

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB25-1056 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, **amend** 29-27-401
3 as follows:

4 **29-27-401. Legislative declaration.** (1) The general assembly
5 finds and declares that:

6 (a) The permitting, construction, modification, maintenance, and
7 operation of broadband facilities are critical to ensuring that all citizens
8 in the state have true access to advanced technology and information;

9 (b) ~~These~~ BROADBAND facilities are critical to ensuring that
10 businesses and schools throughout the state remain competitive in the
11 global economy; and

12 (c) The permitting, construction, modification, maintenance, and
13 operation of ~~these~~ BROADBAND facilities, to the extent specifically
14 addressed in this part 4, are declared to be matters of statewide concern
15 and interest.

16 (2) The general assembly further finds and declares that RELIABLE
17 WIRELESS CONNECTIVITY THROUGHOUT THE STATE:

18 (a) ~~Small cell facilities often may be deployed most effectively in~~
19 ~~the public rights-of-way; and~~ IS ESSENTIAL IN SUPPORTING PUBLIC SAFETY
20 OPERATIONS AND ENSURING THAT THE PUBLIC IS ABLE TO ACCESS
21 LIFE-SAVING ASSISTANCE IN TIMES OF CRISIS;

22 (b) ~~Access to local government structures is essential to the~~
23 ~~construction and maintenance of wireless service facilities or broadband~~
24 ~~facilities~~ IS A SIGNIFICANT DRIVER OF ECONOMIC ACTIVITY AND
25 PRODUCTIVITY FOR WORKERS AND ORGANIZATIONS;

26 (c) IS CRITICAL TO PROVIDING ACCESS TO INFORMATION,
27 EDUCATIONAL RESOURCES, AND JOB OPPORTUNITIES; AND

28 (d) CAN HELP URBAN, HISTORICALLY UNDERSERVED, AND RURAL
29 BUSINESSES IMPROVE WORKFLOW, WHILE ALSO AMPLIFYING VISIBILITY
30 AND SALES FOR THOSE BUSINESSES.

31 (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
32 THE EFFICIENT PERMITTING OF WIRELESS FACILITIES BY LOCAL
33 GOVERNMENTS:

34 (a) HAS A SIGNIFICANT PUBLIC SAFETY AND ECONOMIC BENEFIT TO
35 COLORADO; AND

36 (b) IS A MATTER OF STATEWIDE CONCERN."

37 Renumber succeeding sections accordingly.

1 Page 2, line 3, after "(3)" insert "and (7); and **add** (3.1), (3.3), (3.7), and
2 (6.2)".

3 Page 2, after line 9 insert:

4 "(3.1) "COLLOCATION APPLICATION" MEANS AN APPLICATION FOR
5 A COLLOCATION THAT RESULTS IN A SUBSTANTIAL CHANGE OF AN
6 EXISTING WIRELESS TELECOMMUNICATIONS FACILITY.

7 (3.3) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS SET
8 FORTH IN SECTION 29-27-102 (3).

9 (3.7) "SITING APPLICATION" MEANS AN APPLICATION FOR A NEW
10 WIRELESS SERVICE FACILITY.

11 (6.2) "SUBSTANTIAL CHANGE" HAS THE SAME MEANING AS SET
12 FORTH IN 47 CFR 1.6100 (b)(7), WHICH IMPLEMENTS THE FEDERAL
13 "SPECTRUM ACT OF 2012", 47 U.S.C. SEC. 1455 (a).

14 (7) "Wireless service facility" OR "FACILITY" means ~~a facility for~~
15 ~~the provision of wireless services, except that "wireless service facility"~~
16 ~~does not include coaxial or fiber-optic cable that is not immediately~~
17 ~~adjacent to, or directly associated with, a particular antenna~~ EQUIPMENT
18 AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS
19 BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK,
20 INCLUDING:

21 (a) MACRO AND SMALL CELL FACILITIES, TRANSCEIVERS,
22 ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP
23 POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF
24 TECHNOLOGICAL CONFIGURATION, BUT DOES NOT INCLUDE COAXIAL OR
25 FIBER-OPTIC CABLE THAT IS NOT IMMEDIATELY ADJACENT TO, OR
26 DIRECTLY ASSOCIATED WITH, A PARTICULAR ANTENNA; AND

27 (b) THE SUPPORT STRUCTURE OR IMPROVEMENTS ON, UNDER, OR
28 WITHIN WHICH THE EQUIPMENT IS COLLOCATED."

