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:

Amend printed bill, page 3, strike line 12 and substitute 

"(1), (4), and (7);1 and add (1.5), (3.5), and (6.5) as follows:"

Page 3, after line 22 insert:

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

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

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

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

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

(B) Primary equipment enclosures are no larger than
seventeen cubic feet in volume. The following associated equipment may
be located outside of the primary equipment enclosure and, if so located,
is not included in the calculation of equipment volume: Electric meter,
concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

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

Page 4, after line 8 insert:

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

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

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

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

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

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