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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **2695**

03/05/2012 Authored by Runbeck and Kiffmeyer

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to telecommunications; prohibiting publicly owned broadband systems;
1.3 proposing coding for new law in Minnesota Statutes, chapter 237.

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

1.5 Section 1. **[237.201] PUBLICLY OWNED BROADBAND SYSTEM;**
1.6 **PROHIBITION.**

1.7 (a) Notwithstanding section 475.58, subdivision 1, other state law, county ordinance,
1.8 or any authority granted in a home rule charter, a city or a county may not use tax revenues
1.9 raised within its jurisdiction or issue debt to construct, acquire, own, or operate, in whole
1.10 or in part, a system to deliver broadband service.

1.11 (b) Notwithstanding sections 123A.21, 123B.61 to 123B.63, 125B.26, and 475.58,
1.12 subdivision 1, no school district or service cooperative may use state revenues, tax
1.13 revenues raised within its jurisdiction, or issue debt to construct, acquire, own, or operate,
1.14 in whole or in part, a system to deliver broadband service.

1.15 (c) For the purposes of this section, "broadband service" means a service that allows
1.16 subscribers to access information from the Internet by means of a physical, terrestrial,
1.17 nonmobile, or fixed wireless technology.

1.18 (d) This section applies to a system to deliver broadband service whose construction
1.19 begins after the effective date of this section, but does not apply to:

1.20 (1) the city of Minneapolis, St. Paul, or Duluth; or

1.21 (2) the maintenance or repair of a system delivering broadband service whose initial
1.22 construction began before the effective date of this section, provided that the geographical
1.23 area in which the system delivers broadband service is not expanded as a result of the
1.24 maintenance or repair.

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