29 Page 2, strike line 10 and substitute:

30 "SECTION 3. In Colorado Revised Statutes, **repeal and reenact,**
31 **with amendments,** 29-27-403 as follows:

32 **29-27-403. Deemed approval of facilities.** (1) (a) A
33 COLLOCATION APPLICATION OR SITING APPLICATION FOR A WIRELESS
34 SERVICE FACILITY SUBMITTED TO A LOCAL GOVERNMENT IS DEEMED
35 APPROVED BY THE LOCAL GOVERNMENT IF:

36 (I) THE LOCAL GOVERNMENT HAS NOT APPROVED OR REJECTED
37 THE APPLICATION WITHIN NINETY DAYS AFTER THE APPLICATION IS
38 SUBMITTED TO THE LOCAL GOVERNMENT OR AFTER THE APPLICANT
39 COMPLIES WITH ANY LOCAL GOVERNMENT MEETING OR OTHER

1 REQUIREMENT RELATED TO AN APPLICATION, WHICHEVER IS EARLIER;
2 EXCEPT THAT THE PERIOD FOR APPROVAL OR REJECTION OF A SITING
3 APPLICATION THAT IS NOT FOR A COLLOCATION OR A SMALL CELL FACILITY
4 IS ONE HUNDRED TWENTY DAYS;

5 (II) THE APPLICANT HAS PROVIDED ALL PUBLIC NOTICES OF THE
6 APPLICATION REQUIRED UNDER APPLICABLE LAW; AND

7 (III) THE APPLICANT HAS PROVIDED NOTICE TO THE LOCAL
8 GOVERNMENT THAT THE APPLICABLE TIME PERIOD DESCRIBED IN
9 SUBSECTION (1)(a)(I) OF THIS SECTION HAS LAPSED AND THAT THE
10 APPLICATION IS DEEMED APPROVED PURSUANT TO THIS SECTION.

11 (b) A LOCAL GOVERNMENT MAY TOLL THE APPLICABLE PERIOD
12 DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION TO ALLOW THE
13 LOCAL GOVERNMENT TO MAKE TIMELY REQUESTS FOR INFORMATION TO
14 COMPLETE A COLLOCATION OR SITING APPLICATION. THE PERIOD MAY
15 ALSO BE EXTENDED BY MUTUAL AGREEMENT OF THE APPLICANT AND THE
16 LOCAL GOVERNMENT.

17 (c) IF A LOCAL GOVERNMENT REQUIRES AN APPLICANT TO OBTAIN
18 A TRAFFIC CONTROL PLAN OR OTHER PERMIT RELATED TO OBSTRUCTION
19 OF, OR SAFETY IN, A PUBLIC RIGHT-OF-WAY BEFORE A COLLOCATION OR
20 SITING APPLICATION IS APPROVED, THE APPLICANT SHALL NOT COMMENCE
21 THE CONSTRUCTION OR SUBSTANTIAL CHANGE OF A WIRELESS SERVICE
22 FACILITY PURSUANT TO A COLLOCATION OR SITING APPLICATION DEEMED
23 APPROVED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION UNTIL THE
24 TRAFFIC CONTROL PLAN OR OTHER PERMIT IS OBTAINED.

25 (d) A LOCAL GOVERNMENT MAY SEEK JUDICIAL REVIEW OF THE
26 DEEMED APPROVAL OF A COLLOCATION APPLICATION OR SITING
27 APPLICATION PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION WITHIN
28 THIRTY DAYS AFTER THE NOTICE DESCRIBED IN SUBSECTION (1)(a)(III) OF
29 THIS SECTION IS PROVIDED TO THE LOCAL GOVERNMENT.

30 (e) A LOCAL GOVERNMENT SHALL NOT:

31 (I) UNREASONABLY WITHHOLD, CONDITION, OR DELAY APPROVAL
32 OF THE ISSUANCE OF A TRAFFIC CONTROL PLAN OR OTHER PERMIT
33 DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION TO DELAY THE
34 APPROVAL OF A COLLOCATION APPLICATION OR SITING APPLICATION; OR

35 (II) PROHIBIT OR UNREASONABLY DISCRIMINATE IN FAVOR OF, OR
36 AGAINST, ANY TECHNOLOGY IN TAKING ACTION ON A COLLOCATION OR
37 SITING APPLICATION.

