
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 3. [~~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 ~~(3) Monitor broadband-related activities at the federal~~
2 ~~level;~~
- 3 ~~(4) Monitor regulatory and policy changes for potential~~
4 ~~impact on broadband deployment and sustainability in~~
5 ~~Hawaii; and~~
- 6 ~~(5) Encourage public-private partnerships to increase the~~
7 ~~deployment and adoption of broadband services and~~
8 ~~applications.] Repealed."~~

9 SECTION 5. Act 151, Session Laws of Hawaii 2011, as
10 amended by section 3 of Act 264, Session Laws of Hawaii 2013, as
11 amended by section 1 of Act 193, Session Laws of Hawaii 2016, is
12 amended by amending section 2 to read as follows:

13 "SECTION 2. Beginning January 1, 2012, actions relating to
14 the installation, improvement, construction, or development of
15 infrastructure relating to broadband service or broadband
16 technology, including the interconnection of telecommunications
17 cables, shall be exempt from county permitting requirements,
18 state permitting and approval requirements, which includes the
19 requirements of chapters 171, 205A, and 343, Hawaii Revised
20 Statutes, and public utilities commission rules under Hawaii
21 Administrative Rules, chapter 6-73, that require existing



1 installations to comply with new pole replacement standards at
2 the time of any construction or alteration to the equipment or
3 installation, except to the extent that such permitting or
4 approval is required by federal law or is necessary to protect
5 eligibility for federal funding, services, or other assistance;
6 provided that the installation, improvement, construction, or
7 development of infrastructure shall:

- 8 (1) Be directly related to the improvement of existing
9 telecommunications cables or the installation of new
10 telecommunications cables:
- 11 (A) On existing or replacement utility poles and
12 conduits; and
- 13 (B) Using existing infrastructure and facilities;
- 14 (2) Take place within existing rights-of-way or public
15 utility easements or use existing telecommunications
16 infrastructure; and
- 17 (3) Make no significant changes to the existing public
18 rights-of-way, public utility easements, or
19 telecommunications infrastructure.

20 An applicant shall comply with all applicable safety and
21 engineering requirements relating to the installation,



1 improvement, construction, or development of infrastructure
2 relating to broadband service.

3 A person or entity taking any action under this section
4 shall~~[7]~~ provide notice to the broadband office, at least thirty
5 calendar days before the action is taken, [~~provide notice to the~~
6 ~~director of commerce and consumer affairs~~] by electronic posting
7 in the form and on the site designated by the [~~director~~]
8 broadband office for such posting on the designated central
9 State of Hawaii Internet website; provided that notice need not
10 be given by a public utility or government entity for an action
11 relating to the installation, improvement, construction, or
12 development of infrastructure relating to broadband service or
13 broadband technology where the action taken is to provide access
14 as the owner of the existing rights-of-way, utility easements,
15 or telecommunications infrastructure."

16 SECTION 6. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$200,000 or so much
18 thereof as may be necessary for fiscal year 2025-2026 to be
19 deposited into the broadband revolving fund under section 27-E,
20 Hawaii Revised Statutes.



1 SECTION 7. There is appropriated out of the broadband
2 revolving fund the sum of \$200,000 or so much thereof as may be
3 necessary for fiscal year 2025-2026 for the reimbursement of
4 contracts executed by the broadband office.

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

7 SECTION 8. There is appropriated out of the broadband
8 revolving fund the sum of \$ or so much thereof as may
9 be necessary for fiscal year 2025-2026 for the establishment
10 of full-time equivalent (FTE) digital navigator
11 positions.

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

14 SECTION 9. All rights, powers, functions, and duties of
15 the department of business, economic development, and tourism
16 relating to the Hawaii broadband and digital equity office are
17 transferred to the department of accounting and general
18 services.

19 All employees who occupy civil service positions and whose
20 functions are transferred to the department of accounting and
21 general services by this Act shall retain their civil service



1 status, whether permanent or temporary. Employees shall be
2 transferred without loss of salary, seniority (except as
3 prescribed by applicable collective bargaining agreements),
4 retention points, prior service credit, any vacation and sick
5 leave credits previously earned, and other rights, benefits, and
6 privileges, in accordance with state personnel laws and this
7 Act; provided that the employees possess the minimum
8 qualifications and public employment requirements for the class
9 or position to which transferred or appointed, as applicable;
10 provided further that subsequent changes in status may be made
11 pursuant to applicable civil service and compensation laws.

12 Any employee who, prior to this Act, is exempt from civil
13 service and is transferred as a consequence of this Act may
14 retain the employee's exempt status, but shall not be appointed
15 to a civil service position as a consequence of this Act. An
16 exempt employee who is transferred by this Act shall not suffer
17 any loss of prior service credit, vacation or sick leave credits
18 previously earned, or other employee benefits or privileges as a
19 consequence of this Act; provided that the employees possess
20 legal and public employment requirements for the position to
21 which transferred or appointed, as applicable; provided further



1 that subsequent changes in status may be made pursuant to
2 applicable employment and compensation laws. The comptroller
3 may prescribe the duties and qualifications of these employees
4 and fix their salaries without regard to chapter 76, Hawaii
5 Revised Statutes.

6 SECTION 10. All appropriations, records, equipment,
7 machines, files, supplies, contracts, books, papers, documents,
8 maps, and other personal property heretofore made, used,
9 acquired, or held by the department of business, economic
10 development, and tourism relating to the functions of the Hawaii
11 broadband and digital equity office transferred to the
12 department of accounting and general services shall be
13 transferred with the functions to which they relate.

14 SECTION 11. All rules, policies, procedures, guidelines,
15 and other material adopted or developed by the department of
16 business, economic development, and tourism to implement
17 provisions of the Hawaii Revised Statutes that are reenacted or
18 made applicable to the department of accounting and general
19 services by this Act shall remain in full force and effect until
20 amended or repealed by the department of accounting and general
21 services pursuant to chapter 91, Hawaii Revised Statutes.



1 In the interim, every reference to the department of
2 business, economic development, and tourism or director of
3 business, economic development, and tourism in those rules,
4 policies, procedures, guidelines, and other material is amended
5 to refer to the department of accounting and general services or
6 comptroller, as appropriate.

7 SECTION 12. All deeds, leases, contracts, loans,
8 agreements, permits, or other documents executed or entered into
9 by or on behalf of the department of business, economic
10 development, and tourism, pursuant to the provisions of the
11 Hawaii Revised Statutes, that are reenacted or made applicable
12 to the department of accounting and general services by this Act
13 shall remain in full force and effect. Upon the effective date
14 of this Act, every reference to the department of business,
15 economic development, and tourism or the director of business,
16 economic development, and tourism therein shall be construed as
17 a reference to the department of accounting and general services
18 or the comptroller, as appropriate.

19 SECTION 13. In codifying the new sections added by section
20 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 14. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 15. This Act shall take effect on July 1, 3000.



Report Title:

DBEDT; DAGS; DCCA; 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. Transfers the duty of collecting and posting certain broadband infrastructure notices to the Broadband Office. Establishes the Broadband Revolving Fund. Establishes positions. Appropriates funds. Effective 7/1/3000. (SD2)

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

