

JAN 25 2017

A BILL FOR AN ACT

RELATING TO TELECOMMUNICATIONS.

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 to the future global connectivity and economic
4 viability of our island state. Among the benefits afforded by
5 an advanced broadband infrastructure system are increased and
6 enhanced educational opportunities, telehealth capacity, safety
7 and civil defense communications, economic competitiveness,
8 consumer privileges, 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 is enacting this
13 Act, which specifies how state and local authorities may
14 regulate the deployment of small wireless facilities and small
15 wireless facilities networks.

16 The purpose of this Act is to facilitate the deployment of
17 high-speed broadband infrastructure in Hawaii, including small
18 wireless facilities.

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1 SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended
2 by adding to part VII a new section 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, utility poles, and
8 light standards for the deployment of high speed broadband
9 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);

21 (2) Small wireless facilities and small wireless

22 facilities networks may be processed as special or

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1 conditional permitted uses where such facilities are
2 located on land designated as conservation, in
3 accordance with chapter 205;

4 (3) The State may require building permits or other
5 permits for the collocation of small wireless
6 facilities and small wireless facilities networks,
7 provided such permits are of general applicability.

8 The State shall receive applications for, and process
9 and issue such permits and approvals in accordance
10 with applicable laws, including sections 27-45 and
11 269- , and subject to the following requirements:

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

16 (B) An application may be denied if it does not meet
17 applicable laws or rules regarding construction
18 in the public rights-of-way, building or
19 electrical codes or standards, provided such
20 codes and standards are of general applicability.

21 The State shall document the basis for any

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1 denial, including the specific code provisions or
2 standards on which the denial was based; and

3 (C) The State may consolidate twenty-five or fewer
4 small wireless facilities applications under a
5 single permit for the installation, construction,
6 maintenance, and repair of a small wireless
7 facilities network instead of filing separate
8 applications for each individual small wireless
9 facility;

10 (4) A wireless provider may collocate small wireless
11 facilities and small wireless facilities networks on
12 state structures, utility poles, and light standards
13 located within the land identified in paragraph
14 (1) (A), (B), and (C) subject to rates, terms, and
15 conditions. The annual recurring rate to collocate a
16 small wireless facility on a state utility pole shall
17 not exceed the rate produced by applying the formula
18 adopted by the Federal Communications Commission for
19 telecommunications pole attachments in 47 C.F.R. §
20 1.1409(e) (2); and

21 (5) The State may authorize a wireless provider or
22 wireless provider's licensed contractor to maintain,

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1 repair, or replace the providers' small wireless
2 facilities and small wireless facilities networks with
3 facilities that are substantially the same, or
4 smaller, in size, weight, and height as the existing
5 facilities. For the purpose of this paragraph, the
6 State may consider other impacts of the attachment."

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

10 "§46- Siting of small wireless facilities and small
11 wireless facilities networks. The county shall permit the
12 collocation of small wireless facilities or small wireless
13 facilities networks on county structures, utility poles, and
14 light standards for the deployment of high speed broadband
15 infrastructure as follows:

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

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

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

22 (C) All land designated as urban;

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

5 (2) Small wireless facilities and small wireless
6 facilities networks may be processed as special or
7 conditional permitted uses where such facilities are
8 located on land designated as conservation, in
9 accordance with chapter 205;

10 (3) The county may require building permits or other
11 permits for the collocation of small wireless
12 facilities and small wireless facilities networks,
13 provided such permits are of general applicability.

14 The county shall receive applications for, and process
15 and issue such permits and approvals in accordance
16 with applicable laws, including sections 46-89 and
17 269- , and subject to the following requirements:

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

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1 (B) An application may be denied if it does not meet
2 applicable laws or rules regarding construction
3 in the public rights-of-way, building or
4 electrical codes or standards, provided such
5 codes and standards are of general applicability.

6 The county shall document the basis for any
7 denial, including the specific code provisions or
8 standards on which the denial was based; and

9 (C) The county may consolidate twenty-five or fewer
10 small wireless facilities applications under a
11 single permit for the installation, construction,
12 maintenance and repair of a small wireless
13 facilities network instead of filing separate
14 applications for each individual small wireless
15 facility;

16 (4) A wireless provider may collocate small wireless
17 facilities and small wireless facilities networks on
18 county structures, utility poles and light standards
19 located within the land identified in paragraph
20 (1) (A), (B), and (C) subject to rates, terms, and
21 conditions. The annual recurring rate to collocate a
22 small wireless facility on a county utility pole shall

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1 not exceed the rate produced by applying the formula
2 adopted by the Federal Communications Commission for
3 telecommunications pole attachments in 47 C.F.R. §
4 1.1409(e) (2); and

5 (5) The counties may authorize a wireless provider or
6 wireless provider's licensed contractor to maintain,
7 repair, or replace the providers' small wireless
8 facilities and small wireless facilities networks with
9 facilities that are substantially the same, or
10 smaller, in size, weight, and height as the existing
11 facilities. For the purpose of this paragraph, the
12 county may consider other impacts of the attachment."

