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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3497

03/08/2018 Authored by O'Neill and Garofalo
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to telecommunications; limiting application fees for certain wireless facility
1.3 applications; amending Minnesota Statutes 2016, section 462.353, by adding a
1.4 subdivision; proposing coding for new law in Minnesota Statutes, chapter 394.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[394.38] FEES; WIRELESS FACILITY.**

1.7 (a) This section applies to an application to install a new or replacement wireless facility
1.8 on (1) a new or existing structure specifically designed to support wireless facilities, or (2)
1.9 a water tower, building, or other structure designed primarily for other purposes.

1.10 (b) A local government unit must limit an application fee to the actual cost incurred,
1.11 including the cost of any third-party consultant used to assist with the application review.
1.12 A local government unit is prohibited from imposing an application fee under this section
1.13 that exceeds \$3,000.

1.14 (c) For the purposes of this section, "wireless facility" means equipment at a fixed
1.15 location that enables the provision of wireless services between user equipment and a
1.16 wireless service network. Wireless facility includes an adjacent facility used to store
1.17 equipment necessary to support the wireless facility, but does not include a small wireless
1.18 facility as defined in section 237.162.

1.19 **EFFECTIVE DATE.** This section is effective the day following final enactment and
1.20 applies to an application filed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2016, section 462.353, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 4b. Fees; wireless facility. (a) This subdivision applies to an application to install
2.4 a new or replacement wireless facility on (1) a new or existing structure specifically designed
2.5 to support wireless facilities, or (2) a water tower, building, or other structure designed
2.6 primarily for other purposes.

2.7 (b) A local government unit must limit an application fee to the actual cost incurred,
2.8 including the cost of any third-party consultant used to assist with the application review.
2.9 A local government unit is prohibited from imposing an application fee under this subdivision
2.10 that exceeds \$3,000.

2.11 (c) For the purposes of this section, "wireless facility" means equipment at a fixed
2.12 location that enables the provision of wireless services between user equipment and a
2.13 wireless service network. Wireless facility includes an adjacent facility used to store
2.14 equipment necessary to support the wireless facility, but does not include a small wireless
2.15 facility as defined in section 237.162.

2.16 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.17 applies to an application filed on or after that date.