

1.1 moves to amend S.F. No. 1456, the delete everything amendment
1.2 (A17-0497), as follows:

1.3 Page 4, line 16, delete "2018" and insert "2020"

1.4 Page 9, line 28, "six" and insert "four"

1.5 Page 9, delete lines 32 to 33 and insert "a decline in walleye fishing on Lake Mille Lacs."

1.6 Page 12, line 8, delete "\$2,289,000" and insert "\$1,539,000"

1.7 Page 12, line 21, delete "\$5,039,000" and insert "\$4,039,000"

1.8 Page 12, after line 21, insert:

1.9 "(f) \$750,000 each year is for a competitive
1.10 grant program to provide grants to
1.11 organizations that provide support services for
1.12 individuals, such as job training, employment
1.13 preparation, internships, job assistance to
1.14 fathers, financial literacy, academic and
1.15 behavioral interventions for low-performing
1.16 students, and youth intervention. Grants made
1.17 under this section must focus on low-income
1.18 communities, young adults from families with
1.19 a history of intergenerational poverty, and
1.20 communities of color. Of this amount, up to
1.21 four percent is for administration and
1.22 monitoring of the program. In fiscal year 2020
1.23 and beyond, the base amount is \$1,000,000."

1.24 Reletter the paragraphs in sequence

2.1 Page 20, line 22, delete ", through the adult"

2.2 Page 20, line 23, delete "career pathways program,"

2.3 Page 21, after line 34, insert:

2.4 "(jj) In calendar year 2017, the public utility
2.5 subject to Minnesota Statutes, section
2.6 116C.779, must withhold \$1,000,000 from the
2.7 funds required to fulfill its financial
2.8 commitments under Minnesota Statutes,
2.9 section 116C.779, subdivision 1, and pay such
2.10 amounts to the commissioner of employment
2.11 and economic development for deposit in the
2.12 Minnesota 21st century fund under Minnesota
2.13 Statutes, section 116J.423."

2.14 Page 27, delete lines 19 to 26

2.15 Page 27, line 28, before "This" insert "(a)"

2.16 Page 27, after line 31, insert:

2.17 "(b) \$1,750,000 in fiscal year 2018 is for the
2.18 rental assistance to highly mobile students
2.19 program under Minnesota Statutes, section
2.20 462A.201, subdivision 2, paragraph (a), clause
2.21 (4)."

2.22 Page 28, line 9, before "This" insert "(a)"

2.23 Page 28, after line 11, insert:

2.24 "(b) \$250,000 in fiscal year 2018 is for grants
2.25 to programs under Minnesota Statutes, section
2.26 462A.204, subdivision 8."

2.27 Page 35, delete lines 4 to 5 and insert

2.28 "(a) \$384,000 each year is for additional
2.29 compliance efforts with unclaimed property.
2.30 The commissioner may issue contracts for
2.31 these services."

2.32 Page 55, delete section 15

3.1 Page 57, after line 12, insert:

3.2 "Section 1. Minnesota Statutes 2016, section 176.135, is amended by adding a subdivision
3.3 to read:

3.4 **Subd. 9. Designated contact person and required training related to submission**
3.5 **and payment of medical bills.** (a) For purposes of this subdivision:

3.6 (1) "clearinghouse" means a health care clearinghouse as defined in section 62J.51,
3.7 subdivision 11a, that receives or transmits workers' compensation electronic transactions
3.8 as described in section 62J.536;

3.9 (2) "department" means the Department of Labor and Industry;

3.10 (3) "hospital" means a hospital licensed in this state;

3.11 (4) "payer" means:

3.12 (i) a workers' compensation insurer;

3.13 (ii) an employer, or group of employers, authorized to self-insure for workers'
3.14 compensation liability; and

3.15 (iii) a third-party administrator licensed by the Department of Commerce under section
3.16 60A.23, subdivision 8, to pay or review workers' compensation medical bills under this
3.17 chapter; and

3.18 (5) "submission or payment of medical bills" includes the submission, transmission,
3.19 receipt, acceptance, response, adjustment, and payment of medical bills under this chapter.

3.20 (b) Effective November 1, 2017, each payer, hospital, and clearinghouse must provide
3.21 the department with the name and contact information of a designated employee to answer
3.22 inquiries related to the submission or payment of medical bills. Payers, hospitals, and
3.23 clearinghouses must provide the department with the name of a new designated employee
3.24 within 14 days after the previously designated employee is no longer employed or becomes
3.25 unavailable for more than 30 days. The name and contact information of the designated
3.26 employee must be provided on forms and at intervals prescribed by the department. The
3.27 department must post a directory of the designated employees on the department's Web site.

3.28 (c) The designated employee under paragraph (b) must:

3.29 (1) complete training, provided by the department, about submission or payment of
3.30 medical bills; and

4.1 (2) respond within 30 days to written department inquiries related to submission or
4.2 payment of medical bills.

4.3 The training requirement in clause (1) does not apply to a payer that has not received any
4.4 workers' compensation medical bills in the 12 months before the training becomes available.

4.5 (d) The commissioner may assess penalties, payable to the assigned risk safety account,
4.6 against payers, hospitals, and clearinghouses for violation of this subdivision as provided
4.7 in clauses (1) to (3):

4.8 (1) for failure to comply with the requirements in paragraph (b), the commissioner may
4.9 assess a penalty of \$50 for each day of noncompliance after the department has provided
4.10 the noncompliant payer, clearinghouse, or hospital with a 30-day written warning;

4.11 (2) for failure of the designated employee to complete training under paragraph (c),
4.12 clause (1), within 90 days after the department has notified a payer, clearinghouse, or
4.13 hospital's designated employee that required training is available, the commissioner may
4.14 assess a penalty of \$3,000;

4.15 (3) for failure to respond within 30 days to a department inquiry related to submission
4.16 or payment of medical bills under paragraph (c), clause (2), the commissioner may assess
4.17 a penalty of \$3,000. The commissioner shall not assess a penalty under both this clause and
4.18 section 176.194, subdivision 3, clause (6), for failure to respond to the same department
4.19 inquiry.

4.20 **EFFECTIVE DATE.** This section is effective October 1, 2017.

4.21 Sec. 2. Minnesota Statutes 2016, section 176.1362, subdivision 1, is amended to read:

4.22 Subdivision 1. **Payment based on Medicare MS-DRG system.** (a) Except as provided
4.23 in subdivisions 2 and 3, the maximum reimbursement for inpatient hospital services, articles,
4.24 and supplies is 200 percent of the amount calculated for each hospital under the federal
4.25 Inpatient Prospective Payment System developed for Medicare, using the inpatient Medicare
4.26 PC-Pricer program for the applicable MS-DRG as provided in ~~paragraph (b)~~ this subdivision.
4.27 All adjustments included in the PC-Pricer program are included in the amount calculated,
4.28 including but not limited to any outlier payments.

4.29 (b) Payment under this section is effective for services, articles, and supplies provided
4.30 to patients discharged from the hospital on or after January 1, 2016. Payment for services,
4.31 articles, and supplies provided to patients discharged on January 1, 2016, through December
4.32 31, 2016, must be based on the Medicare PC-Pricer program in effect on January 1, 2016.

5.1 (c) For patients discharged on or after the effective date of this section, payment for
 5.2 inpatient services, articles, and supplies for patients discharged in each calendar year
 5.3 thereafter must be based on calculated according to the PC-Pricer program in effect on
 5.4 January 1 of the year of discharge identified on Medicare's Web site as FY 2016.1, updated
 5.5 on January 19, 2016.

