



April 8, 2003

**ENGROSSED
SENATE BILL No. 109**

DIGEST OF SB 109 (Updated April 7, 2003 7:11 PM - DI 75)

Citations Affected: IC 36-7.

Synopsis: Regulation of amateur radio antennas. Requires a municipality or county to comply with an FCC ruling concerning amateur radio preemption or a regulation related to amateur radio service.

Effective: July 1, 2003.

**Antich, Riegsecker, Waterman, Sipes,
Nugent, Young R Michael, Landske,
Alting**

(HOUSE SPONSORS — AGUILERA, LUTZ J)

January 7, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 13, 2003, reported favorably — Do Pass.
February 17, 2003, read second time, ordered engrossed. Engrossed.
February 20, 2003, read third time, passed. Yeas 41, nays 8.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Technology, Research, and Development.
April 2, 2003, recommitted to Committee on Rules and Legislative Procedures.
April 8, 2003, amended, reported — Do Pass.

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ES 109—LS 6341/DI 87+



April 8, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 109

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-7-5.2 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]:

4 **Chapter 5.2. Regulation of Amateur Radio Antennas**

5 **Sec. 1. A municipality or county may not enact or enforce an**
6 **ordinance, a resolution, or an order that does not comply with the**
7 **ruling of the Federal Communications Commission in "Amateur**
8 **Radio Preemption, 101 FCC 2d 952 (1985)" or a regulation related**
9 **to the amateur radio service adopted under 47 CFR Part 97.**

10 **Sec. 2. If a municipality or county adopts an ordinance, a**
11 **resolution, or an order involving the placement, screening, or**
12 **height of an amateur radio antenna based on health, safety, or**
13 **aesthetic conditions, the ordinance, resolution, or order must:**

- 14 (1) reasonably accommodate amateur radio communications;
15 and
16 (2) represent the minimal regulation practicable to
17 accomplish the municipality's or county's legitimate purpose.

ES 109—LS 6341/DI 87+



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1 **Sec. 3. This chapter does not prohibit a municipality or county**
2 **from taking action to protect or preserve a historic, a historical, or**
3 **an architectural district that is established by the municipality or**
4 **county or under state or federal law.**

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SENATE MOTION

Mr. President: I move that Senators Riegsecker and Waterman be added as coauthors of Senate Bill 109.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 109 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 5, Nays 3.

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SENATE MOTION

Mr. President: I move that Senator Sipes be added as coauthor of Senate Bill 109.

ANTICH

SENATE MOTION

Mr. President: I move that Senator Nugent be added as coauthor of Senate Bill 109.

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SENATE MOTION

Mr. President: I move that Senators Young R Michael and Landske be added as coauthors of Senate Bill 109.

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SENATE MOTION

Mr. President: I move that Senator Alting be added as coauthor of Senate Bill 109.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 109, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 1 through 3.

Page 2, line 4, delete "4." and insert "3."

and when so amended that said bill do pass.

(Reference is to SB 109 as printed February 14, 2003.)

PELATH, Chair

Committee Vote: yeas 9, nays 0.

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