

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

# HOUSE BILL NO. 1454

## 97TH GENERAL ASSEMBLY

5079H.02T

2014

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### AN ACT

To repeal section 67.5098 as enacted by senate substitute for senate committee substitute for senate bill no. 650, ninety seventh general assembly, second regular session, and to enact in lieu thereof one new section relating to communications infrastructure deployment.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 67.5098 as enacted by senate substitute for senate committee substitute for senate bill no. 650, ninety seventh general assembly, second regular session, is repealed and one new section enacted in lieu thereof, to be known as section 67.5098, to read as follows:

67.5098. 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to applications for substantial modifications of wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that applies for a substantial modification of a wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           4. The authority, within [ninety] **one hundred twenty** calendar days of receiving an  
16 application for a substantial modification of wireless support structures, shall:

17           (1) Review the application in light of its conformity with applicable local zoning  
18 regulations. An application is deemed to be complete unless the authority notifies the applicant  
19 in writing, within thirty calendar days of submission of the application, of the specific  
20 deficiencies in the application which, if cured, would make the application complete. Upon  
21 receipt of a timely written notice that an application is deficient, an applicant may take thirty  
22 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures  
23 the deficiencies within thirty calendar days, the application shall be reviewed and processed  
24 within [ninety] **one hundred twenty** calendar days from the initial date the application was  
25 received. If the applicant requires a period of time beyond thirty calendar days to cure the  
26 specific deficiencies, the [ninety] **one hundred twenty** calendar days' deadline for review shall  
27 be extended by the same period of time;

28           (2) Make its final decision to approve or disapprove the application; and

29           (3) Advise the applicant in writing of its final decision.

30           5. If the authority fails to act on an application for a substantial modification within the  
31 [ninety] **one hundred twenty** calendar days' review period specified under subsection 4 of this  
32 section, or within such additional time as may be mutually agreed to by an applicant and an  
33 authority, the application for a substantial modification shall be deemed approved.

34           6. A party aggrieved by the final action of an authority, either by its affirmatively  
35 denying an application under the provisions of this section or by its inaction, may bring an action  
36 for review in any court of competent jurisdiction **within this state**.

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