
A BILL FOR AN ACT

RELATING TO INFRASTRUCTURE.

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

1 SECTION 1. The legislature finds that the efficient
2 deployment of broadband infrastructure and technology is
3 important for Hawaii's future global connectivity and economic
4 viability. Among the benefits afforded by an advanced broadband
5 infrastructure system are increased and enhanced educational
6 opportunities, telehealth capacity, safety and civil defense
7 communications, economic competitiveness, consumer privileges,
8 and tourism services.

9 To ensure that consumers throughout the State may benefit
10 from these services as soon as possible, and to provide wireless
11 providers with a fair and predictable process for the deployment
12 of small wireless facilities, the legislature finds that it is
13 important to regulate the deployment of small wireless
14 facilities and small wireless facilities networks.

15 The purpose of this Act is to facilitate the deployment of
16 high-speed broadband infrastructure, including small wireless
17 facilities and small wireless facilities networks.



1 SECTION 2. 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- Siting of small wireless facilities and small
5 wireless facilities networks. The State shall permit the
6 collocation of small wireless facilities or small wireless
7 facilities networks on state structures, state utility poles,
8 and state light standards for the deployment of high speed
9 broadband infrastructure as follows:

- 10 (1) Small wireless facilities and small wireless
- 11 facilities networks shall not be subject to the
- 12 standards of a special or conditional use permit in:
- 13 (A) All public rights-of-way and property;
- 14 (B) All land designated as rural or agriculture in
- 15 accordance with chapter 205; and
- 16 (C) All land designated as urban;
- 17 provided that, for the purposes of this paragraph,
- 18 permissible uses within the agricultural district
- 19 conform to the definition of "wireless communication
- 20 antenna" in accordance with section 205-4.5(a)(18);



1 (2) Small wireless facilities and small wireless
2 facilities networks may be processed for a special or
3 conditional use permit when the small wireless
4 facilities and small wireless facilities networks are
5 located on land designated as conservation, in
6 accordance with chapter 205;

7 (3) The State may require building permits or other
8 permits for the collocation of small wireless
9 facilities and small wireless facilities networks;
10 provided that the permits are of general
11 applicability. The State shall receive applications
12 for, and process and issue the permits and approvals
13 in accordance with applicable laws, including section
14 27-45 and subject to the following requirements:

15 (A) An applicant shall not be required to perform any
16 services, including restoration work not directly
17 related to the collocation, to obtain approval of
18 an application;

19 (B) An application may be denied if it does not meet
20 applicable laws or rules regarding construction
21 in the public rights-of-way and building or



1 electrical codes or standards; provided that the
2 codes and standards are of general applicability.
3 The State shall document the basis for any
4 denial, including the specific code provisions or
5 standards on which the denial was based; and
6 (C) An applicant for a small wireless facilities
7 network involving no more than twenty-five
8 individual small wireless facilities of a
9 substantially similar design may request and
10 shall be permitted to file a consolidated
11 application and receive a single permit for the
12 installation, construction, maintenance, and
13 repair of the small wireless facilities network
14 instead of filing separate applications for each
15 individual small wireless facility;
16 (4) A wireless provider may collocate small wireless
17 facilities and small wireless facilities networks on
18 state structures, state utility poles, and state light
19 standards located within the land identified in
20 paragraph (1) (A), (B), and (C), subject to rates,
21 terms, and conditions. The annual recurring rate to



1 collocate a small wireless facility or small wireless
2 facility network on a state structure, state utility
3 pole, or state light standard shall not exceed the
4 rate produced by applying the formula adopted by the
5 Federal Communications Commission for
6 telecommunications pole attachments in 47 C.F.R.
7 §1.1409(e) (2); provided that, if the Federal
8 Communications Commission adopts a rate formula for
9 small wireless facility or small wireless facility
10 network attachments, that rate formula shall apply;
11 and

12 (5) The State may authorize a wireless provider or
13 wireless provider's licensed contractor to maintain,
14 repair, or replace the providers' small wireless
15 facilities and small wireless facilities networks with
16 facilities that are substantially the same, or
17 smaller, in size, weight, and height as the existing
18 facilities. For the purpose of this paragraph, the
19 State may consider other impacts of the attachment."



