A BILL FOR

1 An Act relating to the development and utilization of
2       high-speed electronic transmission mediums.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 15.281 Definitions.

As used in this part, unless the context requires otherwise:

1. “Broadband” means a high-speed, high-capacity electronic transmission medium, including fixed wireless and mobile wireless mediums, that can carry data signals from independent network sources by establishing different bandwidth channels and that is commonly used to deliver internet services to the public.

2. “Broadband infrastructure” means the physical infrastructure used for the transmission of data that provides broadband services. “Broadband infrastructure” does not include land, buildings, structures, improvements, or equipment not directly used in the transmission of data via broadband.

3. “Communications service provider” means a service provider that provides broadband service.

4. “Political subdivision” means a city, county, township, or school district.

Sec. 2. NEW SECTION. 15.282 Broadband forward — certification.

1. The authority shall establish a broadband forward certification program, with the objective of encouraging political subdivisions to further develop broadband infrastructure and access to broadband. To qualify for broadband forward certification, a political subdivision shall submit to the authority, on forms prescribed by the authority by rule, an application indicating the following:

   a. The political subdivision’s support and commitment to promote the availability of broadband.

   b. Existing or proposed ordinances encouraging the further development of broadband infrastructure and access to broadband.

   c. Efforts to secure local funding for the further development of broadband infrastructure and access to broadband.

   d. A single point of contact for all matters related to broadband.
1 broadband and broadband infrastructure.
2 2. A single point of contact designated in an application
3 submitted pursuant to subsection 1 shall be responsible for all
4 of the following:
5  a. Coordination and partnership with the authority,
6 communications service providers, realtors, economic
7 development professionals, employers, employees, and other
8 broadband stakeholders.
9  b. Collaboration with the authority, communication service
10 providers, and employers to identify, develop, and market
11 broadband packages available in the political subdivision.
12  c. Familiarity with broadband mapping tools and other
13 state-level resources.
14  d. Maintaining regular communication with the authority.
15  e. Providing to the political subdivision regular reports
16 regarding the availability of broadband in the political
17 subdivision.
18 3. A political subdivision that the authority has certified
19 as a broadband forward community under subsection 1 shall not
20 do any of the following:
21  a. Require an applicant to designate a final contractor to
22 complete a broadband infrastructure project.
23  b. Impose a fee to review an application or issue a permit
24 for a broadband infrastructure application in excess of one
25 hundred dollars.
26  c. Impose a moratorium of any kind on the approval
27 of applications and issuance of permits for broadband
28 infrastructure projects or on construction related to broadband
29 infrastructure.
30  d. Discriminate among communications service providers,
31 or public utilities with respect to any action described in
32 this section or otherwise related to broadband infrastructure,
33 including granting access to public rights-of-way,
34 infrastructure and poles, river and bridge crossings, or any
35 other physical assets owned or controlled by the political
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1 subdivision.
2 e. As a condition for approving an application or issuing a
3 permit for a broadband infrastructure project or for any other
4 purpose, require the applicant to do any of the following:
5 (1) Provide any service or make available any part of the
6 broadband infrastructure to the political subdivision.
7 (2) Except for the fee allowed under paragraph "b" of this
8 subsection, make any payment to or on behalf of the political
9 subdivision.

4. The authority shall publish on its internet site state
5 grant and loan programs relating to broadband and broadband
6 infrastructure.

5. The authority shall develop a procedure whereby the
4 authority shall coordinate with other state agencies regarding
5 preferences given in the awarding of grants or making of loans
6 to successful applicants for broadband forward certification.

Sec. 3. NEW SECTION. 15.283 Telecommuter forward —
18 certification.

1. The authority shall establish a telecommuter forward
20 certification program, with the objective of encouraging
21 political subdivisions to further develop and promote the
22 availability of telecommuting. To qualify for telecommuter
23 forward certification, a political subdivision shall submit to
24 the authority, on forms prescribed by the authority by rule, an
25 application indicating the following:
26 a. The political subdivision's support and commitment to
27 promote the availability of telecommuting options.
28 b. Existing or proposed ordinances encouraging the further
29 development of telecommuting options.
30 c. Efforts to secure local funding for the further
31 development of telecommuting options.
32 d. A single point of contact for coordinating telecommuting
33 opportunities and options:
34 2. A single point of contact designated in an application
35 submitted pursuant to subsection 1 shall be responsible for all
of the following:

a. Coordination and partnership with the authority, communications service providers, realtors, economic development professionals, employers, employees, and other telecommuting stakeholders.

