

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;
- 15 (3) Ensuring that the Hawaii broadband infrastructure
16 authority captures all the available federal funding
17 to the State and ensures that funding efforts among
18 all state agencies are coordinated;
- 19 (4) Appropriating funds for the establishment of the
20 authority and for broadband infrastructure across the
21 State; and



1 (5) Appropriating funds to the Hawaii broadband and
2 digital equity office.

3 PART II

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

7 "CHAPTER
8 HAWAII BROADBAND INFRASTRUCTURE AUTHORITY

9 § -1 Short title. This chapter may be cited as the
10 Hawaii Broadband Infrastructure Authority Act.

11 § -2 Definitions. As used in this chapter:

12 "Advanced communications technology infrastructure" means
13 any communications technology infrastructure or infrastructure
14 improvement that expands the deployment of, or improves the
15 quality of, broadband availability and broadband service
16 coverage.

17 "Authority" means the Hawaii broadband infrastructure
18 authority.

19 "Board" means the Hawaii broadband infrastructure authority
20 board.



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

3 "Project" means real property, personal property,
4 equipment, fixtures, materials, wires, cables, labor, and other
5 improvements necessary and proper for the provision of advanced
6 communications technology infrastructure.

7 § -3 **State connectivity goals.** The goals of the State
8 related to connectivity are that:

9 (1) High-speed connectivity be universally available in
10 the State to all residents, businesses, and community
11 anchor institutions;

12 (2) There be secure, affordable, reliable, competitive,
13 and sustainable forward-looking advanced
14 communications technology infrastructure that meets
15 current and future needs;

16 (3) All residents, businesses, and institutions in the
17 State are able to take full advantage of the economic,
18 health, educational, and other opportunities available
19 through connectivity services; and

20 (4) Existing public and private infrastructure be used
21 effectively and efficiently in the public interest to



1 provide advanced communications technology
2 infrastructure in all areas of the State.

3 § -4 Hawaii broadband infrastructure authority;

4 establishment; board; membership. (a) The Hawaii broadband
5 infrastructure authority is established as a body corporate and
6 politic and a public instrumentality of the State, to oversee
7 and manage public advanced communications technology
8 infrastructure. The exercise of the powers conferred by this
9 chapter to the authority is deemed and held to be the
10 performance of essential governmental functions. The authority
11 shall be administratively attached to the department of commerce
12 and consumer affairs.

13 (b) The authority shall consist of a board composed of the
14 following members:

15 (1) The following seven members appointed by the governor
16 in accordance with section 26-34, except as provided
17 in -5:

18 (A) Three members who possess expertise in advanced
19 communications technology infrastructure or
20 communications service, including expertise in



- 1 network design, network operations, and middle
- 2 mile infrastructure;
- 3 (B) One member representing rural communities in the
- 4 State;
- 5 (C) One member who possesses expertise in banking or
- 6 financial lending, including expertise in the
- 7 provision of loans or other capital investments
- 8 for infrastructure deployment in the State;
- 9 (D) One member who possesses expertise in education
- 10 system needs; and
- 11 (E) One member who possesses expertise in telehealth
- 12 delivery and telehealth system needs; and
- 13 (2) Six ex officio voting members, or their designees, as
- 14 follows:
- 15 (A) The director of commerce and consumer affairs;
- 16 (B) The director of business, economic development,
- 17 and tourism;
- 18 (C) The president of the University of Hawaii;
- 19 (D) The director of finance;
- 20 (E) The chief information officer; and
- 21 (F) The strategic broadband coordinator.



1 § **-5 Terms; reappointments; vacancies; chair.** (a) The
2 appointed members shall serve three-year staggered terms to be
3 determined by the governor; provided that the initial
4 appointments shall be as follows:

5 (1) Two members shall serve a one-year term;

6 (2) Two members shall serve a two-year term; and

7 (3) Three members shall serve a three-year term.

8 Members appointed by the governor shall be eligible for
9 reappointment. If a member appointed by the governor fails to
10 serve until the expiration of the member's term, the governor
11 may appoint a replacement member for the remainder of that
12 member's term.

13 (b) The board shall select one member to serve as chair of
14 the authority.

15 § **-6 Executive director.** Upon the recommendation of the
16 board, the governor shall appoint an executive director of the
17 authority as provided in section 26-34. The executive director
18 shall serve a four-year term and be eligible for reappointment.
19 The executive director shall manage the authority's programs,
20 services, and staff and shall perform other duties the authority
21 considers appropriate. The executive director shall report to



1 the board on matters and form and at times as defined in the
2 authority's bylaws and rules.

