

SB 649 -- POLITICAL SUBDIVISION RIGHT-OF-WAYS

SPONSOR: Lager

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Utilities by a vote of 17 to 0.

Currently, a political subdivision is prohibited from requiring any public utility that has legally been granted access to the political subdivision's right-of-way prior to August 28, 2001, to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the political subdivision. This bill removes the requirement that the access must have been granted prior to August 28, 2001. The bill also makes some grammatical and intrasectional reference changes to provisions governing the right-of-way of a political subdivision.

PROPONENTS: Supporters say that this bill and sequential four bills were overwhelmingly passed by the General Assembly last year and re-passage will avoid procedural constitutional problems. This bill and others prevent municipalities from using general use permits with conditions unrelated to communication infrastructure placement to gain additional profits.

Testifying for the bill were Senator Lager; AT&T; Century Link; Verizon; Google; Missouri Telecommunications Industry Association; and Missouri Cable and Telecommunications Association.

OPPONENTS: Those who oppose the bill say that cities generally work well with utilities and generally do not charge high fees or impose conditions unrelated to proper zoning and planning. The state should not modify local control over zoning.

Testifying against the bill were Missouri Association of Municipal Utilities; Missouri Municipal League; Missouri Association of Counties; Robert Stevenson; and Darryl Dunlap.