5.6 (d) For patients discharged on or after October 1, 2017, payment for inpatient services,
 5.7 articles, and supplies must be calculated according to the PC-Pricer program posted on the
 5.8 Department of Labor and Industry's Web site as follows:

5.9 (1) No later than October 1, 2017, and October 1 of each subsequent year, the
 5.10 commissioner must post on the department's Web site the version of the PC-Pricer program
 5.11 that is most recently available on Medicare's Web site as of the preceding July 1. If no
 5.12 PC-Pricer program is available on the Medicare Web site on any July 1, the PC-Pricer
 5.13 program most recently posted on the department's Web site remains in effect.

5.14 (2) The commissioner must publish notice of the applicable PC-Pricer program in the
 5.15 State Register no later than October 1 of each year.

5.16 (e) The MS-DRG grouper software or program that corresponds to the applicable version
 5.17 of the PC-Pricer program must be used to determine payment under this subdivision.

5.18 ~~(e)~~ (f) Hospitals must bill workers' compensation insurers using the same codes, formats,
 5.19 and details that are required for billing for hospital inpatient services by the Medicare
 5.20 program. The bill must be submitted to the insurer within the time period required by section
 5.21 62Q.75, subdivision 3. For purposes of this section, "insurer" includes both workers'
 5.22 compensation insurers and self-insured employers.

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

5.24 Sec. 3. Minnesota Statutes 2016, section 176.1362, subdivision 2, is amended to read:

5.25 Subd. 2. **Payment for catastrophic, high-cost injuries.** (a) If the hospital's total usual
 5.26 and customary charges for services, articles, and supplies for a patient's hospitalization
 5.27 exceed a threshold of \$175,000, annually adjusted as provided in paragraph (b),
 5.28 reimbursement must not be based on the MS-DRG system, but must instead be paid at 75
 5.29 percent of the hospital's usual and customary charges. The threshold amount in effect on
 5.30 the date of discharge determines the applicability of this paragraph.

5.31 ~~(b) Beginning On~~ On January 1, 2017, and each January 1 thereafter, the commissioner
 5.32 must adjust the previous year's threshold by the percent change in average total charges per
 5.33 inpatient case, using data available as of October 1 for non-Critical Access Hospitals from

6.1 the Health Care Cost Information System maintained by the Department of Health pursuant
 6.2 to chapter 144. Beginning October 1, 2017, and each October 1 thereafter, the commissioner
 6.3 must adjust the previous threshold using the data available as of the preceding July 1. The
 6.4 commissioner must ~~annually~~ publish notice of the updated threshold in the State Register.

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

6.6 Sec. 4. Minnesota Statutes 2016, section 176.275, subdivision 1, is amended to read:

6.7 Subdivision 1. **Filing.** If a document is required to be filed by this chapter or any rules
 6.8 adopted pursuant to authority granted by this chapter, the filing shall be completed by the
 6.9 receipt of the document at the division, department, office, or the court of appeals. The
 6.10 division, department, office, and the court of appeals shall accept any document which has
 6.11 been delivered to it for legal filing, but may refuse to accept any form or document that
 6.12 lacks ~~the name of the injured employee, employer, or insurer, the date of injury, or the~~
 6.13 ~~injured employee's Social Security number~~ information required by statute or rule. The
 6.14 division, department, office, and court of appeals are not required to maintain, and may
 6.15 destroy, a duplicate of a form or document that has already been filed. If a workers'
 6.16 compensation identification number has been assigned by the department, it may be
 6.17 substituted for the Social Security number on a form or document. If the injured employee
 6.18 has fewer than three days of lost time from work, the party submitting the required document
 6.19 must attach to it, at the time of filing, a copy of the first report of injury.

6.20 A notice or other document required to be served or filed at either the department, the
 6.21 office, or the court of appeals which is inadvertently served or filed at the wrong one of
 6.22 these agencies shall be deemed to have been served or filed with the proper agency. The
 6.23 receiving agency shall note the date of receipt of a document and shall forward the documents
 6.24 to the proper agency no later than two working days following receipt.

6.25 Sec. 5. Minnesota Statutes 2016, section 176.285, is amended to read:

6.26 **176.285 SERVICE OF PAPERS AND NOTICES; ELECTRONIC FILING.**

6.27 Subdivision 1. **Service by mail.** Service of papers and notices shall be by mail or
 6.28 otherwise as the commissioner or the chief administrative law judge may by rule direct.
 6.29 Where service is by mail, service is effected at the time mailed if properly addressed and
 6.30 stamped. If it is so mailed, it is presumed the paper or notice reached the party to be served.
 6.31 However, a party may show by competent evidence that that party did not receive it or that
 6.32 it had been delayed in transit for an unusual or unreasonable period of time. In case of

7.1 nonreceipt or delay, an allowance shall be made for the party's failure to assert a right within
7.2 the prescribed time.

7.3 Subd. 2. **Electronic service and filing.** (a) Where a statute or rule authorizes or requires
7.4 a document to be filed with or served on an agency, the document may be filed electronically
7.5 if electronic filing is authorized by the agency and if the document is transmitted in the
7.6 manner and in the format specified by the agency. If electronic filing of a document is
7.7 authorized by the agency and a statute or rule requires a copy of the document to be provided
7.8 or served on another person or party, the document filed electronically with the agency and
7.9 provided or served on the other person or party must contain the same information in the
7.10 format required by the commissioner.

7.11 (b) Where a statute or rule authorizes or requires a person's signature on a document to
7.12 be filed with or served on an agency, the signature may be an electronic signature, as defined
7.13 by section 325L.02, or transmitted electronically, if authorized by the agency and if the
7.14 signature is transmitted in the manner and format specified by the agency. The commissioner
7.15 may require that a document authorized or required to be filed with the commissioner,
7.16 department, or division be filed electronically in the manner and format specified by the
7.17 commissioner, except that an employee must not be required to file a document electronically
7.18 unless the document is filed by an attorney on behalf of an employee. ~~An agency may serve~~
7.19 ~~a document electronically if the recipient agrees to receive it in an electronic format.~~ The
7.20 department or court may adopt rules for the certification of signatures.

7.21 (c) An agency may serve a document electronically on a payer, rehabilitation provider,
7.22 or attorney. An agency may serve a document on any other party if the recipient agrees to
7.23 receive it in an electronic format. The date of electronic service of a document is the date
7.24 the recipient is sent a document electronically, or the date the recipient is notified that the
7.25 document is available on a Web site, whichever occurs first.

7.26 (d) When the electronic filing of a legal document with the department marks the
7.27 beginning of a prescribed time for another party to assert a right, the prescribed time for
7.28 another party to assert a right shall be lengthened by two calendar days when it can be shown
7.29 that service to the other party was by mail.

7.30 Subd. 3. **Proof of service.** The commissioner and the chief administrative law judge
7.31 shall ensure that proof of service of all papers and notices served by their respective agencies
7.32 is placed in the official file of the case.

7.33 Subd. 4. **Definitions; applicability.** (a) For purposes of this section, "agency" means
7.34 the workers' compensation division, the Department of Labor and Industry, the commissioner

8.1 of the Department of Labor and Industry, the Office of Administrative Hearings, the chief
 8.2 administrative law judge, or the Workers' Compensation Court of Appeals. "Document"
 8.3 includes documents, reports, notices, orders, papers, forms, information, and data elements
 8.4 that are authorized or required to be filed with an agency or the commissioner or that are
 8.5 authorized or required to be served on or by an agency or the commissioner. "Payer" means
 8.6 a workers' compensation insurer, self-insurer employer, or third-party administrator.

8.7 (b) Except as otherwise modified by this section, the provisions of chapter 325L apply
 8.8 to electronic signatures and the electronic transmission of documents under this section."

