A BILL FOR AN ACT

RELATING TO TECHNOLOGY.

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

from these services as soon as possible, and to provide wireless

11 and wireline providers with a fair and predictable process for

12 the deployment of small wireless or wireline facilities, the

13 legislature finds that laws are needed to specify the extent and

14 way in which the deployment of small wireless or wireline

15 facilities and small wireless or wireline facilities networks

16 are regulated in the State.

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1	The j	purpose of this Act is to facilitate the deployment of
2	high-spee	d broadband infrastructure in Hawaii, including small
3	wireless	or wireline facilities, in a way that encourages new
4	technolog	y and ensures a level playing field for competitive
5	communica	tions service providers by:
6	(1)	Establishing limits on the State's and counties'
7		authority to prohibit, regulate, or charge for the co-
8		location of small wireless or wireline facilities or
9		small wireless or wireline facilities networks;
10	(2)	Specifying certain sites where small wireless or
11		wireline facilities or small wireless or wireline
12		facilities networks may be located, including
13		conditions and maximum fees for location and co-
14		location; and
15	(3)	Establishing an application process for co-location.
16	SECT	ION 2. Chapter 27, Hawaii Revised Statutes, is amended
17	by adding	two new sections to part VII to be appropriately
18	designate	d and to read as follows:
19	" <u>§27</u>	- Co-location permits; application; review;
20	approval.	(a) A telecommunications carrier proposing to
21	install b	roadband infrastructure shall submit an application for

1	a permitte	ed use permit to the state agency with jurisdiction
2	over util	ity poles, light standards, buildings, or structures.
3	The appli	cation shall include:
4	(1)	A geographic description of the project area;
5	(2)	A listing and description of the utility poles, light
6		standards, buildings, or structures included in the
7		project for the installation, mounting, operation,
8		and placement of broadband infrastructure,
9		including an assessment of the identifying
10		information, location, and ownership of the listed
11		utility poles, light standards, buildings, or
12		structures; and
13	(3)	A description of the equipment associated with the
14		facilities to be installed in the project area,
15		including radio transceivers, antennas, coaxial or
16		fiber-optic cables, power supplies, and related
17		equipment, and the size and weight of the equipment
18		to be installed on each utility pole, light
19		standard, building, or structure.

1	(b)	The agency shall evaluate the impact of co-locating
2	the broad	band infrastructure described in the application to
3	ensure th	at:
4	(1)	The equipment installed on the poles, light standards,
5		buildings, or structures are done in a manner to
6		protect public health and safety, and safe travel in
7		the public rights-of-way;
8	(2)	The utility poles or light standards are able to bear
9		the additional weight of the equipment and that the
10		equipment is not a hazard or obstruction to the
11		<pre>public; and</pre>
12	(3)	The project equipment and broadband infrastructure
13		does not interfere with government systems for public
14		safety communication operations and emergency
15		services.
16	<u>(c)</u>	The agency shall notify the applicant that:
17	(1)	The permit is approved;
18	(2)	The permit is approved with specified modifications;
19		or

1	(3) The application is returned for resubmission with a
2	list of specific questions seeking answers,
3	clarification, or additional detailed information.
4	§27- Siting of small wireless or wireline facilities and
5	small wireless or wireline facilities networks. (a) The State
6	shall not prohibit, regulate, or charge for the co-location of
7	small wireless or wireline facilities or small wireless or
8	wireline facilities networks, except as provided in this
9	section; provided that this section shall not be construed to
10	obviate or otherwise waive the right of the State to require a
11	license, franchise, or other agreement to access the right of
12	way more broadly to install wireline broadband backhaul
13	facilities, or to attach coaxial or fiber-optic cable between
14	poles. Small wireless or wireline facilities and small wireless
15	or wireline facilities networks shall be deemed permitted uses,
16	and no special use or conditional use permit shall be required,
17	for their location on:
18	(1) All public rights-of-way and property;
19	(2) All land in the rural or agricultural districts
20	pursuant to chapter 205; and

1	(3) All land in the urban district pursuant to chapter
2	205.
3	(b) Small wireless or wireline facilities and small
4	wireless or wireline facilities networks may require special use
5	or conditional use permits where such facilities are located on
6	land in the conservation district pursuant to chapter 205.
7	(c) Wireless providers shall have the right to co-locate
8	small wireless or wireline facilities on state utility poles,
9	state structures, and light standards; provided such utility
10	poles, structures, and light standards are not owned solely or
11	jointly by an investor-owned electric utility. The State may
12	require building permits or other permits for the co-location of
13	small wireless or wireline facilities and small wireless or
14	wireline facilities networks; provided that permits are of
15	general applicability. The State shall receive applications to
16	process and issue permits and approvals in accordance with
17	applicable law, including section 27-45 and chapter 269, and
18	subject to the following requirements:
19	(1) Applicants shall not be required to perform any
20	services, including restoration work not directly

