
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 one hundred twenty business days of submission of a complete
8 permit application and full payment of any applicable fee. If,
9 on the one hundred twenty-first business day, an application is
10 not approved, approved with modification, or disapproved by the
11 State, the 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) The one hundred twenty business day time period
4 established by this section shall be extended in the event of a
5 natural disaster, state emergency, or union strike that prevents
6 the applicant, agency, or department from fulfilling application
7 review requirements.

8 (e) If an application is incomplete, the State shall
9 notify the applicant in writing within ten business days of
10 submittal of the application. The notice shall inform the
11 applicant of the specific requirements necessary to complete the
12 application. The one hundred twenty business day automatic
13 approval provisions under subsection (a) shall continue to apply
14 to the 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 (f) The upgrading and replacement of, and access to, any
18 utility pole or conduit in relation to a broadband-related
19 permit application subject to this section shall be in
20 conformance with section 3 of Act 151, Session Laws of Hawaii
21 2011.



1 (g) For the purposes of this section, "broadband-related
2 permits" means all state 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 communications cable. The term does not include any state
9 permit for which the approval of a federal agency is explicitly
10 required pursuant to federal law, rule, or regulation, prior to
11 granting final permit approval by the State."

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

15 "§46- **Broadband-related permits; automatic approval.**

16 (a) A county shall approve, approve with modification, or
17 disapprove all applications for broadband-related permits within
18 one hundred twenty business days of submission of a complete
19 permit application and full payment of any applicable fee. If,
20 on the one hundred twenty-first business day, an application is
21 not approved, approved with modification, or disapproved by the
22 county, the application shall be deemed approved by the county.



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

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

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

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



1 (f) The upgrading and replacement of, and access to, any
2 utility pole or conduit in relation to a broadband-related
3 permit application subject to this section shall be in
4 conformance with section 3 of Act 151, Session Laws of Hawaii
5 2011.

6 (g) 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 communications cable. The term does not include any county
14 permit for which the approval of a federal agency is explicitly
15 required pursuant to federal law, rule, or regulation, prior to
16 granting final permit approval by a county."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval
19 and shall be repealed on June 30, 2018; provided that this Act
20 shall apply to permit applications filed with the State or
21 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 one hundred twenty business days of submitting a permit application and a fee; provided that if no action is taken on the one hundred twenty-first business day, the application will be deemed approved. Effective upon approval and repeals on June 30, 2018. (SD1)

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

