

JAN 22 2016

A BILL FOR AN ACT

RELATING TO WIRELESS COMMUNICATION.

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

1 SECTION 1. Section 46-1.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§46-1.5 General powers and limitation of the counties.**

4 Subject to general law, each county shall have the following
5 powers and shall be subject to the following liabilities and
6 limitations:

7 (1) Each county shall have the power to frame and adopt a
8 charter for its own self-government that shall
9 establish the county executive, administrative, and
10 legislative structure and organization, including but
11 not limited to the method of appointment or election
12 of officials, their duties, responsibilities, and
13 compensation, and the terms of their office;

14 (2) Each county shall have the power to provide for and
15 regulate the marking and lighting of all buildings and
16 other structures that may be obstructions or hazards
17 to aerial navigation, so far as may be necessary or



1 proper for the protection and safeguarding of life,
2 health, and property;

3 (3) Each county shall have the power to enforce all claims
4 on behalf of the county and approve all lawful claims
5 against the county, but shall be prohibited from
6 entering into, granting, or making in any manner any
7 contract, authorization, allowance payment, or
8 liability contrary to the provisions of any county
9 charter or general law;

10 (4) Each county shall have the power to make contracts and
11 to do all things necessary and proper to carry into
12 execution all powers vested in the county or any
13 county officer;

14 (5) Each county shall have the power to:

15 (A) Maintain channels, whether natural or artificial,
16 including their exits to the ocean, in suitable
17 condition to carry off storm waters;

18 (B) Remove from the channels, and from the shores and
19 beaches, any debris that is likely to create an
20 unsanitary condition or become a public nuisance;
21 provided that, to the extent any of the foregoing



1 work is a private responsibility, the
2 responsibility may be enforced by the county in
3 lieu of the work being done at public expense;
4 (C) Construct, acquire by gift, purchase, or by the
5 exercise of eminent domain, reconstruct, improve,
6 better, extend, and maintain projects or
7 undertakings for the control of and protection
8 against floods and flood waters, including the
9 power to drain and rehabilitate lands already
10 flooded;
11 (D) Enact zoning ordinances providing that lands
12 deemed subject to seasonable, periodic, or
13 occasional flooding shall not be used for
14 residence or other purposes in a manner as to
15 endanger the health or safety of the occupants
16 thereof, as required by the Federal Flood
17 Insurance Act of 1956 (chapter 1025, Public Law
18 1016); and
19 (E) Establish and charge user fees to create and
20 maintain any stormwater management system or
21 infrastructure;



- 1 (6) Each county shall have the power to exercise the power
2 of condemnation by eminent domain when it is in the
3 public interest to do so;
- 4 (7) Each county shall have the power to exercise
5 regulatory powers over business activity as are
6 assigned to them by chapter 445 or other general law;
- 7 (8) Each county shall have the power to fix the fees and
8 charges for all official services not otherwise
9 provided for;
- 10 (9) Each county shall have the power to provide by
11 ordinance assessments for the improvement or
12 maintenance of districts within the county;
- 13 (10) Except as otherwise provided, no county shall have the
14 power to give or loan credit to, or in aid of, any
15 person or corporation, directly or indirectly, except
16 for a public purpose;
- 17 (11) Where not within the jurisdiction of the public
18 utilities commission, each county shall have the power
19 to regulate by ordinance the operation of motor
20 vehicle common carriers transporting passengers within



1 the county and adopt and amend rules the county deems
2 necessary for the public convenience and necessity;
3 (12) Each county shall have the power to enact and enforce
4 ordinances necessary to prevent or summarily remove
5 public nuisances and to compel the clearing or removal
6 of any public nuisance, refuse, and uncultivated
7 undergrowth from streets, sidewalks, public places,
8 and unoccupied lots. In connection with these powers,
9 each county may impose and enforce liens upon the
10 property for the cost to the county of removing and
11 completing the necessary work where the property
12 owners fail, after reasonable notice, to comply with
13 the ordinances. The authority provided by this
14 paragraph shall not be self-executing, but shall
15 become fully effective within a county only upon the
16 enactment or adoption by the county of appropriate and
17 particular laws, ordinances, or rules defining "public
18 nuisances" with respect to each county's respective
19 circumstances. The counties shall provide the
20 property owner with the opportunity to contest the
21 summary action and to recover the owner's property;