8.9 Page 89, after line 16, insert:

8.10 "Sec. 18. Laws 2015, First Special Session chapter 1, article 1, section 2, subdivision 6,
 8.11 is amended to read:

8.12 **Subd. 6. Vocational Rehabilitation**

8.13	Appropriations by Fund		
8.14	General	22,611,000	21,611,000
8.15	Workforce		
8.16	Development	7,830,000	7,830,000

8.17 (a) \$10,800,000 each year is from the general
 8.18 fund for the state's vocational rehabilitation
 8.19 program under Minnesota Statutes, chapter
 8.20 268A.

8.21 (b) \$2,261,000 each year is from the general
 8.22 fund for grants to centers for independent
 8.23 living under Minnesota Statutes, section
 8.24 268A.11.

8.25 (c) \$5,745,000 each year from the general fund
 8.26 and \$6,830,000 each year from the workforce
 8.27 development fund are for extended
 8.28 employment services for persons with severe
 8.29 disabilities under Minnesota Statutes, section
 8.30 268A.15.

8.31 (d) \$250,000 in fiscal year 2016 and \$250,000
 8.32 in fiscal year 2017 are for rate increases to
 8.33 providers of extended employment services
 8.34 for persons with severe disabilities under

9.1 Minnesota Statutes, section 268A.15. This
9.2 appropriation is added to the agency's base.

9.3 (e) \$2,555,000 each year is from the general
9.4 fund for grants to programs that provide
9.5 employment support services to persons with
9.6 mental illness under Minnesota Statutes,
9.7 sections 268A.13 and 268A.14.

9.8 (f) \$1,000,000 each year is from the workforce
9.9 development fund for grants under Minnesota
9.10 Statutes, section 268A.16, for employment
9.11 services for persons, including transition-aged
9.12 youth, who are deaf, deafblind, or
9.13 hard-of-hearing. If the amount in the first year
9.14 is insufficient, the amount in the second year
9.15 is available in the first year.

9.16 (g) \$1,000,000 in fiscal year 2016 is for a
9.17 grant to Assistive Technology of Minnesota,
9.18 a statewide nonprofit organization that is
9.19 exclusively dedicated to the issues of access
9.20 to and the acquisition of assistive technology.
9.21 ~~The purpose of the grant is to acquire assistive~~
9.22 ~~technology and to work in tandem with~~
9.23 ~~individuals using this technology to create~~
9.24 ~~career paths~~ Assistive Technology of
9.25 Minnesota must use the funds to provide
9.26 low-interest loans to individuals of all ages
9.27 and types of disabilities to purchase assistive
9.28 technology and employment-related
9.29 equipment. This is a onetime appropriation
9.30 and is available until June 30, 2019.

9.31 (h) For purposes of this subdivision,
9.32 Minnesota Diversified Industries, Inc. is an
9.33 eligible provider of services for persons with
9.34 severe disabilities under Minnesota Statutes,
9.35 section 268A.15.

10.1 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2015."

10.2 Page 94, after line 8, insert:

10.3 "Sec. 27. **USE OF UNALLOCATED FUNDS.**

10.4 (a) Notwithstanding Minnesota Statutes, sections 116L.05, subdivision 5, and 116L.20,
 10.5 subdivision 2, in fiscal years 2018 and 2019 only, the unallocated workforce development
 10.6 funds appropriated to the Job Skills Partnership Board under Minnesota Statutes, section
 10.7 116L.20, subdivision 2, paragraph (b), may be used for other job creation and economic
 10.8 enhancement opportunities in Minnesota at the discretion of the commissioner.

10.9 (b) Notwithstanding Minnesota Statutes, section 116J.8731, in fiscal years 2018 and
 10.10 2019 only, funds appropriated to the commissioner for the Minnesota investment fund may
 10.11 be used for other job creation and economic enhancement opportunities in Minnesota at the
 10.12 discretion of the commissioner. Grants under this paragraph are not subject to the grant
 10.13 amount limitation under Minnesota Statutes, section 116J.8731.

10.14 (c) Notwithstanding Minnesota Statutes, section 116J.748, in fiscal years 2018 and 2019
 10.15 only, funds appropriated to the commissioner for the job creation fund may be used for
 10.16 other job creation and economic enhancement opportunities in Minnesota at the discretion
 10.17 of the commissioner."

10.18 Page 134, after line 9, insert:

10.19 "Sec. 2. Minnesota Statutes 2016, section 46.131, subdivision 7, is amended to read:

10.20 Subd. 7. **Fiscal year assessments.** Such assessments shall be levied on July 1, 1965,
 10.21 and ~~at~~ prior to the beginning of each fiscal period beginning July 1 and ending June 30
 10.22 thereafter, and shall be based on the total estimated expense as herein referred to during
 10.23 such period. Assessment revenue will be remitted to the commissioner for deposit in the
 10.24 financial institutions account on or before July 1 of each year.

10.25 Sec. 3. Minnesota Statutes 2016, section 46.131, is amended by adding a subdivision to
 10.26 read:

10.27 Subd. 11. **Financial institutions account; appropriation.** (a) The financial institutions
 10.28 account is created as a separate account in the special revenue fund. The account consists
 10.29 of funds received from assessments under subdivision 7 and examination fees under
 10.30 subdivision 8. Earnings, including interest, dividends, and any other earnings arising from
 10.31 account assets, must be credited to the account.

10.32 (b) Funds in the account are annually appropriated to the commissioner of commerce
 10.33 for activities under this section.

11.1 **EFFECTIVE DATE.** This section is effective July 1, 2017."

11.2 Page 135, after line 30, insert:

11.3 "Sec. 5. **[72A.328] AFFINITY GROUP.**

11.4 **Subdivision 1. Definitions.** (a) For purposes of this section the following terms have
11.5 the meanings given.

11.6 (b) "Affinity program" means a group of individuals who are members of an entity that
11.7 offers individuals benefits based on their membership in that entity. Affinity program does
11.8 not include an entity that obtains group insurance, as defined in section 60A.02, subdivision
11.9 28, or risk retention groups as defined in section 60E.02, subdivision 12.

11.10 (c) "Policy" means an individually underwritten policy of private passenger vehicle
11.11 insurance, as defined in section 65B.001, subdivision 2, or an individually underwritten
11.12 policy of homeowner's insurance, as defined in section 65A.27, subdivision 4.

11.13 **Subd. 2. Discount.** An insurance company may offer an individual a discount or other
11.14 benefit relating to a policy based on the individual's membership in an affinity program if:

11.15 (1) the benefit or discount is based on an actuarial justification; and

11.16 (2) the insurance company offers the benefit or discount to all members of the affinity
11.17 program eligible for the discount or benefit.

11.18 Sec. 6. Minnesota Statutes 2016, section 80A.61, is amended to read:

11.19 **80A.61 SECTION 406; REGISTRATION BY BROKER-DEALER, AGENT,**
11.20 **FUNDING PORTAL, INVESTMENT ADVISER, AND INVESTMENT ADVISER**
11.21 **REPRESENTATIVE.**

11.22 **(a) Application for initial registration by broker-dealer, agent, ~~or~~ investment adviser,**
11.23 **or investment adviser representative.** A person shall register as a broker-dealer, agent,
11.24 ~~or investment adviser,~~ or investment adviser representative by filing an application and a
11.25 consent to service of process complying with section 80A.88, and paying the fee specified
11.26 in section 80A.65 and any reasonable fees charged by the designee of the administrator for
11.27 processing the filing. The application must contain:

11.28 (1) the information or record required for the filing of a uniform application; and

11.29 (2) upon request by the administrator, any other financial or other information or record
11.30 that the administrator determines is appropriate.

12.1 (b) **Amendment.** If the information or record contained in an application filed under
12.2 subsection (a) is or becomes inaccurate or incomplete in a material respect, the registrant
12.3 shall promptly file a correcting amendment.

