

HB 1191 -- POLITICAL SUBDIVISIONS

SPONSOR: Miller

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Utilities by a vote of 18 to 1.

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 the bill is needed to correct provisions in HB 331 and HB 345 passed in 2013 because of a circuit court ruling.

Testifying for the bill were Representative Miller; CenturyLink; AT&T; Missouri Telecommunications Industry Association; Missouri Cable Telecommunications Association; and Verizon Communications.

OPPONENTS: Opponents say that the bill prevents a city from being able to charge any fees for attachments if other legislation does not pass simultaneously. A city should retain authority over these types of local governance matters, and it is unwise to impose a uniform fee schedule without consideration of individual circumstances. A process of local adjudication or dispute resolution is preferable to a court action.

Testifying against the bill were Missouri Municipal League; Missouri Association of Municipal Utilities; and Casey Cohen, City of Butler.