1 (13) Each county shall have the power to enact ordinances
2 deemed necessary to protect health, life, and
3 property, and to preserve the order and security of
4 the county and its inhabitants on any subject or
5 matter not inconsistent with, or tending to defeat,
6 the intent of any state statute where the statute does
7 not disclose an express or implied intent that the
8 statute shall be exclusive or uniform throughout the
9 State;

10 (14) Each county shall have the power to:
11 (A) Make and enforce within the limits of the county
12 all necessary ordinances covering all:
13 (i) Local police matters;
14 (ii) Matters of sanitation;
15 (iii) Matters of inspection of buildings;
16 (iv) Matters of condemnation of unsafe
17 structures, plumbing, sewers, dairies, milk,
18 fish, and morgues; and
19 (v) Matters of the collection and disposition of
20 rubbish and garbage;

1 (B) Provide exemptions for homeless facilities and
2 any other program for the homeless authorized by
3 part XVII of chapter 346, for all matters under
4 this paragraph;

5 (C) Appoint county physicians and sanitary and other
6 inspectors as necessary to carry into effect
7 ordinances made under this paragraph, who shall
8 have the same power as given by law to agents of
9 the department of health, subject only to
10 limitations placed on them by the terms and
11 conditions of their appointments; and

12 (D) Fix a penalty for the violation of any ordinance,
13 which penalty may be a misdemeanor, petty
14 misdemeanor, or violation as defined by general
15 law;

16 (15) Each county shall have the power to provide public
17 pounds; to regulate the impounding of stray animals
18 and fowl, and their disposition; and to provide for
19 the appointment, powers, duties, and fees of animal
20 control officers;



1 (16) Each county shall have the power to purchase and
2 otherwise acquire, lease, and hold real and personal
3 property within the defined boundaries of the county
4 and to dispose of the real and personal property as
5 the interests of the inhabitants of the county may
6 require, except that:

7 (A) Any property held for school purposes may not be
8 disposed of without the consent of the
9 superintendent of education;

10 (B) No property bordering the ocean shall be sold or
11 otherwise disposed of; and

12 (C) All proceeds from the sale of park lands shall be
13 expended only for the acquisition of property for
14 park or recreational purposes;

15 (17) Each county shall have the power to provide by charter
16 for the prosecution of all offenses and to prosecute
17 for offenses against the laws of the State under the
18 authority of the attorney general of the State;

19 (18) Each county shall have the power to make
20 appropriations in amounts deemed appropriate from any
21 moneys in the treasury, for the purpose of:

- 1 (A) Community promotion and public celebrations;
- 2 (B) The entertainment of distinguished persons as may
- 3 from time to time visit the county;
- 4 (C) The entertainment of other distinguished persons,
- 5 as well as, public officials when deemed to be in
- 6 the best interest of the community; and
- 7 (D) The rendering of civic tribute to individuals
- 8 who, by virtue of their accomplishments and
- 9 community service, merit civic commendations,
- 10 recognition, or remembrance;
- 11 (19) Each county shall have the power to:
- 12 (A) Construct, purchase, take on lease, lease,
- 13 sublease, or in any other manner acquire, manage,
- 14 maintain, or dispose of buildings for county
- 15 purposes, sewers, sewer systems, pumping
- 16 stations, waterworks, including reservoirs,
- 17 wells, pipelines, and other conduits for
- 18 distributing water to the public, lighting
- 19 plants, and apparatus and appliances for lighting
- 20 streets and public buildings, and manage,
- 21 regulate, and control the same;



- 1 (B) Regulate and control the location and quality of
2 all appliances necessary to the furnishing of
3 water, heat, light, power, telephone, and
4 telecommunications service to the county;
5 provided that a wireless communication antenna
6 shall be camouflaged to blend in with the
7 surrounding area; provided further that, for the
8 purposes of this paragraph, "wireless
9 communication antenna" means communications
10 equipment that is either freestanding or placed
11 upon or attached to an already existing structure
12 and that transmits and receives electromagnetic
13 radio signals used in the provision of all types
14 of wireless communications services;
- 15 (C) Acquire, regulate, and control any and all
16 appliances for the sprinkling and cleaning of the
17 streets and the public ways, and for flushing the
18 sewers; and
- 19 (D) Open, close, construct, or maintain county
20 highways or charge toll on county highways;
21 provided that all revenues received from a toll



