

---

**CHAPTER 249—H.F.No.943**
**[Coded in Part]**

*An act relating to cable communications; making the cable communications commission a permanent part of the department of administration; authorizing the commission to promulgate a line extension policy; interconnection; orders; municipal cable systems; information gathering; permitting certain counties to establish translator systems; amending Minnesota Statutes 1974, Sections 238.02, Subdivision 11; 238.05, Subdivisions 2, 6, 7, and by adding a subdivision; 238.06, Subdivision 1, and by adding subdivisions; 238.08, Subdivisions 1, 2 and 3; 238.09, Subdivisions 3 and 6, and by adding subdivisions; 238.13; and 238.15; and Minnesota Statutes, 1975 Supplement, Section 238.04, Subdivision 1; repealing Minnesota Statutes 1974, Section 238.09, Subdivision 2.*

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

Section 1. Minnesota Statutes 1974, Section 238.02, Subdivision 11, is amended to read:

Subd. 11. **CABLE COMMUNICATIONS; OPERATION OF COMMISSION.** "Person" shall mean any individual, trustee, partnership, municipality, association, corporation or other legal entity.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 238.04, Subdivision 1, is amended to read:

**238.04 COMMISSION CREATED.** Subdivision 1. A state commission on cable communication is hereby created within the department of administration and shall consist of seven members. ~~The commission shall reside within the department of administration for a period not to exceed four years from May 24, 1973.~~

The members of the commission shall be representative of the broad range of interests related to telecommunication needs and concerns.

Sec. 3. Minnesota Statutes 1974, Section 238.05, Subdivision 2, is amended to read:

Subd. 2. The commission shall, to the extent permitted by, and not contrary to, applicable federal and state law, rules and regulations;

(a) prescribe procedures and practices which municipalities shall follow in granting franchises, including those providing for issuance of a public invitation to compete for the franchise, said invitation containing the outlines for the municipality's cable system and the desired services as well as the criteria and priorities ~~which shall be applied~~ the municipality has developed to review franchise applications ;

**Changes or additions indicated by underline deletions by strikethrough**

(b) prescribe minimum standards for inclusion in franchises, including maximum initial, renegotiation and renewal periods; length of residential subscriber contracts; provisions for municipal purchase; prohibitions against the invasion of privacy through a cable communications system; provisions covering the construction, operation and abandonment of cable communications systems; and a requirement that no such franchise may be exclusive. Taking into account the size of the cable communications system, the commission shall also prescribe minimum standards for performance bond requirements; for channel capacity; for two-way capability; for access to, and facilities to make use of, channels for education, government, and the general public; and for construction and operation of the cable communications system;

~~(c)~~ (e) prescribe a list of items for inclusion in franchises;

~~(d)~~ (c) prescribe standards for: franchises awarded in the twin cities metropolitan area which designate a uniform regional channel reserved for public use; the interconnection of all cable systems within this area; and the designation of a single entity to schedule programs and facilitate use of this channel;

(d) designate the entity referred to in clause (c) and prescribe rules for its operation and practice which rules shall insure that priority is given to public use of the uniform regional channel.

Sec. 4. Minnesota Statutes 1974, Section 238.05, Subdivision 6, is amended to read:

Subd. 6. The commission shall adopt, after consulting with either the metropolitan council or regional development commissions of the state as appropriate, a set of minimum standards for the establishment of cable territories within which a franchise may be awarded, and procedures to be followed for alteration of cable service territory boundaries; by municipalities in the twin cities metropolitan area as designated in Minnesota Statutes 1971, Section 473B.01, and other designated standard metropolitan statistical areas.

Sec. 5. Minnesota Statutes 1974, Section 238.05, Subdivision 7, is amended to read:

Subd. 7. The commission shall approve; ~~modify~~ or reject boundaries for specific territories upon receipt of proposals from municipalities or cable communications operator applicants, after consultation with the metropolitan council or the affected regional planning commission. If the proposed boundaries, in whole or part, are within the seven county metropolitan area, the metropolitan council shall be allowed 90 days to review and comment on the proposed boundaries.

Sec. 6. Minnesota Statutes 1974, Section 238.05, is amended by adding a subdivision to read:

**Changes or additions indicated by underline deletions by ~~strikeout~~**

Subd. 17. The commission shall also promulgate rules pertaining to cable transmission line extension by cable communications companies.

Sec. 7. Minnesota Statutes 1974, Section 238.06, Subdivision 1, is amended to read:

**238.06 POWERS OF COMMISSION.** Subdivision 1. The commission may promulgate, issue, amend, rescind, and provide for the enforcement of such ~~orders~~, rules and regulations as it may find necessary or appropriate to carry out the provisions of ~~Laws 1973, Chapter 568—chapter 238~~ in accordance with ~~Minnesota Statutes 1971, chapter 15.~~ The commission may also issue any necessary and appropriate orders. Such orders, rules and regulations may classify persons and matters within the jurisdiction of the commission and prescribe different requirements for different classes of persons or matters. A copy of any order, rule or regulation promulgated hereunder shall be subject to public inspection during reasonable business hours.

Sec. 8. Minnesota Statutes 1974, Section 238.06, is amended by adding a subdivision to read:

Subd. 5. The commission may, upon a suitable showing of need in individual instances, order the interconnection of cable communications systems.