1		related to the co-location, to obtain approval for
2		applications;
3	(2)	Applications may be denied if the application does not
4		meet applicable laws or rules regarding construction
5		in the public rights-of-way or building or electrical
6		codes or standards; provided that codes and standards
7		are of general applicability. The State shall
8		document the basis for any application denial,
9		including the specific code provisions or standards on
10		which the denial was based; and
11	(3)	An applicant for a small wireless or wireline
12		facilities network involving no greater than twenty-
13		five individual small wireless or wireline facilities
14		of a substantially similar design shall be permitted,
15		upon request by the applicant, to file a consolidated
16		application and receive a single permit for the
17		installation, construction, maintenance, and repair of
18		a small wireless or wireline facilities network
19		instead of filing separate applications for each
20		individual small wireless or wireline facility.

1	(d) A wireless provider or a wireless provider's licensed
2	contractor may co-locate small wireless or wireline facilities
3	and small wireless or wireline facilities networks on state
4	structures, state utility poles, and light standards located
5	within the land identified in subsection (a)(1) to (3), subject
6	to reasonable rates, terms, and conditions if such rates, terms,
7	and conditions are required by the State for similar types of
8	commercial use; provided such structures, utility poles, and
9	light standards are not owned solely or jointly by an investor-
10	owned electric utility. The annual recurring rate to co-locate
11	a small wireless or wireline facility on state structures,
12	utility poles, and light standards shall not exceed the rate
13	produced by applying the formula adopted by the Federal
14	Communications Commission pursuant to title 47 United States
15	Code section 224(d); provided that if the Federal Communications
16	Commission adopts a rate formula for small wireless or wireline
17	facility attachments, that rate formula shall apply.
18	(e) The State shall authorize but shall not require a
19	wireless or wireline provider or wireless or wireline provider's
20	licensed contractor to apply for or obtain a permit to:

1	(1)	Maintain, repair, or replace the provider's small
2		wireless or wireline facilities and small wireless or
3		wireline facilities networks with facilities that are
4		substantially the same, or smaller, in size, weight,
5		and height as the existing facilities; or
6	(2)	Install, place, maintain, operate, or replace micro
7		wireless or wireline facilities that are suspended on
8		messenger cables that are strung between existing
9		utility poles in compliance with national safety
10		codes.
11	<u>(f)</u>	Except as provided in this chapter or as required by
12	section 4	40G-8 or federal law, the State shall not adopt or
13	enforce a	ny regulations on the placement or operation of
14	wireless	or wireline facilities in the right-of-way where the
15	entity is	already authorized by a franchise or other
16	authoriza	tion to operate throughout the right-of-way, and shall
17	not regul	ate wireless or wireline communications services or
18	impose or	collect fees on wireless or wireline communications
19	services	unless expressly required by state or federal statute.

1	SECT	ION 3. Chapter 46, Hawaii Revised Statutes, is amended
2	by adding	a new section to part V to be appropriately designated
3	and to re	ad as follows:
4	" <u>§46</u>	- Co-location permits; application; review;
5	approval.	(a) A telecommunications carrier proposing to
6	install b	roadband infrastructure shall submit an application for
7	a permitt	ed use permit to the county agency with jurisdiction
8	over util	ity poles, light standards, buildings, or structures.
9	The appli	cation shall include:
10	(1)	A geographic description of the project area;
11	(2)	A listing and description of the utility poles, light
12		standards, buildings, or structures included in the
13		project for the installation, mounting, operation,
14		and placement of broadband infrastructure,
15		including an assessment of the identifying
16		information, location, and ownership of the listed
17		utility poles, light standards, buildings, or
18		structures; and
19	(3)	A description of the equipment associated with the
20		facilities to be installed in the project area,
21		including radio transceivers, antennas, coaxial or

