

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 656, Page 3, Section 67.1830, Line 68, by  
2 deleting the word "within" and inserting in lieu thereof the phrase "[~~within~~] in"; and

3  
4 Further amend said bill, page, and section, Lines 80-83, by deleting all of said lines and inserting in  
5 lieu thereof the following:

6  
7 "(f) Establish permitting requirements for towers and other structures or equipment for  
8 wireless communications facilities in the public right-of-way, notwithstanding the provisions of  
9 section 67.1832;

10 (g) Establish standards for street restoration in order to lessen the impact of degradation";  
11 and

12  
13 Further amend said bill, page, and section, Line 85, by deleting all of said line and inserting in lieu  
14 thereof the following:

15  
16 "(h) Impose permit conditions to protect public safety"; and

17  
18 Further amend said bill, Page 5, Section 67.1846, Lines 14-15, by deleting the phrase "[~~or antenna~~  
19 ~~fee~~]" and inserting in lieu thereof the phrase "or antenna fee"; and

20  
21 Further amend said bill, page, and section, Line 19, by inserting after the word "fee" the phrase "or  
22 antenna fee"; and

23  
24 Further amend said bill, page, and section, Line 20, by inserting after the word "taxes" the phrase ",  
25 business license fees, or business license taxes"; and

26  
27 Further amend said bill and page, Section 67.5090, Line 1, by deleting the phrase "[~~67.5103~~]  
28 67.5104" and inserting in lieu thereof the phrase "67.5103"; and

29  
30 Further amend said bill, page, and section, Line 5, by inserting after the word "Missouri" the  
31 following:

32  
33 "by adopting a uniform statewide framework for the deployment of wireless infrastructure  
34 consistent with applicable right-of-way and zoning guidelines. Except as specified herein, nothing  
35 in this act is intended to prevent or otherwise limit the ability of wireless communications service  
36 providers and wireless communications infrastructure providers to deploy wireless infrastructure

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 consistent with this act and sections 67.1830 to 67.1846, to prevent or otherwise limit an authority's  
 2 ability to require wireless communications service providers and wireless communications  
 3 infrastructure providers to obtain permits for the installation of wireless facilities or wireless support  
 4 structures, or to prevent a municipal utility or municipality from requiring wireless communications  
 5 service providers and wireless communications infrastructure providers collocating small wireless  
 6 facilities on municipal or municipal utility poles to comply with section 67.5104"; and

7  
 8 Further amend said bill, Page 6, Section 67.5092, Lines 28-29, by deleting all of said lines and  
 9 inserting in lieu thereof the following:

10  
 11 "[(8)] (7) "Collocation", the placement or installation of a new wireless facility on [a] an  
 12 existing structure, including associated ground mounted facilities immediately adjacent to an  
 13 existing structure, that already has an existing wireless facility,"; and

14  
 15 Further amend said bill, page, and section, Line 35, by deleting the first instance of the number  
 16 "47." and inserting in lieu thereof the number "47"; and

17  
 18 Further amend said bill, page, and section, Line 37, by deleting the word "provider" and inserting in  
 19 lieu thereof the word "provider,"; and

20  
 21 Further amend said bill and section, Page 7, Line 62, by deleting the phrase "ground-based  
 22 enclosure, battery backup power system,"; and

23  
 24 Further amend said bill, page, and section, Line 66, by deleting the phrase ", but any ground-based  
 25 enclosure shall not exceed fifty cubic feet"; and

26  
 27 Further amend said bill, page, and section, Lines 67-70, by deleting all of said lines and inserting in  
 28 lieu thereof the following:

29  
 30 "a measure of the exterior displacement, not the interior volume, of the enclosure. This term shall  
 31 include a micro wireless facility,"; and

32  
 33 Further amend said bill and section, Page 8, Line 91, by deleting the word "wires," and inserting in  
 34 lieu thereof the word "wires"; and

35  
 36 Further amend said bill, page, and section Line 106, by deleting the word "services" and inserting in  
 37 lieu thereof the word "facilities"; and

38  
 39 Further amend said bill and section, Page 9, Line 115, by deleting the word "services" and inserting  
 40 in lieu thereof the word "facilities"; and

41  
 42 Further amend said bill, page, and section, Line 122, by deleting the word "service" and inserting in  
 43 lieu thereof the word "facility"; and

44  
 45 Further amend said bill and page, Section 67.5094, Line 22, by inserting after the word  
 46 "application" the phrase ", unless such structures or facilities owned by the applicant are abandoned  
 47 and subject to rules adopted under section 67.5101(7)"; and

Further amend said bill and section, Page 11, Line 64, by inserting after the word "application" the following:

, except that an authority may require an applicant for a small wireless facility, communications facility, or a micro wireless facility to act upon the approved application within eighteen months. If an authority so requires and an application is not acted upon within said time, the application shall be considered withdrawn by the applicant, and the approval shall be null and void"; and

Further amend said bill, page, and section, Line 78, by inserting after the word "regulations" the following:

