

**House File 2107 - Introduced**

HOUSE FILE 2107

BY SORENSEN

**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:

1 Section 1. NEW SECTION. 15.281 Definitions.

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

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

9 2. "*Broadband infrastructure*" means the physical  
10 infrastructure used for the transmission of data that provides  
11 broadband services. "*Broadband infrastructure*" does not include  
12 land, buildings, structures, improvements, or equipment not  
13 directly used in the transmission of data via broadband.

14 3. "*Communications service provider*" means a service  
15 provider that provides broadband service.

16 4. "*Political subdivision*" means a city, county, township,  
17 or school district.

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

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

27 a. The political subdivision's support and commitment to  
28 promote the availability of broadband.

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

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

35 d. A single point of contact for all matters related to

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

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.

10 4. The authority shall publish on its internet site state  
11 grant and loan programs relating to broadband and broadband  
12 infrastructure.

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

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

19 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

1 of the following:

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

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

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

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

16    *e.* Maintaining regular communication with the authority.

17    *f.* Providing to the political subdivision regular reports  
18 regarding the availability of telecommuting options in the  
19 political subdivision.

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

25    Sec. 4. NEW SECTION. 306.48 **Fiberoptic network conduit**  
26 **installation program.**

27    1. For purposes of this section:

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

34    *b.* "*Public funding*" does not include a tax exemption  
35 authorized under section 427.1, subsection 40.

1     *c. "Where such conduit does not exist"* means that private  
2 or publicly owned fiberoptic cable is not currently within a  
3 linear range of five hundred feet or less in any one direction.

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

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

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

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

31

EXPLANATION

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

34     This bill relates to the development and utilization  
35 of high-speed electronic transmission mediums, including

1 certifications to be issued by the economic development  
2 authority and the fiberoptic conduit installation program.

3 The bill requires the authority to establish a broadband  
4 forward certification program. The objective of the program  
5 is to encourage political subdivisions to further development  
6 of both broadband infrastructure and access to broadband. A  
7 political subdivision shall apply to the economic development  
8 authority for broadband forward certification pursuant to  
9 application requirements specified in the bill. The bill  
10 describes certain actions a political subdivision certified  
11 as broadband forward cannot take. If a political subdivision  
12 successfully applies for broadband forward certification, the  
13 authority is required to coordinate with other state agencies  
14 regarding preferences given in the awarding of grants or making  
15 of loans.

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

28 The bill repeals the fiberoptic network conduit installation  
29 program under the authority of the office of the chief  
30 information officer and reestablishes the program under the  
31 purview of the department of transportation. The fiberoptic  
32 network conduit installation program provides that the  
33 department of transportation is to administer a program related  
34 to the installation of fiberoptic network conduit where such  
35 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.