12.4 (c) **Effectiveness of registration.** If an order is not in effect and a proceeding is not
12.5 pending under section 80A.67, registration becomes effective at noon on the 45th day after
12.6 a completed application is filed, unless the registration is denied. A rule adopted or order
12.7 issued under this chapter may set an earlier effective date or may defer the effective date
12.8 until noon on the 45th day after the filing of any amendment completing the application.

12.9 (d) **Registration renewal.** A registration is effective until midnight on December 31 of
12.10 the year for which the application for registration is filed. Unless an order is in effect under
12.11 section 80A.67, a registration may be automatically renewed each year by filing such records
12.12 as are required by rule adopted or order issued under this chapter, by paying the fee specified
12.13 in section 80A.65, and by paying costs charged by the designee of the administrator for
12.14 processing the filings.

12.15 (e) **Additional conditions or waivers.** A rule adopted or order issued under this chapter
12.16 may impose such other conditions, not inconsistent with the National Securities Markets
12.17 Improvement Act of 1996. An order issued under this chapter may waive, in whole or in
12.18 part, specific requirements in connection with registration as are in the public interest and
12.19 for the protection of investors.

12.20 (f) **Funding portal registration.** A funding portal that has its principal place of business
12.21 in the state of Minnesota shall register with the state of Minnesota by filing with the
12.22 administrator a copy of the information or record required for the filing of an application
12.23 for registration as a funding portal in the manner established by the Securities and Exchange
12.24 Commission and/or the Financial Institutions Regulatory Authority (FINRA), along with
12.25 any rule adopted or order issued, and any amendments thereto.

12.26 (g) **Application for investment adviser representative registration.**

12.27 (1) The application for initial registration as an investment adviser representative pursuant
12.28 to section 80A.58 is made by completing Form U-4 (Uniform Application for Securities
12.29 Industry Registration or Transfer) in accordance with the form instructions and by filing
12.30 the form U-4 with the IARD. The application for initial registration must also include the
12.31 following:

12.32 (i) proof of compliance by the investment adviser representative with the examination
12.33 requirements of:

13.1 (A) the Uniform Investment Adviser Law Examination (Series 65); or

13.2 (B) the General Securities Representative Examination (Series 7) and the Uniform
13.3 Combined State Law Examination (Series 66);

13.4 (ii) any other information the administrator may reasonably require.

13.5 (2) The application for the annual renewal registration as an investment adviser
13.6 representative shall be filed with the IARD.

13.7 (3)(i) The investment adviser representative is under a continuing obligation to update
13.8 information required by Form U-4 as changes occur;

13.9 (ii) An investment adviser representative and the investment adviser must file promptly
13.10 with the IARD any amendments to the representative's Form U-4; and

13.11 (iii) An amendment will be considered to be filed promptly if the amendment is filed
13.12 within 30 days of the event that requires the filing of the amendment.

13.13 (4) An application for initial or renewal of registration is not considered filed for purposes
13.14 of section 80A.58 until the required fee and all required submissions have been received
13.15 by the administrator.

13.16 (5) The application for withdrawal of registration as an investment adviser representative
13.17 pursuant to section 80A.58 shall be completed by following the instructions on Form U-5
13.18 (Uniform Termination Notice for Securities Industry Registration) and filed upon Form U-5
13.19 with the IARD.

13.20 Sec. 7. Minnesota Statutes 2016, section 80A.65, subdivision 2, is amended to read:

13.21 Subd. 2. **Registration application and renewal filing fee.** Every applicant for an initial
13.22 or renewal registration shall pay a filing fee of \$200 in the case of a broker-dealer, ~~\$50~~ \$65
13.23 in the case of an agent, ~~and \$100 in the case of an investment adviser, and \$50 in the case~~
13.24 of an investment adviser representative. When an application is denied or withdrawn, the
13.25 filing fee shall be retained. A registered agent who has terminated employment with one
13.26 broker-dealer shall, before beginning employment with another broker-dealer, pay a transfer
13.27 fee of \$25.

13.28 Sec. 8. Minnesota Statutes 2016, section 216B.62, subdivision 3b, is amended to read:

13.29 Subd. 3b. **Assessment for department regional and national duties.** In addition to
13.30 other assessments in subdivision 3, the department may assess up to ~~\$1,000,000~~ \$500,000
13.31 per fiscal year for performing its duties under section 216A.07, subdivision 3a. The amount

14.1 in this subdivision shall be assessed to energy utilities in proportion to their respective gross
 14.2 operating revenues from retail sales of gas or electric service within the state during the last
 14.3 calendar year and shall be deposited into an account in the special revenue fund and is
 14.4 appropriated to the commissioner of commerce for the purposes of section 216A.07,
 14.5 subdivision 3a. An assessment made under this subdivision is not subject to the cap on
 14.6 assessments provided in subdivision 3 or any other law. For the purpose of this subdivision,
 14.7 an "energy utility" means public utilities, generation and transmission cooperative electric
 14.8 associations, and municipal power agencies providing natural gas or electric service in the
 14.9 state. This subdivision expires June 30, ~~2017~~ 2018."

14.10 Page 137, line 14, delete "July 1, 2017" and insert "January 1, 2018"

14.11 Page 137, line 23, delete "the day following final enactment" and insert "January 1,
 14.12 2018"

14.13 Page 138, after line 27, insert:

14.14 **"ARTICLE 9**

14.15 **TELECOMMUNICATIONS**

14.16 Section 1. Minnesota Statutes 2016, section 237.162, subdivision 2, is amended to read:

14.17 Subd. 2. **Local government unit.** "Local government unit" means a county, home rule
 14.18 charter or statutory city, ~~or town,~~ or the Metropolitan Council.

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

14.20 Sec. 2. Minnesota Statutes 2016, section 237.162, subdivision 4, is amended to read:

14.21 Subd. 4. **Telecommunications right-of-way user.** (a) "Telecommunications right-of-way
 14.22 user" means a person owning or controlling a facility in the public right-of-way, or seeking
 14.23 to own or control a facility in the public right-of-way, that is used or is intended to be used
 14.24 for providing wireless service, or transporting telecommunications or other voice or data
 14.25 information.

14.26 (b) A cable communication system defined and regulated under chapter 238, and
 14.27 telecommunications activities related to providing natural gas or electric energy services
 14.28 ~~whether provided by,~~ a public utility as defined in section 216B.02, a municipality, a
 14.29 municipal gas or power agency organized under chapter 453 or 453A, or a cooperative
 14.30 electric association organized under chapter 308A, are not telecommunications right-of-way
 14.31 users for the purposes of this section and section 237.163, except to the extent these entities
 14.32 are offering wireless services.

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

15.2 Sec. 3. Minnesota Statutes 2016, section 237.162, subdivision 9, is amended to read:

15.3 Subd. 9. **Management costs or rights-of-way management costs.** (a) "Management
15.4 costs" or "rights-of-way management costs" means the actual costs a local government unit
15.5 incurs in managing its public rights-of-way, and includes such costs, if incurred, as those
15.6 associated with registering applicants; issuing, processing, and verifying right-of-way or
15.7 small wireless facility permit applications; inspecting job sites and restoration projects;
15.8 maintaining, supporting, protecting, or moving user equipment during public right-of-way
15.9 work; determining the adequacy of right-of-way restoration; restoring work inadequately
15.10 performed after providing notice and the opportunity to correct the work; and revoking
15.11 right-of-way or small wireless facility permits.