- 1 charge shall be used for the construction or
2 maintenance of county highways;
- 3 (20) Each county shall have the power to regulate the
4 renting, subletting, and rental conditions of property
5 for places of abode by ordinance;
- 6 (21) Unless otherwise provided by law, each county shall
7 have the power to establish by ordinance the order of
8 succession of county officials in the event of a
9 military or civil disaster;
- 10 (22) Each county shall have the power to sue and be sued in
11 its corporate name;
- 12 (23) Each county shall have the power to establish and
13 maintain waterworks and sewer works; to collect rates
14 for water supplied to consumers and for the use of
15 sewers; to install water meters whenever deemed
16 expedient; provided that owners of premises having
17 vested water rights under existing laws appurtenant to
18 the premises shall not be charged for the installation
19 or use of the water meters on the premises; to take
20 over from the State existing waterworks systems,
21 including water rights, pipelines, and other



1 appurtenances belonging thereto, and sewer systems,
2 and to enlarge, develop, and improve the same;

3 (24) (A) Each county may impose civil fines, in addition
4 to criminal penalties, for any violation of
5 county ordinances or rules after reasonable
6 notice and requests to correct or cease the
7 violation have been made upon the violator. Any
8 administratively imposed civil fine shall not be
9 collected until after an opportunity for a
10 hearing under chapter 91. Any appeal shall be
11 filed within thirty days from the date of the
12 final written decision. These proceedings shall
13 not be a prerequisite for any civil fine or
14 injunctive relief ordered by the circuit court;

15 (B) Each county by ordinance may provide for the
16 addition of any unpaid civil fines, ordered by
17 any court of competent jurisdiction, to any
18 taxes, fees, or charges, with the exception of
19 fees or charges for water for residential use and
20 sewer charges, collected by the county. Each
21 county by ordinance may also provide for the



1 addition of any unpaid administratively imposed
2 civil fines, which remain due after all judicial
3 review rights under section 91-14 are exhausted,
4 to any taxes, fees, or charges, with the
5 exception of water for residential use and sewer
6 charges, collected by the county. The ordinance
7 shall specify the administrative procedures for
8 the addition of the unpaid civil fines to the
9 eligible taxes, fees, or charges and may require
10 hearings or other proceedings. After addition of
11 the unpaid civil fines to the taxes, fees, or
12 charges, the unpaid civil fines shall not become
13 a part of any taxes, fees, or charges. The
14 county by ordinance may condition the issuance or
15 renewal of a license, approval, or permit for
16 which a fee or charge is assessed, except for
17 water for residential use and sewer charges, on
18 payment of the unpaid civil fines. Upon
19 recordation of a notice of unpaid civil fines in
20 the bureau of conveyances, the amount of the
21 civil fines, including any increase in the amount



1 of the fine which the county may assess, shall
2 constitute a lien upon all real property or
3 rights to real property belonging to any person
4 liable for the unpaid civil fines. The lien in
5 favor of the county shall be subordinate to any
6 lien in favor of any person recorded or
7 registered prior to the recordation of the notice
8 of unpaid civil fines and senior to any lien
9 recorded or registered after the recordation of
10 the notice. The lien shall continue until the
11 unpaid civil fines are paid in full or until a
12 certificate of release or partial release of the
13 lien, prepared by the county at the owner's
14 expense, is recorded. The notice of unpaid civil
15 fines shall state the amount of the fine as of
16 the date of the notice and maximum permissible
17 daily increase of the fine. The county shall not
18 be required to include a social security number,
19 state general excise taxpayer identification
20 number, or federal employer identification number
21 on the notice. Recordation of the notice in the



1 bureau of conveyances shall be deemed, at such
2 time, for all purposes and without any further
3 action, to procure a lien on land registered in
4 land court under chapter 501. After the unpaid
5 civil fines are added to the taxes, fees, or
6 charges as specified by county ordinance, the
7 unpaid civil fines shall be deemed immediately
8 due, owing, and delinquent and may be collected
9 in any lawful manner. The procedure for
10 collection of unpaid civil fines authorized in
11 this paragraph shall be in addition to any other
12 procedures for collection available to the State
13 and county by law or rules of the courts;

14 (C) Each county may impose civil fines upon any
15 person who places graffiti on any real or
16 personal property owned, managed, or maintained
17 by the county. The fine may be up to \$1,000 or
18 may be equal to the actual cost of having the
19 damaged property repaired or replaced. The
20 parent or guardian having custody of a minor who
21 places graffiti on any real or personal property



1 owned, managed, or maintained by the county shall
2 be jointly and severally liable with the minor
3 for any civil fines imposed hereunder. Any such
4 fine may be administratively imposed after an
5 opportunity for a hearing under chapter 91, but
6 such a proceeding shall not be a prerequisite for
7 any civil fine ordered by any court. As used in
8 this subparagraph, "graffiti" means any
9 unauthorized drawing, inscription, figure, or
10 mark of any type intentionally created by paint,
11 ink, chalk, dye, or similar substances;