1 SECTION 3. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to part V to be appropriately designated
3 and to read as follows:

4 "§46- Siting of small wireless facilities and small
5 wireless facilities networks. The county shall permit the
6 collocation of small wireless facilities or small wireless
7 facilities networks on county structures, county utility poles,
8 and county light standards for the deployment of high speed
9 broadband infrastructure as follows:

10 (1) Small wireless facilities and small wireless
11 facilities networks shall not be subject to the
12 standards of a special or conditional use permit in:

13 (A) All public rights-of-way and property;

14 (B) All land designated as rural or agriculture in
15 accordance with chapter 205; and

16 (C) All land designated as urban;

17 provided that, for the purposes of this paragraph,
18 permissible uses within the agricultural district
19 conforms to the definition of "wireless communication
20 antenna" in accordance with section 205-4.5(a)(18);



1 (2) Small wireless facilities and small wireless
2 facilities networks may be processed for a special or
3 conditional use permit when the small wireless
4 facilities and small wireless facilities networks are
5 located on land designated as conservation, in
6 accordance with chapter 205;

7 (3) The county may require building permits or other
8 permits for the collocation of small wireless
9 facilities and small wireless facilities networks,
10 provided that the permits are of general
11 applicability. The county shall receive applications
12 for, and process and issue the permits and approvals
13 in accordance with applicable laws, including section
14 46-89 and subject to the following requirements:

15 (A) An applicant shall not be required to perform any
16 services, including restoration work not directly
17 related to the collocation, to obtain approval of
18 applications;

19 (B) An application may be denied if it does not meet
20 applicable laws or rules regarding construction
21 in the public rights-of-way and building or



1 electrical codes or standards; provided that the
2 codes and standards are of general applicability.
3 The county shall document the basis for any
4 denial, including the specific code provisions or
5 standards on which the denial was based; and
6 (C) An applicant for a small wireless facilities
7 network involving no more than twenty-five
8 individual small wireless facilities of a
9 substantially similar design may request and
10 shall be permitted to file a consolidated
11 application and receive a single permit for the
12 installation, construction, maintenance, and
13 repair of the small wireless facilities network
14 instead of filing separate applications for each
15 individual small wireless facility;
16 (4) A wireless provider may collocate small wireless
17 facilities and small wireless facilities networks on
18 county structures, county utility poles and county
19 light standards located within the land identified in
20 paragraph (1) (A), (B), and (C), subject to rates,
21 terms, and conditions. The annual recurring rate to



1 collocate a small wireless facility or small wireless
2 facility network on a county structure, county utility
3 pole, or county light standard shall not exceed the
4 rate produced by applying the formula adopted by the
5 Federal Communications Commission for
6 telecommunications pole attachments in 47 C.F.R.
7 §1.1409(e)(2); provided that, if the Federal
8 Communications Commission adopts a rate formula for
9 small wireless facility or small wireless facility
10 network attachments, that rate formula shall apply;
11 and
12 (5) The counties may authorize a wireless provider or
13 wireless provider's licensed contractor to maintain,
14 repair, or replace the providers' small wireless
15 facilities and small wireless facilities networks with
16 facilities that are substantially the same, or
17 smaller, in size, weight, and height as the existing
18 facilities. For the purpose of this paragraph, the
19 county may consider other impacts of the attachment."



1 SECTION 4. Section 27-41.1, Hawaii Revised Statutes, is
2 amended by adding nine new definitions to be appropriately
3 inserted and to read as follows:

4 "Collocation" means the installation, mounting,
5 maintenance, modification, operation, or replacement of wireless
6 or wireless broadband service equipment on a tower, utility
7 pole, light standard, building, or other existing structure for
8 the purpose of transmitting or receiving radio frequency signals
9 for communications purposes. For purposes of this definition,
10 "wireless or wireless broadband service equipment":

11 (1) Includes small wireless facilities, radio
12 transceivers, antennas, coaxial or fiber-optic cable,
13 regular and backup power supplies, and comparable
14 equipment, regardless of technological configuration;
15 and

16 (2) Does not include the structure or improvements on,
17 under, or within which the equipment is collocated.

18 "General applicability" refers to laws, regulations, or
19 processes that apply to objective requirements to all persons or
20 services in a nondiscriminatory manner and do not apply
21 exclusively to small wireless facilities.



