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# A BILL FOR AN ACT

RELATING TO THE HAWAII BROADBAND AND DIGITAL EQUITY OFFICE.

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

1           SECTION 1. Chapter 27, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4                           **"PART           .    BROADBAND OFFICE**

5           **§27-A Definitions.** As used in this part:

6           "Broadband" means high-speed internet access that is always  
7 on, including mobile and fixed technologies.

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

11           **§27-B Broadband office; establishment; strategic broadband**  
12 **coordinator; staff.** (a) There is established the broadband  
13 office within the office of enterprise technology services.

14           (b) Without regard to section 26-34, the governor shall  
15 appoint a strategic broadband coordinator, who shall be exempt  
16 from chapter 76, to head the broadband office.



1           **§27-C Broadband office; duties.** In furtherance of the  
2 State's objectives and policies for the economy pursuant to  
3 section 226-10.5, the broadband office shall:

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

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

15           (3) Promote the landing of trans-Pacific submarine cable,  
16                including the development of a shared access cable  
17                station and associated terrestrial connectivity to  
18                reduce barriers to fiber landing in the State;

19           (4) Promote, advocate, and facilitate the implementation  
20                of the findings and recommendations of the Hawaii  
21                broadband task force established by Act 2, First



- 1 Special Session Laws of Hawaii 2007, and the 2020  
2 Hawaii Broadband Strategic Plan;
- 3 (5) Support the findings of community-based groups as  
4 reflected in its digital equity declaration;
- 5 (6) Administer grant programs in support of broadband  
6 infrastructure, innovation, and the digital economy;
- 7 (7) Actively seek out funding from public and private  
8 sources in furtherance of the office's duties pursuant  
9 to this section; and
- 10 (8) Provide a repository, aggregation point, and  
11 governance framework for broadband mapping and digital  
12 equity data from various sources, including digital  
13 literacy, telehealth, distance education, internet  
14 accessibility, and service coverage to support  
15 mapping, reporting, infrastructure deployment, and  
16 data-driven policy.

17 **§27-D Broadband planning and coordination; cooperation.**

- 18 (a) The broadband office shall:
- 19 (1) Seek input and the widest possible cooperation from  
20 public and private agencies and individuals to achieve  
21 the purposes of this part;



- 1           (2) Work closely with and assist the counties in the  
2                   promotion of coordinated state and county broadband  
3                   planning;
- 4           (3) Encourage every state department, county agency, and  
5                   other public or private agencies and individuals  
6                   involved in broadband programs to participate in the  
7                   activities of the office and incorporate, to the  
8                   extent feasible, the ideas and suggestions of the  
9                   participants in the office's comprehensive planning  
10                  goals;
- 11          (4) Monitor the broadband-based development efforts of  
12                  other states and nations in areas such as business,  
13                  education, and health;
- 14          (5) Advise the office of enterprise technology services on  
15                  other states' best practices involving policies and  
16                  strategies related to making affordable broadband  
17                  services available to every home and business in the  
18                  State;
- 19          (6) Monitor broadband-related activities at the federal  
20                  level;



1 (7) Encourage public-private partnerships to increase the  
2 deployment and adoption of broadband services and  
3 applications;

4 (8) Monitor regulatory and policy changes for potential  
5 impact on broadband deployment and sustainability in  
6 the State; and

7 (9) Advise the chief information officer on broadband  
8 deployment.

9 (b) Nothing in this section shall be construed to  
10 delegate, or detract in any way from, the functions, powers, and  
11 duties conferred by law or rule on any department or agency of  
12 the State or county.

13 **§27-E Broadband revolving fund.** (a) There is established  
14 in the state treasury the broadband revolving fund to be  
15 administered by the broadband office, into which shall be  
16 deposited:

17 (1) Proceeds of leases of broadband infrastructure owned  
18 by the State;

19 (2) Appropriations by the legislature to the revolving  
20 fund; and



1           (3) Gifts, donations, and grants from public agencies and  
2           private persons.