1		fiber-optic cables, power supplies, and related
2		equipment, and the size and weight of the equipment
3		to be installed on each utility pole, light
4		standard, building, or structure.
5	(b)	The agency shall evaluate the impact of co-locating
6	the broad	band infrastructure described in the application to
7	ensure th	at:
8	(1)	The equipment installed on the poles, light standards,
9		buildings, or structures are done in a manner to
10		protect public health and safety, and safe travel in
11		the public rights-of-way;
12	(2)	The utility poles or light standards are able to bear
13		the additional weight of the equipment and that the
14		equipment is not a hazard or obstruction to the
15		<pre>public; and</pre>
16	(3)	The project equipment and broadband infrastructure
17		does not interfere with government systems for public
18		safety communication operations and emergency
19		services.
20	(c)	The agency shall notify the applicant that:
21	(1)	The permit is approved;

1	(2) <u>The</u>	e permit is approved with specified modifications;
2	or	
3	(3) The	e application is returned for resubmission with a
4	lis	st of specific questions seeking answers,
5	cla	arification, or additional detailed information."
6	SECTION	4. Section 27-41.1, Hawaii Revised Statutes, is
7	amended by a	dding eleven new definitions to be appropriately
8	inserted and	to read as follows:
9	" <u>"Co-lo</u> e	cation" means the installation, mounting,
10	maintenance,	modification, operation, or replacement of wireless
11	or wireline	facilities on a tower, utility pole, light standard,
12	or other str	acture existing on the effective date of Act ,
13	Session Laws	of Hawaii 2017, for the purpose of transmitting or
14	receiving rad	dio frequency signals for communications purposes.
15	"Genera	l applicability" means laws, regulations, or
16	processes the	at apply to objective requirements to all persons or
17	services in	a nondiscriminatory manner and do not apply
18	exclusively	to small wireless or wireline facilities.
19	"Light	standard" means a street light, light pole, lamp
20	post, street	lamp, lamp standard, or other raised source of

1	light loc	ated inside the right-of-way of a public road or
2	highway o	r utility easement.
3	"Mic	ro wireless or wireline facilities" means small
4	wireless	or wireline facilities that are no larger in dimension
5	than twen	ty-four inches long, fifteen inches in width, twelve
6	inches in	height, and that has an exterior antenna, if any, no
7	longer th	an eleven inches.
8	"Sma	ll wireless or wireline facilities" means wireless or
9	wireline	facilities that meet the following qualifications:
10	(1)	Each individual antenna, excluding the associated
11		equipment, is individually no more than three cubic
12		feet in volume, and all antennas on the structure
13		total no more than six cubic feet in volume; and
14	(2)	All other wireless or wireline equipment associated
15		with the structure, excluding cable runs for the
16		connection of power and other services, do not
17		cumulatively exceed:
18		(A) Twenty-eight cubic feet for co-locations on all
19		non-pole structures, including but not limited to
20		buildings and water tanks, that can support fewer
21		than three providers;

1	<u>(B)</u>	Twenty-one cubic feet for co-locations on all
2		pole structures, including but not limited to
3		light poles, traffic signal poles, and utility
4		poles, that can support fewer than three
5		providers;
6	<u>(C)</u>	Thirty-five cubic feet for non-pole co-locations
7		that can support at least three providers; or
8	(D)	Twenty-eight cubic feet for pole co-locations
9		that can support at least three providers.
10	"Small wi	reless or wireline facilities network" means a
11	collection of	interrelated small wireless or wireline facilities
12	designed to de	liver wireless or wireline communications service.
13	"Small wireles	s or wireline facilities network" does not include
14	wires or cable	s used for wireline backhaul or coaxial or fiber-
15	optic cable be	tween utility poles, or that is otherwise not
16	immediately ad	jacent to and directly associated with a
17	particular ant	enna.
18	"Utility	pole" means a pole or similar structure that is
19	used in whole	or in part for communications service, electric
20	service, light	ing, traffic control, signage, or similar
21	functions.	

1	"Wireless or wireline communications service" means any
2	wireless or wireline service using licensed or unlicensed
3	spectrum, including the use of wi-fi, whether at a fixed
4	location or mobile, provided using wireless or wireline
5	facilities. "Wireless or wireline communications service"
6	does not include wireline backhaul service.
7	"Wireless or wireline facilities" means the set of
8	equipment and network components, including but not limited to
9	antennas, accessory equipment, transmitters, receivers, power
10	supplies, and other associated equipment necessary to provide
11	wireless or wireline communications service. "Wireless or
12	wireline facilities" shall not include:
13	(1) The structure or improvements on, under, or within
14	which the equipment is co-located;
15	(2) Wireline backhaul facilities; or
16	(3) Coaxial or fiber-optic cable between utility poles
17	or that is otherwise not immediately adjacent to and
18	directly associated with a particular antenna.
19	"Wireless or wireline provider" means a person or entity
20	that is:

