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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3554**

03/23/2016 Authored by Sanders

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

04/04/2016 Adoption of Report: Amended and re-referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to telecommunications; adding wireless communications service
1.3 provider to the statute allowing use of public roads by other utilities; establishing
1.4 a task force to study and make recommendations on deployment of small wireless
1.5 telecommunications facilities; requiring a report; amending Minnesota Statutes
1.6 2014, section 222.37, subdivision 1.

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

1.8 Section 1. Minnesota Statutes 2014, section 222.37, subdivision 1, is amended to read:

1.9 Subdivision 1. **Use requirements.** Any water power, telegraph, telephone, wireless
1.10 communications service provider, pneumatic tube, pipeline, community antenna television,
1.11 cable communications or electric light, heat, power company, or fire department may use
1.12 public roads for the purpose of constructing, using, operating, and maintaining lines,
1.13 subways, canals, conduits, hydrants, or dry hydrants, for their business, but such lines shall
1.14 be so located as in no way to interfere with the safety and convenience of ordinary travel
1.15 along or over the same; and, in the construction and maintenance of such line, subway,
1.16 canal, conduit, hydrants, or dry hydrants, the company shall be subject to all reasonable
1.17 regulations imposed by the governing body of any county, town or city in which such
1.18 public road may be. If the governing body does not require the company to obtain a permit,
1.19 a company shall notify the governing body of any county, town, or city having jurisdiction
1.20 over a public road prior to the construction or major repair, involving extensive excavation
1.21 on the road right-of-way, of the company's equipment along, over, or under the public
1.22 road, unless the governing body waives the notice requirement. A waiver of the notice
1.23 requirement must be renewed on an annual basis. For emergency repair a company shall
1.24 notify the governing body as soon as practical after the repair is made. Nothing herein shall
1.25 be construed to grant to any person any rights for the maintenance of a telegraph, telephone,

2.1 pneumatic tube, community antenna television system, cable communications system, or
2.2 light, heat, power system, or hydrant system within the corporate limits of any city until
2.3 such person shall have obtained the right to maintain such system within such city or for a
2.4 period beyond that for which the right to operate such system is granted by such city.

2.5 Sec. 2. **TASK FORCE ON DEPLOYMENT OF SMALL WIRELESS**
2.6 **TELECOMMUNICATIONS FACILITIES.**

2.7 Subdivision 1. **Purpose; task force established.** In order to promote statewide
2.8 access to wireless telecommunications and ensure orderly deployment of wireless
2.9 telecommunication facilities subject to consistent and fair local regulations and
2.10 appropriate fee structures, a task force is established to study the needs of the state and
2.11 make recommendations to the legislature.

2.12 Subd. 2. **Members.** The task force consists of 11 voting members, appointed as
2.13 follows:

2.14 (1) two members appointed by the League of Minnesota Cities, one member
2.15 appointed by the Association of Minnesota Counties, and one member appointed by
2.16 the Minnesota Association of Townships;

2.17 (2) two members of the public, one member appointed by the senate Subcommittee
2.18 on Committees of the Committee on Rules and Administration and one member appointed
2.19 by the speaker of the house. Appointments under this clause must be made as provided in
2.20 Minnesota Statutes, section 15.0597, to the extent applicable;

2.21 (3) four members representing wireless telecommunications service providers, two
2.22 members appointed by the senate Subcommittee on Committees of the Committee on
2.23 Rules and Administration and two members appointed by the speaker of the house; and

2.24 (4) one member appointed by the commissioner of commerce to serve as chair.

2.25 Appointments must be made as soon as practicable after the effective date of this section.

2.26 Subd. 3. **Authority; duties.** Among any other topics that the task force determines
2.27 are useful for informing its understanding of the needs of local governments and wireless
2.28 telecommunications service providers, and for informing its recommendations for
2.29 development of a robust wireless telecommunications network statewide, the task force
2.30 shall study and identify:

2.31 (1) the concerns and needs of local governments, municipal utilities, and wireless
2.32 telecommunications providers;

2.33 (2) the goals of the state to ensure all areas of the state and all residents have access
2.34 to wireless telecommunications networks that meet residents' needs, and the obstacles
2.35 to achieving those goals;

3.1 (3) the best practices and protocols for local governments' timely consideration and
3.2 approval of applications by wireless telecommunications providers for equipment and
3.3 facilities placements; and

3.4 (4) what changes in law will implement the best practices and protocols to achieve
3.5 the goals while addressing the concerns and needs of local governments.

3.6 Subd. 4. **Open meetings; staff.** Meetings of the task force are subject to Minnesota
3.7 Statutes, chapter 13D. The commissioner of commerce shall provide meeting space and
3.8 administrative support to the task force as requested, including posting meeting notices
3.9 on the agency's Web site.

3.10 Subd. 5. **Report.** The task force shall report the results of its study to the chairs
3.11 and ranking minority members of the legislative committees with jurisdiction over local
3.12 government powers and duties, and telecommunications, and to the governor, by January
3.13 15, 2017. The report may be in the form of proposed legislation.

3.14 Subd. 6. **No compensation.** Members of the task force shall not receive
3.15 compensation.

3.16 Subd. 7. **Expiration.** The task force expires June 30, 2017.

3.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.