June 12, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 12, 2007, the following bill was signed into law:

HB116 HD2 SD1 CD1 A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS. (ACT 171)

Sincerely,

JAMES R. AIONA, JR.
Acting Governor
A BILL FOR AN ACT

RELATING TO TELECOMMUNICATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Within the agricultural district, all lands with soil
4 classified by the land study bureau's detailed land
5 classification as overall (master) productivity rating class A
6 or B shall be restricted to the following permitted uses:
7 (1) Cultivation of crops, including but not limited to
8 flowers, vegetables, foliage, fruits, forage, and
9 timber;
10 (2) Game and fish propagation;
11 (3) Raising of livestock, including but not limited to
12 poultry, bees, fish, or other animal or aquatic life
13 that are propagated for economic or personal use;
14 (4) Farm dwellings, employee housing, farm buildings, or
15 activities or uses related to farming and animal
16 husbandry. "Farm dwelling", as used in this
17 paragraph, means a single-family dwelling located on
18 and used in connection with a farm, including clusters
of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling;

(5) Public institutions and buildings that are necessary for agricultural practices;

(6) Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps;

(7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures;

(8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;
(9) Roadside stands for the sale of agricultural products grown on the premises;

(10) Buildings and uses, including but not limited to mills, storage, and processing facilities, maintenance facilities, and vehicle and equipment storage areas that are normally considered directly accessory to the above mentioned uses and are permitted under section 205-2(d);

(11) Agricultural parks;

(12) Plantation community subdivisions, which as used in this paragraph means a subdivision or cluster of employee housing, community buildings, and acreage established on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation and in residential use by employees or former employees of the plantation; provided that the employees or former employees shall have a property interest in the land;

(13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is
accessory and secondary to the principal agricultural
use and does not interfere with surrounding farm
operations; and provided further that this paragraph
shall apply only to a county that has adopted
ordinances regulating agricultural tourism under
section 205-5; [ex]

[†](14)[†] Wind energy facilities, including the appurtenances
associated with the production and transmission of
wind generated energy; provided that such facilities
and appurtenances are compatible with agriculture uses
and cause minimal adverse impact on agricultural
land[•]; or

(15) Construction and operation of wireless communication
antennas; provided that, for the purposes of this
paragraph, "wireless communication antenna" means
communications equipment that is either freestanding
or placed upon or attached to an already existing
structure and that transmits and receives
electromagnetic radio signals used in the provision of
all types of wireless communications services;
provided further that nothing in this paragraph shall
be construed to permit the construction of any new
structure that is not deemed a permitted use under
this subsection."

SECTION 2. If any provision of this Act or the application
thereto to any person or circumstance is held invalid, the
invalidity does not affect other provisions or applications of
the Act that can be given effect without the invalid provision
or application, and to this end the provisions of this Act are
severable.

SECTION 3. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2007.

APPROVED this 12 day of JUN, 2007

JAMES R. AIONA JR.

ACTING GOVERNOR OF THE STATE OF HAWAII