3 § -7 **Officers; quorum.** The authority may elect a
4 secretary and treasurer. Six members of the board shall
5 constitute a quorum, and the affirmative vote of six members
6 shall be necessary for any action of the authority.

7 § -8 **Indemnification.** A member of the board, while
8 acting within the scope of this chapter, shall not be subject to
9 any personal liability resulting from the exercise or carrying
10 out of any of the authority's purposes or powers. Each member
11 of the board shall be indemnified by the authority against
12 expenses actually and necessarily incurred by the member in
13 connection with the defense of any action or proceeding in which
14 the member is made a party by reason of being or having been a
15 member of the board and against any final judgment rendered
16 against the member in that action or proceeding.

17 § -9 **Conflicts.** A member of the authority shall not
18 participate in any decision on any contract entered into by the
19 authority under this chapter if that member has any interest,
20 direct or indirect, in any firm, partnership, corporation, or
21 association that is party to the contract. The interest shall



1 be disclosed to the authority in writing and shall be set forth
2 in the minutes of the authority. Members shall file an annual
3 conflict of interest disclosure report with the executive
4 director and in a form to be determined in its rules.

5 § -10 Powers and duties of the authority. (a) The
6 authority may:

- 7 (1) Sue and be sued;
- 8 (2) Have a seal and alter the same at pleasure;
- 9 (3) Make and execute contracts and other instruments
10 necessary or convenient to the exercise of its powers;
- 11 (4) Adopt bylaws and rules in accordance with chapter 91
12 for its organization, internal management, and to
13 carry into effect its purposes, powers, and programs;
- 14 (5) Notwithstanding any law to the contrary, establish and
15 collect fees for the use of any project, equipment, or
16 services and for administrative expenses incurred by
17 the authority;
- 18 (6) Acquire real or personal property including rights of
19 way or easements, on either a temporary or long-term
20 basis by gift, purchase, transfer, foreclosure, lease
21 or otherwise; improve, hold, sell with or without



1 public bidding, assign, lease, rent, encumber,
2 mortgage or otherwise dispose of any real or personal
3 property, any interest in real or personal property or
4 mortgage interests owned or in its control, custody or
5 possession; and release or relinquish any right, title
6 claim, lien, interest, easement or demand, however
7 acquired, including upon threat of foreclosure;

8 (7) Prepare, plan, improve, equip, maintain, reconstruct,
9 and operate projects, attendant facilities, and
10 infrastructure, including promoting the landing of
11 trans-Pacific submarine cable with the development of
12 a shared access cable station and associated
13 terrestrial connectivity to reduce barriers to fiber
14 landing in Hawaii;

15 (8) Incur debts;

16 (9) Accept federal funds or other assistance and
17 coordinate the use of federal funding available to all
18 agencies;

19 (10) Fix and collect fees;

20 (11) Enter into agreements with and to accept loans, aid,
21 contributions, grants and the cooperation or



1 assistance of the United States, or any agency of the
 2 United States, or of the State or any agency or
 3 governmental subdivision in furtherance of the
 4 purposes of this chapter, including the development
 5 and financing of a project, and to do all things
 6 necessary in order to avail the authority of those
 7 agreements, loans, aid, contributions, grants, and
 8 cooperation;

9 (12) Coordinate and oversee the development of advanced
 10 communications technology infrastructure, including
 11 the reduction of barriers to fiber landing in Hawaii;

12 (13) Manage or operate real or personal property;

13 (14) Appear on the authority's own behalf before boards,
 14 commissions, departments or agencies of a municipality,
 15 the State, or the United States;

16 (15) Lease or rent facilities or equipment used to transmit
 17 voice, data, or video signals;

18 (16) Invest any funds not needed for immediate use,
 19 including any funds held in reserve, in property or in
 20 securities in which fiduciaries in the State may
 21 legally invest funds; and



1 (17) Hire staff.

2 (b) In addition to other powers conferred upon it, the
3 authority may do all things necessary and convenient to carry
4 out the powers expressly provided in this chapter.

5 § -11 **Rights of way; projects and facilities.** (a) The
6 authority may develop, lease or otherwise acquire, own, hold,
7 dispose of and encumber conduit, fiber, rights of way, and other
8 real and personal property related to broadband advanced
9 communications technology infrastructure that shall be necessary
10 or convenient to the fulfillment of such purposes.

11 (b) The authority may prepare or cause to be prepared
12 plans, specifications, designs, and estimates of costs for the
13 construction and equipping of a project and attendant facilities
14 and from time to time modify or cause to be modified those
15 plans, specifications, designs, or estimates.