1 "Light standard" means a street light, light pole, lamp
2 post, street lamp, lamp standard, or other raised source of
3 light located inside the right-of-way of a public road or
4 highway, or utility easement.

5 "Public property" means property owned or controlled by the
6 State, state agencies, or a county and includes buildings, water
7 tanks, decorative poles, and light standards.

8 "Rights-of-way" means the areas on, below, or above a
9 public roadway, highway, street, sidewalk, alley, utility
10 easement, or similar property.

11 "Small wireless facilities" means wireless facilities that
12 meet the following qualifications:

13 (1) Each individual antenna, excluding the associated
14 equipment, is individually no more than three cubic
15 feet in volume, and all antennas on the structure
16 total no more than six cubic feet in volume; and

17 (2) All other wireless equipment associated with the
18 structure, excluding cable runs for the connection of
19 power and other services, do not cumulatively exceed:

20 (A) Twenty-eight cubic feet for collocations on all
21 non-pole structures, including but not limited to



1 buildings and water tanks, that can support fewer
2 than three providers;

3 (B) Twenty-one cubic feet for collocations on all
4 pole structures, including but not limited to
5 light poles, traffic signal poles, and utility
6 poles, that can support fewer than three
7 providers;

8 (C) Thirty-five cubic feet for non-pole collocations
9 that can support at least three providers; or

10 (D) Twenty-eight cubic feet for pole collocations
11 that can support at least three providers.

12 "Small wireless facilities network" means a group of
13 interrelated small wireless facilities designed to deliver
14 wireless communications service.

15 "Utility pole" means a pole or similar structure that is
16 used in whole or in part for communications service, electric
17 service, lighting, traffic control, signage, or similar
18 functions.

19 "Wireless provider" means a person or entity that is:

20 (1) A provider as defined in section 440J-1;



- 1 (2) A wireless telecommunications service provider as
- 2 defined in section 269-16.93; or
- 3 (3) Authorized in accordance with chapter 269 to provide
- 4 facilities-based telecommunications services in the
- 5 State and builds, installs, operates, or maintains
- 6 facilities and equipment used to provide fixed or
- 7 mobile services through small wireless facilities."

8 SECTION 5. Section 46-15.6, Hawaii Revised Statutes, is

9 amended by adding nine new definitions to be appropriately

10 inserted and to read as follows:

11 "Collocation" means the installation, mounting,

12 maintenance, modification, operation, or replacement of wireless

13 or wireless broadband service equipment on a tower, utility

14 pole, light standard, building, or other existing structure for

15 the purpose of transmitting or receiving radio frequency signals

16 for communications purposes. For purposes of this definition,

17 "wireless or wireless broadband service equipment":

- 18 (1) Includes small wireless facilities, radio
- 19 transceivers, antennas, coaxial or fiber-optic cable,
- 20 regular and backup power supplies, and comparable



1 equipment, regardless of technological configuration;

2 and

3 (2) Does not include the structure or improvements on,
4 under, or within which the equipment is collocated.

5 "General applicability" refers to laws, regulations, or
6 processes that apply to objective requirements to all persons or
7 services in a nondiscriminatory manner and do not apply
8 exclusively to small wireless facilities.

9 "Light standard" means a street light, light pole, lamp
10 post, street lamp, lamp standard, or other raised source of
11 light located inside the right-of-way of a public road or
12 highway, or utility easement.

13 "Public property" means property owned or controlled by the
14 State, state agencies, or a county and includes buildings, water
15 tanks, decorative poles, and light standards.

16 "Rights-of-way" means the areas on, below, or above a
17 public roadway, highway, street, sidewalk, alley, utility
18 easement, or similar property.

19 "Small wireless facilities" means wireless facilities that
20 meet the following qualifications:



- 1 (1) Each individual antenna, excluding the associated
2 equipment, is individually no more than three cubic
3 feet in volume, and all antennas on the structure
4 total no more than six cubic feet in volume; and
- 5 (2) All other wireless equipment associated with the
6 structure, excluding cable runs for the connection of
7 power and other services, do not cumulatively exceed:
- 8 (A) Twenty-eight cubic feet for collocations on all
9 non-pole structures, including but not limited to
10 buildings and water tanks, that can support fewer
11 than three providers;
- 12 (B) Twenty-one cubic feet for collocations on all
13 pole structures, including but not limited to
14 light poles, traffic signal poles, and utility
15 poles, that can support fewer than three
16 providers;
- 17 (C) Thirty-five cubic feet for non-pole collocations
18 that can support at least three providers; or
- 19 (D) Twenty-eight cubic feet for pole collocations
20 that can support at least three providers.