3 All interest earned or accrued on moneys deposited into the  
4 revolving fund shall become a part of the revolving fund.

5           (b) Moneys in the broadband revolving fund shall be used  
6 for:

7           (1) Supporting broadband projects, excluding the  
8           deployment of broadband infrastructure for the  
9           provision of retail service;

10           (2) Defraying the cost of internet services; and

11           (3) Funding positions for personnel to provide technical  
12           assistance to the community.

13           (c) Expenditures from the broadband revolving fund shall  
14 be made by the broadband office, subject to oversight and prior  
15 approval by the information technology steering committee."

16           SECTION 2. Chapter 206S, Hawaii Revised Statutes, is  
17 repealed.

18           SECTION 3. Section 440G-11.5, Hawaii Revised Statutes, is  
19 repealed.



1           ~~["§440G-11.5 Other duties of the director; broadband~~  
2 ~~services. (a) In conjunction with broadband services, the~~  
3 ~~director shall:~~

4           ~~(1) Promote and encourage use of telework alternatives for~~  
5           ~~public and private employees, including appropriate~~  
6           ~~policy and legislative initiatives;~~

7           ~~(2) Advise and assist state agencies, and upon request of~~  
8           ~~the counties, advise and assist the counties, in~~  
9           ~~planning, developing, and administering programs,~~  
10           ~~projects, plans, policies, and other activities to~~  
11           ~~promote telecommuting by employees of state and county~~  
12           ~~agencies;~~

13           ~~(3) Support the efforts of both public and private~~  
14           ~~entities in Hawaii to enhance or facilitate the~~  
15           ~~deployment of, and access to, competitively priced,~~  
16           ~~advanced electronic communications services, including~~  
17           ~~broadband and its products and services and internet~~  
18           ~~access services of general application throughout~~  
19           ~~Hawaii;~~

20           ~~(4) Make recommendations to establish affordable,~~  
21           ~~accessible broadband services to unserved and~~



1 ~~underserved areas of Hawaii and monitor advancements~~  
2 ~~in communications that will facilitate this goal;~~  
3 ~~(5) Advocate for, and facilitate the development and~~  
4 ~~deployment of, expanded broadband applications,~~  
5 ~~programs, and services, including telework,~~  
6 ~~telehealth, and e-learning, that will bolster the~~  
7 ~~usage of and demand for broadband level~~  
8 ~~telecommunications;~~

9 ~~(6) Serve as a broadband information and applications~~  
10 ~~clearinghouse for the State and a coordination point~~  
11 ~~for federal American Recovery and Reinvestment Act of~~  
12 ~~2009 broadband-related services and programs; and~~

13 ~~(7) Promote, advocate, and facilitate the implementation~~  
14 ~~of the findings and recommendations of the Hawaii~~  
15 ~~broadband task force established by Act 2, First~~  
16 ~~Special Session Laws of Hawaii 2007.~~

17 ~~[(b)] The director shall submit an annual report to the~~  
18 ~~legislature, no later than twenty days prior to the convening of~~  
19 ~~each regular session, on the department's efforts to use~~  
20 ~~broadband and its products and services to develop and expand~~  
21 ~~telework initiatives, including telework participation levels~~



1 ~~and trends of both private and public sector employees in~~  
2 ~~Hawaii.~~

3 ~~[(c)] The department of commerce and consumer affairs~~  
4 ~~shall report annually to the legislature, no later than twenty~~  
5 ~~days prior to the convening of each regular session, on the~~  
6 ~~receipt and expenditure of federal moneys from the American~~  
7 ~~Recovery and Reinvestment Act of 2009, and moneys from other~~  
8 ~~federal appropriation measures or applicable federal acts, for~~  
9 ~~the purposes of purchasing broadband facilities, services, or~~  
10 ~~equipment or for entering into contracts for broadband-related~~  
11 ~~projects by all state agencies for all state agencies approval.~~