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1	(1)	A provider of wireless or wireline communications
2	•	service;
3	(2)	A wireless or wireline telecommunications service
4		provider, as defined in section 269-16.93(d); or
5	(3)	Authorized in accordance with chapter 269 to provide
6		facilities based telecommunications services in the
7		State, and builds, installs, operates, or maintains
8		facilities and equipment used to provide wireless or
9		wireline service.
10	<u>"Wir</u>	eline backhaul" means the transport of communications
11	data or o	ther electronic information by wire from wireless or
12	wireline	facilities to a network."
13	SECT	ION 5. Section 46-4, Hawaii Revised Statutes, is
14	amended t	o read as follows:
15	"§4 6	-4 County zoning. (a) This section and any
16	ordinance	, rule, or regulation adopted in accordance with this
17	section s	hall apply to lands not contained within the forest
18	reserve b	oundaries as established on January 31, 1957, or as
19	subsequen	tly amended.
20	Zoni	ng in all counties shall be accomplished within the
21	framework	of a long-range, comprehensive general plan prepared

- 1 or being prepared to guide the overall future development of the
- 2 county. Zoning shall be one of the tools available to the
- 3 county to put the general plan into effect in an orderly manner.
- 4 Zoning in the counties of Hawaii, Maui, and Kauai means the
- 5 establishment of districts of such number, shape, and area, and
- 6 the adoption of regulations for each district to carry out the
- 7 purposes of this section. In establishing or regulating the
- 8 districts, full consideration shall be given to all available
- 9 data as to soil classification and physical use capabilities of
- 10 the land to allow and encourage the most beneficial use of the
- 11 land consonant with good zoning practices. The zoning power
- 12 granted herein shall be exercised by ordinance which may relate
- 13 to:
- 14 (1) The areas within which agriculture, forestry,
- industry, trade, and business may be conducted;
- 16 (2) The areas in which residential uses may be regulated
- or prohibited;
- 18 (3) The areas bordering natural watercourses, channels,
- 19 and streams, in which trades or industries, filling or
- 20 dumping, erection of structures, and the location of
- 21 buildings may be prohibited or restricted;

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1	(4)	The areas in which particular uses may be subjected to
2		special restrictions;
3	(5)	The location of buildings and structures designed for
4		specific uses and designation of uses for which
5		buildings and structures may not be used or altered;
6	(6)	The location, height, bulk, number of stories, and
7		size of buildings and other structures;
8	(7)	The location of roads, schools, and recreation areas;
9	(8)	Building setback lines and future street lines;
10	(9)	The density and distribution of population;
11	(10)	The percentage of a lot that may be occupied, size of
12		yards, courts, and other open spaces;
13	(11)	Minimum and maximum lot sizes; and
14	(12)	Other regulations the boards or city council find
15		necessary and proper to permit and encourage the
16		orderly development of land resources within their
17		jurisdictions.
18	The	council of any county shall prescribe rules,
19	regulatio	ns, and administrative procedures and provide personnel
20	it finds	necessary to enforce this section and any ordinance
21	enacted i	n accordance with this section. The ordinances may be

- 1 enforced by appropriate fines and penalties, civil or criminal,
- 2 or by court order at the suit of the county or the owner or
- 3 owners of real estate directly affected by the ordinances.
- 4 Any civil fine or penalty provided by ordinance under this
- 5 section may be imposed by the district court, or by the zoning
- 6 agency after an opportunity for a hearing pursuant to chapter
- 7 91. The proceeding shall not be a prerequisite for any
- 8 injunctive relief ordered by the circuit court.
- 9 Nothing in this section shall invalidate any zoning
- 10 ordinance or regulation adopted by any county or other agency of
- 11 government pursuant to the statutes in effect prior to July 1,
- **12** 1957.
- 13 The powers granted herein shall be liberally construed in
- 14 favor of the county exercising them, and in such a manner as to
- 15 promote the orderly development of each county or city and
- 16 county in accordance with a long-range, comprehensive general
- 17 plan to ensure the greatest benefit for the State as a whole.
- 18 This section shall not be construed to limit or repeal any
- 19 powers of any county to achieve these ends through zoning and
- 20 building regulations, except insofar as forest and water reserve
- 21 zones are concerned and as provided in subsections (c) and (d).

