

ACT 201

H.B. NO. 934

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:

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

“PART . BROADBAND OFFICE

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

“Broadband” means high-speed internet access that is always on, including mobile and fixed technologies.

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

§27-B Broadband office; establishment; strategic broadband coordinator; staff. (a) There is established the broadband office within the department of accounting and general services for administrative purposes only.

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

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

- (1) Develop and implement specific strategies and plans to aggressively increase broadband affordability, penetration, and competitive availability in the State;
- (2) Support the efforts of both public and private entities in the State 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 the State;

- (3) Promote the landing of trans-Pacific submarine cable, including the development of a shared access cable station and associated terrestrial connectivity to reduce barriers to fiber landing in the State;
- (4) 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, and the 2020 Hawaii Broadband Strategic Plan;
- (5) Support the findings of community-based groups as reflected in its digital equity declaration;
- (6) Administer grant programs in support of broadband infrastructure, innovation, and the digital economy;
- (7) Actively seek out funding from public and private sources in furtherance of the office's duties pursuant to this section; and
- (8) Provide a repository, aggregation point, and governance framework for broadband mapping and digital equity data from various sources, including digital literacy, telehealth, distance education, internet accessibility, and service coverage to support mapping, reporting, infrastructure deployment, and data-driven policy.

§27-D Broadband planning and coordination; cooperation. (a) The broadband office shall:

- (1) Seek input and the widest possible cooperation from public and private agencies and individuals to achieve the purposes of this part;
 - (2) Work closely with and assist the counties in the promotion of coordinated state and county broadband planning;
 - (3) Encourage every state department, county agency, and other public or private agencies and individuals involved in broadband programs to participate in the activities of the office and incorporate, to the extent feasible, the ideas and suggestions of the participants in the office's comprehensive planning goals;
 - (4) Monitor the broadband-based development efforts of other states and nations in areas such as business, education, and health;
 - (5) Advise the department of accounting and general services on other states' best practices involving policies and strategies related to making affordable broadband services available to every home and business in the State;
 - (6) Monitor broadband-related activities at the federal level;
 - (7) Encourage public-private partnerships to increase the deployment and adoption of broadband services and applications;
 - (8) Monitor regulatory and policy changes for potential impact on broadband deployment and sustainability in the State; and
 - (9) Advise the comptroller on broadband deployment.
- (b) Nothing in this section shall be construed to delegate, or detract in any way from, the functions, powers, and duties conferred by law or rule on any department or agency of the State or county.

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

- (1) Proceeds of leases of broadband infrastructure owned by the State;
- (2) Appropriations by the legislature to the revolving fund; and
- (3) Gifts, donations, and grants from public agencies and private persons.

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

- (b) Moneys in the broadband revolving fund shall be used for:
 - (1) Supporting broadband projects, excluding the deployment of broadband infrastructure for the provision of retail service;
 - (2) Defraying the cost of internet services; and
 - (3) Funding positions for personnel to provide technical assistance to the community.
- (c) Expenditures from the broadband revolving fund shall be made by the broadband office, advised by the information technology steering committee and subject to prior approval by the comptroller.”

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

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

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

“SECTION 3. ~~[Telework promotion; 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;
- (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.] Repealed.~~

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

“SECTION 2. Beginning January 1, 2012, actions relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology, including the interconnection of telecommunications cables, shall be exempt from county permitting requirements, state permitting and approval requirements, which includes the requirements of chapters 171, 205A, and 343, Hawaii Revised Statutes, and public utilities commission rules under Hawaii Administrative Rules, chapter 6-73, that require existing installations to comply with new pole replacement standards at the time of any construction or alteration to the equipment or installation, except to the extent that such permitting or approval is required by federal law or is necessary to protect eligibility for federal funding, services, or other assistance; provided that the installation, improvement, construction, or development of infrastructure shall:

- (1) Be directly related to the improvement of existing telecommunications cables or the installation of new telecommunications cables:
 - (A) On existing or replacement utility poles and conduits; and
 - (B) Using existing infrastructure and facilities;
- (2) Take place within existing rights-of-way or public utility easements or use existing telecommunications infrastructure; and
- (3) Make no significant changes to the existing public rights-of-way, public utility easements, or telecommunications infrastructure.

An applicant shall comply with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband service.

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

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

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

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

SECTION 8. There is appropriated out of the broadband revolving fund the sum of \$800,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the establishment of:

- (1) Two full-time equivalent (2.0 FTE) digital navigator positions on Hawaii island;
- (2) One full-time equivalent (1.0 FTE) digital navigator position on Oahu;
- (3) One full-time equivalent (1.0 FTE) digital navigator position on Kauai;
- (4) One full-time equivalent (1.0 FTE) digital navigator position on Maui island; and
- (5) One full-time equivalent (1.0 FTE) digital navigator position on Molokai.

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

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

All employees who occupy civil service positions and whose functions are transferred to the department of accounting and general services by this Act shall retain their civil service status, whether permanent or temporary. Employees shall be transferred without loss of salary, seniority (except as prescribed by applicable collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

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

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

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

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

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

SECTION 13. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 14. Statutory material to be repealed is bracketed and stricken.² New statutory material is underscored.

SECTION 15. This Act shall take effect on July 1, 2025.
(Approved June 9, 2025.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.