
A BILL FOR AN ACT

RELATING TO TELECOMMUNICATIONS.

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

1 SECTION 1. Section 27-45, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§27-45[+]~~ **Broadband-related permits; [automatic**
4 **approval.] requirements; approval.** (a) The State shall
5 approve, approve with modification, or disapprove all
6 applications for broadband-related permits within sixty days of
7 submission of a complete permit application and full payment of
8 any applicable fee; provided that this subsection shall not
9 apply to a conservation district use application for broadband
10 facilities. If, on the sixty-first day, an application is not
11 approved, approved with modification, or disapproved by the
12 State, the application shall be deemed approved by the State.

13 (b) The State shall approve, approve with modification, or
14 disapprove use applications for broadband facilities within the
15 conservation district within one hundred forty-five days of
16 submission of a complete application and full payment of any
17 applicable fee. If, on the one hundred forty-sixth day, an



1 application is not approved, approved with modification, or
2 disapproved by the State, the application shall be deemed
3 approved by the State.

4 (c) Permits issued pursuant to this section shall contain
5 the following language: "This is a broadband-related permit
6 issued pursuant to section 27-45, Hawaii Revised Statutes."

7 (d) An applicant and a public utility shall comply with
8 all applicable safety and engineering requirements relating to
9 the installation, improvement, construction, or development of
10 infrastructure relating to broadband service or broadband
11 technology.

12 (e) As a condition for any permit issued under this
13 section for a wireless telecommunications carrier to construct,
14 reconstruct, or alter a telecommunications facility, the
15 telecommunications facility shall maintain emergency back-up
16 power for a minimum of eight hours.

17 [~~e~~] (f) No action shall be prosecuted or maintained
18 against the State, its officials, or employees on account of
19 actions taken in reviewing, approving, modifying, or
20 disapproving a permit application pursuant to this section, or
21 against public utilities resulting from such actions.



1 [~~(f)~~] (g) The [~~sixty-day~~] sixty-day time period
2 established by subsection (a) shall be extended in the event of
3 a natural disaster, state emergency, or union strike that
4 prevents the applicant, agency, or department from fulfilling
5 application review requirements.

6 [~~(g)~~] (h) 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 sixty-first day automatic approval provisions
11 under subsection (a) shall continue to apply to the application
12 only if the applicant satisfies the specific requirements of the
13 notice and submits a complete application within five business
14 days of receipt of the notice.

15 [~~(h)~~] (i) Nothing in this section shall affect the
16 provisions of section 3 of Act 151, Session Laws of Hawaii 2011.

17 [~~(i) For the purposes of~~] (j) As used in this section~~[7]~~:

18 [~~"broadband-related~~] "Broadband-related permits" means all
19 state permits required to commence actions with respect to the
20 installation, improvement, construction, or development of
21 infrastructure relating to broadband service or broadband



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

9 "Telecommunications carrier" has the same meaning as in
10 section 269-1."

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 3. Statutory language to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Wireless Telecommunications Carriers; Facilities; Backup Power

Description:

Requires, as a condition for the issuance of a permit, a wireless telecommunications carrier to maintain emergency backup power for a minimum of eight hours. Effective 7/1/3000. (HD1)

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