

ACT 199

H.B. NO. 2698

A Bill for an Act Relating to Technology.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. (a) Through Act 2, First Special Session Laws of Hawaii 2007, the legislature created the Hawaii broadband task force to provide recommendations on how to advance Hawaii's broadband capabilities and use. The legislature finds that advanced broadband services are essential infrastructure for an innovation economy and a knowledge society in the twenty-first century. High-speed broadband services at affordable prices are essential for the advancement of education, health, public safety, research and innovation, civic participation, e-government, economic development and diversification, and public safety and services. The legislature also recognizes the evolution in the manner in which communications and information services are delivered to the consumer, including by wireline, wireless, cable television, and satellite infrastructures, and that the voice, video, and data services provided over these infrastructures are converging.

Meeting the following goals is critical for Hawaii to compete successfully in the global economy of the twenty-first century:

- (1) Ensure access to broadband communications for all households, businesses, and organizations throughout Hawaii by 2012 at speeds and prices comparable to the average speeds and prices available in the top three performing countries in the world;
 - (2) Increase availability of advanced broadband communications service on a competitive basis to reduce prices, increase service penetration, and improve service to all persons in Hawaii;
 - (3) Increase broadband availability at affordable costs to low-income and other disadvantaged groups, including making low-cost, broadband-capable computers available to eligible recipients;
 - (4) Increase sharing of the infrastructure used to deploy broadband to speed up implementation, reduce costs to providers, reduce underlying costs to providers through incentives rather than eminent domain procedures, ease deployment of broadband, and ease entry into a competitive broadband marketplace;
 - (5) Increase flexible, timely, and responsible access to public rights-of-way and public facilities for broadband service providers; and
 - (6) Develop a more streamlined permit approval process that reduces the time and cost of infrastructure deployment, to be created jointly by disparate permitting agencies, stakeholders, and other interested parties.
- (b) The purpose of this Act is to begin implementation of activities to achieve these goals by:
- (1) Adding the functions of telework promotion and broadband assistance to the department of commerce and consumer affairs' responsibilities over cable programming under chapter 440G, Hawaii Revised Statutes;
 - (2) Appropriating moneys from the compliance resolution fund for fiscal year 2010-2011 to fund telework and broadband activities;
 - (3) Establishing a telework promotion and broadband assistance advisory council to meet the goals of expanded broadband and its products and services in the State of Hawaii;

- (4) Establishing a work group to develop procedures for streamlined permitting functions applicable to the development of broadband services or technology; and
- (5) Requiring the department of commerce and consumer affairs to report annually to the legislature on all expenditures of federal moneys received pursuant to the American Recovery and Reinvestment Act of 2009 or other federal funds, for purchasing broadband facilities, services, or equipment, or entering into contracts for broadband-related projects.

SECTION 2. Chapter 440G, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§440G- Other duties of the director; broadband services. In conjunction with broadband services, the director shall:

- (1) Promote and encourage use of telework alternatives for public and private employees, including appropriate policy and legislative initiatives;
- (2) Advise and assist state agencies, and upon request of the counties, advise and assist the counties, in planning, developing, and administering programs, projects, plans, policies, and other activities to promote telecommuting by employees of state and county agencies;
- (3) Support the efforts of both public and private entities in Hawaii to enhance or facilitate the deployment of, and access to, competitively priced, advanced electronic communications services, including broadband and its products and services and Internet access services of general application throughout Hawaii;
- (4) Make recommendations to establish affordable, accessible broadband services to unserved and underserved areas of Hawaii and monitor advancements in communications that will facilitate this goal;
- (5) Advocate for, and facilitate the development and deployment of, expanded broadband applications, programs, and services, including telework, telemedicine, and e-learning, that will bolster the usage of and demand for broadband level telecommunications;
- (6) Serve as a broadband information and applications clearinghouse for the state and a coordination point for federal American Recovery and Reinvestment Act of 2009 broadband-related services and programs; and
- (7) Promote, advocate, and facilitate the implementation of the findings and recommendations of the Hawaii broadband task force established by Act 2, First Special Session Laws of Hawaii 2007.

