

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 220, Page 5, Section 153.034, Line 40, by
2 inserting after all of said section and line the following:

3
4 "393.1055. 1. As used in this section, "renewable energy resources" shall mean the same as
5 defined under section 393.1025.

6 2. No source of renewable energy resources utilized in this state shall be operated in such a
7 manner that it causes the loss of functionality of electronic communication signals including, but not
8 limited to, cellular telephone, cellular internet, broadcast television, over-the-air television, satellite
9 television, satellite internet, satellite radio, AM/FM radio, citizens band radio, weather radio,
10 emergency communications, and first responder communications.

11 3. (1) The attorney general may initiate proceedings relating to a knowing violation or
12 threatened knowing violation of this section. Such proceedings may include, without limitation, an
13 injunction, a civil penalty up to a maximum of five thousand dollars for each knowing violation per
14 household per day and additional relief in any court of competent jurisdiction. The attorney general
15 may issue investigative demands, issue subpoenas, administer oaths, and conduct hearings in the
16 course of investigating a violation of this section.

17 (2) Any person who has experienced more than one instance of interrupted electronic
18 communication signals, as defined in subsection 2 of this section, by the same entity within a
19 twelve-month period, in violation of this section, may:

20 (a) Bring an action to enjoin such violation;

21 (b) Bring an action to recover actual monetary loss from such knowing violation or to
22 receive up to ten thousand dollars in damages for each such knowing violation, whichever is greater;
23 or

24 (c) Bring both such actions.

25 (3) No action or proceeding may be brought pursuant to this section more than three years
26 after the effective date of this section or three years after the date a wind turbine becomes
27 operational, whichever is later.

28 (4) A court of this state may exercise personal jurisdiction over any nonresident or his or her
29 executor or administrator as to an action or proceeding authorized by this section in the manner
30 otherwise provided by law.

31 (5) The remedies, duties, prohibitions, and penalties of this section are not exclusive and are
32 in addition to all other causes of action, remedies, and penalties provided by law.

33 393.1060. 1. The department shall require that all individuals and entities operating wind
34 turbines, as defined in section 137.1050, in this state be subject to a buffer distance of five feet for
35 every one foot in elevation the wind turbine, at its highest point, has above the ground level of the
36 nearest occupied residential dwelling.

Action Taken _____ Date _____

1 2. Any local ordinances regulating the location of wind turbines shall supersede the
2 provisions of subsection 1 of this section whether they are more or less restrictive.

3 3. The provisions of this section shall not apply to wind turbines that are constructed and
4 operational before the effective date of this section.

5 393.1065. Any individual or entity constructing a wind turbine, as defined in section
6 137.1050, in this state shall be required to reimburse the department of transportation or appropriate
7 political subdivision for any actual damages to roads or bridges that arise in relation to the
8 construction. The individual or entity may provide for any repairs necessary to roads or bridges,
9 provided that the department of transportation or appropriate political subdivision approves such
10 repairs upon completion."; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.