## 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
- 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 laws
- 13 are needed to specify the extent and way in which the deployment
- 14 of small wireless facilities and small wireless facilities
- 15 networks is regulated in the State.
- 16 The purpose of this Act is to facilitate the deployment of
- 17 high-speed broadband infrastructure in Hawaii, including small



1	wireless	facilities, in a way that encourages new technology and
2	ensures a	level playing field for competitive communications
3	service p	roviders by:
4	(1)	Establishing limits on the State's and counties'
5		authority to prohibit, regulate, or charge for the co-
6		location of small wireless facilities or small
7		wireless facilities networks;
8	(2)	Specifying certain sites where small wireless
9		facilities or small wireless facilities networks may
10		be located, including conditions and maximum fees for
11	•	location and co-location;
12	(3)	Establishing an application process for co-location;
13		and
14	(4)	Repealing those sections of Act 151, Session Laws of
15		Hawaii 2011, relating to exemptions for broadband
16		service and broadband technology from state and county
17		permitting requirements, that have been codified
18		within the Hawaii Revised Statutes.
19	SECT	ION 2. Chapter 27, Hawaii Revised Statutes, is amended
20	by adding	a new section to part VII to be appropriately
21	designate	d and to read as follows:

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

1	permits w	here such facilities are located on land in the
2	conservat	ion district pursuant to chapter 205.
3	<u>(c)</u>	Wireless providers shall have the right to co-locate
4	small wir	eless facilities on state utility poles, state
5	structure	s, and light standards. The State may require building
6	permits o	r other permits for the co-location of small wireless
7	facilitie	s and small wireless facilities networks; provided that
8	permits a	re of general applicability. The State shall receive
9	applicati	ons to process and issue permits and approvals in
10	accordanc	e with applicable law, including section 27-45 and
11	chapter 2	69, and subject to the following requirements:
12	(1)	Applicants shall not be required to perform any
13		services, including restoration work not directly
14		related to the co-location, to obtain approval for
15		applications;
16	(2)	Applications may be denied if the application does not
17		meet applicable laws or rules regarding construction
18		in the public rights-of-way or building or electrical
19		codes or standards; provided that codes and standards
20		are of general applicability. The State shall
21		document the basis for any application denial,

1		including the specific code provisions or standards on
2		which the denial was based; and
3	(3)	An applicant for a small wireless facilities network
4		involving no greater than twenty-five individual small
5		wireless facilities of a substantially similar design
6		shall be permitted, upon request by the applicant, to
7		file a consolidated application and receive a single
8		permit for the installation, construction,
9		maintenance, and repair of a small wireless facilities
10		network instead of filing separate applications for
11		each individual small wireless facility.
12	<u>(d)</u>	A wireless provider or a wireless provider's licensed
13	contracto	r may co-locate small wireless facilities and small
14	wireless	facilities networks on state structures, state utility
15	poles, an	d light standards located within the land identified in
16	subsectio	n (a)(1) to (3), subject to reasonable rates, terms,
17	and condi	tions if such rates, terms, and conditions are required
18	by the St	ate for similar types of commercial use. The annual
19	recurring	rate to co-locate a small wireless facility on state
20	structure	s, utility poles, and light standards shall not exceed
21	the rate	produced by applying the formula adopted by the Federal

1	Communica	tions Commission pursuant to title 47 United States
2	Code sect	ion 224(d); provided that if the Federal Communications
3	Commissio	n adopts a rate formula for small wireless facility
4	attachmen	ts, that rate formula shall apply.
5	<u>(e)</u>	The State shall authorize but shall not require a
6	wireless	provider or wireless provider's licensed contractor to
7	apply for	or obtain a permit to:
8	(1)	Maintain, repair, or replace the provider's small
9		wireless facilities and small wireless facilities
10		networks with facilities that are substantially the
11	·	same, or smaller, in size, weight, and height as the
12		<pre>existing facilities; or</pre>
13	(2)	Install, place, maintain, operate, or replace micro
14		wireless facilities that are suspended on messenger
15		cables that are strung between existing utility poles
16		in compliance with national safety codes.
17	<u>(f)</u>	Except as provided in this chapter or as required by
18	section 4	40G-8 or federal law, the State shall not adopt or
19	enforce a	ny regulations on the placement or operation of
20	wireless	facilities in the right-of-way where the entity is
21	already a	uthorized by a franchise or other authorization to