15.12 (b) Management costs do not include:

15.13 (1) payment by a telecommunications right-of-way user for the use of the public
15.14 right-of-way;

15.15 (2) unreasonable fees of a third-party contractor used by a local government unit as part
15.16 of managing its public rights-of-way, including but not limited to any third-party contractor
15.17 fee tied to or based upon customer counts, access lines, revenue generated by the
15.18 telecommunications right-of-way user, or revenue generated for a local government unit;
15.19 or

15.20 (3) the fees and cost of litigation relating to the interpretation of this section or section
15.21 237.163 or any ordinance enacted under those sections, or the local unit of government's
15.22 fees and costs related to appeals taken pursuant to section 237.163, subdivision 5.

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

15.24 Sec. 4. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
15.25 read:

15.26 Subd. 10. **Collocate.** "Collocate" or "collocation" means to install, mount, maintain,
15.27 modify, operate, or replace a small wireless facility on, under, within, or adjacent to an
15.28 existing wireless support structure that is owned privately or by a local government unit.

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

16.1 Sec. 5. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
16.2 read:

16.3 Subd. 11. **Small wireless facility.** "Small wireless facility" means:

16.4 (1) a wireless facility that meets both of the following qualifications:

16.5 (i) each antenna is located inside an enclosure of no more than six cubic feet in volume
16.6 or, in the case of an antenna that has exposed elements, the antenna and all its exposed
16.7 elements could fit within an enclosure of no more than six cubic feet; and

16.8 (ii) all other wireless equipment associated with the small wireless facility, excluding
16.9 electric meters, concealment elements, telecommunications demarcation boxes, battery
16.10 backup power systems, grounding equipment, power transfer switches, cutoff switches,
16.11 cable, conduit, vertical cable runs for the connection of power and other services, and any
16.12 equipment concealed from public view within or behind an existing structure or concealment,
16.13 is in aggregate no more than 28 cubic feet in volume; or

16.14 (2) a micro wireless facility.

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

16.16 Sec. 6. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
16.17 read:

16.18 Subd. 12. **Utility pole.** "Utility pole" means a pole that is used in whole or in part to
16.19 facilitate telecommunications or electric service.

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

16.21 Sec. 7. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
16.22 read:

16.23 Subd. 13. **Wireless facility.** (a) "Wireless facility" means equipment at a fixed location
16.24 that enables the provision of wireless services between user equipment and a wireless service
16.25 network, including:

16.26 (1) equipment associated with wireless service;

16.27 (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power
16.28 supplies, and comparable equipment, regardless of technological configuration; and

16.29 (3) a small wireless facility.

16.30 (b) "Wireless facility" does not include:

17.1 (1) wireless support structures;

17.2 (2) wireline backhaul facilities; or

17.3 (3) coaxial or fiber-optic cables (i) between utility poles or wireless support structures,
17.4 or (ii) that are not otherwise immediately adjacent to or directly associated with a specific
17.5 antenna.

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

17.7 Sec. 8. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
17.8 read:

17.9 Subd. 14. **Micro wireless facility.** "Micro wireless facility" means a small wireless
17.10 facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose
17.11 exterior antenna, if any, is no longer than 11 inches.

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

17.13 Sec. 9. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision to
17.14 read:

17.15 Subd. 15. **Wireless service.** "Wireless service" means any service using licensed or
17.16 unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by
17.17 means of a mobile device, that is provided using wireless facilities. Wireless service does
17.18 not include services regulated under Title VI of the Communications Act of 1934, as
17.19 amended, including a cable service under United States Code, title 47, section 522, clause
17.20 (6).

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

17.22 Sec. 10. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision
17.23 to read:

17.24 Subd. 16. **Wireless support structure.** "Wireless support structure" means a new or
17.25 existing structure in a public right-of-way designed to support or capable of supporting
17.26 small wireless facilities, as reasonably determined by a local government unit.

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

18.1 Sec. 11. Minnesota Statutes 2016, section 237.162, is amended by adding a subdivision
18.2 to read:

18.3 Subd. 17. **Wireline backhaul facility.** "Wireline backhaul facility" means a facility
18.4 used to transport communications data by wire from a wireless facility to a communications
18.5 network.

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

18.7 Sec. 12. Minnesota Statutes 2016, section 237.163, subdivision 2, is amended to read:

18.8 Subd. 2. **Generally.** (a) Subject to this section, a telecommunications right-of-way user
18.9 authorized to do business under the laws of this state or by license of the Federal
18.10 Communications Commission may construct, maintain, and operate small wireless facilities,
18.11 conduit, cable, switches, and related appurtenances and facilities along, across, upon, above,
18.12 and under any public right-of-way.

18.13 (b) Subject to this section, a local government unit has the authority to manage its public
18.14 rights-of-way and to recover its rights-of-way management costs. Except as provided in
18.15 subdivisions 3a, 3b, and 3c, the authority defined in this section may be exercised at the
18.16 option of the local government unit. ~~The exercise of this authority and~~ is not mandated under
18.17 this section. A local government unit may, by ordinance:

18.18 (1) require a telecommunications right-of-way user seeking to excavate or obstruct a
18.19 public right-of-way for the purpose of providing telecommunications services to obtain a
18.20 right-of-way permit to do so and to impose permit conditions consistent with the local
18.21 government unit's management of the right-of-way;

18.22 (2) require a telecommunications right-of-way user using, occupying, or seeking to use
18.23 or occupy a public right-of-way for the purpose of providing telecommunications services
18.24 to register with the local government unit by providing the local government unit with the
18.25 following information:

18.26 (i) the applicant's name, gopher state one-call registration number under section 216D.03,
18.27 address, and telephone and facsimile numbers;

18.28 (ii) the name, address, and telephone and facsimile numbers of the applicant's local
18.29 representative;

18.30 (iii) proof of adequate insurance; and

18.31 (iv) other information deemed reasonably necessary by the local government unit for
18.32 the efficient administration of the public right-of-way; and

19.1 (3) require telecommunications right-of-way users to submit to the local government
19.2 unit plans for construction and major maintenance that provide reasonable notice to the
19.3 local government unit of projects that the telecommunications right-of-way user expects to
19.4 undertake that may require excavation and obstruction of public rights-of-way.

19.5 (c) A local government unit may also require a telecommunications right-of-way user
19.6 that is registered with the local government unit pursuant to paragraph (b), clause (2), to
19.7 periodically update the information in its registration application.

19.8 (d) Notwithstanding sections 394.34 and 462.355, or any other law, a local government
19.9 unit must not establish a moratorium with respect to:

19.10 (1) filing, receiving, or processing applications for right-of-way or small wireless facility
19.11 permits; or

19.12 (2) issuing or approving right-of-way or small wireless facility permits.

19.13 (e) A telecommunications right-of-way user may place a new wireless support structure
19.14 or collocate small wireless facilities on wireless support structures located within a public
19.15 right-of-way, subject to the approval procedures under this section and, for collocation on
19.16 wireless support structures owned by a local government unit, the reasonable terms,
19.17 conditions, and rates set forth under this section. A local government unit may prohibit,
19.18 regulate, or charge a fee to install wireless support structures or to collocate small wireless
19.19 facilities only as provided in this section.

19.20 (f) The placement of small wireless facilities and wireless support structures to
19.21 accommodate small wireless facilities are a permitted use in a public right-of-way, except
19.22 that a local government unit may require a person to obtain a special or conditional land
19.23 use permit to install a new wireless support structure for the siting of a small wireless facility
19.24 in a right-of-way in a district or area zoned for single-family residential use or within a
19.25 historic district established by federal or state law or city ordinance as of the date of
19.26 application for a small wireless facility permit. This paragraph does not apply to areas
19.27 outside a public right-of-way that are zoned and used exclusively for single-family residential
19.28 use.