b. Collaboration with the authority, communication service providers, and employers to identify, develop, and market telecommuter-capable broadband packages available in the political subdivision.

c. Promotion of telecommuter-friendly workspaces, such as business incubators with telecommuting spaces, if such a workspace has been established in the political subdivision at the time the political subdivision submits the application.

d. Familiarity with broadband mapping tools and other state-level resources.

e. Maintaining regular communication with the authority.

f. Providing to the political subdivision regular reports regarding the availability of telecommuting options in the political subdivision.

3. The authority shall develop a procedure whereby the authority shall coordinate with other state agencies regarding preferences given in the awarding of grants or making of loans to successful applicants for telecommuter forward certification.

Sec. 4. NEW SECTION. 306.48 Fiberoptic network conduit installation program.

1. For purposes of this section:

a. "Fiberoptic network conduit" means a pipe, vault, or duct used to enclose fiberoptic cable facilities buried alongside a roadway or surface mounted on a bridge, overpass, or other facility where placement below ground is impossible or impractical. "Fiberoptic network conduit" does not include electronics or cable.

b. "Public funding" does not include a tax exemption authorized under section 427.1, subsection 40.
c. "Where such conduit does not exist" means that private
or publicly owned fiberoptic cable is not currently within a
linear range of five hundred feet or less in any one direction.

2. The department shall lead and coordinate a program to
provide for the installation of fiberoptic network conduit
where such conduit does not exist. The department shall
consult and coordinate with applicable agencies and entities,
including the office of the chief information officer, the
economic development authority, county boards of supervisors,
municipal governing bodies, the farm-to-market review board,
county conservation boards, and the boards, commissions, or
agencies in control of state parks, as determined appropriate
to ensure that the opportunity is provided to lay or install
fiberoptic network conduit wherever a construction project
utilizing public funding involves opening of the ground
alongside a primary road.

3. The department may contract with a nongovernmental
third party to manage, lease, install, or otherwise provide
fiberoptic network conduit access for projects described in
this section. This section does not require coordination with
or approval from the department pursuant to this program or
installation of fiberoptic conduit as required by this section
for construction projects not using public funding.

4. To facilitate the installation of fiberoptic network
conduit where such conduit does not exist, the department shall
maintain an up-to-date list of construction projects utilizing
public funding that involve the opening of the ground alongside
a primary road and shall publish the list on the department’s
internet site.

Sec. 5. REPEAL. Section 8B.25, Code 2020, is repealed.

EXPLANATION

The inclusion of this explanation does not constitute agreement with
the explanation’s substance by the members of the general assembly.

This bill relates to the development and utilization
of high-speed electronic transmission mediums, including
certifications to be issued by the economic development authority and the fiberoptic conduit installation program. The bill requires the authority to establish a broadband forward certification program. The objective of the program is to encourage political subdivisions to further development of both broadband infrastructure and access to broadband. A political subdivision shall apply to the economic development authority for broadband forward certification pursuant to application requirements specified in the bill. The bill describes certain actions a political subdivision certified as broadband forward cannot take. If a political subdivision successfully applies for broadband forward certification, the authority is required to coordinate with other state agencies regarding preferences given in the awarding of grants or making of loans.

The bill also requires the authority to establish a telecommuter forward certification program. The objective of the program is to encourage political subdivisions to further and promote the availability of telecommuting. The bill specifies application requirements for telecommuter forward certification, and describes certain actions a political subdivision certified as telecommuter forward cannot take. As with the broadband forward certification program, if a political subdivision successfully applies for telecommuter forward certification, the authority is required to coordinate with other state agencies regarding preferences given in the awarding of grants or making of loans.

The bill repeals the fiberoptic network conduit installation program under the authority of the office of the chief information officer and reestablishes the program under the purview of the department of transportation. The fiberoptic network conduit installation program provides that the department of transportation is to administer a program related to the installation of fiberoptic network conduit where such conduit does not exist. More specifically, the department
1 is to coordinate with applicable agencies and entities to 2 ensure there is an opportunity to install fiberoptic network 3 conduit during certain projects. The bill also requires the 4 department to maintain and publish on its internet site a list 5 of construction projects utilizing public funding that involve 6 opening the ground alongside a private road.