- 1 operate throughout the right-of-way, and shall not regulate
- 2 wireless communications services or impose or collect fees on
- 3 wireless communications services unless expressly required by
- 4 state or federal statute."
- 5 SECTION 3. Section 27-41.1, Hawaii Revised Statutes, is
- 6 amended by adding eleven new definitions to be appropriately
- 7 inserted and to read as follows:
- 8 ""Co-location" means the installation, mounting,
- 9 maintenance, modification, operation, or replacement of wireless
- 10 facilities on a tower, utility pole, light standard, or other
- 11 structure existing on the effective date of this Act for the
- 12 purpose of transmitting or receiving radio frequency signals for
- 13 communications purposes.
- "General applicability" means laws, regulations, or
- 15 processes that apply to objective requirements to all persons or
- 16 services in a nondiscriminatory manner and do not apply
- 17 exclusively to small wireless facilities.
- 18 "Light standard" means a street light, light pole, lamp
- 19 post, street lamp, lamp standard, or other raised source of
- 20 light located inside the right-of-way of a public road or
- 21 highway or utility easement.

1	"Mic	ro wi	reless facilities" means small wireless facilities
2	that are	no la	rger in dimension than twenty-four inches long,
3	<u>fifteen i</u>	nches	in width, twelve inches in height, and that has
4	an exteri	or an	tenna, if any, no longer than eleven inches.
5	<u>"Sma</u>	ll wi	reless facilities" means wireless facilities that
6	meet the	follo	wing qualifications:
7	(1)	Each	individual antenna, excluding the associated
8		<u>equi</u>	pment, is individually no more than three cubic
9		<u>feet</u>	in volume, and all antennas on the structure
10		tota	l no more than six cubic feet in volume; and
11	(2)	All	other wireless equipment associated with the
12		stru	cture, excluding cable runs for the connection of
13		powe	er and other services, do not cumulatively exceed:
14		<u>(A)</u>	Twenty-eight cubic feet for co-locations on all
15			non-pole structures, including but not limited to
16			buildings and water tanks, that can support fewer
17			than three providers;
18		<u>(B)</u>	Twenty-one cubic feet for co-locations on all
19			pole structures, including but not limited to
20			light poles, traffic signal poles, and utility

1		poles, that can support fewer than three
2		providers;
3	(C)	Thirty-five cubic feet for non-pole co-locations
4		that can support at least three providers; or
5	<u>(D)</u>	Twenty-eight cubic feet for pole co-locations
6		that can support at least three providers.
7	<u>"Small wi</u>	reless facilities network" means a collection of
8	interrelated s	mall wireless facilities designed to deliver
9	wireless commu	nications service. "Small wireless facilities
10	network" does	not include wires or cables used for wireline
11	backhaul or co	axial or fiber-optic cable between utility poles,
12	or that is oth	erwise not immediately adjacent to and directly
13	associated wit	h a particular antenna.
14	"Utility	pole" means a pole or similar structure that is
15	used in whole	or in part for communications service, electric
16	service, light	ing, traffic control, signage, or similar
17	functions.	
18	<u>"Wireless</u>	communications service" means any wireless
19	service using	licensed or unlicensed spectrum, including the
20	use of wi-fi,	whether at a fixed location or mobile, provided

1	using wire	eless facilities. "Wireless communications service"
2	does not i	nclude wireline backhaul service.
3	<u>"Wire</u>	eless facilities" means the set of equipment and
4	network co	mponents, including but not limited to antennas,
5	accessory	equipment, transmitters, receivers, power supplies,
6	and other	associated equipment necessary to provide wireless
7	communicat	tions service. "Wireless facilities" shall not
8	include:	
9	(1)	The structure or improvements on, under, or within
10	<u>.</u>	which the equipment is co-located;
11	<u>(2)</u>	Wireline backhaul facilities; or
12	(3)	Coaxial or fiber-optic cable between utility poles
13	9	or that is otherwise not immediately adjacent to and
14	(	directly associated with a particular antenna.
15	"Wire	less provider" means a person or entity that is:
16	(1)	A provider of wireless communications service;
17	(2)	A wireless telecommunications service provider, as
18	<u> </u>	defined in section 269-16.93(d); or
19	(3)	Authorized in accordance with chapter 269 to provide
20	<u>-</u>	facilities based telecommunications services in the
21	<u>:</u>	State, and builds, installs, operates, or maintains

