

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0957-04  
Bill No.: SCS for SB 241  
Subject: Cities, Towns, and Villages; Public Service Commission; Telecommunications  
Type: Original  
Date: March 8, 2013

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Bill Summary: This proposal creates the Uniform Wireless Communications Infrastructure Deployment Act and modifies provisions relating to broadband.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>

## FISCAL ANALYSIS

### ASSUMPTION

According to officials from the **Office of Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain with their core budget. Therefore, SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal with core funding. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

In response to the introduced version of this bill, officials from the **City of Columbia** assumed their city is likely to lose at least \$100,000 in lease revenue as a result of this proposal.

In response to the introduced version of this proposal, officials from **St. Louis County** assumed the following revenue, costs, and losses as they relate to this legislation:

#### Revenues

Tenants for new towers	\$450,000
Access/Utility Easements to new sites	\$ 60,000

#### Costs

Dismantle tower site	(\$ 50,000)
Joint Market Analysis	(\$ 40,000)

#### Losses

Loss of land use	(\$150,000)
Loss of potential and existing tenants from existing to new towers	<u>(\$960,000)</u>

**NET LOSS** **(\$730,000)**

ASSUMPTION (continued)

Officials from the **Department of Economic Development - Public Service Commission and Office of Public Counsel, Department of Natural Resources, Office of State Courts Administrator, and Joint Committee on Administrative Rules** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
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**LOCAL POLITICAL SUBDIVISIONS**

<u>Revenue Loss</u> - Tower leases	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )
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<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b>(Could exceed <u>\$100,000</u>)</b>	<b>(Could exceed <u>\$100,000</u>)</b>	<b>(Could exceed <u>\$100,000</u>)</b>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act creates the Uniform Wireless Communications Infrastructure Deployment Act. The act outlines the application approval process for construction of wireless facilities and support structures. Certain state, county, and municipal authorities (authorities) that make decisions relating to the construction of wireless facilities and support structures are prohibited from requiring certain information from applicants, basing their decisions on certain information, or creating certain regulations, as outlined in this act.

Authorities are prohibited from regulating the installation of wireless facilities on utility poles.

Parties whose application for new wireless support structures, substantial modification of wireless support structures, or collocation is denied may bring an action in court. If they

DESCRIPTION (continued)

substantially prevail, they will be awarded their reasonable costs and attorney's fees.

Authorities are prohibited from instituting a moratorium on new wireless support structures or collocations. Authorities are required to offer leases to applicants for use of public lands of the authority.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Economic Development  
    Public Service Commission  
    Office of Public Counsel  
Department of Natural Resources  
Joint Committee on Administrative Rules  
Office of State Courts Administrator  
Office of Secretary of State  
    Administrative Rules Division  
Cities  
    Columbia  
Counties  
    St. Louis County



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