

Honolulu, Hawaii

**FEB 08**, 2022

RE: H.B. No. 2397  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Higher Education & Technology, to which was referred H.B. No. 2397 entitled:

"A BILL FOR AN ACT RELATING TO BROADBAND,"

begs leave to report as follows:

The purpose of this measure is to provide greater access to broadband internet service to the people of Hawaii by:

- (1) Establishing the Hawaii Broadband Infrastructure Authority;
- (2) Defining broadband equity within the Hawaii Broadband and Digital Equity Office; and
- (3) Appropriating federal funds.

Your Committee received testimony in support of this measure from the University of Hawaii System; Department of Transportation; Office of Community Services of the Department of Labor and Industrial Relations; Hawaii State Council on Developmental Disabilities; and Ocean Networks, Inc. Your Committee received testimony in opposition to this measure from CTIA. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; Department of Budget



and Finance; Office of Information Practices; Hawaiian Telcom; Charter Communications; and two individuals.

Your Committee finds that increasing access to broadband service and expanding digital equity are crucial to the ability of Hawaii's people to thrive in an increasingly technology-driven economy and world.

Your Committee has amended this measure by:

- (1) Adding the Director of Commerce and Consumer Affairs and the Director of the Hawaii Broadband and Digital Equity Office as ex officio members of the Hawaii Broadband Infrastructure Authority (Authority);
- (2) Deleting provisions relating to the remote participation of Authority members and thereby applying the remote meeting requirement of the Sunshine Law (Part I of Chapter 92, Hawaii Revised Statutes) to the Authority;
- (3) Transferring the promotion of the landing of trans-Pacific submarine cable with the development of a shared access cable station and associated terrestrial connectivity to reduce barriers to fiber landing in Hawaii from the Hawaii Broadband and Digital Equity Office to the Authority;
- (4) Modifying the manner, including through the application of chapter 92F, Hawaii Revised Statutes, in which the Authority collects data from communications service providers and any wireless providers that own or operate advanced communications technology infrastructure in the State concerning infrastructure deployment and costs, revenues, and subscribership;
- (5) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

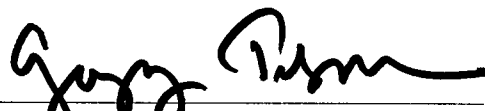
Your Committee notes that several communication service providers raised concerns that this measure's provisions regarding the collection of data may duplicate or conflict with federal



laws. Your Committee respectfully requests that should your committees on Consumer Protection & Commerce and Finance choose to hear this measure, they consider these issues further. Furthermore, your Committee believes that the Authority is meant to take the lead in infrastructure planning, design, and financing, while the Hawaii Broadband and Digital Equity Office is intended to ensure fair access of broadband service to all communities.

As affirmed by the record of votes of the members of your Committee on Higher Education & Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2397, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2397, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on  
behalf of the members of the  
Committee on Higher Education &  
Technology,

  
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GREG TAKAYAMA, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

HSCR 63-22

Record of Votes of the Committee on Higher Education & Technology

Bill/Resolution No.: <b>HB 2397</b>	Committee Referral: <b>HET, CPC, FIN</b>	Date: <b>2/2/22</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HET Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	✓			
2. CLARK, Linda (VC)	✓			
3. BELATTI, Della Au	✓			
4. GANADEN, Sonny	✓			
5. GATES, Cedric Asuega	✓			
6. HASHIMOTO, Troy N.	✓			
7. KAPELA, Jeanne	✓			
8. OHNO, Takashi	✓			
9. QUINLAN, Sean	✓			
10. WOODSON, Justin H.				✓
11. YAMANE, Ryan I.	✓			
12. OKIMOTO, Val		✓		
<b>TOTAL (12)</b>	<b>10</b>	<b>1</b>		<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>Linda A Clark</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				