- 1 Neither this section nor any ordinance enacted pursuant to
- 2 this section shall prohibit the continued lawful use of any
- 3 building or premises for any trade, industrial, residential,
- 4 agricultural, or other purpose for which the building or
- 5 premises is used at the time this section or the ordinance takes
- 6 effect; provided that a zoning ordinance may provide for
- 7 elimination of nonconforming uses as the uses are discontinued,
- 8 or for the amortization or phasing out of nonconforming uses or
- 9 signs over a reasonable period of time in commercial,
- 10 industrial, resort, and apartment zoned areas only. In no event
- 11 shall such amortization or phasing out of nonconforming uses
- 12 apply to any existing building or premises used for residential
- 13 (single-family or duplex) or agricultural uses. Nothing in this
- 14 section shall affect or impair the powers and duties of the
- 15 director of transportation as set forth in chapter 262.
- 16 (b) Any final order of a zoning agency established under
- 17 this section may be appealed to the circuit court of the circuit
- 18 in which the land in question is found. The appeal shall be in
- 19 accordance with the Hawaii rules of civil procedure.

- 1 (c) Each county may adopt reasonable standards to allow
- 2 the construction of two single-family dwelling units on any lot
- 3 where a residential dwelling unit is permitted.
- 4 (d) Neither this section nor any other law, county
- 5 ordinance, or rule shall prohibit group living in facilities
- 6 with eight or fewer residents for purposes or functions that are
- 7 licensed, certified, registered, or monitored by the State;
- 8 provided that a resident manager or a resident supervisor and
- 9 the resident manager's or resident supervisor's family shall not
- 10 be included in this resident count. These group living
- 11 facilities shall meet all applicable county requirements not
- 12 inconsistent with the intent of this subsection, including but
- 13 not limited to building height, setback, maximum lot coverage,
- 14 parking, and floor area requirements.
- (e) Neither this section nor any other law, county
- 16 ordinance, or rule shall prohibit the use of land for employee
- 17 housing and community buildings in plantation community
- 18 subdivisions as defined in section 205-4.5(a)(12); in addition,
- 19 no zoning ordinance shall provide for the elimination,
- 20 amortization, or phasing out of plantation community
- 21 subdivisions as a nonconforming use.

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1	(f) Neither this section nor any other law, county					
2	ordinance, or rule shall prohibit the use of land for medical					
3	marijuana production centers or medical marijuana dispensaries					
4	established and licensed pursuant to chapter 329D; provided that					
5	the land is otherwise zoned for agriculture, manufacturing, or					
6	retail purposes.					
7	(g) Neither this section nor any other county law,					
8	ordinance, or rule shall prohibit the co-location of small					
9	wireless or wireline facilities or small wireless or wireline					
10	facilities networks, as defined in section 27-41.1, except as					
11	provided in this section; provided that this section shall not					
12	be construed to obviate or otherwise waive the right of the					
13	county or State to require a license, franchise, or other					
14	agreement to access the right-of-way more broadly to install					
15	wireline backhaul facilities, or to attach coaxial or fiber-					
16	optic cable between utility poles, or that is otherwise not					
17	immediately adjacent to and directly associated with a					
18	particular antenna:					
19	(1) Small wireless or wireline facilities and small					
20	wireless or wireline facilities networks shall be					
21	deemed permitted uses, and no special use or					

T		conditional use permit shall be required, for their		
2		location on:		
3		(A) All public rights-of-way and property;		
4		(B) All land in the rural or agricultural districts		
5		pursuant to chapter 205; and		
6		(C) All land in the urban district pursuant to		
7		chapter 205;		
8	(2)	Small wireless or wireline facilities and small		
9		wireless or wireline facilities networks may require		
10		special use or conditional use permits where such		
11		facilities are located in the conservation district		
12		pursuant to chapter 205;		
13	(3)	Wireless or wireline providers shall have the right to		
14		co-locate small wireless or wireline facilities on		
15		county-owned utility poles, structures, and light		
16		standards, as defined in section 27-41.1; provided		
17		that the poles, structures, and light standards are		
18		not owned solely or jointly by an investor-owned		
19		electric utility. Any county may require building		
20		permits or other permits for the co-location of small		
21		wireless or wireline facilities and small wireless or		