12 (D) At the completion of an appeal in which the
13 county's enforcement action is affirmed and upon
14 correction of the violation if requested by the
15 violator, the case shall be reviewed by the
16 county agency that imposed the civil fines to
17 determine the appropriateness of the amount of
18 the civil fines that accrued while the appeal
19 proceedings were pending. In its review of the
20 amount of the accrued fines, the county agency
21 may consider:



- 1 (i) The nature and egregiousness of the
- 2 violation;
- 3 (ii) The duration of the violation;
- 4 (iii) The number of recurring and other similar
- 5 violations;
- 6 (iv) Any effort taken by the violator to correct
- 7 the violation;
- 8 (v) The degree of involvement in causing or
- 9 continuing the violation;
- 10 (vi) Reasons for any delay in the completion of
- 11 the appeal; and
- 12 (vii) Other extenuating circumstances.

13 The civil fine that is imposed by administrative
14 order after this review is completed and the
15 violation is corrected shall be subject to
16 judicial review, notwithstanding any provisions
17 for administrative review in county charters;

18 (E) After completion of a review of the amount of
19 accrued civil fine by the county agency that
20 imposed the fine, the amount of the civil fine
21 determined appropriate, including both the



1 initial civil fine and any accrued daily civil
2 fine, shall immediately become due and
3 collectible following reasonable notice to the
4 violator. If no review of the accrued civil fine
5 is requested, the amount of the civil fine, not
6 to exceed the total accrual of civil fine prior
7 to correcting the violation, shall immediately
8 become due and collectible following reasonable
9 notice to the violator, at the completion of all
10 appeal proceedings;

11 (F) If no county agency exists to conduct appeal
12 proceedings for a particular civil fine action
13 taken by the county, then one shall be
14 established by ordinance before the county shall
15 impose the civil fine;

16 (25) Any law to the contrary notwithstanding, any county
17 mayor, by executive order, may exempt donors, provider
18 agencies, homeless facilities, and any other program
19 for the homeless under part XVII of chapter 346 from
20 real property taxes, water and sewer development fees,
21 rates collected for water supplied to consumers and



1 for use of sewers, and any other county taxes,
 2 charges, or fees; provided that any county may enact
 3 ordinances to regulate and grant the exemptions
 4 granted by this paragraph;

5 (26) Any county may establish a captive insurance company
 6 pursuant to article 19, chapter 431; and

7 (27) Each county shall have the power to enact and enforce
 8 ordinances regulating towing operations."

9 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is
 10 amended by amending subsection (a) to read as follows:

11 "(a) Within the agricultural district, all lands with soil
 12 classified by the land study bureau's detailed land
 13 classification as overall (master) productivity rating class A
 14 or B and for solar energy facilities, class B or C, shall be
 15 restricted to the following permitted uses:

16 (1) Cultivation of crops, including crops for bioenergy,
 17 flowers, vegetables, foliage, fruits, forage, and
 18 timber;

19 (2) Game and fish propagation;



- 1 (3) Raising of livestock, including poultry, bees, fish,
2 or other animal or aquatic life that are propagated
3 for economic or personal use;
- 4 (4) Farm dwellings, employee housing, farm buildings, or
5 activities or uses related to farming and animal
6 husbandry. "Farm dwelling", as used in this
7 paragraph, means a single-family dwelling located on
8 and used in connection with a farm, including clusters
9 of single-family farm dwellings permitted within
10 agricultural parks developed by the State, or where
11 agricultural activity provides income to the family
12 occupying the dwelling;
- 13 (5) Public institutions and buildings that are necessary
14 for agricultural practices;
- 15 (6) Public and private open area types of recreational
16 uses, including day camps, picnic grounds, parks, and
17 riding stables, but not including dragstrips,
18 airports, drive-in theaters, golf courses, golf
19 driving ranges, country clubs, and overnight camps;
- 20 (7) Public, private, and quasi-public utility lines and
21 roadways, transformer stations, communications



1 equipment buildings, solid waste transfer stations,
2 major water storage tanks, and appurtenant small
3 buildings such as booster pumping stations, but not
4 including offices or yards for equipment, material,
5 vehicle storage, repair or maintenance, treatment
6 plants, corporation yards, or other similar
7 structures;

