



## **S.F. No. 2045 – Equal Access to Broadband Act**

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**S.F. 2045** modifies provisions relating to broadband services and infrastructure.

Section 1 (116J.39, subdivision 1) amends the definition of “broadband” or “broadband service” in the office of broadband development section of the statutes to mean a service that offers internet access.

Section 2 (116J.394) amends the definition of “broadband infrastructure” and adds another section to which the broadband development definitions apply.

Section 3 (116J.399, subdivision 1) modifies the definitions for “broadband easements” by striking the broadband infrastructure definition, amending the broadband service to be consistent with the language in section 1, amending the provider definition to exclude wireless and direct satellite service providers, and inserting a definition for local franchising authority.

Section 4 (116J.399, subdivision 8) modifies the local government right-of-way easement management by striking the telecommunications right-of-way permit authority under section 273.163 and providing that it is regulated under section 5. The section does not apply to a public utility easement.

Section 5 (116J.399) adds a subdivision describing franchise or municipal authorization, which allows a local franchising authority to require a broadband provider to obtain a franchise or municipal authorization. It authorizes a local franchising authority to charge fees to raise revenue, defray costs, or both. The fee may be up to 5% of a provider’s gross revenues plus up to 3% more to support a local access channel if applicable.

Section 6 (222.37, subdivision 1) modifies the use requirements for public roads in the railroad commerce and property chapter by specifying that broadband providers may use public roads and are subject to franchising requirements in section 5 along with other identified service providers. The section also states that authorization must be given before

service can be provided and a company that provides multiple services may be required to obtain a franchise for each one.

Section 7 (237.162, subdivision 4) modifies the definition of “telecommunications right-of-way user” in the telecommunications chapter to exclude broadband and cable service.

Section 8 (237.163, subdivision 2) gives local government units the authority to franchise public rights-of-way and receive compensation for use and occupancy.

Section 9 (237.163, subdivision 6) allows local government units to recover right-of-way management costs.

Section 10 (237.163, subdivision 7) strikes language prohibiting local government units from (1) requiring fees or in-kind services for permission to use a public right-of-way or install a small wireless facility and (2) imposing regulations on the placement or operation of communications facilities in a right-of-way where a provider is already authorized to operate.

Section 11 (412.221, subdivision 6) modifies the statutory cities chapter to allow a city council to franchise occupants and users of a public right-of-way and to receive compensation.



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