
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 reconfigure a telecommunications facility that
15 is a component of the core network or provides a backhaul link
16 within a wireless telecommunications carrier's network, the
17 telecommunications facility shall maintain emergency back-up
18 power for a minimum of eight hours.

19 (f) As a condition for any permit issued under this
20 section for a wireless telecommunications carrier to construct,
21 reconstruct, or reconfigure a telecommunications facility that



1 is not a component of the core network and does not provide a
2 backhaul link within a wireless telecommunications carrier's
3 network, the telecommunications facility shall maintain
4 emergency back-up power for a minimum of four hours.

5 [~~e~~] (g) No action shall be prosecuted or maintained
6 against the State, its officials, or employees on account of
7 actions taken in reviewing, approving, modifying, or
8 disapproving a permit application pursuant to this section, or
9 against public utilities resulting from such actions.

10 [~~f~~] (h) The [~~sixty-day~~] sixty-day time period
11 established by subsection (a) shall be extended in the event of
12 a natural disaster, state emergency, or union strike that
13 prevents the applicant, agency, or department from fulfilling
14 application review requirements.

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



1 notice and submits a complete application within five business
2 days of receipt of the notice.

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

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

6 ~~["broadband-related"]~~ "Broadband-related permits" means all
7 state permits required to commence actions with respect to the
8 installation, improvement, construction, or development of
9 infrastructure relating to broadband service or broadband
10 technology, including the interconnection of telecommunications
11 cables, cable installation, tower construction, placement of
12 broadband equipment in the road rights-of-way, and undersea
13 boring, or the landing of an undersea communications cable.

14 ~~[The term]~~ "Broadband-related permits" does not include any
15 state permit for which the approval of a federal agency is
16 explicitly required pursuant to federal law, rule, or
17 regulation, ~~[prior to]~~ before granting final permit approval by
18 the State.

19 "Telecommunications carrier" has the same meaning as in
20 section 269-1."



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

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

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



Report Title:

Wireless Telecommunications Carriers; Broadband-related Permits;
Facilities; Backup Power

Description:

Requires, as a condition for the issuance of a broadband-related permit, a wireless telecommunications carrier to maintain emergency backup power under certain circumstances. Effective 7/1/3000. (HD2)

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

