
A BILL FOR AN ACT

RELATING TO TELECOMMUNICATIONS.

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

1 SECTION 1. Act 199, Session Laws of Hawaii 2010,
2 established a broadband work group that recommended streamlining
3 various permitting requirements to develop broadband services
4 and broadband technology infrastructure. Based upon the
5 broadband work group recommendations, the legislature passed Act
6 151, Session Laws of Hawaii 2011, which streamlined permitting
7 requirements applicable to broadband infrastructure along
8 existing poles and conduits.

9 In 2011, the State launched the Hawaii broadband initiative
10 with the goal of, among other things, increasing the use of
11 high-speed broadband services and developing a modern regulatory
12 and permitting environment that supports and advances investment
13 in broadband infrastructure and services for the public. Among
14 other goals, the initiative is focused on promoting advanced
15 wireless services throughout Hawaii and working with wireless
16 providers regarding the barriers and obstacles to investment and
17 progress in providing high-speed wireless broadband services.



1 The legislature finds that, consistent with Act 199,
2 Session Laws of Hawaii 2010, Act 151, Session Laws of Hawaii
3 2011, and the State's goals of promoting the development of
4 broadband infrastructure, the State should:

- 5 (1) Provide an exemption that streamlines various
6 permitting requirements for the improvement or upgrade
7 of existing wireless telecommunications towers and
8 structures and network equipment; and
9 (2) Expedite the timeline for the installation of new
10 wireless telecommunications towers and structures and
11 network equipment.

12 The purpose of this Act is to facilitate the deployment of
13 wireless telecommunications infrastructure in Hawaii by:

- 14 (1) Exempting the installation, improvement, construction,
15 upgrading, or development of infrastructure relating
16 to wireless telecommunications service or
17 telecommunications technology from the state and
18 county permitting process, under certain conditions;
19 and
20 (2) Providing an expedited permitting process for the
21 siting of wireless telecommunications facilities and
22 proposed new tower and antenna support structures.



1 SECTION 2. (a) From July 1, 2012, to June 30, 2017,
2 actions relating to the installation, improvement, construction,
3 upgrading, or development of existing wireless
4 telecommunications facilities, including existing towers,
5 structures, utility poles, network equipment, conduits and any
6 infrastructure thereto, shall be exempt from county permitting
7 requirements and state permitting and approval requirements
8 including but not limited to the requirements of chapters 171,
9 205A, and 343, Hawaii Revised Statutes, except to the extent
10 that the permitting or approval is required by federal law or is
11 necessary to protect eligibility for federal funding, services,
12 or other assistance.

13 (b) An entity taking any action under subsection (a) shall
14 provide at least thirty days notice to the director of commerce
15 and consumer affairs by electronically posting the proposed
16 action on a website designated by the director; provided that
17 notice need not be given by a public utility or government
18 entity for an action relating to the installation, improvement,
19 construction, upgrading, or development of wireless broadband
20 facilities where the action taken is to provide access as the
21 owner of the existing rights-of-way, utility easements, or
22 infrastructure.



1 SECTION 3. (a) From July 1, 2012 to June 30, 2017, all
2 final decisions regarding state or county approval requirements
3 relating to the siting of new wireless telecommunications
4 facilities shall be issued in the aggregate within one hundred
5 twenty days of receipt of an application relating to the siting
6 of a new wireless telecommunications facility and full payment
7 of any applicable fee. If after one hundred twenty days an
8 application is not approved, approved with modification, or
9 disapproved, the application shall be deemed approved.

10 If a State or county application is incomplete, the State
11 or county shall so notify the applicant in writing within ten
12 business days of submittal of the application. The notice shall
13 inform the applicant of the specific requirements necessary to
14 complete the application. The one hundred twenty day automatic
15 approval provisions shall continue to apply to the application
16 only if the applicant satisfies the specific requirements of the
17 notice and submits a complete application within five days of
18 receipt of the notice.

19 (b) Upon approval of the siting of a proposed new tower or
20 antenna support structure, all state and county building permits
21 shall be approved, approved with modifications, or disapproved
22 within forty-five days of submission of a complete application



1 and full payment of any applicable fee. If after forty-five
2 days an application is not approved, approved with modification,
3 or disapproved, the application shall be deemed approved.

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

13 (c) The time periods established by subsections (a) and
14 (b) shall be extended in the event of a natural disaster, state
15 emergency, or union strike, that prevents the applicant, agency,
16 or a department from fulfilling application review requirements.

17 (d) For purposes of this Act, "wireless telecommunications
18 facilities" means infrastructure relating to wireless
19 telecommunications services or wireless telecommunications
20 technology, including the interconnection of telecommunications
21 cables, towers, antenna support structures, utility poles, and
22 conduits.



1 SECTION 4. The director of commerce and consumer affairs
2 shall submit a report to the legislature no less than twenty
3 days prior to the convening of the regular session of 2017 that
4 includes:

- 5 (1) Information on the number of permitting exemptions
6 granted and permits issued pursuant to this Act; and
- 7 (2) Recommendations whether to extend or modify the
8 exemptions and expedited permitting procedure provided
9 by this Act, including any proposed legislation.

10 SECTION 5. This Act shall take effect on July 1, 2112, and
11 shall be repealed on June 30, 2017.



Report Title:

Broadband; Telecommunications; Permits

Description:

Exempts the upgrading of existing wireless telecommunications facilities from state and county permitting processes. Provides expedited permits for siting of wireless telecommunication facilities and proposed new tower and antenna support structure. Effective July 1, 2112, to June 30, 2017. Repeals in five years. (HB2653 HD1)

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