1 "Small wireless facilities network" means a group of
2 interrelated small wireless facilities designed to deliver
3 wireless communications service.

4 "Utility pole" means a pole or similar structure that is
5 used in whole or in part for communications service, electric
6 service, lighting, traffic control, signage, or similar
7 functions.

8 "Wireless provider" means a person or entity that is:

- 9 (1) A provider as defined in section 440J-1;
- 10 (2) A wireless telecommunications service provider as
11 defined in section 269-16.93; or
- 12 (3) Authorized in accordance with chapter 269 to provide
13 facilities-based telecommunications services in the
14 State and builds, installs, operates, or maintains
15 facilities and equipment used to provide fixed or
16 mobile services through small wireless facilities."

17 SECTION 6. Section 205-2, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) Rural districts shall include activities or uses as
20 characterized by low density residential lots of not more than
21 one dwelling house per one-half acre, except as provided by



1 county ordinance pursuant to section 46-4(c), in areas where
2 "city-like" concentration of people, structures, streets, and
3 urban level of services are absent, and where small farms are
4 intermixed with low density residential lots except that within
5 a subdivision, as defined in section 484-1, the commission for
6 good cause may allow one lot of less than one-half acre, but not
7 less than eighteen thousand five hundred square feet, or an
8 equivalent residential density, within a rural subdivision and
9 permit the construction of one dwelling on such lot; provided
10 that all other dwellings in the subdivision shall have a minimum
11 lot size of one-half acre or 21,780 square feet. Such petition
12 for variance may be processed under the special permit
13 procedure. These districts may include contiguous areas which
14 are not suited to low density residential lots or small farms by
15 reason of topography, soils, and other related characteristics.
16 Rural districts shall also include golf courses, golf driving
17 ranges, and golf-related facilities.

18 In addition to the uses listed in this subsection, rural
19 districts shall include geothermal resources exploration and
20 geothermal resources development, as defined under section



1 182-1, and wireless communication antenna, as defined under
2 section 205-4.5(a)(18), as permissible uses."

3 SECTION 7. Section 205-4.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

10 (1) Cultivation of crops, including crops for bioenergy,
11 flowers, vegetables, foliage, fruits, forage, and
12 timber;

13 (2) Game and fish propagation;

14 (3) Raising of livestock, including poultry, bees, fish,
15 or other animal or aquatic life that are propagated
16 for economic or personal use;

17 (4) Farm dwellings, employee housing, farm buildings, or
18 activities or uses related to farming and animal
19 husbandry. "Farm dwelling", as used in this
20 paragraph, means a single-family dwelling located on
21 and used in connection with a farm, including clusters



- 1 of single-family farm dwellings permitted within
2 agricultural parks developed by the State, or where
3 agricultural activity provides income to the family
4 occupying the dwelling;
- 5 (5) Public institutions and buildings that are necessary
6 for agricultural practices;
- 7 (6) Public and private open area types of recreational
8 uses, including day camps, picnic grounds, parks, and
9 riding stables, but not including dragstrips,
10 airports, drive-in theaters, golf courses, golf
11 driving ranges, country clubs, and overnight camps;
- 12 (7) Public, private, and quasi-public utility lines and
13 roadways, transformer stations, communications
14 equipment buildings, solid waste transfer stations,
15 major water storage tanks, and appurtenant small
16 buildings such as booster pumping stations, but not
17 including offices or yards for equipment, material,
18 vehicle storage, repair or maintenance, treatment
19 plants, corporation yards, or other similar
20 structures;