12 ~~[(d)] Pursuant to [section] 440G-12(d), the director may~~  
13 ~~appoint and employ engineers, accountants, attorneys, and~~  
14 ~~professional, clerical, stenographic, or other assistants, as~~  
15 ~~required, with or without regard to chapter 76." ]~~

16 SECTION 4. Act 199, Session Laws of Hawaii 2010, as  
17 amended by section 5 of Act 151, Session Laws of Hawaii 2011, as  
18 amended by section 2 of Act 23, Session Laws of Hawaii 2016, is  
19 amended by amending section 3 to read as follows:

20 "SECTION 5. ~~[Telework promotion; broadband assistance~~  
21 ~~advisory council; establishment; purpose.~~ (a) ~~The director of~~



1 ~~commerce and consumer affairs shall convene and chair the~~  
2 ~~broadband assistance advisory council to advise the director of~~  
3 ~~commerce and consumer affairs on policy and funding priorities~~  
4 ~~to promote and encourage use of telework alternatives for public~~  
5 ~~and private employees, and expedite deployment of affordable and~~  
6 ~~accessible broadband services in Hawaii.~~

7 ~~(b) The council shall be composed of the director of~~  
8 ~~commerce and consumer affairs, or the director's designee; the~~  
9 ~~director of business, economic development, and tourism, or the~~  
10 ~~director's designee; and the following twelve members who shall~~  
11 ~~be equally appointed by the president of the senate and by the~~  
12 ~~speaker of the house of representatives as follows:~~

13 ~~(1) Two members of the senate, appointed by the president~~  
14 ~~of the senate;~~

15 ~~(2) Two members of the house of representatives, appointed~~  
16 ~~by the speaker of the house of representatives;~~

17 ~~(3) Four representatives of federal, state, and county~~  
18 ~~government entities having a role in infrastructure~~  
19 ~~deployment; management of public rights-of-way,~~  
20 ~~regulation, and franchising; information technology;~~  
21 ~~and economic development; and~~



1       ~~(4) Four representatives of Hawaii's private sector~~  
2             ~~technology, telecommunications, and investment~~  
3             ~~industries.~~

4       ~~In making the appointments pursuant to subsection (b)(1) through~~  
5       ~~(b)(3), the president of the senate and the speaker of the house~~  
6       ~~of representatives shall ensure representation of each of the~~  
7       ~~counties of Hawaii, Maui, and Kauai, and the city and county of~~  
8       ~~Honolulu by one or more appointed members. Except for the~~  
9       ~~director of commerce and consumer affairs and the director of~~  
10       ~~business, economic development, and tourism, all members shall~~  
11       ~~serve for a term of four years. Notwithstanding any law to the~~  
12       ~~contrary, the terms of all members as of July 1, 2016, shall~~  
13       ~~expire on June 30, 2019; and, each subsequent four-year term~~  
14       ~~shall commence on July 1, and expire on June 30 every four years~~  
15       ~~thereafter. Any member of the council whose term has expired~~  
16       ~~may continue to serve as a holdover member until reappointment~~  
17       ~~or until a successor is appointed. Any vacancies occurring in~~  
18       ~~the membership of the advisory council shall be filled for the~~  
19       ~~remainder of the unexpired term in the same manner as the~~  
20       ~~original appointments.~~



1       ~~(c) The director of commerce and consumer affairs shall~~  
2 ~~serve as chairperson of the council. The chairperson may~~  
3 ~~designate representatives of other interested public or private~~  
4 ~~sector organizations to serve as members of the council, or as~~  
5 ~~members of the work groups of the council to address specified~~  
6 ~~issues on an ad hoc basis, as the chairperson deems necessary.~~  
7 ~~The council shall meet at times as may be called by the~~  
8 ~~chairperson. Members and ad hoc members shall be reimbursed for~~  
9 ~~reasonable expenses, including travel expenses, necessary for~~  
10 ~~the performance of their duties. Administrative support to the~~  
11 ~~council shall be provided by the department of commerce and~~  
12 ~~consumer affairs.~~

