

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 28, 2017
Date

Committee on Business Affairs and Labor.

After consideration on the merits, the Committee recommends the following:

HB17-1193 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, strike line 12 and substitute "(1), (4), and (7);
2 and **add** (1.5), (3.5), and (6.5) as follows:".

3 Page 3, after line 22 insert:

4 "(3.5) "MICRO WIRELESS FACILITY" MEANS A SMALL WIRELESS
5 FACILITY THAT IS NO LARGER IN DIMENSIONS THAN TWENTY-FOUR INCHES
6 IN LENGTH, FIFTEEN INCHES IN WIDTH, AND TWELVE INCHES IN HEIGHT AND
7 THAT HAS AN EXTERIOR ANTENNA, IF ANY, THAT IS NO MORE THAN ELEVEN
8 INCHES IN LENGTH.

9 (4) (a) "Small cell facility" means either:

10 ~~(a)~~ (I) A personal wireless service facility as defined by the
11 federal "Telecommunications Act of 1996", as amended as of August 6,
12 2014; or

13 ~~(b)~~ (II) A wireless service facility that meets both of the following
14 qualifications:

15 ~~(H)~~ (A) Each antenna is located inside an enclosure of no more
16 than three cubic feet in volume or, in the case of an antenna that has
17 exposed elements, the antenna and all of its exposed elements could fit
18 within an imaginary enclosure of no more than three cubic feet; and

19 ~~(H)~~ (B) Primary equipment enclosures are no larger than
20 seventeen cubic feet in volume. The following associated equipment may
21 be located outside of the primary equipment enclosure and, if so located,
22 is not included in the calculation of equipment volume: Electric meter,

1 concealment, telecommunications demarcation box, ground-based
2 enclosures, back-up power systems, grounding equipment, power transfer
3 switch, and cut-off switch.

4 (b) "SMALL CELL FACILITY" INCLUDES A MICRO WIRELESS
5 FACILITY."

6 Page 4, after line 8 insert:

7 "(7) "Wireless service facility" means a facility for the provision
8 of wireless services; EXCEPT THAT "WIRELESS SERVICE FACILITY" DOES
9 NOT INCLUDE COAXIAL OR FIBER-OPTIC CABLE THAT IS NOT IMMEDIATELY
10 ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, A PARTICULAR ANTENNA."

11 Page 9, strike lines 10 and 11 and substitute "STANDARDS, TRAFFIC
12 SIGNALS, OR UTILITY POLES IN THE RIGHTS-OF-WAY OWNED BY THE LOCAL
13 GOVERNMENT ENTITY; EXCEPT THAT, A SMALL CELL FACILITY OR A SMALL
14 CELL NETWORK SHALL NOT BE LOCATED OR MOUNTED ON ANY APPARATUS,
15 POLE, OR SIGNAL WITH TOLLING COLLECTION OR ENFORCEMENT
16 EQUIPMENT ATTACHED."

17 Amend printed bill, page 9, after line 22 insert:

18 "(3) A LOCAL GOVERNMENT ENTITY SHALL NOT REQUIRE AN
19 APPLICATION OR PERMIT, OR CHARGE A FEE, FOR THE INSTALLATION,
20 PLACEMENT, MAINTENANCE, OR REPLACEMENT OF MICRO WIRELESS
21 FACILITIES, AS DEFINED IN SECTION 29-27-402 (3.5), THAT ARE SUSPENDED
22 ON CABLES THAT ARE STRUNG BETWEEN EXISTING UTILITY POLES IN
23 COMPLIANCE WITH NATIONAL SAFETY CODES; EXCEPT THAT A LOCAL
24 GOVERNMENT ENTITY MAY REQUIRE A TRAFFIC PERMIT FOR WORK THAT
25 WILL AFFECT TRAFFIC PATTERNS OR CAUSE LANE CLOSURES."

26 Page 11, line 24, strike "SMALL CELL".

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