- 1 (8) Retention, restoration, rehabilitation, or improvement
- 2 of buildings or sites of historic or scenic interest;
- 3 (9) Agricultural-based commercial operations as described
- 4 in section 205-2(d) (15);
- 5 (10) Buildings and uses, including mills, storage, and
- 6 processing facilities, maintenance facilities,
- 7 photovoltaic, biogas, and other small-scale renewable
- 8 energy systems producing energy solely for use in the
- 9 agricultural activities of the fee or leasehold owner
- 10 of the property, and vehicle and equipment storage
- 11 areas that are normally considered directly accessory
- 12 to the above-mentioned uses and are permitted under
- 13 section 205-2(d);
- 14 (11) Agricultural parks;
- 15 (12) Plantation community subdivisions, which as used in
- 16 this chapter means an established subdivision or
- 17 cluster of employee housing, community buildings, and
- 18 agricultural support buildings on land currently or
- 19 formerly owned, leased, or operated by a sugar or
- 20 pineapple plantation; provided that the existing
- 21 structures may be used or rehabilitated for use, and



1 new employee housing and agricultural support
2 buildings may be allowed on land within the
3 subdivision as follows:

4 (A) The employee housing is occupied by employees or
5 former employees of the plantation who have a
6 property interest in the land;

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

10 (C) The agricultural support buildings shall be
11 rented or leased to agricultural business
12 operators or agricultural support services;

13 (13) Agricultural tourism conducted on a working farm, or a
14 farming operation as defined in section 165-2, for the
15 enjoyment, education, or involvement of visitors;
16 provided that the agricultural tourism activity is
17 accessory and secondary to the principal agricultural
18 use and does not interfere with surrounding farm
19 operations; and provided further that this paragraph
20 shall apply only to a county that has adopted



- 1 ordinances regulating agricultural tourism under
2 section 205-5;
- 3 (14) Agricultural tourism activities, including overnight
4 accommodations of twenty-one days or less, for any one
5 stay within a county; provided that this paragraph
6 shall apply only to a county that includes at least
7 three islands and has adopted ordinances regulating
8 agricultural tourism activities pursuant to section
9 205-5; provided further that the agricultural tourism
10 activities coexist with a bona fide agricultural
11 activity. For the purposes of this paragraph, "bona
12 fide agricultural activity" means a farming operation
13 as defined in section 165-2;
- 14 (15) Wind energy facilities, including the appurtenances
15 associated with the production and transmission of
16 wind generated energy; provided that the wind energy
17 facilities and appurtenances are compatible with
18 agriculture uses and cause minimal adverse impact on
19 agricultural land;
- 20 (16) Biofuel processing facilities, including the
21 appurtenances associated with the production and



1 refining of biofuels that is normally considered
2 directly accessory and secondary to the growing of the
3 energy feedstock; provided that biofuel processing
4 facilities and appurtenances do not adversely impact
5 agricultural land and other agricultural uses in the
6 vicinity.

7 For the purposes of this paragraph:

8 "Appurtenances" means operational infrastructure
9 of the appropriate type and scale for economic
10 commercial storage and distribution, and other similar
11 handling of feedstock, fuels, and other products of
12 biofuel processing facilities.

13 "Biofuel processing facility" means a facility
14 that produces liquid or gaseous fuels from organic
15 sources such as biomass crops, agricultural residues,
16 and oil crops, including palm, canola, soybean, and
17 waste cooking oils; grease; food wastes; and animal
18 residues and wastes that can be used to generate
19 energy;

20 (17) Agricultural-energy facilities, including
21 appurtenances necessary for an agricultural-energy



1 enterprise; provided that the primary activity of the
2 agricultural-energy enterprise is agricultural
3 activity. To be considered the primary activity of an
4 agricultural-energy enterprise, the total acreage
5 devoted to agricultural activity shall be not less
6 than ninety per cent of the total acreage of the
7 agricultural-energy enterprise. The agricultural-
8 energy facility shall be limited to lands owned,
9 leased, licensed, or operated by the entity conducting
10 the agricultural activity.

11 As used in this paragraph:

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

14 "Agricultural-energy enterprise" means an
15 enterprise that integrally incorporates an
16 agricultural activity with an agricultural-energy
17 facility.

18 "Agricultural-energy facility" means a facility
19 that generates, stores, or distributes renewable
20 energy as defined in section 269-91 or renewable fuel
21 including electrical or thermal energy or liquid or



1 gaseous fuels from products of agricultural activities
2 from agricultural lands located in the State.

