
A BILL FOR AN ACT

RELATING TO BROADBAND.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

PART I

SECTION 1. The legislature finds that the provision of equitable and robust access to broadband continues to be among the State's most pressing challenges. Hawaii needs to invest in open access, carrier-neutral cable landing infrastructure to attract transpacific fiber optic cable companies and expand its fiber connectivity to the world and throughout the islands, particularly in rural, underserved, and unserved communities, to achieve the digital equity necessary to build a resilient digital economy. Attracting partners with the necessary technical expertise and resources can develop Hawaii into a strategic communications and knowledge hub in the Pacific. This hub would incorporate a robust global communications network and provide cloud platforms to establish next generation applications, such as artificial intelligence and smart communities, in Hawaii.



1 The legislature further finds that to build a robust
2 broadband infrastructure, the State must act quickly to take
3 advantage of various federal and private funds available this
4 year. For example, the 2021 federal Consolidated Appropriations
5 Act earmarks:

- 6 (1) At least \$30,000,000 for the department of Hawaiian
7 home lands;
- 8 (2) \$3,200,000,000 nationally in an emergency broadband
9 benefit for low-income Americans to become connected
10 or remain connected to broadband;
- 11 (3) \$250,000,000 nationally for a new telehealth pilot
12 program;
- 13 (4) \$300,000,000 for a national grant program to fund
14 broadband in rural areas; and
- 15 (5) \$65,000,000 for the improvement of the nation's
16 broadband maps.

17 The legislature notes that the first phase of deployment of
18 these federal funds, in part, supports the South American
19 Pacific Link, a transpacific fiber cable project that would
20 connect Hawaii to South America, Central America, and the east
21 coast of the continental United States. Additionally, over



1 \$100,000,000 is available from the United States Department of
2 Transportation Federal Highway Administration to address the
3 broadband capacity to support telecommuting through pilot
4 projects focused on building broadband infrastructure.

5 Accordingly, the purpose of this Act is to ensure that the
6 State takes full advantage of available funds to build the
7 broadband infrastructure necessary to sustain interconnectivity
8 throughout islands by:

- 9 (1) Establishing a Hawaii broadband infrastructure
10 authority to oversee broadband infrastructure in the
11 State;
- 12 (2) Strengthening and clarifying the Hawaii broadband and
13 digital equity office's role in the broadband access
14 and digital equity; and
- 15 (3) Appropriating funds for the establishment of the
16 authority and for broadband infrastructure across the
17 State.

18 PART II

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



1 "CHAPTER

2 HAWAII BROADBAND INFRASTRUCTURE AUTHORITY

3 § -1 Short title. This chapter may be cited as the
4 Hawaii Broadband Infrastructure Authority Act.

5 § -2 Definitions. As used in this chapter:

6 "Advanced communications technology infrastructure" means
7 any communications technology infrastructure or infrastructure
8 improvement that expands the deployment of, or improves the
9 quality of, broadband availability and wireless service
10 coverage.

11 "Authority" means the Hawaii broadband infrastructure
12 authority.

13 "Board" means the Hawaii broadband infrastructure authority
14 board.

15 "Broadband service" shall have the same meaning as
16 "broadband access or broadband service" in section 440J-1.

17 "Project" means real property, personal property,
18 equipment, fixtures, materials, wires, cables, labor and other
19 improvements necessary and proper for the provision of advanced
20 communications technology infrastructure.



1 § **-3 State connectivity goals.** The goals of the State
2 related to connectivity are that:

3 (1) High-speed connectivity be universally available in
4 the State to all residents, businesses, and community
5 anchor institutions;

6 (2) There be secure, affordable, reliable, competitive,
7 and sustainable forward-looking advanced
8 communications technology infrastructure that meets
9 current and future needs;

10 (3) All residents, businesses, and institutions in the
11 State are able to take full advantage of the economic,
12 health, educational, and other opportunities available
13 through connectivity services; and

14 (4) Existing public and private infrastructure be used
15 effectively and efficiently in the public interest to
16 provide advanced communications technology
17 infrastructure in all areas of the State.

