

STATE OF ILLINOIS
LEGISLATIVE INFORMATION SYSTEM
100th GENERAL ASSEMBLY

DAILY

Synopsis of Legislation

Legislation Passed Both Houses with Last Action

For day of Feb 15, 2018

SB 01451 Sen. Terry Link, Jil Tracy and Michael E. Hastings-Bill Cunningham-Donne E. Trotter-John J. Cullerton
(Rep. Kelly M. Burke-Peter Breen-Mike Fortner-Fred Crespo-Robert Martwick and William Davis)

New Act

55 ILCS 5/5-12001.2

Creates the Small Wireless Facilities Deployment Act. Provides for legislative intent for the Act and definitions. Provides that an authority (a unit of local government with control over rights-of-way) may not prohibit, regulate, or charge for the collocation of small wireless facilities (the installation, mounting, maintaining, modifying, operating, or replacement of small wireless facilities on or adjacent to a wireless support structure or utility pole). Provides that small wireless facilities shall be classified as permitted uses and not subject to zoning review and approval under specified circumstances. Provides requirements for applications, fees, application review, and issuance of permits for collocation of small wireless facilities. Provides that an authority may not require applications for routine maintenance or replacement of wireless facilities with wireless facilities that are substantially similar, of the same size, or smaller. Requires authorities to allow the collocation of small wireless facilities on authority utility poles under specified circumstances. Prohibits authorities from regulating the design, engineering, construction, installation, or operation of any small wireless facility in specified circumstances. Provides that a circuit court has jurisdiction to resolve all disputes arising under the Act. Prohibits an authority from requiring a wireless provider to indemnify the authority or its officers or employees and from naming the authority on a wireless provider's insurance policy. Limits home rule powers. Amends the Counties Code making conforming changes.

Senate Floor Amendment No. 3

Replaces everything after the enacting clause. Reinserts the provisions of the introduced bill with the following changes: Provides that the Act does not apply to a municipality with a population of 1,000,000 or more or to electric or gas public utilities or those utilities' wireless facilities if the facilities are being used, developed, and maintained for use in providing delivery services and Smart Grid functionality or application to retail customers. Modifies several definitions and adds a definition for "micro wireless facility". Provides that small wireless facilities shall be classified as permitted uses and not subject to zoning review or approval if they are collocated outside rights-of-way in property not zoned primarily for residential use (rather than exclusively for single family residential use). Provides that an authority may reserve space on an authority's utility poles for future public safety uses or electric utility uses under specified conditions. Provides that an authority may require a wireless provider to provide on an application specific structural integrity and make-ready analysis, the location where a small wireless facility or utility pole would be installed, photographs of the location and its immediate surroundings, specifications and drawings for each proposed small wireless facility, a proposed schedule for the installation and completion of each small wireless facility, and certification that the collocation is in compliance with specified regulations. Inserts new provisions concerning requirements and standards for small wireless facilities including: collocation on new or existing utility poles or alternate structures (both public and private); height and spacing of small wireless facilities; interference with frequencies used by the authority's public safety communications or other electrical or transmissions systems; compliance with local code and zoning provisions; installation in rights-of-way; replacement of authority utility poles; maintenance of existing and removal of abandoned small wireless facilities; and insurance. Modifies provisions regarding rates for collocation on an authority utility pole and submission, fees, supporting documentation, processing, tolling, approval, and denial of applications. Provides for the combination of multiple requests to collocate small wireless facilities on the same application. Provides that collocation for which a permit is granted shall be completed within 180 days (rather than one year) after issuance of the permit. Provides that permits for operation of the facilities shall be a duration of not less than 10 years and must be renewed for equivalent durations. Adds provisions concerning installation of small wireless facilities on property controlled by a park district, forest preserve district, or conservation district. Changes provisions concerning indemnification. Provides that an authority may require a wireless provider to carry, at the wireless provider's cost and expense, specified insurance. Provides for repeal of the Act on June 1, 2020. Makes other changes.

Senate Floor Amendment No. 4

Removes language providing that any permits for work within rights-of-way shall be subject to the requirements in provisions of the Small Wireless Facilities Deployment Act concerning regulation of small wireless facilities. Provides that nothing set forth in the Small Wireless Facilities Deployment Act shall be construed to relieve any person from specified requirements, other than small wireless facilities subject to the Act. In provisions of the Small Wireless Facilities Deployment Act concerning insurance, adds an exception for a wireless provider with an existing franchise to occupy and operate in a right-of-way. Makes other changes.

Land Conveyance Appraisal Note (Dept. of Transportation)

No land conveyances are included in this bill; therefore, there are no appraisals to be filed.

Balanced Budget Note (Office of Management and Budget)

The Balanced Budget Note Act does not apply to this bill as it is not a supplemental appropriation that increases or decreases appropriations. Under the Act, a balanced budget note must be prepared only for bills that change a general funds appropriation for the fiscal year in which the new bill is enacted.

State Debt Impact Note (Government Forecasting & Accountability)

This bill would not change the amount of authorization for any type of State-issued or State-supported bond, and, therefore, would not affect the level of State indebtedness.

SB 01451 (CONTINUED)

Judicial Note (Admin Office of the Illinois Courts)

This bill would neither increase nor decrease the number of judges needed in the State.

Fiscal Note (Dept. of Central Management Services)

This legislation has no fiscal impact to the Department of Central Management Services. CMS does recommend that a fiscal note be prepared by the Department of Innovation and Technology (DoIT).

Housing Affordability Impact Note (Housing Development Authority)

This bill will have no effect on the cost of constructing, purchasing, owning, or selling a single-family residence.

House Floor Amendment No. 2

Replaces everything after the enacting clause. Reinserts the provisions of the engrossed bill with the following changes: Modifies definitions of "application", "small wireless facility", "utility pole", "wireless infrastructure provider", and "wireless services". Adds definitions for "historic district or historic landmark" and "public safety agency". Provides that small wireless facilities shall be subject to administrative review except regarding height exceptions or variance. Provides that small wireless facilities are not subject to zoning review or approval outside rights-of-way in property zoned exclusively for commercial or industrial use (rather than outside rights-of-way in property not zoned primarily for residential use). Provides that an authority may require a wireless provider to: provide equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility; provide a written certification describing the property rights, technical limits, or material cost reasons an alternate location proposed by an authority does not satisfy specified placement criteria; comply with specified written design standards; and comply with reasonable, technically feasible, and non-discriminatory design or concealment measures in a historic district or on a historic landmark. Provides for procedures in the event that a wireless provider's wireless facilities cause unacceptable interference to a public safety agency's safety communications. Provides that applications that include installation of a new utility pole to collocate a small wireless facility shall be deemed approved if the authority fails to approve or deny the application within 120 days under specified circumstances. Provides that the 180 days allowed to complete collocation after the issuance of a permit may be extended under specified circumstances. Replaces language concerning application fees by specifying that an authority may charge an application fee of \$350 to \$1,000. Provides fees may be waived for replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider provides notice with specifications of the replaced equipment. Provides that an authority may not charge annual recurring rates for collocation on authority utility poles located outside rights-of-way. Provides that an authority or person controlling a utility pole make available rates, fees, and terms in compliance with the Act within 2 months (rather than 6 months) after the effective date of the Act. Provides that wireless providers that have existing agreements with an authority may opt to use the rates, fees, and terms as provided in the Act (rather than in the existing agreement) in specified circumstances. Specifies enforcement mechanisms to remove abandoned small wireless facilities. Changes the date the Act is repealed to June 1, 2021 (rather than June 1, 2020). Makes other changes.

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