
A BILL FOR AN ACT

RELATING TO TECHNOLOGY.

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

1 SECTION 1. Through Act 2 of the first special session of
2 2007, the legislature created the Hawaii broadband task force to
3 provide recommendations on how to advance Hawaii's broadband
4 capabilities and use. The legislature finds that advanced
5 broadband services are essential infrastructure for an
6 innovation economy and a knowledge society in the twenty-first
7 century. High-speed broadband services at affordable prices are
8 essential for the advancement of education, health, public
9 safety, research and innovation, civic participation,
10 e-government, economic development and diversification, and
11 public safety and services. The legislature also recognizes the
12 evolution in the manner in which communications and information
13 services are delivered to the consumer, including by wireline,
14 wireless, cable television, and satellite infrastructures, and
15 that the voice, video, and data services provided over these
16 infrastructures are converging. In order to position Hawaii for

1 global competitiveness in the twenty-first century, this Act
2 promotes the following goals:

3 (1) Access to broadband communications to all households,
4 businesses, and organizations throughout the State by
5 2012 at speeds and prices comparable to the average
6 speeds and prices available in the top three
7 performing countries in the world;

8 (2) Availability of advanced broadband communications
9 service on a competitive basis to reduce prices,
10 increase service penetration, and improve service to
11 all persons in the State;

12 (3) Increased broadband availability at affordable costs
13 to low-income and other disadvantaged groups,
14 including by making low-cost, broadband-capable
15 computers available to eligible recipients;

16 (4) Increased sharing of the infrastructure used to deploy
17 broadband in order to speed up implementation, reduce
18 costs to providers, reduce underlying costs to
19 providers through incentives rather than eminent
20 domain procedures, ease deployment of broadband, and
21 ease entry into a competitive broadband marketplace;

1 (5) Increased, flexible, timely, and responsible access to
2 public rights-of-way and public facilities for
3 broadband service providers; and

4 (6) A more streamlined permit approval process that
5 reduces the time and cost of infrastructure
6 deployment, to be created jointly by disparate
7 permitting agencies, stakeholders, and other
8 interested parties.

9 SECTION 2. **Use of American Recovery and Reinvestment Act**
10 **of 2009, federal funds from fiscal year 2009 and fiscal year**
11 **2010 appropriation measures, and other federal moneys.** (a) The
12 department of commerce and consumer affairs may apply for, and
13 expend, federal moneys from the American Recovery and
14 Reinvestment Act of 2009, federal funds from fiscal year 2009
15 and fiscal year 2010 appropriation measures, and other
16 applicable federal acts.

17 (b) The department of commerce and consumer affairs may
18 purchase broadband facilities, services, or equipment and may
19 enter into contracts for broadband-related projects through the
20 use of federal funds received under the American Recovery and
21 Reinvestment Act of 2009 resulting from fiscal year 2009 and
22 fiscal year 2010 appropriation measures, as well as other

1 federal funds, that are deposited into a subaccount established
2 within the compliance resolution fund under section 5 of this
3 Act.

4 (c) The department of commerce and consumer affairs may
5 assign to the subaccount established within the compliance
6 resolution fund federal moneys appropriated under federal laws
7 that authorize principal forgiveness, zero and negative interest
8 loans, and grants, including without limitation the American
9 Recovery and Reinvestment Act of 2009, federal funds from fiscal
10 year 2009 and fiscal year 2010 appropriation measures, and other
11 applicable federal acts. The department of commerce and
12 consumer affairs may use those moneys and, in so doing, may
13 include additional requirements and subsidization not applicable
14 to the remainder of the subaccount of the compliance resolution
15 fund, including forgiveness of principal and zero and negative
16 interest loans.

17 (d) Any moneys applied for or received by the department
18 of commerce and consumer affairs under the American Recovery and
19 Reinvestment Act of 2009 or federal funds from fiscal year 2009
20 and fiscal year 2010 appropriation measures for uses related to
21 the purposes of this Act and not yet encumbered shall be

1 transferred to the subaccount of the compliance resolution fund
2 upon its establishment.

3 (e) The department of commerce and consumer affairs shall
4 certify that a project has been identified for expenditure of
5 funds received pursuant to the American Recovery and
6 Reinvestment Act of 2009 and is entitled to priority over other
7 eligible projects on the basis of the overall public benefit
8 associated with the project and financial needs, as well as a
9 preference to those projects that can be started and completed
10 expeditiously as stipulated under the American Recovery and
11 Reinvestment Act of 2009.

