

CHAPTER 26

GOVERNMENT - LOCAL

SENATE BILL 15-041

BY SENATOR(S) Holbert, Cooke, Crowder, Grantham, Scheffel, Scott, Woods;
also REPRESENTATIVE(S) Van Winkle, Arndt, Fields, Lebsack, Saine, Singer, Tate.

AN ACT

CONCERNING A REQUIREMENT THAT LOCAL GOVERNMENTS REGULATE AMATEUR RADIO COMMUNICATIONS IN ACCORDANCE WITH AN EXISTING FEDERAL PREEMPTION ESTABLISHED BY THE FEDERAL COMMUNICATIONS COMMISSION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 29-20-109 as follows:

29-20-109. Local government regulation of amateur radio antennas. (1) NO LOCAL GOVERNMENT SHALL ENACT OR ENFORCE AN ORDINANCE OR RESOLUTION REGULATING AMATEUR RADIO ANTENNAS THAT FAILS TO CONFORM TO THE LIMITED PREEMPTION SET FORTH IN THE MEMORANDUM OPINION AND ORDER PRB-1 ENTITLED "FEDERAL PREEMPTION OF STATE AND LOCAL REGULATIONS PERTAINING TO AMATEUR RADIO FACILITIES", 101 FCC 2d 952 (1985), ISSUED BY THE FEDERAL COMMUNICATIONS COMMISSION AND FURTHER CODIFIED IN 47 CFR 97.15 (b). AN ORDINANCE OR RESOLUTION ADOPTED BY A LOCAL GOVERNMENT THAT REGULATES AMATEUR RADIO ANTENNAS SHALL CONFORM TO THE LIMITED FEDERAL PREEMPTION WHICH PROVIDES THAT LOCAL GOVERNMENT REGULATIONS INVOLVING THE PLACEMENT, SCREENING, OR HEIGHT OF ANTENNAS MUST:

- (a) BE BASED ON HEALTH, SAFETY, OR AESTHETIC CONSIDERATIONS;
- (b) BE CRAFTED TO REASONABLY ACCOMMODATE AMATEUR COMMUNICATIONS;
AND
- (c) REPRESENT THE MINIMUM PRACTICABLE REGULATION REQUIRED TO ACCOMPLISH THE LOCAL GOVERNMENT'S LEGITIMATE PURPOSE.

SECTION 2. Act subject to petition - effective date. This act takes effect at

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 13, 2015