



GOV. MSG. NO. 1051

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 10, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB310 HD2 SD2 CD2, without my approval, and with the statement of objections relating to the measure.

HB310 HD2 SD2 CD2

A BILL FOR AN ACT RELATING TO TECHNOLOGY.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 310, entitled "A Bill for an Act Relating to Technology," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 310 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 310 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 25th  
day of June, 2007.



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LINDA LINGLE  
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 310

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 310, entitled "A Bill for an Act Relating to Technology."

The purpose of this bill is to establish the fifteen-member Hawaii Broadband Task Force appointed by the Senate President and the Speaker of the House. This bill requires the Office of the Auditor to provide the research and organizational support services to the task force and appropriates \$50,000 from general funds in fiscal year 2007-2008 to pay for the support.

Although creation of a broadband network in Hawaii is important, this bill is objectionable because it fails to recognize the proper and logical governmental agency to support the task force.

Assigning to the Office of the Auditor the responsibility to provide staff support for this effort is not consistent with the Auditor's statutory duties and is an inappropriate function of that office. Pursuant to section 23-4, Hawaii Revised Statutes, the Auditor's primary duties are to "conduct postaudits of the transactions, accounts, programs, and performance of all departments, offices, and agencies of the State and its political subdivisions" and to conduct "examinations to discover evidence of any unauthorized, illegal, irregular, improper, or unsafe handling or expenditure of state funds or other improper practice of financial administration."

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 310  
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The Department of Accounting and General Services is the state agency tasked with the management of the State's Internet and website systems. This Department also handles the planning and implementation of the State's communication networks. The Department of Commerce and Consumer Affairs has oversight over communications entities. Either of these departments would be a more appropriate state agency than the Office of the Auditor to provide staff support to a Broadband Task Force.

For the foregoing reasons, I am returning House Bill No. 310 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

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## A BILL FOR AN ACT

RELATING TO TECHNOLOGY.

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

1           SECTION 1. Technology is the key to success in today's  
2 economy. The legislature finds that removing barriers against  
3 broadband deployment by using a technology-neutral approach will  
4 encourage lower prices for broadband services and create more  
5 consumer choices. In addition, deploying broadband networks and  
6 advanced communication services throughout Hawaii are essential  
7 for the State to keep pace with global changes in economic  
8 diversification, energy and environmental technology,  
9 healthcare, public safety, and education.

10           The legislature further finds that Hawaii's enterprises do  
11 not have access to the types of low-cost, high-capacity digital  
12 transport services which are increasingly available in  
13 communities concerned about advanced affordable services. As a  
14 result, state action is needed to support investment in,  
15 stimulate the adoption of, and remove potential barriers to the  
16 development and availability of world-class and universally  
17 accessible broadband networks in Hawaii.



1           Offering affordable Internet access services statewide is  
2 an essential element of a long-term strategy to invest in the  
3 State's workers, residents, and most importantly, the future of  
4 Hawaii's children.

5           The purpose of this Act is to establish a Hawaii broadband  
6 task force to:

- 7           (1) Remove barriers to broadband access, including gaining  
8           wider access to public rights-of-way;
- 9           (2) Identify opportunities for increased broadband  
10           deployment and adoption, including very high speed  
11           broadband services; and
- 12           (3) Enable the creation and deployment of new advanced  
13           communication technologies in Hawaii.

14           SECTION 2. (a) There is established the Hawaii broadband  
15 task force. The task force shall be comprised of the following:

- 16           (1) Three members of the senate, appointed by the  
17           president of the senate;
- 18           (2) Three members of the house of representatives,  
19           appointed by the speaker of the house of  
20           representatives;
- 21           (3) Four representatives of federal, state, and county  
22           government entities having a role in infrastructure



1 deployment; management of public rights-of-way,  
 2 regulation, and franchising; information technology;  
 3 and economic development; and

4 (4) Five representatives of Hawaii's private sector  
 5 technology, telecommunications, and investment  
 6 industries, including the incumbent local exchange  
 7 carrier;

8 provided that the members in paragraphs (3) and (4) shall be  
 9 appointed jointly by the president of the senate and the speaker  
 10 of the house of representatives.

11 (b) The members of the task force shall select the  
 12 chairperson of the task force and shall be reimbursed for  
 13 reasonable expenses, including travel expenses, necessary for  
 14 the performance of their duties.

15 (c) The task force shall:

16 (1) Identify actions that will produce increased  
 17 investment in and the availability of advanced  
 18 broadband capabilities at more affordable costs by  
 19 using new approaches to broadband deployment,  
 20 including through increased access to public rights-  
 21 of-way and shared fiber infrastructure;



- 1       (2) Identify administrative actions that will promote
- 2             broadband access and usage within the state;
- 3       (3) Make specific recommendations on how Hawaii can
- 4             leverage federal, state, and international
- 5             opportunities for and eliminate any related barriers
- 6             to broadband access and adoption;
- 7       (4) Focus special attention on how broadband can be used
- 8             to substantially benefit educational institutions,
- 9             healthcare institutions, community-based
- 10            organizations, and governmental institutions;
- 11       (5) Consult with public and private stakeholders to
- 12            coordinate statewide efforts to obtain and maximize
- 13            loan funding available for broadband deployment and
- 14            development projects in the state;
- 15       (6) Consult with private sector stakeholders to leverage
- 16            opportunities to increase investments in state-of-the-
- 17            art technologies, and new approaches to advancing
- 18            capabilities at reduced costs;
- 19       (7) Identify best practices to establish a database that
- 20            identifies current and prospective projects for
- 21            deploying broadband;