12 (f) Contracts or purchases hereunder using moneys from the
13 American Recovery and Reinvestment Act of 2009 or federal funds
14 from fiscal year 2009 and fiscal year 2010 appropriation
15 measures shall be exempt from chapter 103D, Hawaii Revised
16 Statutes.

17 (g) For the purposes of this section:

18 "American Recovery and Reinvestment Act of 2009" means
19 the federal law, P.L. 111-5, making appropriations for various
20 purposes, including job preservation and creation,
21 infrastructure investment, energy efficiency and science,

1 assistance to the unemployed, and state and local fiscal
2 stabilization purposes.

3 SECTION 3. **Work group established.** The director of
4 commerce and consumer affairs shall convene a work group to
5 develop procedures for streamlined permitting functions that are
6 applicable to the development of broadband services and
7 broadband technology which are normally available to state and
8 local governments for the use or development of broadband
9 service or broadband technology. Members of the work group
10 shall include:

- 11 (1) The director of commerce and consumer affairs, or the
12 director's designee;
- 13 (2) The mayor of the county of Hawaii, or the mayor's
14 designee;
- 15 (3) The mayor of the city and county of Honolulu, or the
16 mayor's designee;
- 17 (4) The mayor of the county of Kauai, or the mayor's
18 designee;
- 19 (5) The mayor of the county of Maui, or the mayor's
20 designee;

1 (6) The chairperson of the Hawaii broadband task force
2 established by Act 2, First Special Session Laws of
3 Hawaii 2007; and

4 (7) Two representatives of state agencies with
5 jurisdiction over land use and permitting at the state
6 level.

7 SECTION 4. The work group established under section 3
8 shall submit to the legislature no later than January 1, 2010, a
9 report with its recommended procedures for streamlining and
10 expediting all permitting functions normally available to state
11 and local governments for the use or development of broadband
12 service or broadband technology. The procedures shall be
13 consistent across all counties and shall provide that any
14 permitting fees and revenues traditionally accruing to the
15 counties that relate to the use or development of broadband
16 service or broadband technology will continue to accrue to the
17 counties once the procedures go into effect.

18 SECTION 5. **Compliance resolution fund subaccount**
19 **established.** Within the compliance resolution fund established
20 pursuant to section 26-9(o), Hawaii Revised Statutes, there is
21 established a subaccount to be administered by the director of
22 commerce and consumer affairs. The federal funds received under

1 the American Recovery and Reinvestment Act of 2009 from fiscal
2 year 2009 and fiscal year 2010 appropriation measures, as well
3 as other federal funds, shall be deposited into the subaccount.
4 The moneys in the subaccount shall be used by the director of
5 commerce and consumer affairs for all expenses incurred in the
6 operation of programs developed by the director to develop and
7 construct, or encourage the construction of, broadband
8 infrastructure, make broadband capable services available to
9 low-income and disadvantaged persons, or otherwise promote
10 universal availability of communications services. The
11 expenditures made by the director pursuant to this section shall
12 be in accordance with legislative appropriations.

13 SECTION 6. There is appropriated out of the federal funds
14 deposited into the subaccount of the compliance resolution fund
15 the sum of \$ or so much thereof as may be necessary
16 for fiscal year 2009-2010 and the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2010-2011 to
18 purchase broadband facilities, services, or equipment or to fund
19 broadband-related infrastructure projects pursuant to this Act.

20 The sums appropriated shall be expended by the director of
21 commerce and consumer affairs for the purposes of this Act.

1 SECTION 7. This Act shall take effect on July 1, 2050, to
2 promote further discussion on various segments of this Act.

Report Title:

Broadband Permitting; ARRA Federal Funds; Work Group

Description:

Designates where to deposit federal funds received under the American Recovery and Reinvestment Act of 2009. Establishes a work group to develop procedures to streamline state and county broadband regulation, franchising, and permitting and report to the legislature. Establishes a subaccount within the compliance resolution fund to deposit federal funds from the American Recovery and Reinvestment Act of 2009. Makes an appropriation. Effective 7/1/2050. (SD2)