13 SECTION 4. Section 27-41.1, Hawaii Revised Statutes, is
14 amended by adding new definitions to be appropriately inserted
15 and to read as follows:

16 "Collocation" means the installation, mounting,
17 maintainance, modification, operation, or replacement of
18 wireless or wireless broadband service equipment on a tower,
19 utility pole, light standard, building, or other existing
20 structure for the purpose of transmitting or receiving radio
21 frequency signals for communications purposes. For purposes of
22 this definition, wireless or wireless broadband service

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1 equipment includes radio transceivers, antennas, coaxial or
2 fiber-optic cable, regular and backup power supplies, and
3 comparable equipment, regardless of technological configuration.

4 The term "wireless or wireless broadband service equipment"
5 includes small wireless facilities. The term does not include
6 the structure or improvements on, under, or within which the
7 equipment is collocated.

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

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

16 "Public property" means property owned or controlled by the
17 State of Hawaii (or any of its agencies), or a county and
18 includes buildings, water tanks, decorative poles, and light
19 standards.

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

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1 "Small wireless facilities" means wireless facilities that
2 meet the following qualifications:

3 (1) Each individual antenna, excluding the associated
4 equipment is individually no more than three cubic
5 feet in volume, and all antennas on the structure
6 total no more than six cubic feet in volume; and

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

10 (A) Twenty-eight cubic feet for collocations on all
11 non-pole structures (including but not limited to
12 buildings and water tanks) that can support fewer
13 than three providers;

14 (B) Twenty-one cubic feet for collocations on all
15 pole structures (including but not limited to
16 light poles, traffic signal poles, and utility
17 poles) that can support fewer than three
18 providers;

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

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

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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 SECTION 5. Section 46-15.6, Hawaii Revised Statutes, is
9 amended by adding new definitions to be appropriately inserted
10 and to read as follows:

11 "Collocation" means the installation, mounting,
12 maintainenance, modification, operation, or replacement of
13 wireless or wireless broadband service equipment on a tower,
14 utility pole, light standard, building, or other existing
15 structure for the purpose of transmitting or receiving radio
16 frequency signals for communications purposes. For purposes of
17 this definition, wireless or wireless broadband service
18 equipment includes radio transceivers, antennas, coaxial or
19 fiber-optic cable, regular and backup power supplies, and
20 comparable equipment, regardless of technological configuration.
21 The term "wireless or wireless broadband service equipment"
22 includes small wireless facilities. The term does not include

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1 the structure or improvements on, under, or within which the
2 equipment is collocated.

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

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

11 "Public property" means property owned or controlled by the
12 State of Hawaii (or any of its agencies), or a county and
13 includes buildings, water tanks, decorative poles, and light
14 standards.

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

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

20 (1) Each individual antenna, excluding the associated
21 equipment is individually no more than three cubic

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1 feet in volume, and all antennas on the structure
2 total no more than six cubic feet in volume; and

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

6 (A) Twenty-eight cubic feet for collocations on all
7 non-pole structures (including but not limited to
8 buildings and water tanks) that can support fewer
9 than three providers;

10 (B) Twenty-one cubic feet for collocations on all
11 pole structures (including but not limited to
12 light poles, traffic signal poles, and utility
13 poles) that can support fewer than three
14 providers;

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

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

19 "Small wireless facilities network" means a group of
20 interrelated small wireless facilities designed to deliver
21 wireless communications service.

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

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

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

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1 are not suited to low density residential lots or small farms by
2 reason of topography, soils, and other related
3 characteristics. Rural districts shall also include golf
4 courses, golf driving ranges, and golf-related facilities.

5 In addition to the uses listed in this subsection, rural
6 districts shall include geothermal resources exploration and
7 geothermal resources development, as defined under section
8 182-1, and allows for wireless communication antenna, as defined
9 under section 205-4.5(a)(18), as permissible uses."