13       ~~(d) The council shall:~~

- 14       ~~(1) Monitor the broadband-based development efforts of~~  
15           ~~other states and nations in areas such as business,~~  
16           ~~education, and health;~~
- 17       ~~(2) Advise the department on other states' best practices~~  
18           ~~involving telework promotion and policies and~~  
19           ~~strategies related to making affordable broadband~~  
20           ~~services available to every Hawaii home and business;~~





1 be necessary for fiscal year 2025-2026 for the establishment  
2 of full-time equivalent ( FTE) digital navigator  
3 positions.

4 The sum appropriated shall be expended by the broadband  
5 office for the purposes of this Act.

6 SECTION 9. All rights, powers, functions, and duties of  
7 the department of business, economic development, and tourism  
8 relating to the Hawaii broadband and digital equity office are  
9 transferred to the department of accounting and general  
10 services.

11 All employees who occupy civil service positions and whose  
12 functions are transferred to the department of accounting and  
13 general services by this Act shall retain their civil service  
14 status, whether permanent or temporary. Employees shall be  
15 transferred without loss of salary, seniority (except as  
16 prescribed by applicable collective bargaining agreements),  
17 retention points, prior service credit, any vacation and sick  
18 leave credits previously earned, and other rights, benefits, and  
19 privileges, in accordance with state personnel laws and this  
20 Act; provided that the employees possess the minimum  
21 qualifications and public employment requirements for the class



1 or position to which transferred or appointed, as applicable;  
2 provided further that subsequent changes in status may be made  
3 pursuant to applicable civil service and compensation laws.

4 Any employee who, prior to this Act, is exempt from civil  
5 service and is transferred as a consequence of this Act may  
6 retain the employee's exempt status, but shall not be appointed  
7 to a civil service position as a consequence of this Act. An  
8 exempt employee who is transferred by this Act shall not suffer  
9 any loss of prior service credit, vacation or sick leave credits  
10 previously earned, or other employee benefits or privileges as a  
11 consequence of this Act; provided that the employees possess  
12 legal and public employment requirements for the position to  
13 which transferred or appointed, as applicable; provided further  
14 that subsequent changes in status may be made pursuant to  
15 applicable employment and compensation laws. The comptroller  
16 may prescribe the duties and qualifications of these employees  
17 and fix their salaries without regard to chapter 76, Hawaii  
18 Revised Statutes.

19 SECTION 10. All appropriations, records, equipment,  
20 machines, files, supplies, contracts, books, papers, documents,  
21 maps, and other personal property heretofore made, used,



1 acquired, or held by the department of business, economic  
2 development, and tourism relating to the functions of the Hawaii  
3 broadband and digital equity office transferred to the  
4 department of accounting and general services shall be  
5 transferred with the functions to which they relate.

6 SECTION 11. In codifying the new sections added by section  
7 1 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

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

12 SECTION 13. This Act shall take effect on July 1, 3000.



**Report Title:**

DBEDT; DAGS; Broadband Office; Hawaii Broadband and Digital Equity Office; Office of Enterprise Technology Services; Broadband Revolving Fund; Positions; Appropriations

**Description:**

Transfers the Hawaii Broadband and Digital Equity Office from the Department of Business, Economic Development, and Tourism to the Office of Enterprise Technology Services in the Department of Accounting and General Services. Renames the Hawaii Broadband and Digital Equity Office to Broadband Office. Repeals broadband duties assigned to the Director of Commerce and Consumer Affairs. Repeals the Broadband Assistance Advisory Council. Establishes the Broadband Revolving Fund. Establishes positions. Appropriates funds. Effective 7/1/3000. (SD1)

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

