

SS SCS SB 650 -- Wireless Communication Infrastructure Deployment

SPONSOR: Lager

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Utilities by a vote of 17 to 1.

This bill modifies the Uniform Wireless Communications Infrastructure Deployment Act. The bill adds broadcast and radio based communications to the Uniform Wireless Communications Infrastructure Deployment Act and modifies the definitions of collocation and substantial modification.

Currently, an authority is not allowed to take certain actions against a wireless communications service provider. This bill specifies that for collocation to any certified historic structure, there will be a 30 day time period before approval of the application, during which a public hearing must be conducted and that an authority must not establish or enforce regulations or procedures for environmental safety inconsistent with a certain bulletin.

Currently, parties aggrieved by the final action of an authority either by application denial or inaction for a new wireless structure, substantial modification of a wireless structure, or collocation may bring an action for review in any court of competent jurisdiction. This bill specifies that the court be in this state.

Currently, if a wireless infrastructure provider and an authority disagree on the rental, license, or other fee for locating a wireless support structure on the authority's property, the market rate will be determined by a panel of three appraisers. This bill specifies that the market rate be determined by a state-certified general real estate appraiser mutually agreed upon by the parties at the applicant's cost. If either party is dissatisfied with the market value determined by the appraiser, the party may bring an action for review in any court of competent jurisdiction, at which the court must rule on in an expedited manner.

PROPOSERS: Supporters say that the bill does not supersede the zoning and planning powers of municipalities in a meaningful way. It does not grant any eminent domain power or allow construction of new towers in a manner inconsistent with zoning. The bill creates a uniform method for regulating wireless infrastructure that will benefit Missouri citizens by encouraging broadband and wireless development.

Testifying for the bill were Senator Lager; Verizon; U.S. Cellular;

Missouri Broadcasters Association; Century Link; Missouri Telecommunication Industry Association; and Google.

OPPONENTS: Those who oppose the bill say that it does preempt some zoning requirements especially with regard to attachments to existing poles and collocations. It sets bad precedent to undermine local control over highly technical matters of zoning.

Testifying against the bill were Missouri Municipal League; Missouri Association of Counties; Paul Jensen; Penny Lyons; and John Oliver.