38 (f) IF A LOCAL GOVERNMENT DETERMINES THAT A COLLOCATION
39 OR SITING APPLICATION IS INCOMPLETE, THE LOCAL GOVERNMENT SHALL
40 NOTIFY THE APPLICANT WITHIN THIRTY DAYS AFTER THE SUBMISSION OF
41 THE APPLICATION. THE NOTIFICATION MUST BE WRITTEN, MUST CLEARLY
42 AND SPECIFICALLY IDENTIFY THE MISSING DOCUMENTS OR INFORMATION
43 THAT THE APPLICANT MUST SUBMIT TO RENDER THE APPLICATION

1 COMPLETE, AND MUST IDENTIFY THE SPECIFIC REGULATION CREATING THE
2 REQUIREMENT TO PROVIDE THE MISSING DOCUMENTS OR INFORMATION.
3 TOLLING OF THE PERIOD DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS
4 SECTION BEGINS ON THE DATE THAT THE LOCAL GOVERNMENT PROVIDES
5 THIS NOTIFICATION AND ENDS ON THE DATE THAT THE APPLICANT
6 PROVIDES THE REQUESTED INFORMATION.

7 (2) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SECTION,
8 NOTHING IN THIS SECTION LIMITS OR AFFECTS THE AUTHORITY OF A LOCAL
9 GOVERNMENT OVER THE PLACEMENT OR CONSTRUCTION OF A WIRELESS
10 SERVICE FACILITY.

11 (3) NOTHING IN THIS SECTION SUPERSEDES, NULLIFIES, OR
12 OTHERWISE ALTERS GENERALLY APPLICABLE AND NONDISCRIMINATORY
13 BUILDING, ELECTRICAL, FIRE, OR OTHER SAFETY REQUIREMENTS.

14 (4) NOTHING IN THIS SECTION SHALL BE INTERPRETED OR
15 IMPLEMENTED IN A WAY THAT PREVENTS A LOCAL GOVERNMENT FROM
16 PROMPTLY ACTING ON ANY OTHER PERMIT FOR USE, OCCUPATION,
17 INSTALLATION, MODIFICATION, REPAIR, OR OPERATION IN THE PUBLIC
18 RIGHTS-OF-WAY, INCLUDING BUT NOT LIMITED TO PERMITS FOR
19 BROADBAND FACILITIES."

20 Strike pages 3 through 6.

21 Page 7, strike lines 1 through 11 and substitute:

22 "SECTION 4. In Colorado Revised Statutes, **add** 29-27-405 as
23 follows:

24 **29-27-405. Facility equipment replacement.** (1) A LOCAL
25 GOVERNMENT SHALL NOT REQUIRE A COLLOCATION OR SITING
26 APPLICATION, OR ADDITIONAL PERMITS FOR THE MODIFICATION, REMOVAL,
27 DISCONTINUANCE, OR REPLACEMENT OF A WIRELESS SERVICE FACILITY, OR
28 EQUIPMENT ASSOCIATED THEREWITH, IF:

29 (a) THE OWNER OR OPERATOR OF THE WIRELESS SERVICE FACILITY
30 NOTIFIES THE LOCAL GOVERNMENT OF THE MODIFICATION, REMOVAL,
31 DISCONTINUANCE, OR REPLACEMENT OF THE WIRELESS SERVICE FACILITY,
32 OR EQUIPMENT ASSOCIATED WITH THE WIRELESS SERVICE FACILITY; AND

33 (b) THE MODIFICATION, REMOVAL, DISCONTINUANCE, OR
34 REPLACEMENT DOES NOT AMOUNT TO A SUBSTANTIAL CHANGE TO THE
35 WIRELESS SERVICE FACILITY.

36 (2) NOTHING IN THIS SECTION SUPERSEDES, NULLIFIES, OR
37 OTHERWISE ALTERS GENERALLY APPLICABLE AND NONDISCRIMINATORY
38 BUILDING, ELECTRICAL, FIRE, OR OTHER SAFETY REQUIREMENTS."

39 Page 7, strike line 17 and substitute "~~29-27-404~~ PART 4 OF ARTICLE 27 OF

1 TITLE 29, and a".

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