1	facilities and equipment used to provide wireless
2	service.
3	"Wireline backhaul" means the transport of communications
4	data or other electronic information by wire from wireless
5	facilities to a network."
6	SECTION 4. Section 46-4, Hawaii Revised Statutes, is
7	amended to read as follows:
8	"\$46-4 County zoning. (a) This section and any
9	ordinance, rule, or regulation adopted in accordance with this
10	section shall apply to lands not contained within the forest
11	reserve boundaries as established on January 31, 1957, or as
12	subsequently amended.
13	Zoning in all counties shall be accomplished within the
14	framework of a long-range, comprehensive general plan prepared
15	or being prepared to guide the overall future development of the
16	county. Zoning shall be one of the tools available to the
17	county to put the general plan into effect in an orderly manner.
18	Zoning in the counties of Hawaii, Maui, and Kauai means the
19	establishment of districts of such number, shape, and area, and
20	the adoption of regulations for each district to carry out the
21	purposes of this section. In establishing or regulating the

1	districts	, full consideration shall be given to all available
2	data as t	o soil classification and physical use capabilities of
3	the land	to allow and encourage the most beneficial use of the
4	land cons	onant with good zoning practices. The zoning power
5	granted h	erein shall be exercised by ordinance which may relate
6	to:	
7	(1)	The areas within which agriculture, forestry,
8		industry, trade, and business may be conducted;
9	(2)	The areas in which residential uses may be regulated
10		or prohibited;
11	(3)	The areas bordering natural watercourses, channels,
12		and streams, in which trades or industries, filling or
13		dumping, erection of structures, and the location of
14		buildings may be prohibited or restricted;
15	(4)	The areas in which particular uses may be subjected to
16		special restrictions;
17	(5)	The location of buildings and structures designed for
18		specific uses and designation of uses for which
19		buildings and structures may not be used or altered;
20	(6)	The location, height, bulk, number of stories, and

size of buildings and other structures;

21

# S.B. NO. 5.D. 2

1	(7)	The location of roads, schools, and recreation areas;
2	(8)	Building setback lines and future street lines;
3	(9)	The density and distribution of population;
4	(10)	The percentage of a lot that may be occupied, size of
5		yards, courts, and other open spaces;
6	(11)	Minimum and maximum lot sizes; and
7	(12)	Other regulations the boards or city council find
8		necessary and proper to permit and encourage the
9		orderly development of land resources within their
10		jurisdictions.
11	The	council of any county shall prescribe rules,
12	regulatio	ns, and administrative procedures and provide personnel
13	it finds	necessary to enforce this section and any ordinance
14	enacted i	n accordance with this section. The ordinances may be
15	enforced	by appropriate fines and penalties, civil or criminal,
16	or by cou	rt order at the suit of the county or the owner or
17	owners of	real estate directly affected by the ordinances.
18	Any	civil fine or penalty provided by ordinance under this
19	section m	ay be imposed by the district court, or by the zoning
20	agency af	ter an opportunity for a hearing pursuant to chapter

- 1 91. The proceeding shall not be a prerequisite for any
- 2 injunctive relief ordered by the circuit court.
- 3 Nothing in this section shall invalidate any zoning
- 4 ordinance or regulation adopted by any county or other agency of
- 5 government pursuant to the statutes in effect prior to July 1,
- **6** 1957.
- 7 The powers granted herein shall be liberally construed in
- 8 favor of the county exercising them, and in such a manner as to
- 9 promote the orderly development of each county or city and
- 10 county in accordance with a long-range, comprehensive general
- 11 plan to ensure the greatest benefit for the State as a whole.
- 12 This section shall not be construed to limit or repeal any
- 13 powers of any county to achieve these ends through zoning and
- 14 building regulations, except insofar as forest and water reserve
- 15 zones are concerned and as provided in subsections (c) and (d).
- `16 Neither this section nor any ordinance enacted pursuant to
- 17 this section shall prohibit the continued lawful use of any
- 18 building or premises for any trade, industrial, residential,
- 19 agricultural, or other purpose for which the building or
- 20 premises is used at the time this section or the ordinance takes
- 21 effect; provided that a zoning ordinance may provide for