18 § **-4 Hawaii broadband infrastructure authority;**

19 **establishment; board; membership.** (a) The Hawaii broadband
20 infrastructure authority is established as a body corporate and
21 politic and a public instrumentality of the State, to oversee



1 and manage public advanced technology infrastructure. The
2 exercise of the powers conferred by this chapter to the
3 authority is deemed and held to be the performance of essential
4 governmental functions. The authority shall be administratively
5 attached to the department of commerce and consumer affairs.

6 (b) The authority shall consist of a board composed of the
7 following members:

8 (1) The following seven members appointed by the governor
9 as provided in section 26-34:

10 (A) Three members who possess expertise in advanced
11 communications technology infrastructure or
12 communications service, including expertise in
13 network design, network operations, and middle
14 mile infrastructure;

15 (B) One member representing rural communities in the
16 State;

17 (C) One member who possesses expertise in banking or
18 financial lending, including expertise in the
19 provision of loans or other capital investments
20 for infrastructure deployment in the State;



- 1 (D) One member who possesses expertise in education
- 2 system needs; and
- 3 (E) One member who possesses expertise in telehealth
- 4 delivery and telehealth system needs; and
- 5 (2) Six ex officio voting members, or their designees, as
- 6 follows:
- 7 (A) The director of commerce and consumer affairs;
- 8 (B) The director of business, economic development,
- 9 and tourism;
- 10 (C) The president of the University of Hawaii;
- 11 (D) The director of finance;
- 12 (E) The chief information officer; and
- 13 (F) The director of the Hawaii broadband and digital
- 14 equity office.

15 § -5 **Terms; reappointments; vacancies; chair.** The

16 appointed members shall serve three-year staggered terms to be

17 determined by the governor; provided that the initial

18 appointments shall be as follows:

- 19 (1) Two members shall serve a one-year term;
- 20 (2) Two members shall serve a two-year term; and
- 21 (3) Three members shall serve a three-year term.

1 Members appointed by the governor shall be eligible for
2 reappointment. If a member appointed by the governor fails to
3 serve until the expiration of the member's term, the governor
4 may appoint a replacement member for the remainder of that
5 member's term. The board shall select one member to serve as
6 chair of the authority.

7 § -6 **Executive director.** Upon the recommendation of the
8 board of the authority, the governor shall appoint an executive
9 director of the authority as provided in section 26-34. The
10 executive director shall serve a four-year term and be eligible
11 for reappointment. The executive director shall manage the
12 authority's programs, services, and staff and shall perform
13 other duties the authority considers appropriate. The executive
14 director shall report to the board on matters and form and at
15 times as defined in the authority's bylaws and rules.

16 § -7 **Officers; quorum.** The authority may elect a
17 secretary and a treasurer. Six members of the board shall
18 constitute a quorum, and the affirmative vote of six members
19 shall be necessary for any action of the authority.

20 § -8 **Indemnification.** A member of the authority, while
21 acting within the scope of this chapter, shall not be subject to



1 any personal liability resulting from the exercise or carrying
2 out of any of the authority's purposes or powers. Each member
3 of the authority shall be indemnified by the authority against
4 expenses actually and necessarily incurred by the member in
5 connection with the defense of any action or proceeding in which
6 the member is made a party by reason of being or having been a
7 member of the authority and against any final judgment rendered
8 against the member in that action or proceeding.

9 § -9 **Conflicts.** A member of the authority shall not
10 participate in any decision on any contract entered into by the
11 authority under this chapter if that member has any interest,
12 direct or indirect, in any firm, partnership, corporation, or
13 association that is party to the contract. The interest shall
14 be disclosed to the authority in writing and shall be set forth
15 in the minutes of the authority. Members shall file an annual
16 conflict of interest disclosure report in a form to be
17 determined in its rules.

