

---

---

# A BILL FOR AN ACT

RELATING TO BROADBAND.

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

1           SECTION 1. Act 151, Session Laws of Hawaii 2011, as  
2 amended by Act 264, Session Laws of Hawaii 2013, is amended by  
3 amending section 2 to read as follows:

4           "SECTION 2. From January 1, 2012, to January 1, [~~2017,~~  
5 2022, actions relating to the installation, improvement,  
6 construction, or development of infrastructure relating to  
7 broadband service or broadband technology, including the  
8 interconnection of telecommunications cables, shall be exempt  
9 from county permitting requirements, state permitting and  
10 approval requirements, which includes the requirements of  
11 chapters 171, 205A, and 343, Hawaii Revised Statutes, and public  
12 utilities commission rules under Hawaii Administrative Rules,  
13 chapter 6-73, that require existing installations to comply with  
14 new pole replacement standards at the time of any construction  
15 or alteration to the equipment or installation, except to the  
16 extent that such permitting or approval is required by federal  
17 law or is necessary to protect eligibility for federal funding,



1 services, or other assistance; provided that the installation,  
2 improvement, construction, or development of infrastructure  
3 shall:

4 (1) Be directly related to the improvement of existing  
5 telecommunications cables or the installation of new  
6 telecommunications cables:

7 (A) On existing or replacement utility poles and  
8 conduits; and

9 (B) Using existing infrastructure and facilities;

10 (2) Take place within existing rights-of-way or public  
11 utility easements or use existing telecommunications  
12 infrastructure; and

13 (3) Make no significant changes to the existing public  
14 rights-of-way, public utility easements, or  
15 telecommunications infrastructure.

16 An applicant shall comply with all applicable safety and  
17 engineering requirements relating to the installation,  
18 improvement, construction, or development of infrastructure  
19 relating to broadband service.



1           A person or entity taking any action under this section  
2 shall, at least thirty calendar days before the action is taken,  
3 provide notice to the director of commerce and consumer affairs  
4 by electronic posting in the form and on the site designated by  
5 the director for such posting on the designated central State of  
6 Hawaii Internet website; provided that notice need not be given  
7 by a public utility or government entity for an action relating  
8 to the installation, improvement, construction, or development  
9 of infrastructure relating to broadband service or broadband  
10 technology where the action taken is to provide access as the  
11 owner of the existing rights-of-way, utility easements, or  
12 telecommunications infrastructure."

13           SECTION 2. Act 264, Session Laws of Hawaii 2013, is  
14 amended by amending section 5 to read as follows:

15           "SECTION 5. This Act shall take effect on January 1, 2014,  
16 and shall be repealed on June 30, [~~2018~~] 2023; provided that  
17 this Act shall apply to permit applications filed with the State  
18 or county after December 31, 2013."

19           SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Mark J. Hall

Lyn DeCoster

[Signature]

[Signature]

Paul Skog

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

JAN 26 2016



# H.B. NO. 2543

**Report Title:**

Broadband Permits; Automatic Approval; Construction

**Description:**

Extends the provisions of Act 264, SLH 2013, which requires the State and the counties to take action within sixty days for broadband-related permit applications, requires the State to take action within one hundred forty-five days for use applications for broadband facilities within the conservation district, establishes other requirements regarding broadband-related permits, and subjects weight load for utility poles to capacities established by the FCC and PUC. Repeals on June 30, 2023.

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