- 1 elimination of nonconforming uses as the uses are discontinued,
- 2 or for the amortization or phasing out of nonconforming uses or
- 3 signs over a reasonable period of time in commercial,
- 4 industrial, resort, and apartment zoned areas only. In no event
- 5 shall such amortization or phasing out of nonconforming uses
- 6 apply to any existing building or premises used for residential
- 7 (single-family or duplex) or agricultural uses. Nothing in this
- 8 section shall affect or impair the powers and duties of the
- 9 director of transportation as set forth in chapter 262.
- 10 (b) Any final order of a zoning agency established under
- 11 this section may be appealed to the circuit court of the circuit
- 12 in which the land in question is found. The appeal shall be in
- 13 accordance with the Hawaii rules of civil procedure.
- 14 (c) Each county may adopt reasonable standards to allow
- 15 the construction of two single-family dwelling units on any lot
- 16 where a residential dwelling unit is permitted.
- 17 (d) Neither this section nor any other law, county
- 18 ordinance, or rule shall prohibit group living in facilities
- 19 with eight or fewer residents for purposes or functions that are
- 20 licensed, certified, registered, or monitored by the State;
- 21 provided that a resident manager or a resident supervisor and

- 1 the resident manager's or resident supervisor's family shall not
- 2 be included in this resident count. These group living
- 3 facilities shall meet all applicable county requirements not
- 4 inconsistent with the intent of this subsection, including but
- 5 not limited to building height, setback, maximum lot coverage,
- 6 parking, and floor area requirements.
- 7 (e) Neither this section nor any other law, county
- 8 ordinance, or rule shall prohibit the use of land for employee
- 9 housing and community buildings in plantation community
- 10 subdivisions as defined in section 205-4.5(a)(12); in addition,
- 11 no zoning ordinance shall provide for the elimination,
- 12 amortization, or phasing out of plantation community
- 13 subdivisions as a nonconforming use.
- 14 (f) Neither this section nor any other law, county
- 15 ordinance, or rule shall prohibit the use of land for medical
- 16 marijuana production centers or medical marijuana dispensaries
- 17 established and licensed pursuant to chapter 329D; provided that
- 18 the land is otherwise zoned for agriculture, manufacturing, or
- 19 retail purposes.
- 20 (g) Neither this section nor any other county law,
- 21 ordinance, or rule shall prohibit the co-location of small



1	<u>wireless</u>	facilities or small wireless facilities networks, as
2	defined i	n section 27-41.1, except as provided in this section;
3	provided	that this section shall not be construed to obviate or
4	otherwise	waive the right of the county or State to require a
5	license,	franchise, or other agreement to access the right-of-
6	way more	broadly to install wireline backhaul facilities, or to
7	attach co	axial or fiber-optic cable between utility poles, or
8	that is o	therwise not immediately adjacent to and directly
9	associate	d with a particular antenna:
10	(1)	Small wireless facilities and small wireless
11		facilities networks shall be deemed permitted uses,
12		and no special use or conditional use permit shall be
13		required, for their location on:
14		(A) All public rights-of-way and property;
15		(B) All land in the rural or agricultural districts
16		pursuant to chapter 205; and
17		(C) All land in the urban district pursuant to
18		chapter 205;
19	(2)	Small wireless facilities and small wireless
20		facilities networks may require special use or
21		conditional use permits where such facilities are

# S.B. NO. 5.D. 2

1		located in the conservation district pursuant to
2		chapter 205;
3	(3)	Wireless providers shall have the right to co-locate
4		small wireless facilities on county-owned utility
5		poles, structures, and light standards, as defined in
6		section 27-41.1. Any county may require building
7		permits or other permits for the co-location of small
8		wireless facilities and small wireless facilities
9		networks; provided that permits are of general
10		applicability. A county shall receive applications to
11		process and issue permits and approvals in accordance
12		with applicable law, including section 46-89 and
13		chapter 269, and subject to the following
14		requirements:
15		(A) Applicants shall not be required to perform any
16		services, including restoration work not directly
17		related to the co-location, to obtain approval
18	*	for applications;
19		(B) Applications may be denied if the application
20		does not meet applicable laws or rules regarding
21		construction in the public rights-of-way or