3 "Appurtenances" means operational infrastructure
4 of the appropriate type and scale for the economic
5 commercial generation, storage, distribution, and
6 other similar handling of energy, including equipment,
7 feedstock, fuels, and other products of agricultural-
8 energy facilities;

9 (18) Construction and operation of wireless communication
10 antennas[+], including small wireless facilities;
11 provided that, for the purposes of this paragraph,
12 "wireless communication antenna" means communications
13 equipment that is either freestanding or placed upon
14 or attached to an already existing structure and that
15 transmits and receives electromagnetic radio signals
16 used in the provision of all types of wireless
17 communications services; provided further that nothing
18 in this paragraph shall be construed to permit the
19 construction of any new structure that is not deemed a
20 permitted use under this subsection; provided further



1 that "small wireless facilities" shall have the same
2 meaning as set forth in sections 27-41.1 and 46-15.6;

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

16 (20) Solar energy facilities that do not occupy more than
17 ten per cent of the acreage of the parcel, or twenty
18 acres of land, whichever is lesser or for which a
19 special use permit is granted pursuant to section
20 205-6; provided that this use shall not be permitted
21 on lands with soil classified by the land study



1 bureau's detailed land classification as overall
2 (master) productivity rating class A unless the solar
3 energy facilities are:

4 (A) Located on a paved or unpaved road in existence
5 as of December 31, 2013, and the parcel of land
6 upon which the paved or unpaved road is located
7 has a valid county agriculture tax dedication
8 status or a valid agricultural conservation
9 easement;

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

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

14 (21) Solar energy facilities on lands with soil classified
15 by the land study bureau's detailed land
16 classification as overall (master) productivity rating
17 B or C for which a special use permit is granted
18 pursuant to section 205-6; provided that:

19 (A) The area occupied by the solar energy facilities
20 is also made available for compatible
21 agricultural activities at a lease rate that is



1 at least fifty per cent below the fair market
2 rent for comparable properties;

3 (B) Proof of financial security to decommission the
4 facility is provided to the satisfaction of the
5 appropriate county planning commission prior to
6 date of commencement of commercial generation;
7 and

8 (C) Solar energy facilities shall be decommissioned
9 at the owner's expense according to the following
10 requirements:

11 (i) Removal of all equipment related to the
12 solar energy facility within twelve months
13 of the conclusion of operation or useful
14 life; and

15 (ii) Restoration of the disturbed earth to
16 substantially the same physical condition as
17 existed prior to the development of the
18 solar energy facility.

19 For the purposes of this paragraph, "agricultural
20 activities" means the activities described in
21 paragraphs (1) to (3);



- 1 (22) Geothermal resources exploration and geothermal
2 resources development, as defined under section 182-1;
3 or
- 4 (23) Hydroelectric facilities, including the appurtenances
5 associated with the production and transmission of
6 hydroelectric energy, subject to section 205-2;
7 provided that the hydroelectric facilities and their
8 appurtenances:
 - 9 (A) Shall consist of a small hydropower facility as
10 defined by the United States Department of
11 Energy, including:
 - 12 (i) Impoundment facilities using a dam to store
13 water in a reservoir;
 - 14 (ii) A diversion or run-of-river facility that
15 channels a portion of a river through a
16 canal or channel; and
 - 17 (iii) Pumped storage facilities that store energy
18 by pumping water uphill to a reservoir at
19 higher elevation from a reservoir at a lower
20 elevation to be released to turn a turbine
21 to generate electricity;



- 1 (B) Comply with the state water code, chapter 174C;
- 2 (C) Shall, if over five hundred kilowatts in
- 3 hydroelectric generating capacity, have the
- 4 approval of the commission on water resource
- 5 management, including a new instream flow
- 6 standard established for any new hydroelectric
- 7 facility; and
- 8 (D) Do not impact or impede the use of agricultural
- 9 land or the availability of surface or ground
- 10 water for all uses on all parcels that are served
- 11 by the ground water sources or streams for which
- 12 hydroelectric facilities are considered."

13 SECTION 8. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2017;
16 provided that this Act shall apply to permit applications filed
17 with the State or county after January 1, 2018.



Report Title:

Broadband; Small Wireless Facilities; Siting Process; State and County Land

Description:

Establishes the siting process of infrastructure for small wireless facilities and small wireless facilities networks on state- and county-owned land. (HB625 HD1)

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

