
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 sixty business days of submission of a complete permit
8 application and full payment of any applicable fee. If on the
9 sixty-first 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) A public utility shall use reasonable best efforts to
2 comply with all applicable safety and engineering requirements
3 relating to the installation, improvement, construction, or
4 development of infrastructure relating to broadband service or
5 broadband technology.

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

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

20 (g) The upgrading and replacement of, and access to, any
21 utility pole in relation to a broadband-related permit



1 application subject to this section shall be in conformance with
2 section 3 of Act 151, Session Laws of Hawaii 2011.

3 (h) Prior to the issuance of any public notice or the
4 holding of any public hearing that is required by law for a
5 project relating to the installation, improvement, construction,
6 or development of infrastructure relating to broadband service
7 or broadband technology, the owner or owners of a property
8 within a radius of fifty yards of the project shall be notified
9 of the project.

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



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

4 "§46- Broadband-related permits; automatic approval.

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

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 46- , Hawaii Revised Statutes."

15 (c) No action shall be prosecuted or maintained against
16 any county, its officials, or employees on account of actions
17 taken in reviewing, approving, modifying, or disapproving a
18 permit application.

19 (d) A public utility shall use reasonable best efforts to
20 comply with all applicable safety and engineering requirements
21 relating to the installation, improvement, construction, or



1 development of infrastructure relating to broadband service or
2 broadband technology.

3 (e) The sixty business day time period established by this
4 section shall be extended in the event of a natural disaster,
5 state emergency, or union strike that prevents the applicant, an
6 agency, or a department from fulfilling application review
7 requirements.

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

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

21 (h) Prior to the issuance of any public notice or the
22 holding of any public hearing that is required by law for a



1 project relating to the installation, improvement, construction,
2 or development of infrastructure relating to broadband service
3 or broadband technology, the owner or owners of a property
4 within a radius of fifty yards of the project shall be notified
5 of the project.

6 (i) For the purposes of this section, "broadband-related
7 permits" means all county permits required to commence actions
8 with respect 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, or the landing of an undersea
13 cable. The term does not include any county permit for which
14 the approval of a federal agency is explicitly required pursuant
15 to federal law, rule, or regulation, prior to granting final
16 permit approval by a county."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 2112, and
19 shall be repealed on June 30, 2017; provided that this Act shall
20 apply to permit applications filed with the State or a county
21 after December 31, 2012.



Report Title:

Broadband Permits; Automatic Approval; Infrastructure

Description:

Requires the State and counties to approve, approve with modification, or disapprove all broadband-related permits within sixty business days or the application will be deemed approved on the sixty-first business day. Prior to any public notice and public hearing required under law, requires the owner or owners of a property within a radius of fifty yards of a project relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology, to be notified of the project. Effective July 1, 2012. Sunsets on June 30, 2017. (SB2235 HD2)

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

