

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 21, 2017
Date

Committee on Local Government.

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 reengrossed bill, page 10, strike line 27 and substitute:

2 "(3) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (3)(b) AND (3)(c)
3 OF THIS SECTION, A LOCAL GOVERNMENT ENTITY SHALL NOT IMPOSE ANY
4 FEE OR REQUIRE ANY APPLICATION OR PERMIT FOR THE INSTALLATION,
5 PLACEMENT, OPERATION, MAINTENANCE, OR REPLACEMENT OF MICRO
6 WIRELESS FACILITIES THAT ARE SUSPENDED ON CABLE OPERATOR-OWNED
7 CABLES OR LINES THAT ARE STRUNG BETWEEN EXISTING UTILITY POLES IN
8 COMPLIANCE WITH NATIONAL SAFETY CODES.

9 (b) A LOCAL GOVERNMENT ENTITY WITH A MUNICIPAL OR COUNTY
10 CODE THAT REQUIRES AN APPLICATION OR PERMIT FOR THE INSTALLATION
11 OF MICRO WIRELESS FACILITIES MAY, BUT IS NOT REQUIRED TO, CONTINUE
12 THE APPLICATION OR PERMIT REQUIREMENT SUBSEQUENT TO THE
13 EFFECTIVE DATE OF THIS SECTION.

14 (c) A LOCAL GOVERNMENT ENTITY MAY REQUIRE A SINGLE-USE
15 RIGHT-OF-WAY PERMIT IF THE INSTALLATION, PLACEMENT, OPERATION,
16 MAINTENANCE, OR REPLACEMENT OF MICRO WIRELESS FACILITIES:

17 (I) INVOLVES WORKING WITHIN A HIGHWAY TRAVEL LANE OR
18 REQUIRES THE CLOSURE OF A HIGHWAY TRAVEL LANE;

19 (II) DISTURBS THE PAVEMENT OR A SHOULDER, ROADWAY, OR
20 DITCH LINE;

21 (III) INCLUDES PLACEMENT ON LIMITED ACCESS RIGHTS-OF-WAY;
22 OR

23 (IV) REQUIRES ANY SPECIFIC PRECAUTIONS TO ENSURE THE

1 SAFETY OF THE TRAVELING PUBLIC; THE PROTECTION OF PUBLIC
2 INFRASTRUCTURE; OR THE OPERATION OF PUBLIC INFRASTRUCTURE; AND
3 SUCH ACTIVITIES EITHER WERE NOT AUTHORIZED IN, OR WILL BE
4 CONDUCTED IN A TIME, PLACE, OR MANNER THAT IS INCONSISTENT WITH,
5 THE APPROVAL TERMS OF THE EXISTING PERMIT FOR THE FACILITY OR
6 STRUCTURE UPON WHICH THE MICRO WIRELESS FACILITY IS ATTACHED.".

7 Page 11, strike lines 1 through 7.

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