



WEEKLY SESSION UPDATE

April 1, 2016

FIRST DEADLINE

Midnight tonight is the first deadline for the Minnesota Legislature. This means that committees in the House and Senate must act favorably on bills in the house of origin by the end of the day today.

In the closing days before this first deadline, the House and Senate appeared to be working at about an equal pace as they hurried to pass bills out of committee. The House passed 175 bills and the Senate 180 bills with a week to go. This fast pace only quickened when legislators returned from a four-day break over Easter weekend. Many committee chairs scheduled meetings in split shifts this week, going into recess during the workday only to reconvene in the evening.

The next legislative deadline is Friday, April 8. This deadline is for bills that met the first deadline for approval by committees in the first chamber to receive favorable action in the second chamber.

FRANCHISE FEES

On Wednesday, the House Government Operations Committee heard HF 3470 (Vogel). As a reminder, this bill would impose a reverse referendum on the imposition or renewal of a franchise fee that “raises revenue beyond what is needed to defray increased municipal costs due to utility operations.” A municipality would have to publish a notice containing certain information related to the proposed fee. In addition to the publication requirement, the notice must be sent to all affected rate payers by first class mail. Within 30 days of the notice, a petition signed by at least 5% of the registered voters in a community may be filed with the municipality for a reverse referendum. The law would apply to all fees issued or renewed on or after July 1, 2016. Additionally, the bill has a requirement that funds from franchise fee revenue not related to the provision of utility services be kept in separate accounts.

During the hearing, the Northwest Metro Chamber of Commerce testified in favor of the legislation. The chamber opposes franchise fees generally, saying that the fees are not transparent and negatively impact economic growth. A number of other testifiers expressed concerns about the bill, including Scott Neal, City Manager – Edina. He discussed Edina’s franchise fees imposed in 2013 and reviewed their transparent process for implementation.

Ultimately, HF2585 passed and was referred to the Taxes Committee. The Senate companion bill was introduced today. SF 3413 (Gazelka) was referred to the Environment and Energy Committee.

TEMPORARY FAMILY HEALTH CARE DWELLINGS

On Wednesday, the House Government Operations Committee heard HF 2497 (Peterson). During the hearing, the author introduced a delete-everything amendment, which was adopted by the committee. As amended, this bill makes a “temporary family health care dwelling” a conditional use unless the local government has designated it a permitted use. A “temporary family health care dwelling” essentially is a mobile home for a mentally or physically impaired person to live in that is placed on the property of a relative or caregiver, making it easier for the caregiver to provide care. The bill also allows local governments to opt-out of the provisions of the bill. The committee also amended the bill, at the request of the counties, to change the effective date to July 1, 2016.

A number of groups testified regarding this legislation. The Association of County Zoning and Planning Administrators, while not opposed to the concept, highlighted some concerns that the bill would place additional burdens on cities and counties. The League of Minnesota Cities thought the amended bill is a step in the right direction, but also raised some issues regarding enforcement, timing, and terminology. Additionally, the Manufacturer Modular Home Association raised the concern that the bill would preclude modular homes from being temporary health care dwellings, changing current statute.

Ultimately, the bill passed and was sent to the General Register. The Senate companion, SF 2555 (Hoffman), is has yet to be scheduled for a hearing.

CELL PHONE PROVIDER BILL

The House Government Operations and Elections Policy Committee debated legislation that would prohibit nearly all local zoning and land use controls related to the siting of “small wireless facility networks”. As introduced, the bill, HF 3553 (Sanders), would define small wireless facilities as permitted uses in all public rights-of-way and other property not zoned exclusively for single-family residential use. Such facilities could be classified as special or conditional uses in all other areas. The bill also establishes caps on permit and approval fees, a specific permit review and denial process, and would allow an applicant an opportunity to resubmit a denied application within 30 days of a denial, without paying a new fee.

The bill was first heard by the committee on Wednesday, March 30, and was laid on the table after local units of government raised objections to the unprecedented removal of local government authority over zoning. On Thursday, the committee again took up the bill, and adopted an amendment that would create an eleven-member Task Force on Deployment of Small Wireless Telecommunications Facilities. The Task Force, which would include two members appointed by the League of Minnesota Cities, will make recommendations for development of a robust wireless telecommunications network in Minnesota that addresses

the “concerns and needs of local governments.” It would also allow wireless communications service providers to use public roads to operate and maintain communications equipment in the same manner that water, power, telephone, and cable providers can under current law.

The amended bill was passed and sent to the General Register. The Senate companion bill has not yet been scheduled for a hearing.

BILL INTRODUCTIONS

3651	Cornish	3291	Latz	Peace officer body camera use regulated.
3654	Bly	3247	Dahle	Northfield tax increment financing (TIF) district five-year rule extension
3661	Newton	3297	Hoffman	Water policy manager appointment by the governor required, and water policy manager qualifications and duties established.
3706	Carlson			Homestead tax payment over eight monthly installments per year provided.
3708	Anderson C	3377	Thompson	Solid waste collection authority of local units of government moratorium established.
3714	Thissen			Public hearing after 30-day notice required before imposing an interim ordinance related to housing.
3742	Hertaus	3348	Osmek	Local government entity sales tax exemption reinstated.
3744	Runbeck			Fixed guideway transit project development governed, streetcar and bus rapid transit project requirements established, municipal consent amended, and transportation sales tax revenue permitted allocation amended.
3758	Drazkowski			Tax increment financing; permitted use of increments clarified.