", except that an authority may require an applicant for a small wireless facility, communications facility, or a micro wireless facility to indemnify the authority in the same manner and to the same extent as utilities using the right-of-way"; and

Further amend said bill, Pages 11-12, Section 67.5096, Lines 1-37, by deleting all of said lines and removing all of said section from the bill; and

Further amend said bill, Pages 12-13, Section 67.5098, Lines 1-36, by deleting all of said lines and removing all of said section from the bill; and

Further amend said bill, Pages 13-14, Section 67.5100, Lines 1-41, by deleting all of said lines and removing all of said section from the bill; and

Further amend said bill, Page 14, Section 67.5101, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"67.5101. Notwithstanding sections 67.5090 to 67.5103, the"; and

Further amend said bill, page, and section, Lines 6-7, by deleting the phrase "and that have the same or less wind loading and structural loading as those being replaced" and inserting in lieu thereof the phrase ", except the replacement shall be in accordance with applicable requirements under subsection 1 of section 67.5100"; and

Further amend said bill and section, Page 15, Line 10, by deleting all of said line and inserting in lieu thereof the phrase "compliance with applicable requirements under subsection 1 of section 67.5100"; and

Further amend said bill, page, and section, Lines 12-13, by deleting the phrase "cause traffic lane closures" and inserting in lieu thereof the phrase "obstruct the right-of-way"; and

Further amend said bill, page, and section, Line 17, by inserting after the word "collocation" the phrase "or replacement or installation"; and

Further amend said bill, page, and section, Line 24, by inserting after the word "collocation" the phrase "or replacement or installation"; and

Further amend said bill, page, and section, Line 25, by inserting after the word "period" the

1 following:

2  
3 "or in the fourteen-day period immediately following the prior fourteen-day period. An authority  
4 shall promptly communicate its request to each and any affected applicant"; and

5  
6 Further amend said bill, page, and section, Line 27, by inserting after the word "others" the  
7 following:

8  
9 "based on applicable requirements and standards including those identified in subsection 1 of  
10 section 67.5100"; and

11  
12 Further amend said bill, page, and section, Line 32, by deleting the word "placed" and inserting in  
13 lieu thereof the phrase "placed, attached,"; and

14  
15 Further amend said bill, page, and section, Line 33, by inserting after the word "collocation" the  
16 phrase "or replacement or installation"; and

17  
18 Further amend said bill, page, and section, Lines 35-38, by deleting all of said lines and inserting in  
19 lieu thereof the following:

20  
21 "authority has granted access, whether by lease or other rights granted, to such wireless support  
22 structures for other wireless communications infrastructure providers, and may at the authority's  
23 sole discretion, authorize the collocation or replacement or installation even if the authority has not  
24 previously authorized such access, provided required permits are obtained under applicable  
25 standards and requirements including those identified under subsection 1 of section 67.5100.  
26 Except in single-family residential or areas zoned as historic, an applicant may install a"; and

27  
28 Further amend said bill, page, and section, Line 42, by inserting after the word "structure" the  
29 phrase "meets the authority's requirements under this section, including subdivision (10) of this  
30 section, and"; and

31  
32 Further amend said bill and section, Page 16, Line 59, by inserting after the word "terminated" the  
33 phrase "or unless the applicant and the authority agree to an extension term of less than ten years";  
34 and

35  
36 Further amend said bill, page, and section, Lines 68-69, by deleting all of said lines and inserting in  
37 lieu thereof the following:

38  
39 "(9) Notwithstanding subdivision (8) of this section, an authority may impose a temporary  
40 moratorium on applications for small wireless facilities and the collocation thereof for the duration  
41 of a federal or state-declared natural disaster or for no"; and

42  
43 Further amend said bill, page, and section, Lines 75-76, by deleting all of said lines and inserting in  
44 lieu thereof the following:

45  
46 "facility, to replace a utility pole, or for a support structure to accommodate such a facility,  
47 demonstrate that the small wireless facility or the replacement pole or structure reasonably matches  
48 the aesthetics of a utility pole or wireless support structure with decorative elements to which it will

1 be attached, or an authority may subject small wireless facilities to reasonable and cost-efficient  
 2 concealment requirements;"; and

3  
 4 Further amend said bill and section, Page 17, Line 79, by deleting the word "service" and inserting  
 5 in lieu thereof the word "facility"; and

6  
 7 Further amend said bill, page, and section, Line 80, by deleting all of said line and inserting in lieu  
 8 thereof the following:

9  
 10 "communications facility, other than a small wireless facility, in the right-of-way; and  
 11 (12) Nothing in this section shall be interpreted to exempt an applicant, or any entity which  
 12 acquires the rights to any portion of a small wireless facility, communications facility, or a micro  
 13 wireless facility which is located in right-of-ways under the exclusive control of an authority from  
 14 the exclusive financial responsibility for the movement of the small wireless facility,  
 15 communication facility, micro wireless facility, equipment compound, wireless facility, wireless  
 16 support structure, or any associated equipment being moved as a result of a public project  
 17 undertaken by an authority. If the project necessitating movement of the small wireless facility,  
 18 communication facility, micro wireless facility, equipment compound, wireless facility, wireless  
 19 support structure, or any associated equipment is a private commercial project, the entity  
 20 undertaking the private commercial project must make an advance payment for the movement of the  
 21 subject facilities before the applicant, or any entity which acquires the rights to any portion of a  
 22 small wireless facility, communications facility, or micro wireless facility which is located in the  
 23 right-of-way under the exclusive control of an authority is obligated to move the subject facilities.";  
 24 and