The director shall submit an annual report to the legislature, no later than twenty days prior to the convening of each regular session, on the department's efforts to use broadband and its products and services to develop and expand telework initiatives, including telework participation levels and trends of both private and public sector employees in Hawaii.

Pursuant to chapter 440G-12(d), the director may appoint and employ engineers, accountants, attorneys, and professional, clerical, stenographic, or other assistants, as required, with or without regard to chapter 76.”

SECTION 3. Telework promotion and broadband assistance advisory council; establishment; purpose. (a) The administrator of the cable television division of the department of commerce and consumer affairs shall convene and chair the broadband assistance advisory council to advise the administrator on

policy and funding priorities to promote and encourage use of telework alternatives for public and private employees, and expedite deployment of affordable and accessible broadband services in Hawaii.

(b) The council shall be composed of the administrator of the cable television division and the following twelve members who shall be equally appointed by the president of the senate and by the speaker of the house of representatives as follows:

- (1) Two members of the senate, appointed by the president of the senate;
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives;
- (3) Four representatives of federal, state, and county government entities having a role in infrastructure deployment; management of public rights-of-way, regulation, and franchising; information technology; and economic development; and
- (4) Four representatives of Hawaii's private sector technology, telecommunications, and investment industries.

Except for the administrator of the cable television division, all members shall serve for a term of four years. Any vacancies occurring in the membership of the advisory council shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

(c) The administrator of the cable television division shall serve as chairperson of the council. The council shall meet at times as may be called by the chairperson. Members shall be reimbursed for reasonable expenses, including travel expenses, necessary for the performance of their duties. Administrative support to the council shall be provided by the department of commerce and consumer affairs.

(d) The council shall:

- (1) Monitor the broadband-based development efforts of other states and nations in areas such as business, education, and health;
- (2) Advise the department on other states' best practices involving telework promotion and policies and strategies related to making affordable broadband services available to every Hawaii home and business;
- (3) Monitor broadband-related activities at the federal level;
- (4) Monitor regulatory and policy changes for potential impact on broadband deployment and sustainability in Hawaii; and
- (5) Encourage public-private partnerships to increase the deployment and adoption of broadband services and applications.

SECTION 4. Work group; establishment; reporting. (a) The administrator of the cable television division of the department of commerce and consumer affairs shall convene a work group to develop procedures for streamlined permitting functions that are applicable to the development of broadband services and broadband technology that are normally available to state and local governments for the use or development of broadband service or broadband technology. Members of the work group shall include:

- (1) The administrator of the cable television division, or the administrator's designee;
- (2) The mayor of the county of Hawaii, or the mayor's designee;
- (3) The mayor of the city and county of Honolulu, or the mayor's designee;
- (4) The mayor of the county of Kauai, or the mayor's designee;
- (5) The mayor of the county of Maui, or the mayor's designee;

- (6) The chairperson of the Hawaii broadband task force established by Act 2, First Special Session Laws of Hawaii 2007; and
 - (7) Two representatives of state agencies with jurisdiction over land use and permitting at the state level.
- (b) The work group shall submit to the legislature, no later than January 1, 2011, a report with its recommended procedures for streamlining and expediting all permitting functions normally available to state and local governments for the use or development of broadband service or broadband technology. The procedures shall be consistent across all counties and shall provide that any permitting fees and revenues traditionally accruing to the counties that relate to the use or development of broadband service or broadband technology shall continue to accrue to the counties after the procedures go into effect.

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

SECTION 6. There is appropriated out of the compliance resolution fund subaccount CCA102, established under section 26-9(o), Hawaii Revised Statutes, the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2010-2011 to be used for the purposes of Section 2 of this Act.

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

SECTION 7. New statutory material is underscored.¹

SECTION 8. ' This Act shall take effect on July 1, 2010.

(Became law on July 6, 2010, without the governor's signature, pursuant to Art. III, §16, State Constitution.)

Note

- 1. Edited pursuant to HRS §23G-16.5.