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# A BILL FOR AN ACT

RELATING TO BROADBAND.

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

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

4           "§27-       Broadband related permits; automatic approval.

5           (a) The State shall approve, approve with modification, or  
6 disapprove all applications for broadband related permits within  
7 forty-five days of submission of a complete permit application  
8 and full payment of any applicable fee. If on the forty-sixth  
9 day an application is not approved, approved with modification,  
10 or disapproved, it shall be deemed approved by the State.

11           (b) Permits issued pursuant to this section shall contain  
12 the following language: "This is a broadband related permit  
13 issued pursuant to section 27-       , Hawaii Revised Statutes".

14           (c) No action shall be prosecuted or maintained against  
15 the State, its officials, or employees on account of actions  
16 taken by them in reviewing, approving, modifying, or  
17 disapproving the permit application.



1        (d) The forty-five day time period established by this  
2 section shall be extended in the event of a natural disaster,  
3 state emergency, or union strike, which would prevent the  
4 applicant, agency, or a department from fulfilling application  
5 review requirements.

6        (e) For purposes of this section, "broadband related  
7 permits" means all state permits required to commence actions  
8 relating to the installation, improvement, construction, or  
9 development of infrastructure relating to broadband service or  
10 broadband technology, including the interconnection of  
11 telecommunications cables, cable installation, tower  
12 construction, and undersea boring. The term does not include  
13 any state permit for which the approval of a federal agency is  
14 explicitly required pursuant to federal law, rule, or  
15 regulation, prior to granting final permit approval by the  
16 State."

17        SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
18 by adding a new section to be appropriately designated and to  
19 read as follows:

20        "§46-        **Broadband related permits; automatic approval.**

21        (a) A county shall approve, approve with modification, or  
22 disapprove all applications for broadband related permits within



1 forty-five days of submission of a complete permit application  
2 and full payment of any applicable fee. If on the forty-sixth  
3 day an application is not approved, approved with modification,  
4 or disapproved, it shall be deemed approved by the county.

5 (b) Permits issued pursuant to this section shall contain  
6 the following language: "This is a broadband related permit  
7 issued pursuant to section 46- , Hawaii Revised Statutes".

8 (c) No action shall be prosecuted or maintained against  
9 any county, its officials, or employees on account of actions  
10 taken by them in reviewing, approving, modifying, or  
11 disapproving the permit application.

12 (d) The forty-five day time period established by this  
13 section shall be extended in the event of a natural disaster,  
14 state emergency, or union strike, which would prevent the  
15 applicant, agency, or a department from fulfilling application  
16 review requirements.

17 (e) For purposes of this section, "broadband related  
18 permits" means all county permits required to commence actions  
19 relating to the installation, improvement, construction, or  
20 development of infrastructure relating to broadband service or  
21 broadband technology, including the interconnection of  
22 telecommunications cables, cable installation, tower



1 construction, and undersea boring. The term does not include  
 2 any county permit for which the approval of a federal agency is  
 3 explicitly required pursuant to federal law, rule, or  
 4 regulation, prior to granting final permit approval by a  
 5 county."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval;  
 8 provided that this Act applies to permit applications filed with  
 9 the State or a county after December 31, 2012.

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INTRODUCED BY:

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**Report Title:**

Broadband Permits; Automatic Approval; Construction

**Description:**

Requires the State and counties to approve, approve with modification, or disapprove all broadband related permits within 45 days. If no action is taken, the application will be deemed approved on the 46th day.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