8 (8) Retention, restoration, rehabilitation, or improvement
9 of buildings or sites of historic or scenic interest;

10 (9) Agricultural-based commercial operations as described
11 in section 205-2(d)(15);

12 (10) Buildings and uses, including mills, storage, and
13 processing facilities, maintenance facilities,
14 photovoltaic, biogas, and other small-scale renewable
15 energy systems producing energy solely for use in the
16 agricultural activities of the fee or leasehold owner
17 of the property, and vehicle and equipment storage
18 areas that are normally considered directly accessory
19 to the above-mentioned uses and are permitted under
20 section 205-2(d);

21 (11) Agricultural parks;



1 (12) Plantation community subdivisions, which as used in
2 this chapter means an established subdivision or
3 cluster of employee housing, community buildings, and
4 agricultural support buildings on land currently or
5 formerly owned, leased, or operated by a sugar or
6 pineapple plantation; provided that the existing
7 structures may be used or rehabilitated for use, and
8 new employee housing and agricultural support
9 buildings may be allowed on land within the
10 subdivision as follows:

11 (A) The employee housing is occupied by employees or
12 former employees of the plantation who have a
13 property interest in the land;

14 (B) The employee housing units not owned by their
15 occupants shall be rented or leased at affordable
16 rates for agricultural workers; or

17 (C) The agricultural support buildings shall be
18 rented or leased to agricultural business
19 operators or agricultural support services;

20 (13) Agricultural tourism conducted on a working farm, or a
21 farming operation as defined in section 165-2, for the



1 enjoyment, education, or involvement of visitors;
2 provided that the agricultural tourism activity is
3 accessory and secondary to the principal agricultural
4 use and does not interfere with surrounding farm
5 operations; and provided further that this paragraph
6 shall apply only to a county that has adopted
7 ordinances regulating agricultural tourism under
8 section 205-5;

9 (14) Agricultural tourism activities, including overnight
10 accommodations of twenty-one days or less, for any one
11 stay within a county; provided that this paragraph
12 shall apply only to a county that includes at least
13 three islands and has adopted ordinances regulating
14 agricultural tourism activities pursuant to section
15 205-5; provided further that the agricultural tourism
16 activities coexist with a bona fide agricultural
17 activity. For the purposes of this paragraph, "bona
18 fide agricultural activity" means a farming operation
19 as defined in section 165-2;

20 (15) Wind energy facilities, including the appurtenances
21 associated with the production and transmission of



1 wind generated energy; provided that the wind energy
2 facilities and appurtenances are compatible with
3 agriculture uses and cause minimal adverse impact on
4 agricultural land;

5 (16) Biofuel processing facilities, including the
6 appurtenances associated with the production and
7 refining of biofuels that is normally considered
8 directly accessory and secondary to the growing of the
9 energy feedstock; provided that biofuel processing
10 facilities and appurtenances do not adversely impact
11 agricultural land and other agricultural uses in the
12 vicinity.

13 For the purposes of this paragraph:

14 "Appurtenances" means operational infrastructure
15 of the appropriate type and scale for economic
16 commercial storage and distribution, and other similar
17 handling of feedstock, fuels, and other products of
18 biofuel processing facilities.

19 "Biofuel processing facility" means a facility
20 that produces liquid or gaseous fuels from organic
21 sources such as biomass crops, agricultural residues,



1 and oil crops, including palm, canola, soybean, and
2 waste cooking oils; grease; food wastes; and animal
3 residues and wastes that can be used to generate
4 energy;

5 (17) Agricultural-energy facilities, including
6 appurtenances necessary for an agricultural-energy
7 enterprise; provided that the primary activity of the
8 agricultural-energy enterprise is agricultural
9 activity. To be considered the primary activity of an
10 agricultural-energy enterprise, the total acreage
11 devoted to agricultural activity shall be not less
12 than ninety per cent of the total acreage of the
13 agricultural-energy enterprise. The agricultural-
14 energy facility shall be limited to lands owned,
15 leased, licensed, or operated by the entity conducting
16 the agricultural activity.

17 As used in this paragraph:

18 "Agricultural activity" means any activity
19 described in paragraphs (1) to (3) of this subsection.

20 "Agricultural-energy enterprise" means an
21 enterprise that integrally incorporates an



1 agricultural activity with an agricultural-energy
2 facility.

3 "Agricultural-energy facility" means a facility
4 that generates, stores, or distributes renewable
5 energy as defined in section 269-91 or renewable fuel
6 including electrical or thermal energy or liquid or
7 gaseous fuels from products of agricultural activities
8 from agricultural lands located in the State.

