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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 by the State, it shall be deemed approved by the  
11 State.

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

15 (c) No action shall be prosecuted or maintained against  
16 the State, its officials, or employees on account of actions  
17 taken by them in reviewing, approving, modifying, or  
18 disapproving a 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 prevents the applicant,  
4 agency, or a department from fulfilling application review  
5 requirements.

6       (e) If an application is incomplete, the State shall so  
7 notify the applicant in writing within ten business days of  
8 submittal of the application. The notice shall inform the  
9 applicant of the specific requirements necessary to complete the  
10 application. The forty-five day automatic approval provisions  
11 under subsection (a) shall continue to apply to the application  
12 only if the applicant satisfies the specific requirements of the  
13 notice and submits a complete application within five days of  
14 receipt of the notice.

15       (f) For the purposes of this section, "broadband related  
16 permits" means all state permits required to commence actions  
17 relating to the installation, improvement, construction, or  
18 development of infrastructure relating to broadband service or  
19 broadband technology, including the interconnection of  
20 telecommunications cables, cable installation, tower  
21 construction, and undersea boring. The term does not include  
22 any state permit for which the approval of a federal agency is



1 explicitly required pursuant to federal law, rule, or  
2 regulation, prior to granting final permit approval by the  
3 State."

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

7 "§46- Broadband related permits; automatic approval.

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

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

18 (c) No action shall be prosecuted or maintained against  
19 any county, its officials, or employees on account of actions  
20 taken by them in reviewing, approving, modifying, or  
21 disapproving a 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 prevents the applicant,  
4 agency, or a department from fulfilling application review  
5 requirements.

6       (e) If an application is incomplete, the county agency  
7 shall so notify the applicant in writing within ten business  
8 days of submittal of the application. The notice shall inform  
9 the applicant of the specific requirements necessary to complete  
10 the application. The forty-five day automatic approval  
11 provisions under subsection (a) shall continue to apply to the  
12 application only if the applicant satisfies the specific  
13 requirements of the notice and submits a complete application  
14 within five days of receipt of the notice.

15       (f) For the purposes of this section, "broadband related  
16 permits" means all county permits required to commence actions  
17 relating to the installation, improvement, construction, or  
18 development of infrastructure relating to broadband service or  
19 broadband technology, including the interconnection of  
20 telecommunications cables, cable installation, tower  
21 construction, and undersea boring. The term does not include  
22 any county permit for which the approval of a federal agency is



1 explicitly required pursuant to federal law, rule, or  
2 regulation, prior to granting final permit approval by a  
3 county."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval  
6 and shall be repealed on June 30, 2017; provided that this Act  
7 shall apply to permit applications filed with the State or a  
8 county after December 31, 2012.



**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 forty-five days. If no action is taken, the application will be deemed approved on the forty-sixth day. (HB2325 HD1)

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

