner shall not serve as a member of the Hawaii broadband
2 commission.

3 (b) The commissioner shall have significant experience and
4 knowledge of:

5 (1) Broadband, information technology, and communication
6 industries; and

7 (2) State and federal laws, rules, and regulations related
8 to permitting, procurement, and administration of
9 communications services;

10 provided that the commissioner shall not be employed by any
11 state or county agency, with the exception of the University of
12 Hawaii or the natural energy laboratory of Hawaii authority, or
13 be employed or compensated by a telecommunications or technology
14 entity that is or may be regulated by the commission at a future
15 time or that currently has contracts with the State for the
16 provision of goods or services.

17 (c) The commissioner shall:

18 (1) Execute the recommendations of the Hawaii broadband
19 commission; provided that:



1 (A) Any programs and initiatives advanced by the
2 commissioner shall first be approved by a
3 majority vote of the commission;

4 (B) The commissioner may override the vote of the
5 commission within ten days of its vote by
6 transmitting a statement of objection; and

7 (C) The commission may amend the measure or override
8 the objection of the commissioner by a vote of at
9 least two-thirds of the members within ten days
10 of the receipt of the commissioner's statement of
11 objection;

12 (2) Act as a liaison between the State and other
13 governmental agencies, private industry, and the
14 general public on all matters relating to broadband
15 technology use;

16 (3) Coordinate efforts between the State and the counties
17 to make broadband available to underserved populations
18 and areas;

19 (4) Facilitate partnerships with private industry and
20 nonprofit groups to expand broadband access;



- (5) Encourage business development and investment in a broadband communications industry in the State;
- (6) As needed, assist state, county, and federal agencies with permitting and regulatory compliance for broadband communications projects in the State, including advocating for regulatory change to streamline the permitting processes;
- (7) As needed, assist private entities with permitting and regulatory compliance for broadband communications projects in the State;
- (8) Identify and secure sources of funding for the broadband technology projects from the state, county, and federal governments, nonprofit organizations, and private industry;
- (9) Assist state and county agencies with their operational broadband needs; and
- (10) Submit an annual report on the activities of the commission and progress in developing expanded broadband access in the State, along with recommendations for improvements, to the governor and the legislature no later than January 31 of each year.



1 **§ -4 Power and duties of the commission.** To carry out
2 this chapter, the commission shall:

3 (1) Recommend policy initiatives and regulatory changes to
4 promote expanded broadband access in the State;

5 (2) Recommend strategies, including changes to state and
6 county permitting procedures, to encourage private
7 investment in broadband technology in Hawaii and to
8 speed deployment of broadband technology throughout
9 the State;

10 (3) Develop strategies to increase moneys available to the
11 State for providing access to broadband in underserved
12 populations and rural areas;

13 (4) Evaluate the structure and performance of the
14 commission and the commissioner, and make
15 recommendations to enable them to better perform their
16 duties;

17 (5) Identify sources of federal support and funding,
18 including military and defense initiatives that may
19 assist Hawaii in broadband deployment; and

20 (6) In cooperation with the public utilities commission:



1 (A) Develop strategies for sharing new and existing
2 utilities infrastructures and conduits to provide
3 expanded broadband access;

4 (B) Develop strategies and recommend funding sources
5 to purchase or invest in segments of the
6 telecommunications industry; and

7 (C) Perform outreach in the public schools and
8 University of Hawaii to create educational
9 programs and initiatives that help develop skills
10 in technology.

11 **§ -5 Removal.** (a) The commissioner may be removed from
12 office prior to the expiration of the commissioner's term by a
13 two-thirds majority vote of the commission and a two-thirds
14 majority vote of both the senate and the house of
15 representatives.

16 (b) A member of the commission may be removed from office
17 prior to the expiration of the member's term by a two-thirds
18 majority vote of the other members of the commission and a two-
19 thirds majority vote of both the senate and the house of
20 representatives.



(c) The commissioner may be placed on administrative leave by a two-thirds majority vote of the commission, pending an investigation into the activities of the commissioner. The commission shall appoint a temporary commissioner in the interim.

§ -6 Employment of assistants. The commission may appoint and employ clerks, stenographers, agents, engineers, accountants, and other assistants, with or without regard to chapter 76; provided that:

- (1) The commission may employ utility and cable analysts exempt from chapter 76; and
- (2) Each analyst shall possess at least the minimum qualifications required of comparable experts in the relevant industry."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2015-2016 and the same sum or so much thereof as may be necessary for fiscal year 2016-2017 for the Hawaii broadband commission and the Hawaii broadband commissioner.



S.B. NO. 280

1 The sums appropriated shall be expended by the Hawaii
2 broadband commission and the Hawaii broadband commissioner for
3 the purposes of this Act.

4 SECTION 4. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:

Franne Chun Oakland

Randy H. Pelt

Josh M.

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S.B. NO. 280

Report Title:

Technology; Broadband Commission; Broadband Commissioner;
Appropriation

Description:

Creates and appropriates funds for the Hawaii broadband commission and the Hawaii broadband commissioner to promote and maximize the availability of broadband services in the State.

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

