2020 Regular Session

HOUSE BILL NO. 666

BY REPRESENTATIVE MIKE JOHNSON

COMMERCE: Provides relative to the regulation of small wireless facilities by parishes and municipalities

AN ACT

To enact Chapter 50 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9721, relative to small wireless facilities; to authorize parishes and municipalities to enact ordinances relative to the installation of such facilities within their jurisdiction; to provide requirements for such ordinances; to provide for such parishes and municipalities to become connected ready communities; to require the Public Service Commission to provide certain services to connected ready communities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 50 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9721, is hereby enacted to read as follows:

CHAPTER 50. CONNECTED READY PARISHES AND MUNICIPALITIES

§9721. Parishes and municipalities; small wireless facilities

A. This Chapter may be referred to as the "Connecting Louisiana Law".

B. (1) The legislature finds that access to 5G connectivity is critical to the future economic growth of the state of Louisiana as such connectivity will elevate the mobile network to not only interconnect people, but also interconnect and control machines, objects, and devices. The legislature also finds that 5G connectivity will deliver new levels of performance and efficiency that will empower new user experiences and connect new industries.
(2) The legislature recognizes that local governments will play an important role in increasing access to 5G connectivity. The legislature also recognizes the need to provide regulation regarding access to such connectivity as an increasing number of small wireless facilities have been installed within the jurisdictions of local governments across the state of Louisiana.

C. Notwithstanding any other provision of law to the contrary, a parish or municipal governing authority may provide, by ordinance, for the installation of small wireless facilities within the jurisdiction of the parish or municipality.

D.(1) Any ordinance enacted pursuant to the provisions of this Section shall establish a time period within which a parish or municipality has to review applications received from a cellular service provider interested in installing small wireless facilities. Any such ordinance shall also establish a fee schedule regarding the amounts to be charged to any such service provider for the installation of such facilities.

(2) A parish or municipality shall designate one official of the parish or municipality who is responsible for receiving applications from a cellular service provider interested in installing small wireless facilities.

(3)(a) Any ordinance establishing a time period for reviewing applications shall provide as follows:

(i) A parish or municipality shall have sixty days for review of an application for collocation of small wireless facilities using a preexisting structure.

(ii) A parish or municipality shall have ninety days for review of an application for attachment of small wireless facilities using a new structure.

(b) If a parish or municipality fails to review the application of a cellular service provider in the time period provided for in this Paragraph, the parish or municipality shall no longer be considered a connected ready community, and the application of the service provider shall be deemed approved.

(c) The time period for review shall be suspended for each day that the parish or municipality is unable to review the application of a cellular service provider.
Any ordinance establishing a fee schedule regarding the amounts to be charged to a cellular service provider for the installation of small wireless facilities shall provide as follows:

(a) A parish or municipality may charge a maximum fee of five hundred dollars for non-recurring fees, including a single up-front application that includes up to five small wireless facilities.

(b) A parish or municipality may charge an additional one hundred dollars for each additional small wireless facility beyond five, or one thousand dollars for non-recurring fees for a new pole, not a collocation, intended to support one or more small wireless facilities.

(c) A parish of municipality may charge two hundred seventy dollars per small wireless facility per year for all recurring fees, including any possible right of way access fee or fee for attachment to parish or municipally owned structures in the right of way.

E.(1)(a) Any parish or municipality that has enacted ordinances as provided for in this Section shall be considered a connected ready community. The Public Service Commission, referred to in this Section as the "commission" shall be responsible for ensuring that a parish or municipality is a connected ready community and remains in compliance with the provisions of this Section.

(b) The commission shall create and maintain a website that lists every parish and municipality in the state of Louisiana and shall indicate whether the parish or municipality is compliant with the provisions of this Section. This list shall be easily accessible to the citizens of each parish and municipality and shall be able to be embedded into the official website of the parish or municipality. This shall
include a parish or municipality having a specific page to link to show its status as
a connected ready community.

(2) If a parish or municipality is a connected ready community, it shall
receive the following services from the commission:

(a) The commission shall provide assistance in the creation of marketing
materials for the parish or municipality to inform the public that the parish or
municipality is a connected ready community

(b) The commission shall reassign or hire the appropriate staff to assist the
designated official of the parish or municipality who is responsible for receiving
applications from cellular service providers in navigating the application review
process within the time period provided for in this Section.

F. As used in this Section, the following words and phrases shall have the
meaning ascribed to them in this Subsection:

(1) "Collocation" means placing an antenna on any existing structure,
regardless of whether that structure already has wireless equipment on it, or whether
it has been zoned for placing that equipment.

(2) "Connected ready community" means a parish or municipality that has
enacted ordinances as provided for in this Section.

(3) "Small wireless facilities" means an antenna of no more than three cubic
feet and equipment totaling no more than twenty eight cubic feet, placed on a
structure that is either no more than fifty feet in height, no more than ten percent
taller than adjacent structures, or no more than ten percent taller than the structure's
preexisting height after the new antenna is placed.
Proposed law authorizes parishes and municipalities to provide, by ordinance, for the installation of small wireless facilities within their jurisdiction. Requires that the ordinances establish a time period for review of applications received by the parishes and municipalities from cellular service providers. Additionally requires that the ordinances establish a fee schedule relative to the amounts charged for the installation of facilities.

Proposed law requires a parish or municipality to designate a person who will be responsible for receiving applications from cellular service providers. Further requires ordinances to provide that the parish or municipality has 60 days for review of an application for collocation of small wireless facilities using a preexisting structure and 90 days for review of an application for attachment of small wireless facilities using a new structure.

Proposed law provides that a parish or municipality may no longer be considered a connected ready community and the application of the cellular service provider is deemed approved if the parish or municipality fails to comply with the time period established in proposed law. Provides for the suspension of the time period if the parish or municipality is unable to review the application due to a natural disaster or other occurrence outside of the control of the parish or municipality.

Proposed law provides that ordinances that establish a fee schedule must provide that a parish or municipality can charge the following amounts:

1. Not more that $500 for non-recurring fees, including a single up-front application that includes up to five small wireless facilities.

2. An additional $100 for each additional small wireless facility beyond five, or $1000 for non-recurring fees for a new pole, not a collocation, intended to support one or more small wireless facilities.

3. $275 per small wireless facility per year for all recurring fees, including any possible right of way access fee or fee for attachment to parish or municipally owned structures in the right of way.

Proposed law provides that a parish or municipality that enacts ordinances in compliance with proposed law is deemed a connected ready community. Requires the Public Service Commission to ensure that parishes and municipalities remain compliant with proposed law. Further requires the commission to establish a website that lists all parishes and municipalities and to designate on the website if the parish or municipality is a connected ready community.

Proposed law requires the commission to provide marketing services to connected ready communities and to assign the appropriate staff to assist the designated official of the parish or municipality who is responsible for receiving applications from cellular service providers in navigating the application review process.

(Adds R.S. 33:9721)