

ACT 23

S.B. NO. 2511

A Bill for an Act Relating to Telecommunications.

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

SECTION 1. The legislature finds that the need for broadband services has continued to grow and that broadband service has become an essential infrastructure for society in the twenty-first century. The legislature further finds that the promotion and development of broadband services are critical for the advancement of education, health, public safety, research and innovation, civic participation, e-government, economic development and diversification, and public safety and services. These findings were reinforced in 2015 when the Federal Communications Commission reclassified broadband service under title II of the Federal Telecommunications Act, essentially classifying broadband service as a public utility on par with telecommunications service.

Act 199, Session Laws of Hawaii 2010, established the broadband assistance advisory council (advisory council). Act 151, Session Laws of Hawaii 2011, amended Act 199 to make the director of commerce and consumer affairs a member and chairperson of the advisory council. The advisory council is tasked with advising the director of commerce and consumer affairs on policy and funding priorities to promote and encourage the use of telework alternatives for public and private employees and to expedite the development of affordable and accessible broadband services in Hawaii.

The purpose of this Act is to:

- (1) Make the director of business, economic development, and tourism a member of the advisory council;
- (2) Ensure that each of the counties are represented on the advisory council; and
- (3) Authorize the chair of the advisory council to include representatives of other interested public or private sector organizations on an ad hoc basis as members of the advisory council or the work groups of the advisory council.

SECTION 2. Act 199, Session Laws of Hawaii 2010, as amended by Act 151, Session Laws of Hawaii 2011, is amended by amending section 3 to read as follows:

“SECTION 3. Telework promotion ~~and~~; broadband assistance advisory council; establishment; purpose. (a) The director of commerce and consumer affairs shall convene and chair the broadband assistance advisory council to advise the director of commerce and consumer affairs 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 director of commerce and consumer affairs, or the director's ~~designee~~; the director of business, economic development, and tourism, or the director's designee; 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;

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- (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.

In making the appointments pursuant to subsection (b)(1) through (b)(3), the president of the senate and the speaker of the house of representatives shall ensure representation of each of the counties of Hawaii, Maui, and Kauai, and the city and county of Honolulu by one or more appointed members. Except for the director of commerce and consumer affairs[;] and the director of business, economic development, and tourism, all members shall serve for a term of four years. Notwithstanding any law to the contrary, the terms of all members as of July 1, 2016, shall expire on June 30, 2019; and, each subsequent four-year term shall commence on July 1, and expire on June 30 every four years thereafter. Any member of the council whose term has expired may continue to serve as a holdover member until reappointment or until a successor is appointed. 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 director of commerce and consumer affairs shall serve as chairperson of the council. The chairperson may designate representatives of other interested public or private sector organizations to serve as members of the council, or as members of the work groups of the council to address specified issues on an ad hoc basis, as the chairperson deems necessary. The council shall meet at times as may be called by the chairperson. Members and ad hoc 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 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2016.

(Approved April 26, 2016.)