CONFERENCE COMMITTEE REP. NO.

J. **58**

Honolulu, Hawaii April 25, 2013 RE: H.B. No. 635 H.D. 2 S.D. 1 C.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir and Madam:

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Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 635, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BROADBAND,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to expedite the approval process for broadband-related permits while maintaining utility pole public safety standards by:

- (1) Requiring the State and the counties to approve, approve with modification, or disapprove all broadband-related permits within specified timeframes to avoid automatic approval of broadband permit applications;
- (2) Specifying that applicants shall comply with all applicable safety and engineering requirements relating to broadband-related infrastructure; and



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(3) Ensuring that the Federal Communications Commission and the Public Utilities Commission have authority over utility pole weight capacity limits.

Your Committee on Conference has amended this measure by:

- Adding a State automatic approval provision for applications for broadband facilities within the conservation district if not approved, approved with modification, or disapproved within one hundred forty-five days;
- (2) Removing specific State and county automatic approval provisions for applications for broadband facilities for the protective subzones of the conservation district if not approved, approved with modification, or disapproved within ninety days;
- (3) Removing specific State and county automatic approval provisions for conservation district use applications for broadband facilities, and related provisions, if not approved, approved with modification, or disapproved within one hundred twenty days;
- (4) Changing its effective date to January 1, 2014; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 635, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 635, H.D. 2, S.D. 1, C.D. 1.

HB635 CD1 HCCR HMS 2013-3519-1

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Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE



ON THE PART OF THE HOUSE

CLIFT TSUJI, Co-Chair

ANGUS L.K. MCKELVEY, Co-Chair



Hawaii State Legislature



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 635, HD 2, SD 1					Date/Time: 04/24/13 3/20m				
	House and S	Senate	mana	gers i	is to pass with amendments (CD).		/	<u>, , , , , , , , , , , , , , , , , , , </u>	
The Committee is reconside	ering its previ	ious de	cisio	n.	······································				
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure				The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.					
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
WAKAI, Glenn, Chr.	V				TSUJI, Clift, Co-Chr.	1	/		
BAKER, Rosalyn H., Co-Chr.					MCKELVEY, Angus L.K., Co-Chr.	1/			<u> </u>
HEE, Clayton, Co-Chr.	V				CHOY, Isaac W.	1			<u> </u>
ESPERO, Will	1/				YAMASHITA, Kyle T.		1	1	
SLOM, Sam				\checkmark	WARD, Gene				\triangleleft
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A = Aye	WR = Ay	e with l	Reserv			$\mathbf{E} = \mathbf{E}\mathbf{x}\mathbf{c}$	used		-
Senate Recommendation is:					House Recommendation is:				
. Adopted Not Adopted					Adopted D Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
Distribution: File with Confe	riginal ence Committe	e Repo	rt	Но	Yellow Pink use Clerk's Office Senate Clerk's Offic		Gold Drafting		