
A BILL FOR AN ACT

RELATING TO COMMUNICATIONS TECHNOLOGY.

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 business days of submission of a complete permit
8 application and full payment of any applicable fee. If on the
9 forty-sixth business day an application is not approved,
10 approved with modification, or disapproved by the State, it
11 shall be deemed approved by the 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 in reviewing, approving, modifying, or disapproving a
18 permit application.

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

6 (e) If an application is incomplete, the State shall
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 business 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 business days of receipt of the notice.

15 (f) The upgrading and replacement of, and access to, any
16 utility pole as in relation to a broadband-related permit
17 application subject to this section shall be in conformance with
18 section 3 of Act 151, Session Laws of Hawaii 2011.

19 (g) For the purposes of this section, "broadband-related
20 permits" means all state permits required to commence actions
21 with respect to the installation, improvement, construction, or
22 development of infrastructure relating to broadband service or

1 broadband technology, including the interconnection of
2 telecommunications cables, cable installation, tower
3 construction, undersea boring, or the landing of an undersea
4 cable. The term does not include any state permit for which the
5 approval of a federal agency is explicitly required pursuant to
6 federal law, rule, or regulation, prior to granting final permit
7 approval by the State."

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

11 **"§46- Broadband-related permits; automatic approval.**

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

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

1 (c) No action shall be prosecuted or maintained against
2 any county, its officials, or employees on account of actions
3 taken in reviewing, approving, modifying, or disapproving a
4 permit application.

5 (d) The forty-five business day time period established by
6 this section shall be extended in the event of a natural
7 disaster, state emergency, or union strike that prevents the
8 applicant, agency, or a department from fulfilling application
9 review requirements.

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

19 (f) The upgrading and replacement of, and access to, any
20 utility pole in relation to a broadband-related permit
21 application subject to this section shall be in conformance with
22 section 3 of Act 151, Session Laws of Hawaii 2011.

1 (g) For the purposes of this section, "broadband-related
2 permits" means all county permits required to commence actions
3 with respect to the installation, improvement, construction, or
4 development of infrastructure relating to broadband service or
5 broadband technology, including the interconnection of
6 telecommunications cables, cable installation, tower
7 construction, and undersea boring, or the landing of an undersea
8 cable. The term does not include any county permit for which
9 the approval of a federal agency is explicitly required pursuant
10 to federal law, rule, or regulation, prior to granting final
11 permit approval by a county."

12 SECTION 3. New statutory material is underscored.

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

S.B. NO.

2235
S.D. 2
H.D. 1
Proposed

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 business days. Provides that if no action is taken, the application will be deemed approved on the forty-sixth business day. Sunsets on June 30, 2017. (HB2325 HD2)

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