1		building or electrical codes or standards;
2		provided that codes and standards are of general
3		applicability. A county shall document the basis
4		for any application denial, including the
5		specific code provisions or standards on which
6		the denial was based; and
7		(C) An applicant for a small wireless facilities
8		network involving no greater than twenty-five
9		individual small wireless facilities of a
10		substantially similar design shall be permitted,
11		upon request by the applicant, to file a
12		consolidated application and receive a single
13		permit for the installation, construction,
14		maintenance, and repair of a small wireless
15		facilities network instead of filing separate
16		applications for each individual small wireless
17		<pre>facility;</pre>
18	(4)	A wireless provider or a wireless provider's licensed
19		contractor may co-locate small wireless facilities and
20		small wireless facilities networks on county
21		structures, utility poles, and light standards located

within the land identified in paragraph (1)(A) to (C)
subject to reasonable rates, terms, and conditions, if
such rates, terms, and conditions are required by the
county for similar types of commercial use. County
utility pole co-location requests shall be processed
in the same manner as permit applications under
paragraph (3). The annual recurring rate to co-locate
a small wireless facility on county structures,
utility poles, and light standards shall not exceed
the rate produced by applying the formula adopted by
the Federal Communications Commission pursuant to
title 47 United States Code section 224(d); provided
that if the Federal Communications Commission adopts a
rate formula for small wireless facility attachments,
that rate formula shall apply;
Counties shall authorize but shall not require a
wireless provider or wireless provider's licensed
contractor to apply for or obtain a permit to:
(A) Maintain, repair, or replace the provider's small
wireless facilities and small wireless facilities
networks with facilities that are substantially

1			the same, or smaller, in size, weight, and height
2			as the existing facilities; or
3		(B)	Install, place, maintain, operate, or replace
4			micro wireless facilities that are suspended on
5			messenger cables that are strung between existing
6			utility poles in compliance with national safety
7			codes; and
8	<u>(6)</u>	Exce	ot as provided in this chapter or as required by
9		sect	ion 440G-8 or federal law, a county shall not
10	•	adopt	or enforce any regulations on the placement or
11		opera	ation of wireless facilities in the right-of-way
12		where	e the entity is already authorized by a franchise
13		or ot	ther authorization to operate throughout the
14		right	t-of-way, and shall not regulate wireless
15		commu	unications services or impose or collect fees on
16		wire	less communications services unless expressly
17		requi	red by state or federal statute.
18	For t	he pu	urposes of this subsection, "co-location",
19	"general a	pplic	cability", "light standard", "micro wireless
20	facilities	s", "s	small wireless facilities", "small wireless
21	facilities	netv	work", "utility pole", "wireless facilities",

```
1
    "wireless provider", "wireless communications service", and
    "wireline backhaul" shall have the same meanings as in section
2
3
    27-41.1."
         SECTION 5. Act 151, Session Laws of Hawaii 2011, section
4
5
    2, as amended by section 3 of Act 264, Session Laws of Hawaii
    2013, as amended by section 1 of Act 193, Session Laws of Hawaii
6
7
    2016, is repealed.
         ["SECTION 2. Beginning January 1, 2012, actions relating
8
    to the installation, improvement, construction, or development
9
    of infrastructure relating to broadband service or broadband
10
11
    technology, including the interconnection of telecommunications
12
    cables, shall be exempt from county permitting requirements,
13
    state permitting and approval requirements, which includes the
14
    requirements of chapters 171, 205A, and 343, Hawaii Revised
15
    Statutes, and public utilities commission rules under Hawaii
16
    Administrative Rules, chapter 6-73, that require existing
17
    installations to comply with new pole replacement standards at
18
    the time of any construction or alteration to the equipment or
19
    installation, except to the extent that such permitting or
20
    approval is required by federal law or is necessary to protect
21
    eligibility for federal funding, services, or other assistance;
```