18 § -10 **Powers and duties of the authority.** (a) The
19 authority may:

- 20 (1) Sue and be sued;
- 21 (2) Have a seal and alter the same at pleasure;



- 1 (3) Make and execute contracts and other instruments
2 necessary or convenient to the exercise of its powers;
- 3 (4) Adopt bylaws and rules in accordance with chapter 91
4 for its organization, internal management, and to
5 carry into effect its purposes, powers, and programs;
- 6 (5) Notwithstanding any law to the contrary, establish and
7 collect fees for the use of any project, equipment, or
8 services and for administrative expenses incurred by
9 the authority;
- 10 (6) Acquire real or personal property including rights of
11 way or easements, on either a temporary or long-term
12 basis by gift, purchase, transfer, foreclosure, lease
13 or otherwise; improve, hold, sell with or without
14 public bidding, assign, lease, rent, encumber,
15 mortgage or otherwise dispose of any real or personal
16 property, any interest in real or personal property or
17 mortgage interests owned or in its control, custody or
18 possession; and release or relinquish any right, title
19 claim, lien, interest, easement or demand, however
20 acquired, including upon threat of foreclosure;



- 1 (7) Prepare, plan, improve, equip, maintain, reconstruct,
2 and operate projects, attendant facilities, and
3 infrastructure, including promoting the landing of
4 trans-Pacific submarine cable with the development of
5 a shared access cable station and associated
6 terrestrial connectivity to reduce barriers to fiber
7 landing in Hawaii;
- 8 (8) Incur debts;
- 9 (9) Accept federal funds or other assistance;
- 10 (10) Fix and collect fees;
- 11 (11) Enter into agreements with and to accept loans, aid,
12 contributions, grants and the cooperation or
13 assistance of the United States, or any agency of the
14 United States, or of the State or any agency or
15 governmental subdivision in furtherance of the
16 purposes of this chapter, including the development
17 and financing of a project, and to do all things
18 necessary in order to avail the authority of those
19 agreements, loans, aid, contributions, grants, and
20 cooperation;



- 1 (12) Regulate and oversee broadband infrastructure,
2 including the reduction of barriers to fiber landing
3 in Hawaii;
- 4 (13) Manage or operate real or personal property;
- 5 (14) Appear on the authority's own behalf before boards,
6 commissions, departments or agencies of a municipality,
7 the State, or the United States;
- 8 (15) Lease or rent facilities or equipment used to transmit
9 voice, data, or video signals;
- 10 (16) Invest any funds not needed for immediate use,
11 including any funds held in reserve, in property or in
12 securities in which fiduciaries in the State may
13 legally invest funds; and
- 14 (17) Hire staff.
- 15 (b) In addition to other powers conferred upon it, the
16 authority may do all things necessary and convenient to carry
17 out the powers expressly provided in this chapter.

18 § -11 **Rights of way; projects and facilities.** (a) The
19 authority may develop, lease or otherwise acquire, own, hold,
20 dispose of and encumber conduit, fiber, rights of way, and other
21 real and personal property related to broadband infrastructure



1 that shall be necessary or convenient to the fulfillment of such
2 purposes.

3 (b) The authority may prepare or cause to be prepared
4 plans, specifications, designs, and estimates of costs for the
5 construction and equipping of a project and attendant facilities
6 and from time to time modify or cause to be modified those
7 plans, specifications, designs, or estimates.

8 (c) The authority may contract to construct, acquire,
9 alter, repair, reconstruct, rehabilitate, improve, and equip a
10 project and necessary and usual attendant facilities.

11 § -12 **Legislative oversight.** (a) No later than
12 January 15, 2023, and annually thereafter, the authority shall
13 provide a report to the legislature with the following
14 information:

- 15 (1) The budget of the authority;
- 16 (2) Documentation of the activities of the authority,
17 including a detailed description of the progress
18 toward the state connectivity goals in section -3;
- 19 (3) A listing of any investments of money in the
20 authority, while maintaining confidentiality for
21 organizations working with the authority; and



1 (4) An analysis of the availability of communications
2 services and advanced communications technology
3 infrastructure, including an analysis of the
4 competitive market in the State for communications
5 services and advanced communications technology
6 infrastructure, and whether the communications
7 services provided in the State are reasonably
8 comparable to services provided regionally and
9 nationwide.