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

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

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

20 (2) Game and fish propagation;

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- 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
22 equipment buildings, solid waste transfer stations,

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

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

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

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

20 (11) Agricultural parks;

21 (12) Plantation community subdivisions, which as used in
22 this chapter means an established subdivision or

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1 cluster of employee housing, community buildings, and
2 agricultural support buildings on land currently or
3 formerly owned, leased, or operated by a sugar or
4 pineapple plantation; provided that the existing
5 structures may be used or rehabilitated for use, and
6 new employee housing and agricultural support
7 buildings may be allowed on land within the
8 subdivision as follows:

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

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

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

18 (13) Agricultural tourism conducted on a working farm, or a
19 farming operation as defined in section 165-2, for the
20 enjoyment, education, or involvement of visitors;
21 provided that the agricultural tourism activity is
22 accessory and secondary to the principal agricultural

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1 use and does not interfere with surrounding farm
2 operations; and provided further that this paragraph
3 shall apply only to a county that has adopted
4 ordinances regulating agricultural tourism under
5 section 205-5;

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

17 (15) Wind energy facilities, including the appurtenances
18 associated with the production and transmission of
19 wind generated energy; provided that the wind energy
20 facilities and appurtenances are compatible with
21 agriculture uses and cause minimal adverse impact on
22 agricultural land;

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

9 For the purposes of this paragraph:

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

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

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

13 As used in this paragraph:

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

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

20 "Agricultural-energy facility" means a facility
21 that generates, stores, or distributes renewable
22 energy as defined in section 269-91 or renewable fuel

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1 including electrical or thermal energy or liquid or
2 gaseous fuels from products of agricultural activities
3 from agricultural lands located in the State.

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

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

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1 wireless facilities" shall have the same meaning set
2 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
22 bureau's detailed land classification as overall

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1 (master) productivity rating class A unless the solar
2 energy facilities are:

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

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

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

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

18 (A) The area occupied by the solar energy facilities
19 is also made available for compatible
20 agricultural activities at a lease rate that is
21 at least fifty per cent below the fair market
22 rent for comparable properties;

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

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

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

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

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

20 (22) Geothermal resources exploration and geothermal
21 resources development, as defined under section 182-1;
22 or

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1 (23) Hydroelectric facilities, including the appurtenances
2 associated with the production and transmission of
3 hydroelectric energy, subject to section 205-2;
4 provided that the hydroelectric facilities and their
5 appurtenances:

6 (A) Shall consist of a small hydropower facility as
7 defined by the United States Department of
8 Energy, including:

9 (i) Impoundment facilities using a dam to store
10 water in a reservoir;

11 (ii) A diversion or run-of-river facility that
12 channels a portion of a river through a
13 canal or channel; and

14 (iii) Pumped storage facilities that store energy
15 by pumping water uphill to a reservoir at
16 higher elevation from a reservoir at a lower
17 elevation to be released to turn a turbine
18 to generate electricity;

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

20 (C) Shall, if over five hundred kilowatts in
21 hydroelectric generating capacity, have the
22 approval of the commission on water resource

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1 management, including a new instream flow
2 standard established for any new hydroelectric
3 facility; and
4 (D) Do not impact or impede the use of agricultural
5 land or the availability of surface or ground
6 water for all uses on all parcels that are served
7 by the ground water sources or streams for which
8 hydroelectric facilities are considered."

9 SECTION 8. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 9. This Act, upon its approval, shall take effect
12 on July 1, 2017, provided that this Act shall apply to permit
13 applications filed with the State or county after January 1,
14 2018.

15

16

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INTRODUCED BY: 
BY REQUEST

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Report Title:

Small Wireless Facilities; Small Wireless Networks

Description:

Facilitates the deployment of high-speed broadband infrastructure in Hawaii, allow small wireless facilities to be placed on state and county utility poles, structures and on light standards, subject to rates, terms, and conditions.

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

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JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS.

PURPOSE: Allows small wireless facilities to be placed on state and county utility poles, structures and on light standards in order to facilitate the deployment of high-speed broadband infrastructure in Hawaii, subject to reasonable rates, terms, and conditions.

MEANS: Add new sections to part VII of chapter 27 and part V of chapter 46, Hawaii Revised Statutes (HRS), and amend sections 27-41.1, 46-15.6, 205-2(c), and 205-4.5(a), HRS.

JUSTIFICATION: It is important to have efficient broadband infrastructure for the future global connectivity and economic viability of our island state. Among the benefits of an advanced broadband infrastructure system are increased and enhanced educational opportunities, telehealth capacity, safety and civil defense communications, economic competitiveness, consumer privileges and tourism services.

By enacting regulations for the deployment of small wireless facilities and networks on state and county utility poles, structures and light standards, it would provide these services to the State of Hawaii as soon as possible for the community's benefit.

Impact on the public: The public would benefit from an advanced broadband infrastructure system with increased and enhanced educational opportunities, telehealth capacity, safety and civil defense communications, economic competitiveness, consumer privileges and tourism services.

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Impact on the department and other agencies:

The appropriate departments and county agencies will receive applications and issue permits and approvals for the collocation of small wireless facilities and small wireless facilities networks, subject to reasonable rates, terms, and conditions.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BED-142.

OTHER AFFECTED
AGENCIES: Department of Commerce and Consumer Affairs,
Department of Land and Natural Resources,
Department of Transportation, University of
Hawaii and Counties.

EFFECTIVE DATE: July 1, 2017.