9 "Appurtenances" means operational infrastructure
10 of the appropriate type and scale for the economic
11 commercial generation, storage, distribution, and
12 other similar handling of energy, including equipment,
13 feedstock, fuels, and other products of agricultural-
14 energy facilities;

15 (18) Construction and operation of wireless communication
16 antennas; provided that, for the purposes of this
17 paragraph, "wireless communication antenna" means
18 communications equipment that is either freestanding
19 or placed upon or attached to an already existing
20 structure and that transmits and receives
21 electromagnetic radio signals used in the provision of



1 all types of wireless communications services;
2 provided further that nothing in this paragraph shall
3 be construed to permit the construction of any new
4 structure that is not deemed a permitted use under
5 this subsection; provided further that any wireless
6 communication antenna shall be camouflaged to blend in
7 with the surrounding area;

8 (19) Agricultural education programs conducted on a farming
9 operation as defined in section 165-2, for the
10 education and participation of the general public;
11 provided that the agricultural education programs are
12 accessory and secondary to the principal agricultural
13 use of the parcels or lots on which the agricultural
14 education programs are to occur and do not interfere
15 with surrounding farm operations. For the purposes of
16 this section, "agricultural education programs" means
17 activities or events designed to promote knowledge and
18 understanding of agricultural activities and practices
19 conducted on a farming operation as defined in section
20 165-2;

1 (20) Solar energy facilities that do not occupy more than
2 ten per cent of the acreage of the parcel, or twenty
3 acres of land, whichever is lesser or for which a
4 special use permit is granted pursuant to section 205-
5 6; provided that this use shall not be permitted on
6 lands with soil classified by the land study bureau's
7 detailed land classification as overall (master)
8 productivity rating class A unless the solar energy
9 facilities are:

10 (A) Located on a paved or unpaved road in existence
11 as of December 31, 2013, and the parcel of land
12 upon which the paved or unpaved road is located
13 has a valid county agriculture tax dedication
14 status or a valid agricultural conservation
15 easement;

16 (B) Placed in a manner that still allows vehicular
17 traffic to use the road; and

18 (C) Granted a special use permit by the commission
19 pursuant to section 205-6;

20 (21) Solar energy facilities on lands with soil classified
21 by the land study bureau's detailed land



1 classification as overall (master) productivity rating
2 B or C for which a special use permit is granted
3 pursuant to section 205-6; provided that:

4 (A) The area occupied by the solar energy facilities
5 is also made available for compatible
6 agricultural activities at a lease rate that is
7 at least fifty per cent below the fair market
8 rent for comparable properties;

9 (B) Proof of financial security to decommission the
10 facility is provided to the satisfaction of the
11 appropriate county planning commission prior to
12 date of commencement of commercial generation;
13 and

14 (C) Solar energy facilities shall be decommissioned
15 at the owner's expense according to the following
16 requirements:

17 (i) Removal of all equipment related to the
18 solar energy facility within twelve months
19 of the conclusion of operation or useful
20 life; and



1 (ii) Restoration of the disturbed earth to
 2 substantially the same physical condition as
 3 existed prior to the development of the
 4 solar energy facility.

5 For the purposes of this paragraph, "agricultural
 6 activities" means the activities described in
 7 paragraphs (1) to (3);

8 (22) Geothermal resources exploration and geothermal
 9 resources development, as defined under section 182-1;
 10 or

11 (23) Hydroelectric facilities, including the appurtenances
 12 associated with the production and transmission of
 13 hydroelectric energy, subject to section 205-2;
 14 provided that the hydroelectric facilities and their
 15 appurtenances:

16 (A) Have a hydroelectric generating capacity of not
 17 more than five hundred kilowatts;

18 (B) Comply with the state water code, chapter 174C;

19 (C) Are accessory to agricultural activities on
 20 agricultural land for agricultural use only; and



1 (D) Do not adversely impact or impede the use of
 2 agricultural land or the availability of surface
 3 or ground water for all uses on all parcels that
 4 are served by the ground water sources or streams
 5 for which hydroelectric facilities are
 6 considered."

7 SECTION 3. New statutory material is underscored.

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

9

INTRODUCED BY:

[Handwritten signatures and names]

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S.B. NO. 2357

Report Title:

Counties; Agricultural Districts; Wireless Communication
Antennas; Camouflage

Description:

Requires wireless communication antennas, including those sited on agricultural district lands with soil with a class A or B rating, to be camouflaged.

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

