

STAND. COM. REP. NO.

1174

Honolulu, Hawaii

March 17, 2017

RE: S.B. No. 1201  
S.D. 2  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Intrastate Commerce, to which was referred  
S.B. No. 1201, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TECHNOLOGY,"

begs leave to report as follows:

The purpose of this measure is to facilitate the deployment  
of high-speed broadband infrastructure in Hawaii, including  
wireless facilities, by:

- (1) Establishing limits on the State's and counties' authority to prohibit, regulate, or charge for the co-location of small wireless facilities or small wireless facilities networks;
- (2) Specifying certain sites where small wireless facilities or small wireless facilities networks may be located, including conditions and maximum fees for location and co-location;
- (3) Establishing an application process for co-location; and
- (4) Repealing those sections of Act 151, Session Laws of Hawaii 2011, relating to exemptions for broadband service and broadband technology from state and county

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permitting requirements, that have been codified within the Hawaii Revised Statutes.

Maui Hotel and Lodging Association, TechNet, Mobilitie, and CTIA supported this measure. The County of Hawaii Office of the Mayor opposed this measure. The Office of Planning, Cable Television Division of the Department of Commerce and Consumer Affairs, Department of Business, Economic Development and Tourism, Hawaiian Telcom, Verizon, Charter Communications, Hawaiian Electric Company, Inc., and its subsidiaries, Hawaii Electric Light Company, Inc. and Maui Electric Company, Limited, and The Chamber of Commerce Hawaii offered comments.

Your Committee has amended this measure by:

- (1) Clarifying that this measure also applies to small wireline facilities, small wireline facilities networks, and wireline services;
- (2) Restoring sections of Act 151, Session Laws of Hawaii 2011, relating to exemptions for broadband service and broadband technology from state and county permitting requirements, that have been codified within the Hawaii Revised Statutes;
- (3) Allowing the State and counties to evaluate applications for small wireless and wireline installations on a geographic basis and allowing applications to be submitted for geographic areas;
- (4) Clarifying that poles owned solely or jointly by an investor-owned electric utility are not subject to this measure;
- (5) Adding a sunset date of July 1, 2019;
- (6) Changing the effective date to July 1, 2090, to promote further discussion; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee supports the efficient and effective deployment of high-speed broadband infrastructure in Hawaii and



the need to balance technological advances with environmental aesthetics. Your Committee also understands the concerns of public safety officials and first responders on co-existing with high-speed broadband infrastructure while still maintaining reliable, interference-free, secure communications. Should your Committees on Water & Land and Consumer Protection and Commerce deliberate on this measure, your Committee requests that they urge stakeholders to collaborate and develop solutions so this measure may benefit all parties.

As affirmed by the record of votes of the members of your Committee on Intrastate Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1201, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1201, S.D. 2, H.D. 1, and be referred to your Committee on Water & Land.

Respectfully submitted on  
behalf of the members of the  
Committee on Intrastate  
Commerce,



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TAKASHI OHNO, Chair



