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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 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, the  
11 application 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) A public utility shall use reasonable best efforts to  
16 comply with all applicable safety and engineering requirements  
17 relating to the installation, improvement, construction, or



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

3 (d) No action shall be prosecuted or maintained against  
4 the State, its officials, or employees on account of actions  
5 taken in reviewing, approving, modifying, or disapproving a  
6 permit application, or against public utilities resulting from  
7 such actions.

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

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



1 (g) Nothing in this section shall affect the provisions of  
2 section 3 of Act 151, Session Laws of Hawaii 2011.

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

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

18 **"§46- Broadband-related permits; automatic approval.**

19 (a) A county shall approve, approve with modification, or  
20 disapprove all applications for broadband-related permits within  
21 sixty business days of submission of a complete permit  
22 application and full payment of any applicable fee. If, on the



1 sixty-first business day, an application is not approved,  
2 approved with modification, or disapproved by the county, the  
3 application shall be deemed approved by the county.

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

7 (c) A public utility shall use reasonable best efforts to  
8 comply with all applicable safety and engineering requirements  
9 relating to the installation, improvement, construction, or  
10 development of infrastructure relating to broadband service or  
11 broadband technology.

12 (d) No action shall be prosecuted or maintained against  
13 any county, its officials, or employees on account of actions  
14 taken in reviewing, approving, modifying, or disapproving a  
15 permit application, or against public utilities resulting from  
16 such actions.

17 (e) The sixty business day time period established by this  
18 section shall be extended in the event of a natural disaster,  
19 state emergency, or union strike that prevents the applicant,  
20 agency, or department from fulfilling application review  
21 requirements.



1       (f) If an application is incomplete, the county agency  
2 shall notify the applicant in writing within ten business days  
3 of submittal of the application. The notice shall inform the  
4 applicant of the specific requirements necessary to complete the  
5 application. The sixty-first business day automatic approval  
6 provisions under subsection (a) shall continue to apply to the  
7 application only if the applicant satisfies the specific  
8 requirements of the notice and submits a complete application  
9 within five business days of receipt of the notice.

10       (g) Nothing in this section shall affect the provisions of  
11 section 3 of Act 151, Session Laws of Hawaii 2011.

12       (h) For the purposes of this section, "broadband-related  
13 permits" means all county permits required to commence actions  
14 with respect to the installation, improvement, construction, or  
15 development of infrastructure relating to broadband service or  
16 broadband technology, including the interconnection of  
17 telecommunications cables, cable installation, tower  
18 construction, placement of broadband equipment in the road  
19 rights-of-way, and undersea boring, or the landing of an  
20 undersea cable. The term does not include any county permit for  
21 which the approval of a federal agency is explicitly required



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

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on January 20, 2020,  
5 and shall be repealed on June 30, 2018; provided that this Act  
6 shall apply to permit applications filed with the State or  
7 county after December 31, 2013.



**Report Title:**

Broadband Permits; Automatic Approval; Construction

**Description:**

Requires the State and the counties to approve, approve with modification, or disapprove all broadband-related permits within sixty business days of submitting a permit application and a fee; provided that if no action is taken on the sixty-first business day, the application will be deemed approved.

Effective January 20, 2020, and repealed on June 30, 2018.

(HB635 HD1)

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