25  
 26 Further amend said bill and page, Section 67.5102, Line 3, by deleting the phrase "An authority"  
 27 and inserting in lieu thereof the phrase "Except as provided under section 67.5101(9), an authority";  
 28 and

29  
 30 Further amend said bill, page, and section, Line 34, by inserting after the word "fees" the phrase  
 31 "consistent with the fees"; and

32  
 33 Further amend said bill and section, Page 18, Lines 46-52 by deleting all of said lines and inserting  
 34 in lieu thereof the following:

35  
 36 "recover the direct and actual costs of managing the right-of-way. This paragraph precludes the  
 37 imposition of any business license taxes, business license fees, or gross receipt taxes on wireless  
 38 communications service providers and wireless communications infrastructure providers that are not  
 39 imposed on wireline telecommunications businesses operating within the jurisdiction of the  
 40 authority, or that are based on factors other than gross receipts except as mutually agreed to by the  
 41 authority and the wireless communications service provider or the wireless communications  
 42 infrastructure provider."; and

43  
 44 Further amend said bill, page, and section, Line 59, by deleting the word "wireless" and inserting in  
 45 lieu thereof the word "communications"; and

46  
 47 Further amend said bill, page, and section, Line 63, by deleting the second instance of the word  
 48 "services" and inserting in lieu thereof the following:

1  
2 "services, other than those addressed in paragraph (d) of subdivision (2) of this section,"; and

3  
4 Further amend said bill, Pages 18-19, Section 67.5103, Lines 1-7, by deleting all of said lines and  
5 removing all of said section from the bill; and

6  
7 Further amend said bill, Page 19, Section 67.5104, Lines 13-15, by deleting all of said lines and  
8 inserting in lieu thereof the following:

9  
10 "only deny an attaching entity access to the utility's poles on a nondiscriminatory basis with respect  
11 to particular poles or support structures if there is insufficient capacity or for reasons of safety and  
12 reliability, generally applicable engineering standards or reasonably objective and documented  
13 aesthetic considerations under section 67.5101(10), and if the attaching entity will not resolve the  
14 issue at its own expense. In determining whether sufficient capacity exists to accommodate a new  
15 attachment, a municipality or municipal utility may grant access subject to a reservation to reclaim  
16 such space, when and if needed to meet the pole owner's core utility purpose that was projected at  
17 the time of the application pursuant to a bona fide development plan. If a municipal utility or  
18 municipality does not find any capacity, safety, or"; and

19  
20 Further amend said bill, page, and section, Line 21, by inserting after the word "utility" the phrase  
21 "or municipally owned"; and

22  
23 Further amend said bill, page, and section, Lines 30-34, by deleting all of said lines and inserting in  
24 lieu thereof the following:

25  
26 "infrastructure provider, each municipal utility and municipality shall, acting in good faith, prepare  
27 and make available a standard wireless pole attachment agreement that complies with the  
28 requirements of sections 67.5092 to 67.5104. A standard wireless pole attachment agreement shall  
29 be in a form that is substantially complete so that a wireless communications service provider or  
30 wireless communications infrastructure provider, acting in good faith, may accept it with little  
31 substantive negotiation. Notwithstanding any provision of law to the contrary, nothing shall  
32 preclude the contractual parties to a standard pole attachment agreement, if mutually agreeable,  
33 from negotiating terms beyond those contemplated by the standard pole attachment agreement. All  
34 pole"; and

35  
36 Further amend said bill and section, Page 20, Line 58, by deleting the phrase "video  
37 communications" and inserting in lieu thereof the phrase "video, communications,"; and

38  
39 Further amend said bill, page, and section, Line 64, by deleting the phrase "video communications"  
40 and inserting in lieu thereof the phrase "video, communications,"; and

41  
42 Further amend said bill, page, and section, Line 69, by inserting after the word "estimate" the phrase  
43 "and advance payment, if required,"; and

44  
45 Further amend said bill and section, Page 21, Line 74, by deleting all of said line and inserting in  
46 lieu thereof the following:

47  
48 "expenses, except for amounts charged by licensed contractors actually performing the make-ready

1 work.

2 3. Pole attachments completed on or after August 28, 2017, shall not interfere with or  
3 impair the operation of existing utility facilities or preexisting third-party attachments."; and  
4

5 Further amend said bill and section by renumbering the subsequent subsections accordingly; and

6  
7 Further amend said bill and section, Page 22, Line 122, by inserting immediately after all of said  
8 line the following:  
9

10 "9. Nothing in this section grants any wireless communications service provider or wireless  
11 communications infrastructure provider the power of eminent domain."; and  
12

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