

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

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

12 CHAPTER 50. CONNECTED READY PARISHES AND MUNICIPALITIES

13 §9721. Parishes and municipalities; small wireless facilities

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

15 B.(1) The legislature finds that access to 5G connectivity is critical to the
16 future economic growth of the state of Louisiana as such connectivity will elevate
17 the mobile network to not only interconnect people, but also interconnect and control
18 machines, objects, and devices. The legislature also finds that 5G connectivity will
19 deliver new levels of performance and efficiency that will empower new user
20 experiences and connect new industries.

1 (2) The legislature recognizes that local governments will play an important
2 role in increasing access to 5G connectivity. The legislature also recognizes the need
3 to provide regulation regarding access to such connectivity as an increasing number
4 of small wireless facilities have been installed within the jurisdictions of local
5 governments across the state of Louisiana.

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

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

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

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

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

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

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

28 (c) The time period for review shall be suspended for each day that the
29 parish or municipality is unable to review the application of a cellular service

1 provider due to a delay caused by a natural disaster, a state of emergency, a
2 mandated federal review or approval, the receipt of multiple applications by the same
3 or different applicants within a relatively short period of time, or the fault of the
4 applicant.

5 (4) Any ordinance establishing a fee schedule regarding the amounts to be
6 charged to a cellular service provider for the installation of small wireless facilities
7 shall provide as follows:

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

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

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

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

24 (b) The commission shall create and maintain a website that lists every
25 parish and municipality in the state of Louisiana and shall indicate whether the parish
26 or municipality is compliant with the provisions of this Section. This list shall be
27 easily accessible to the citizens of each parish and municipality and shall be able to
28 be embedded into the official website of the parish or municipality. This shall

1 include a parish or municipality having a specific page to link to show its status as
2 a connected ready community.

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

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

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

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

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

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

19 (3) "Small wireless facilities" means an antenna of no more than three cubic
20 feet and equipment totaling no more than twenty eight cubic feet, placed on a
21 structure that is either no more than fifty feet in height, no more than ten percent
22 taller than adjacent structures, or no more than ten percent taller than the structure's
23 preexisting height after the new antenna is placed.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 666 Original

2020 Regular Session

Mike Johnson

Abstract: Authorizes parishes and municipalities to enact ordinances to regulate the installation of small wireless facilities within their jurisdiction.

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 than \$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)