19.29 **EFFECTIVE DATE.** This section is effective the day following final enactment, except
19.30 that paragraph (d) is effective January 1, 2018, for a local government unit that has not
19.31 enacted an ordinance regulating public rights-of-way as of May 18, 2017.

20.1 Sec. 13. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
20.2 to read:

20.3 Subd. 3a. **Small wireless facility permits; general.** (a) A local government unit:

20.4 (1) may require a telecommunications right-of-way user to obtain a permit or permits
20.5 under this section to place a new wireless support structure or collocate a small wireless
20.6 facility in a public right-of-way managed by the local government unit;

20.7 (2) must not require an applicant for a small wireless facility permit to provide any
20.8 information that:

20.9 (i) has previously been provided to the local government unit by the applicant in an
20.10 application for a small wireless permit, which specific reference shall be provided to the
20.11 local government unit by the applicant; and

20.12 (ii) is not reasonably necessary to review a permit application for compliance with
20.13 generally applicable and reasonable health, safety, and welfare regulations, and to
20.14 demonstrate compliance with applicable Federal Communications Commission regulations
20.15 governing radio frequency exposure, or other information required by this section;

20.16 (3) must ensure that any application for a small wireless facility permit is processed on
20.17 a nondiscriminatory basis; and

20.18 (4) must specify that the term of a small wireless facility permit is equal to the length
20.19 of time that the small wireless facility is in use, unless the permit is revoked under this
20.20 section.

20.21 (b) An applicant may file a consolidated permit application to collocate up to 15 small
20.22 wireless facilities, or a greater number if agreed to by a local government unit, provided
20.23 that all the small wireless facilities in the application:

20.24 (1) are located within a two-mile radius;

20.25 (2) consist of substantially similar equipment; and

20.26 (3) are to be placed on similar types of wireless support structures.

20.27 In rendering a decision on a consolidated permit application, a local government unit may
20.28 approve a permit for some small wireless facilities and deny a permit for others, but may
20.29 not use denial of one or more permits as a basis to deny all the small wireless facilities in
20.30 the application.

20.31 (c) If a local government unit receives applications within a single seven-day period
20.32 from one or more applicants seeking approval of permits for more than 30 small wireless

21.1 facilities, the local government unit may extend the 90-day deadline imposed in subdivision
21.2 3c by an additional 30 days. If a local government unit elects to invoke this extension, it
21.3 must inform in writing any applicant to whom the extension will be applied.

21.4 (d) A local government unit is prohibited from requiring a person to pay a small wireless
21.5 facility permit fee, obtain a small wireless facility permit, or enter into a small wireless
21.6 facility collocation agreement solely in order to conduct any of the following activities:

21.7 (1) routine maintenance of a small wireless facility;

21.8 (2) replacement of a small wireless facility with a new facility that is substantially similar
21.9 or smaller in size, weight, height, and wind or structural loading than the small wireless
21.10 facility being replaced; or

21.11 (3) installation, placement, maintenance, operation, or replacement of micro wireless
21.12 facilities that are suspended on cables strung between existing utility poles in compliance
21.13 with national safety codes.

21.14 A local government unit may require advance notification of these activities if the work
21.15 will obstruct a public right-of-way.

21.16 (e) Nothing in this subdivision affects the need for an entity seeking to place a small
21.17 wireless facility on a wireless support structure that is not owned by a local government
21.18 unit to obtain from the owner of the wireless support structure any necessary authority to
21.19 place the small wireless facility, nor shall any provision of this chapter be deemed to affect
21.20 the rates, terms, and conditions for access to or placement of a small wireless facility or a
21.21 wireless support structure not owned by a local government unit. This subdivision does not
21.22 affect any existing agreement between a local government unit and an entity concerning
21.23 the placement of small wireless facilities on local government unit-owned wireless support
21.24 structures.

21.25 (f) No later than six months after the effective date of this act or three months after
21.26 receiving a small wireless facility permit application from a wireless service provider, a
21.27 local government unit that has elected to set forth terms and conditions of collocation in a
21.28 standard small wireless facility collocation agreement shall develop and make available an
21.29 agreement that complies with the requirements of this section and section 237.162. A
21.30 standard small wireless facility collocation agreement shall be substantially complete.
21.31 Notwithstanding any law to the contrary, the parties to a small wireless facility collocation
21.32 agreement may incorporate additional terms and conditions mutually agreed upon into a
21.33 small wireless facility collocation agreement. A small wireless facility collocation agreement

22.1 between a local government unit and a wireless service provider is considered public data
 22.2 not on individuals and is accessible to the public under section 13.03.

22.3 (g) An approval of a small wireless facility permit under this section authorizes the
 22.4 installation, placement, maintenance, or operation of a small wireless facility to provide
 22.5 wireless service and shall not be construed to confer authorization to (1) provide any service
 22.6 other than a wireless service, or (2) install, place, maintain, or operate a wireline backhaul
 22.7 facility in the right-of-way.

22.8 (h) The terms and conditions of collocation under this subdivision:

22.9 (1) may be set forth in a small wireless facility collocation agreement, if a local
 22.10 government unit elects to utilize such an agreement;

22.11 (2) must be nondiscriminatory, competitively neutral, and commercially reasonable; and

22.12 (3) must comply with this section and section 237.162.

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

22.14 Sec. 14. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
 22.15 to read:

22.16 **Subd. 3b. Small wireless facility permits; placement.** (a) A local government unit may
 22.17 not require the placement of small wireless facilities on any specific wireless support structure
 22.18 other than the wireless support structure proposed in the permit application.

22.19 (b) A local government unit must not limit the placement of small wireless facilities,
 22.20 either by minimum separation distances between small wireless facilities or maximum
 22.21 height limitations, except that each wireless support structure installed in the right-of-way
 22.22 after the effective date of this act shall not exceed 50 feet above ground level, unless the
 22.23 local government unit agrees to a greater height, subject to local zoning regulations, and
 22.24 may be subject to separation requirements in relation to other wireless support structures.

22.25 (c) Notwithstanding paragraph (b), a wireless support structure that replaces an existing
 22.26 wireless support structure that is higher than 50 feet above ground level may be placed at
 22.27 the height of the existing wireless support structure, unless the local government unit agrees
 22.28 to a greater height, subject to local zoning regulations.

22.29 (d) Wireless facilities constructed in the right-of-way after the effective date of this act
 22.30 may not extend more than ten feet above an existing wireless support structure in place as
 22.31 of the effective date of this act.

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

23.1 Sec. 15. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
23.2 to read:

23.3 Subd. 3c. **Small wireless facility permits; approval.** (a) Except as provided in
23.4 subdivision 4, a local government unit shall issue a small wireless facility permit to a
23.5 telecommunications right-of-way user seeking to install a new or replacement wireless
23.6 support structure for a small wireless facility, or to collocate a small wireless facility on a
23.7 wireless support structure in a public right-of-way. In processing and approving a small
23.8 wireless facility permit, a local government unit may condition its approval on compliance
23.9 with:

23.10 (1) generally applicable and reasonable health, safety, and welfare regulations consistent
23.11 with the local government unit's public right-of-way management;

23.12 (2) reasonable accommodations for decorative wireless support structures or signs; and

23.13 (3) any reasonable restocking, replacement, or relocation requirements when a new
23.14 wireless support structure is placed in a public right-of-way.