1	provided	that the installation, improvement, construction, or
2	developme	nt of infrastructure shall:
3	<del>(1)</del>	Be directly related to the improvement of existing
4		telecommunications cables or the installation of new
5		telecommunications cables:
6		(A) On existing or replacement utility poles and
7		conduits; and
8		(B) Using existing infrastructure and facilities;
9	<del>(2)</del>	Take place within existing rights-of-way or public
10		utility easements or use existing telecommunications
11		infrastructure; and
12	<del>(3)</del>	Make no significant changes to the existing public
13		rights-of-way, public utility easements, or
14		telecommunications infrastructure.
15	<del>An a</del>	pplicant shall comply with all applicable safety and
16	engineeri	ng requirements relating to the installation,
17	improveme	nt, construction, or development of infrastructure
18	relating	to broadband service.
19	<del>A pe</del>	rson or entity taking any action under this section
20	<del>shall, at</del>	least thirty calendar days before the action is taken
21	<del>provide n</del>	otice to the director of commerce and consumer affairs

1 by electronic posting in the form and on the site designated by 2 the director for such posting on the designated central State of 3 Hawaii Internet website; provided that notice need not be given by a public utility or government entity for an action relating 4 5 to the installation, improvement, construction, or development 6 of infrastructure relating to broadband service or broadband 7 technology where the action taken is to provide access as the owner of the existing rights-of-way, utility-easements, or 8 9 telecommunications infrastructure." 10 SECTION 6. Act 151, Session Laws of Hawaii 2011, section 11 3, as amended by section 3 of Act 264, Session Laws of Hawaii **12** 2013, is repealed. 13 ["SECTION 3. Consistent with federal law, no person or 14 entity shall be required to upgrade or replace an existing 15 utility pole when using that utility pole to install new telecommunications cables or to improve existing 16 17 telecommunications cables; provided that: 18 (1) The overall weight load and the diameter of the 19 attachment on the utility pole following the 20 installation or improvement does not exceed the

1		overall weight load and diameter of the attachment
2		prior to the installation or improvement;
3	<del>(2)</del>	The overall weight load on the utility pole does not
4		exceed maximum utility pole safe weight capacities
5		established by the Federal Communications Commission
6		and the public utilities commission; and
7	<del>(3)</del>	The utility pole is not damaged or made less safe or
8		reliable due to the installation or improvement of
9		telecommunications cables.
10	The	public utilities commission may allow a public utility
11	to recove	r all prudently incurred costs as approved through
12	<del>rates, ch</del>	arges, or clauses approved or established by the public
13	utilities	commission pursuant to section 269-16, Hawaii Revised
14	Statutes,	including but not limited to planning, engineering,
15	construct	ion, installation, or replacement of utility poles
16	undertake	n to accomplish the objectives of this Act. Recovery
17	<del>of all pr</del>	udently incurred costs shall also apply to a broadband
18	<del>service p</del>	rovider.
19	<del>If a</del>	ccess to a utility pole is not granted within forty-
20	<del>five days</del>	of a written request for access, the utility must
21	confirm t	he denial in writing by the forty-fifth day, consistent

- 1 with the requirements established by the Federal Communications
- 2 Commission under Title 47, Chapter 1, Code of Federal
- 3 Regulations. The utility's denial of access shall be specific,
- 4 shall include all relevant evidence and information supporting
- 5 its denial, and shall explain how such evidence and information
- 6 relate to a denial of access for reasons of lack of capacity,
- 7 safety, reliability, or engineering standards."
- 8 SECTION 7. Statutory material to be repealed is bracketed
- 9 and stricken. New statutory material is underscored.
- 10 SECTION 8. This Act shall take effect on July 1, 2050.

11

#### Report Title:

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

### Description:

Specifies that the State and counties cannot prohibit, regulate, or charge for the co-location of small wireless facilities or small wireless facilities networks beyond the provisions of this Act. Provides various state and county zoning rules and classifications regarding the co-location of small wireless facilities and small wireless facilities networks. Describes the application process and rates for co-location. Repeals those sections of Act 151, Session Laws of Hawaii 2011, that have been codified within the Hawaii Revised Statutes. Effective 7/1/2050. (SD2)

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