1	wire	eline facilities networks; provided that permits		
2	are of general applicability. A county shall receive			
3	appl	applications to process and issue permits and		
4	appr	covals in accordance with applicable law, including		
5	sect	ion 46-89 and chapter 269, and subject to the		
6	foll	owing requirements:		
7	(A)	Applicants shall not be required to perform any		
8		services, including restoration work not directly		
9		related to the co-location, to obtain approval		
10		for applications;		
11	<u>(B)</u>	Applications may be denied if the application		
12		does not meet applicable laws or rules regarding		
13		construction in the public rights-of-way or		
14		building or electrical codes or standards;		
15		provided that codes and standards are of general		
16		applicability. A county shall document the basis		
17		for any application denial, including the		
18		specific code provisions or standards on which		
19		the denial was based; and		
20	(C)	An applicant for a small wireless or wireline		
21		facilities network involving no greater than		

1		twenty-five individual small wireless or wireline
2		facilities of a substantially similar design
3		shall be permitted, upon request by the
4		applicant, to file a consolidated application and
5		receive a single permit for the installation,
6		construction, maintenance, and repair of a small
7		wireless or wireline facilities network instead
8		of filing separate applications for each
9		individual small wireless or wireline facility;
10	(4)	A wireless or wireline provider or a wireless or
11		wireline provider's licensed contractor may co-locate
12		small wireless or wireline facilities and small
13		wireless or wireline facilities networks on county
14		structures, utility poles, and light standards located
15		within the land identified in paragraph (1)(A) to (C)
16		subject to reasonable rates, terms, and conditions, if
17		such rates, terms, and conditions are required by the
18		county for similar types of commercial use; provided
19		that the structures, utility poles, and light
20		standards are not owned solely or jointly by an
21		investor owned electric utility. County utility pole

T		co-location requests shall be processed in the same		
2		manner as permit applications under paragraph (3).		
3		The annual recurring rate to co-locate a small		
4		wireless or wireline facility on county structures,		
5		utility poles, and light standards shall not exceed		
6		the rate produced by applying the formula adopted by		
7		the Federal Communications Commission pursuant to		
8		title 47 United States Code section 224(d); provided		
9		that if the Federal Communications Commission adopts a		
10		rate formula for small wireless or wireline facility		
11		attachments, that rate formula shall apply;		
12	(5)	Counties shall authorize but shall not require a		
13		wireless or wireline provider or wireless or wireline		
14		provider's licensed contractor to apply for or obtain		
15		a permit to:		
16		(A) Maintain, repair, or replace the provider's small		
17		wireless or wireline facilities and small		
18		wireless or wireline facilities networks with		
19	•	facilities that are substantially the same, or		
20		smaller, in size, weight, and height as the		
21		existing facilities; or		

Ţ		(B)	Install, place, maintain, operate, or replace
2			micro wireless facilities that are suspended on
3			messenger cables that are strung between existing
4			utility poles in compliance with national safety
5			codes; and
6	(6)	Exce	pt as provided in this chapter or as required by
7		sect	ion 440G-8 or federal law, a county shall not
8		adop	t or enforce any regulations on the placement or
9		oper	ation of wireless or wireline facilities in the
10		righ	t-of-way where the entity is already authorized by
11		a fr	anchise or other authorization to operate
12		thro	ughout the right-of-way, and shall not regulate
13		wire	less or wireline communications services or impose
14		or c	ollect fees on wireless or wireline communications
15		serv	ices unless expressly required by state or federal
16		stat	ute.
17	For	the p	urposes of this subsection, "co-location",
18	"general	appli	cability", "light standard", "micro wireless or
19	wireline	facil	ities", "small wireless or wireline facilities",
20	"small wi	reles	s or wireline facilities network", "utility pole",
21	"wireless	or w	rireline facilities", "wireless or wireline

- 1 provider", "wireless or wireline communications service", and
- 2 "wireline backhaul" shall have the same meanings as in section
- **3** 27-41.1."
- 4 SECTION 6. Statutory material to be repealed is bracketed
- 5 and stricken. New statutory material is underscored.
- 6 SECTION 7. This Act shall take effect on July 1, 2090;
- 7 provided that this Act shall be repealed on July 1, 2019.

Report Title:

Technology; Broadband; Wireless or Wireline Facilities Networks; Zoning; Counties; State Functions and Responsibilities

Description:

Clarifies the State and counties authority to prohibit, regulate, or charge for the co-location of small wireless or wireline facilities or small wireless or wireline facilities networks. Provides state and county zoning rules and classifications regarding the co-location of small wireless or wireline facilities and small wireless or wireline facilities networks. Describes the application process and rates for co-location. (SB1201 HD1)

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