23.15 (b) A local government unit has 90 days after the date a small wireless facility permit
23.16 application is filed to issue or deny the permit, or the permit is automatically issued. To toll
23.17 the 90-day clock, the local government unit must provide a written notice of incompleteness
23.18 to the applicant within 30 days of receipt of the application, clearly and specifically
23.19 delineating all missing documents or information. Information delineated in the notice is
23.20 limited to documents or information publicly required as of the date of application and
23.21 reasonably related to a local government unit's determination whether the proposed equipment
23.22 falls within the definition of a small wireless facility and whether the proposed deployment
23.23 satisfies all health, safety, and welfare regulations applicable to the small wireless facility
23.24 permit request. Upon an applicant's submittal of additional documents or information in
23.25 response to a notice of incompleteness, the local government unit has ten days to notify the
23.26 applicant in writing of any information requested in the initial notice of incompleteness that
23.27 is still missing. Second or subsequent notices of incompleteness may not specify documents
23.28 or information that were not delineated in the original notice of incompleteness. Requests
23.29 for information not requested in the initial notice of incompleteness do not toll the 90-day
23.30 clock. Parties can mutually agree in writing to toll the 90-day clock at any time. Section
23.31 15.99 does not apply to this paragraph or paragraph (c).

23.32 For the purposes of this subdivision, "toll the 90-day clock" means to halt the progression
23.33 of days that count towards the 90-day deadline.

24.1 (c) Except as provided in subdivision 3a, paragraph (c), a small wireless facility permit
 24.2 and any associated encroachment or building permit required by a local government unit,
 24.3 are deemed approved if the local government unit fails to approve or deny the application
 24.4 within 90 days after the permit application has been filed, unless the applicant and the local
 24.5 government unit have mutually agreed in writing to extend the 90-day deadline.

24.6 (d) Nothing in this subdivision precludes a local government unit from applying generally
 24.7 applicable and reasonable health, safety, and welfare regulations when evaluating and
 24.8 deciding to approve or deny a small wireless facility permit.

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

24.10 Sec. 16. Minnesota Statutes 2016, section 237.163, subdivision 4, is amended to read:

24.11 Subd. 4. **Permit denial or revocation.** (a) A local government unit may deny any
 24.12 application for a right-of-way or small wireless facility permit if the telecommunications
 24.13 right-of-way user does not comply with a provision of this section.

24.14 (b) A local government unit may deny an application for a right-of-way permit if the
 24.15 local government unit determines that the denial is necessary to protect the health, safety,
 24.16 and welfare or when necessary to protect the public right-of-way and its current use.

24.17 (c) A local government unit may revoke a right-of-way or small wireless facility permit
 24.18 granted to a telecommunications right-of-way user, with or without fee refund, in the event
 24.19 of a substantial breach of the terms and conditions of statute, ordinance, rule, or regulation
 24.20 or any material condition of the permit. A substantial breach by a permittee includes, but
 24.21 is not limited to, the following:

24.22 (1) a material violation of a provision of the right-of-way or small wireless facility
 24.23 permit;

24.24 (2) an evasion or attempt to evade any material provision of the right-of-way or small
 24.25 wireless facility permit, or the perpetration or attempt to perpetrate any fraud or deceit upon
 24.26 the local government unit or its citizens;

24.27 (3) a material misrepresentation of fact in the right-of-way or small wireless facility
 24.28 permit application;

24.29 (4) a failure to complete work in a timely manner, unless a permit extension is obtained
 24.30 or unless the failure to complete work is due to reasons beyond the permittee's control; and

25.1 (5) a failure to correct, in a timely manner, work that does not conform to applicable
 25.2 standards, conditions, or codes, upon inspection and notification by the local government
 25.3 unit of the faulty condition.

25.4 (d) Subject to this subdivision, a local government unit may not deny an application for
 25.5 a right-of-way or small wireless facility permit for failure to include a project in a plan
 25.6 submitted to the local government unit under subdivision 2, paragraph (b), clause (3), when
 25.7 the telecommunications right-of-way user has used commercially reasonable efforts to
 25.8 anticipate and plan for the project.

25.9 (e) In no event may a local government unit unreasonably withhold approval of an
 25.10 application for a right-of-way or small wireless facility permit, or unreasonably revoke a
 25.11 permit.

25.12 (f) Any denial or revocation of a right-of-way or small wireless facility permit must be
 25.13 made in writing and must document the basis for the denial. The local government unit must
 25.14 notify the telecommunications right-of-way user in writing within three business days of
 25.15 the decision to deny or revoke a permit. If a permit application is denied, the
 25.16 telecommunications right-of-way user may cure the deficiencies identified by the local
 25.17 government unit and resubmit its application. If the telecommunications right-of-way user
 25.18 resubmits the application within 30 days of receiving written notice of the denial, it may
 25.19 not be charged an additional filing or processing fee. The local government unit must approve
 25.20 or deny the revised application within 30 days after the revised application is submitted.

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

25.22 Sec. 17. Minnesota Statutes 2016, section 237.163, subdivision 6, is amended to read:

25.23 Subd. 6. **Fees.** (a) A local government unit may recover its right-of-way management
 25.24 costs by imposing a fee for registration, a fee for each right-of-way or small wireless facility
 25.25 permit, or, when appropriate, a fee applicable to a particular telecommunications right-of-way
 25.26 user when that user causes the local government unit to incur costs as a result of actions or
 25.27 inactions of that user. A local government unit may not recover costs from a
 25.28 telecommunications right-of-way user ~~costs~~ or an owner of a cable communications system
 25.29 awarded a franchise under chapter 238 caused by another entity's activity in the right-of-way.

25.30 (b) Fees, or other right-of-way obligations, imposed by a local government unit on
 25.31 telecommunications right-of-way users under this section must be:

25.32 (1) based on the actual costs incurred by the local government unit in managing the
 25.33 public right-of-way;

26.1 (2) based on an allocation among all users of the public right-of-way, including the local
26.2 government unit itself, which shall reflect the proportionate costs imposed on the local
26.3 government unit by each of the various types of uses of the public rights-of-way;

26.4 (3) imposed on a competitively neutral basis; and

26.5 (4) imposed in a manner so that aboveground uses of public rights-of-way do not bear
26.6 costs incurred by the local government unit to regulate underground uses of public
26.7 rights-of-way.

26.8 (c) The rights, duties, and obligations regarding the use of the public right-of-way
26.9 imposed under this section must be applied to all users of the public right-of-way, including
26.10 the local government unit while recognizing regulation must reflect the distinct engineering,
26.11 construction, operation, maintenance and public and worker safety requirements, and
26.12 standards applicable to various users of the public rights-of-way. For users subject to the
26.13 franchising authority of a local government unit, to the extent those rights, duties, and
26.14 obligations are addressed in the terms of an applicable franchise agreement, the terms of
26.15 the franchise shall prevail over any conflicting provision in an ordinance.

26.16 (d) A wireless service provider may collocate small wireless facilities on wireless support
26.17 structures owned or controlled by a local government unit and located within the public
26.18 roads or rights-of-way without being required to apply for or enter into any individual
26.19 license, franchise, or other agreement with the local government unit or any other entity,
26.20 other than a standard small wireless facility collocation agreement under subdivision 3a,
26.21 paragraph (f), if the local unit of government elects to utilize such an agreement.

26.22 (e) Any initial engineering survey and preparatory construction work associated with
26.23 collocation must be paid by the cost causer in the form of a onetime, nonrecurring,
26.24 commercially reasonable, nondiscriminatory, and competitively neutral charge to recover
26.25 the costs associated with a proposed attachment.

26.26 (f) Total application fees for a small wireless facility permit must comply with this
26.27 subdivision with respect to costs related to the permit.

26.28 (g) A local government unit may elect to charge each small wireless facility attached to
26.29 a wireless support structure owned by the local government unit a fee, in addition to other
26.30 fees or charges allowed under this subdivision, consisting of:

26.31 (1) up to \$150 per year for rent to occupy space on a wireless support structure;

26.32 (2) up to \$25 per year for maintenance associated with the space occupied on a wireless
26.33 support structure; and

27.1 (3) a monthly fee for electricity used to operate a small wireless facility, if not purchased
 27.2 directly from a utility, at the rate of:

27.3 (i) \$73 per radio node less than or equal to 100 max watts;

27.4 (ii) \$182 per radio node over 100 max watts; or

27.5 (iii) the actual costs of electricity, if the actual costs exceed the amount in item (i) or

27.6 (ii).