10 (b) As part of the report required under subsection (a),
11 the authority shall include findings and recommendations
12 following its review of the effectiveness of the authority in
13 furthering the purposes of this chapter, including:

14 (1) An analysis of whether the authority has fulfilled its
15 intended purpose under this chapter;

16 (2) An analysis of whether the activities of the authority
17 should continue for a specified period of time and any
18 recommendations, including proposed legislation, for
19 changes to the powers and duties of the authority to
20 better further the purposes of this chapter; and



1 (3) An analysis of whether the activities of the authority
2 should be terminated and the laws governing the
3 authority repealed within a specified time frame and
4 any recommendations, including proposed legislation,
5 necessary to facilitate an orderly transition
6 following the termination of activities of the
7 authority, including the appropriate disposition of
8 the assets of the authority."

9 PART III

10 SECTION 3. Section 206S-1, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By adding a new definition to be appropriately inserted
13 and to read:

14 "Broadband equity" means a condition in which all
15 residents are able to access, adopt, and use affordable, high-
16 speed, and reliable broadband that meets their needs."

17 2. By amending the definition of "digital equity" to read:

18 "Digital equity" means a condition in which broadband
19 equity is achieved and all individuals and communities have the
20 information technology capacity needed for full participation in
21 society, democracy, and the economy."



1 SECTION 4. Section 206S-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§206S-3[+] **Hawaii broadband and digital equity office;**

4 **duties.** In furtherance of the State's objectives and policies
5 for the economy pursuant to section 226-10.5, the office shall:

6 (1) Develop and implement specific strategies and plans to
7 aggressively increase broadband affordability,
8 penetration, and competitive availability in the
9 State;

10 (2) Support the efforts of both public and private
11 entities in the State to enhance or facilitate the
12 deployment of and access to competitively priced,
13 advanced electronic communications services, including
14 broadband and its products and services and internet
15 access services of general application throughout the
16 State;

17 [~~3~~] ~~Promote the landing of trans-Pacific submarine cable,~~
18 ~~including the development of a shared access cable~~
19 ~~station and associated terrestrial connectivity to~~
20 ~~reduce barriers to fiber landing in Hawaii;~~



1 ~~(4)~~ (3) Promote, advocate, and facilitate the
2 implementation of the findings and recommendations of
3 the Hawaii broadband task force established by Act 2,
4 First Special Session Laws of Hawaii 2007, and the
5 2020 Hawaii Broadband Strategic Plan;

6 ~~(5)~~ (4) Support the findings of the community-based
7 Broadband Hui as reflected in its digital equity
8 declaration;

9 ~~(6)~~ (5) Administer and coordinate federal and state grant
10 programs in support of [~~broadband infrastructure,~~
11 ~~innovation,~~] digital equity and the digital economy;

12 ~~(7)~~ (6) Actively seek out funding from public and private
13 sources in furtherance of the office's duties pursuant
14 to this section; and

15 ~~(8)~~ (7) Provide a repository, aggregation point, and
16 governance framework for broadband mapping and digital
17 equity data from various sources, including digital
18 literacy, telehealth, distance education, remote work,
19 internet accessibility, and service coverage to
20 support mapping, reporting, infrastructure deployment,
21 and data-driven policy."



1 PART IV

2 SECTION 5. There is appropriated out of the federal funds
3 received by the State the sum of \$ or so much thereof
4 as may be necessary for fiscal year 2022-2023 to enhance
5 broadband infrastructure programs and expand access to broadband
6 in the State, including the installation of broadband
7 infrastructure.

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

10 PART V

11 SECTION 6. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on July 1, 2050.

14



H.B. NO. 2397 H.D. 2

Report Title:

Hawaii Broadband Infrastructure Authority; Hawaii Broadband and Digital Equity Office; Digital Equity; Broadband Equity; Appropriation

Description:

Establishes the Hawaii broadband infrastructure authority. Defines broadband equity within the Hawaii broadband and digital equity office. Appropriates federal funds. Effective 7/1/2050. (HD2)

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