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

19 § -12 **Legislative oversight.** (a) No later than
20 January 15, 2023, and annually thereafter, the authority shall



- 1 submit a report to the legislature with the following
2 information:
- 3 (1) The budget of the authority;
 - 4 (2) Details of funding received by the federal government
5 or other sources, including amounts, deadlines for
6 use, and eligible uses of funds;
 - 7 (3) Documentation of the activities of the authority,
8 including a detailed description of the progress
9 toward the state connectivity goals in section -3;
 - 10 (4) A listing of any investments of money in the
11 authority, while maintaining confidentiality for
12 organizations working with the authority; and
 - 13 (5) An analysis of the availability of communications
14 services and advanced communications technology
15 infrastructure, including an analysis of the
16 competitive market in the State for broadband services
17 and advanced communications technology infrastructure,
18 and whether the broadband services provided in the
19 State are reasonably comparable to services provided
20 regionally and nationwide.



1 (b) As part of the report required under subsection (a),
2 the authority shall include findings and recommendations
3 following its review of the effectiveness of the authority in
4 furthering the purposes of this chapter, including:

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

7 (2) An analysis of whether the activities of the authority
8 should continue for a specified period of time and any
9 recommendations, including proposed legislation, for
10 changes to the powers and duties of the authority to
11 better further the purposes of this chapter; and

12 (3) An analysis of whether the activities of the authority
13 should be terminated and the laws governing the
14 authority repealed within a specified time frame and
15 any recommendations, including proposed legislation,
16 necessary to facilitate an orderly transition
17 following the termination of activities of the
18 authority, including the appropriate disposition of
19 the assets of the authority."

20 PART III



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

3 1. By adding a new definition to be appropriately inserted
4 and to read:

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

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

9 ""Digital equity" means a condition in which broadband
10 equity is achieved and all individuals and communities have the
11 information technology capacity needed for full participation in
12 society, democracy, and the economy."

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

15 "[+]§206S-3[+] **Hawaii broadband and digital equity office;**
16 **duties.** In furtherance of the State's objectives and policies
17 for the economy pursuant to section 226-10.5, the office shall:

18 (1) Develop and implement specific strategies and plans to
19 aggressively increase broadband affordability,
20 penetration, and competitive availability in the
21 State;



- 1 (2) Support the efforts of both public and private
2 entities in the State to enhance or facilitate the
3 deployment of and access to competitively priced,
4 advanced electronic communications services, including
5 broadband and its products and services and internet
6 access services of general application throughout the
7 State;
- 8 ~~[(3) Promote the landing of trans-Pacific submarine cable,~~
9 ~~including the development of a shared access cable~~
10 ~~station and associated terrestrial connectivity to~~
11 ~~reduce barriers to fiber landing in Hawaii;~~
- 12 ~~(4)]~~ (3) Promote, advocate, and facilitate the
13 implementation of the findings and recommendations of
14 the Hawaii broadband task force established by Act 2,
15 First Special Session Laws of Hawaii 2007, and the
16 2020 Hawaii Broadband Strategic Plan;
- 17 ~~[(5)]~~ (4) Support the findings of the community-based
18 Broadband Hui as reflected in its digital equity
19 declaration;



1 [~~(6)~~] (5) Administer and coordinate federal and state grant
2 programs in support of [~~broadband infrastructure,~~
3 ~~innovation,~~] digital equity and the digital economy;
4 [~~(7)~~] (6) Actively seek out funding from public and private
5 sources in furtherance of the office's duties pursuant
6 to this section; and
7 [~~(8)~~] (7) Provide a repository, aggregation point, and
8 governance framework for broadband mapping and digital
9 equity data from various sources, including digital
10 literacy, telehealth, distance education, remote work,
11 internet accessibility, and service coverage to
12 support mapping, reporting, infrastructure deployment,
13 and data-driven policy."

PART IV

15 SECTION 5. There is appropriated out of the federal funds
16 received by the State the sum of \$ or so much thereof
17 as may be necessary for fiscal year 2022-2023 to enhance
18 broadband infrastructure programs and expand access to broadband
19 in the State, including the installation of broadband
20 infrastructure.



1 The sum appropriated shall be expended by the University of
2 Hawaii for the purposes of this Act.

3 PART V

4 SECTION 6. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2022-2023 for
7 full-time equivalent (FTE) administrative
8 positions, exempt from chapter 76, Hawaii Revised Statutes, for
9 the operation and administration of the Hawaii broadband and
10 digital equity office.

11 The sum appropriated shall be expended by the Hawaii
12 broadband and digital equity office for the purposes of this
13 Act.

14 PART VI

15 SECTION 7. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect on July 1, 2050.

18



S.B. NO. 2076
S.D. 2
H.D. 2

Report Title:

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

Description:

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

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