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

27.8 Sec. 18. Minnesota Statutes 2016, section 237.163, subdivision 7, is amended to read:

27.9 Subd. 7. **Additional right-of-way provisions.** (a) In managing the public rights-of-way
 27.10 and in imposing fees under this section, no local government unit may:

27.11 (1) unlawfully discriminate among telecommunications right-of-way users;

27.12 (2) grant a preference to any telecommunications right-of-way user;

27.13 (3) create or erect any unreasonable requirement for entry to the public rights-of-way
 27.14 by telecommunications right-of-way users; or

27.15 (4) require a telecommunications right-of-way user to obtain a franchise or pay for the
 27.16 use of the right-of-way.

27.17 (b) A telecommunications right-of-way user need not apply for or obtain right-of-way
 27.18 permits for facilities that are located in public rights-of-way on May 10, 1997, for which
 27.19 the user has obtained the required consent of the local government unit, or that are otherwise
 27.20 lawfully occupying the public right-of-way. However, the telecommunications right-of-way
 27.21 user may be required to register and to obtain a right-of-way permit for an excavation or
 27.22 obstruction of existing facilities within the public right-of-way after May 10, 1997.

27.23 (c) Data and documents exchanged between a local government unit and a
 27.24 telecommunications right-of-way user are subject to the terms of chapter 13. A local
 27.25 government unit not complying with this paragraph is subject to the penalties set forth in
 27.26 section 13.08.

27.27 (d) A local government unit may not collect a fee imposed under this section through
 27.28 the provision of in-kind services by a telecommunications right-of-way user, nor may a
 27.29 local government unit require the provision of in-kind services as a condition of consent to
 27.30 use the local government unit's public right-of-way or to obtain a small wireless facility
 27.31 permit.

28.1 (e) Except as provided in this chapter or required by federal law, a local government
 28.2 unit shall not adopt or enforce any regulation on the placement or operation of
 28.3 communications facilities in the right-of-way where the entity is already authorized to
 28.4 operate in the right-of-way, and shall not regulate or impose or collect fees on
 28.5 communications services except to the extent specifically provided for in the existing
 28.6 authorization, and unless expressly required by state or federal statute.

28.7 Sec. 19. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
 28.8 to read:

28.9 Subd. 9. **Authorized contractors.** (a) Nothing in this section precludes a
 28.10 telecommunications right-of-way user from authorizing another entity or individual to act
 28.11 on its behalf to install, construct, maintain, or repair a facility or facilities owned or controlled
 28.12 by the telecommunications right-of-way user.

28.13 (b) A local government unit is prohibited from imposing fees or requirements on an
 28.14 authorized entity or individual for actions on behalf of a telecommunications right-of-way
 28.15 user that are in addition to or different from the fees and requirements it is authorized to
 28.16 impose on the telecommunications right-of-way user under this section.

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

28.18 Sec. 20. Minnesota Statutes 2016, section 237.163, is amended by adding a subdivision
 28.19 to read:

28.20 Subd. 10. **Exemptions.** (a) Notwithstanding any other provision in this chapter, this
 28.21 section does not apply to a wireless support structure owned, operated, maintained, or served
 28.22 by a municipal electric utility.

28.23 (b) Subdivisions 3a, 3b, 3c, and subdivision 6, paragraphs (d) through (g), and subdivision
 28.24 7, paragraph (e), do not apply to the collocation or regulation of small wireless facilities
 28.25 issued a permit by a local government unit before the effective date of this act under an
 28.26 ordinance enacted before May 18, 2017, that regulates the collocation of small wireless
 28.27 facilities.

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

28.29 Page 140, lines 22 and 24, strike "40" and insert "300"

28.30 Page 140, line 25, after "building" insert a comma and strike "to the extent" and insert
 28.31 "the capacity must be no more than"

- 29.1 Page 141, line 10, delete the new language and reinstate the stricken language
- 29.2 Page 141, line 11, delete "clean energy advancement fund account, or C-LEAF account,"
- 29.3 and insert "renewable development account"
- 29.4 Page 141, lines 20 and 27, delete "C-LEAF" and insert "renewable development"
- 29.5 Page 142, line 3, delete the new language and reinstate the stricken language
- 29.6 Page 142, lines 9, 19, 31, and 33, delete "C-LEAF" and insert "renewable development"
- 29.7 Page 144, line 17, delete "C-LEAF" and insert "renewable development account"
- 29.8 Page 144, line 31, strike "The"
- 29.9 Page 144, line 32, delete the new language
- 29.10 Page 144, lines 33 and 34, delete the new language and strike the old language
- 29.11 Page 144, line 35, delete the new language and strike the period
- 29.12 Page 145, after line 3, insert:
- 29.13 "(m) The advisory group shall submit funding recommendations to the public utility,
- 29.14 which has full and sole authority to determine which expenditures shall be submitted by
- 29.15 the advisory group to the legislature. The commission may approve proposed expenditures,
- 29.16 may disapprove proposed expenditures that it finds not to be in compliance with this
- 29.17 subdivision or otherwise not in the public interest, and may, if agreed to by the public utility,
- 29.18 modify proposed expenditures. The commission shall, by order, submit its funding
- 29.19 recommendations to the legislature as provided under paragraph (n)."
- 29.20 Page 145, line 4, delete "(m)" and insert "(n)" and delete "C-LEAF advisory group" and
- 29.21 insert "commission"
- 29.22 Reletter the paragraphs
- 29.23 Page 145, lines 12 and 13, delete "C-LEAF advisory group" and insert "commission"
- 29.24 Page 146, line 5, reinstate "renewable development" and delete "C-LEAF"
- 29.25 Page 146, line 7, delete "C-LEAF" and insert "renewable development"
- 29.26 Page 146, delete section 5
- 29.27 Page 147, line 3, reinstate "renewable"
- 29.28 Page 147, line 4, reinstate "development" and delete "C-LEAF"
- 29.29 Page 147, line 25, before "In" insert "(a)"

30.1 Page 147, after line 32, insert:

30.2 "(b) Notwithstanding subdivisions 9 and 11, a qualifying facility over 20 megawatts
30.3 may, until December 31, 2022, request that the commission resolve a dispute with any
30.4 utility, including a cooperative electric association or municipal utility, under paragraph
30.5 (a)."

30.6 Page 149, delete lines 18 to 20

30.7 Page 165, delete section 23

30.8 Page 167, delete sections 25 and 26

30.9 Page 168, lines 11, 14, and 18, delete "C-LEAF" and insert "renewable development"

30.10 Page 168, line 13, delete "Notwithstanding section 116C.779, subdivision 1, paragraph
30.11 (g),"

30.12 Pages 169 to 171, delete sections 29 to 35

30.13 Page 184, line 21 after the period insert "Grants or deferred loans authorized under this
30.14 section may be made without limitations relating to the maximum incomes of the renters."

30.15 Page 185, line 3, delete "excludes:" insert "may include rental developments that have
30.16 a portion of income-restricted units."

30.17 Page 185, delete lines 4 to 7

30.18 Page 185, after line 30 insert:

30.19 "(c) Among comparable proposals, preference must be given to projects with a higher
30.20 proportion of units that are not income-restricted."

30.21 Adjust amounts accordingly

30.22 Renumber the articles and sections in sequence and correct the internal references

30.23 Amend the title accordingly