Sec. 9. Minnesota Statutes 1974, Section 238.06, is amended by adding a subdivision to read:

Subd. 6. The commission may require from any cable communications system granted a certificate of confirmation information and supporting documentation in the form and at the times the commission may deem appropriate.

Sec. 10. Minnesota Statutes 1974, Section 238.08, Subdivision 1, is amended to read:

**238.08 FRANCHISE REQUIREMENT.** Subdivision 1. A municipality shall ~~have the power to~~ require a franchise of any cable communications system providing service within the municipality.

Sec. 11. Minnesota Statutes 1974, Section 238.08, Subdivision 2, is amended to read:

Subd. 2. Nothing in ~~the provisions of Laws 1973, Chapter 568—chapter 238~~ shall be construed to prevent franchise requirements in excess of those prescribed by the commission, unless such requirement is inconsistent with ~~the provisions of Laws 1973, Chapter 568—chapter 238~~ or any regulation ; ~~policy or procedure~~ of the commission.

Sec. 12. Minnesota Statutes 1974, Section 238.08, Subdivision 3, is

Changes or additions indicated by underline deletions by ~~strikeout~~

amended to read:

Subd. 3. Nothing in ~~Laws 1973, Chapter 568~~ chapter 238 shall be construed to limit any municipality from the right to construct, purchase, and operate a cable communications system. Any municipal system shall be subject to the laws, rules and regulations of the commission to the same extent as would any nonpublic cable communications system.

Sec. 13. Minnesota Statutes 1974, Section 238.09, Subdivision 6, is amended to read:

Subd. 6. Any cable communications company granted a franchise after April 1, 1973, except as provided in subdivision 3, every cable communications company shall be required to secure a certificate of confirmation from the commission before becoming operational. Except as provided in subdivisions 3, 4, 5 and 9, such certificate may be granted after full commission proceedings and shall be for a period of ten years.

Sec. 14. Minnesota Statutes 1974, Section 238.09, Subdivision 7, is amended to read:

Subd. 7. Any renewal of a certificate of confirmation shall be for a period of ~~five~~ ten years. A renewal certificate of confirmation may be issued prior to the expiration of any existing certificate.

Sec. 15. Minnesota Statutes 1974, Section 238.13, is amended to read:

238.13 **POLES, DUCTS AND CONDUITS.** The commission ~~shall within two years from May 24, 1973,~~ may adopt appropriate rules specifying necessary regulations for contractual agreements between cable communications operators and any public utilities with respect to the use of poles, ducts, conduits, and other appurtenances related to the cable communications transmission lines.

Sec. 16. Minnesota Statutes 1974, Section 238.15, is amended to read:

238.15 **FINANCIAL INTEREST OF MEMBERS AND EMPLOYEES.** No member of the commission ~~and no employee of the commission~~ or person appointed pursuant to section 238.04, subdivision 7 shall be employed by, or shall knowingly have any financial interest in any cable communications company ~~holding a franchise in the state, their or its subsidiaries, major equipment or programming suppliers, or in any broadcasting company holding an operating license issued by the federal communications commission ; their or its subsidiaries ; major equipment or programming suppliers~~ . Members of any elected body granting franchises and employees of any franchising body who would be directly involved in the granting or administration of fran-

Changes or additions indicated by underline deletions by ~~strikeout~~

chises for cable communications and who are employed by or who knowingly have any financial interest in any cable communications company holding a franchise in the state, bidding on such franchise, or the cable communications company granted the franchise, or their subsidiaries, major equipment or program suppliers shall abstain from participation in the franchising of a cable communications ~~companies-~~ company or the administration of such franchise.

Sec. 17. **[375.165] COUNTY TRANSLATOR SYSTEMS; FUNDING.** Notwithstanding the provisions of Minnesota Statutes, Section 375.164, or any other law to the contrary, the county board of any county owning, operating or maintaining a translator system on the effective date of this act may singly or jointly with contiguous counties appropriate from the general revenue fund an amount necessary to fund the construction, acquisition, improvement maintenance and operations of a translator system either within or without the county for the purpose of receiving and transmitting television broadcasting signals. The county may singly or jointly with contiguous counties acquire, by gift, lease or purchase, any real estate or interest therein upon such terms or conditions, including contracts for fees, as it shall determine, either within or without the county, for the purpose of establishing, improving or operating a television translator system. No real estate located in another county may be acquired unless the county board of the county in which the real estate is located approves the proposed acquisition. The county may issue bonds in accordance with the provisions of Minnesota Statutes, Chapter 475, for the acquisition, construction or improvement of television translator systems and the acquisition of real estate therefor.

Sec. 18. **REPEALER.** Minnesota Statutes 1974, Section 238.09, Subdivision 2, is repealed.

Sec. 19. **EFFECTIVE DATE.** This act is effective on the day following its final enactment.

Approved April 13, 1976.

---

## CHAPTER 250—H.F.No.955

[Coded in Part]

*An act relating to mobile homes; providing certain procedures for repossession of mobile homes; amending Minnesota Statutes 1974, Section 336.9-104.*

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

Section 1. **[327.61] MOBILE HOME REPOSSESSION SECURITY ACT; CITATION.** Sections 1 to 7 may be cited as the mobile home repossession security act of 1975.

Changes or additions indicated by underline deletions by ~~strikeout~~