



State of Wisconsin
2017 - 2018 LEGISLATURE

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**ASSEMBLY AMENDMENT 17,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 348**

June 19, 2017 - Offered by Representative KUGLITSCH.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 6, line 3: delete “structure that” and substitute “structure in a
3 right-of-way that”.

4 **2.** Page 6, line 5: delete lines 5 to 8 and substitute:

5 “(c) The setback requirement under par. (b) for a mobile service support
6 structure on a parcel shall be measured from the lot lines of other adjacent and
7 non-adjacent parcels zoned for only single-family residential use or for which only
8 single-family residential use is a permitted use.”.

9 **3.** Page 11, line 10: delete lines 10 to 21 and substitute:

10 “(d) *Rate or fee adjustment.* 1. Except as provided in subd. 2., by the later of
11 the first day of the 7th month beginning after the effective date of this subdivision
12 [LRB inserts date], or 3 months after receiving its first request for access to the

1 right-of-way by a wireless provider, the state or a political subdivision shall make
2 available, through ordinance or otherwise, rates, fees, and terms for such access that
3 comply with this subsection.

4 2. Agreements between a wireless provider and the state or a political
5 subdivision that are in effect on the effective date of this subdivision [LRB inserts
6 date], and that relate to access to the right-of-way, remain in effect, subject to
7 applicable termination provisions, except that by the first day of the 25th month
8 beginning after the effective date of this subdivision [LRB inserts date], the state
9 or political subdivision shall amend any such agreement to comply with the rates,
10 fees, and terms required under this subsection.”.

11 **4.** Page 11, line 23: after “notwithstanding” insert “ss. 182.017 and 196.58
12 and”.

13 **5.** Page 12, line 18: after “[LRB inserts date]” insert “, and that is located in
14 the same right-of-way”.

15 **6.** Page 14, line 19: delete lines 19 to 25.

16 **7.** Page 15, line 1: delete lines 1 to 4 and substitute:

17 “d. If a permit application involves a new utility pole or wireless support
18 structure, and the state or a political subdivision fails to approve or deny the permit
19 application under this section not later than 90 days after its receipt, the applicant
20 may consider its permit application approved.

21 e. If a permit application proposes to collocate wireless facilities to an existing
22 utility pole or wireless support structure, or replace an existing utility pole or
23 wireless support structure, and the state or a political subdivision fails to approve

1 or deny the permit application under this section not later than 60 days after its
2 receipt, the applicant may consider its permit application approved.

3 f. If there is any type of construction, building, or encroachment permit
4 required by a political subdivision that relates to a permit under subd. 1. d. or e., and
5 the political subdivision fails to approve or deny that permit application within the
6 specified 60-day or 90-day time frame, the applicant may consider its permit
7 application approved.”.

8 **8.** Page 15, line 5: delete “f.” and substitute “g.”.

9 **9.** Page 15, line 14: delete “g.” and substitute “h.”.

10 **10.** Page 15, line 23: delete “h.” and substitute “i.”.

11 **11.** Page 18, line 21: delete the material beginning with “provider” and ending
12 with “196.04” on line 23 and substitute “provider. If there is a failure to agree on the
13 rate, the public service commission shall determine the compensation pursuant to
14 the procedures in s. 196.04 and the determination shall be reviewable under s.
15 196.41”.

16 **12.** Page 19, line 9: delete lines 9 to 19 and substitute:

17 “5. a. Except as provided in subd. 5. b., by the later of the first day of the 7th
18 month beginning after the effective date of this subd. 5. a. [LRB inserts date], or
19 3 months after receiving its first request to collocate a small wireless facility on a
20 governmental pole, the state or a political subdivision shall make available, through
21 ordinance or otherwise, rates, fees, and terms for the collocation of small wireless
22 facilities on governmental poles that comply with this subsection.

23 b. Agreements between a wireless provider and the state or a political
24 subdivision that are in effect on the effective date of this subd. 5. b. [LRB inserts

1 date], and that relate to the collocation of small wireless facilities in the
2 right-of-way, including the collocation of small wireless facilities on governmental
3 poles or utility poles for designated services, remain in effect, subject to applicable
4 termination provisions, except that by the first day of the 25th month beginning after
5 the effective date of this subd. 5. b. [LRB inserts date], the state or political
6 subdivision shall amend any such agreement to comply with the rates, fees, and
7 terms required under this subsection.”.

8 **13.** Page 21, line 1: after “this section” insert “, ss. 182.017 and 196.58,”.

9 **14.** Page 21, line 22: delete “A court” and substitute “Except as provided in
10 sub. (4) (a) 3., and notwithstanding ss. 182.017 (8) (a) and 196.58 (4) (a), a court”.

11 **15.** Page 22, line 19: delete lines 19 to 21 and substitute:

12 “(8) FEDERAL LAW; CONTRACTS. Nothing in this section adds to, replaces, or
13 supersedes federal laws regarding utility poles owned by investor-owned electric
14 utilities nor shall this section impose or otherwise affect any rights, controls, or
15 contractual obligations investor-owned electric utilities may establish with respect
16 to their utility poles.”.

17 (END)