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. Section 8B.4, subsection 17, Code 2020, is amended by striking the subsection.

Sec. 2. NEW SECTION. 15E.167 Broadband forward and telecommuter forward — certifications.

1. As used in this section, unless the context requires otherwise:

a. "Broadband" means the same as defined in section 8B.1.

b. "Broadband infrastructure" means the same as defined in section 8B.1.

c. "Political subdivision" means a city, county, or township.

2. The authority shall establish the following certification programs:

a. Broadband forward certification, with the objective of encouraging political subdivisions to further develop broadband infrastructure and access to broadband.

b. Telecommuter forward certification, with the objective of encouraging political subdivisions to further develop and promote the availability of telecommuting.

3. To obtain broadband forward certification or telecommuter forward certification, a political subdivision shall submit an application to the authority on forms prescribed by the authority by rule.

4. The authority shall develop criteria for evaluating an application for both forms of certification and the awarding of certificates. The criteria shall take into account, at a minimum, the applicant's individual circumstances and the economic goals of the applicant. The authority shall consult with local government entities and local economic development officials when evaluating an application.

5. The authority shall adopt rules pursuant to chapter 17A for the implementation of this section.

Sec. 3. 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.
H.F. 2520

a primary road and shall publish the list on the department’s
internet site.

Sec. 4. 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 and a telecommuter forward
certification program. The objective of the broadband forward
certification program is to encourage political subdivisions
to further develop broadband infrastructure and access
to broadband. The objective of the telecommuter forward
certification program is to encourage political subdivisions to
further develop and promote the availability of telecommuting.
The bill provides that a political subdivision is to apply
to the authority for broadband forward certification or
telecommuter forward certification on forms prescribed by the
authority by rule. The bill requires the authority to develop
criteria for evaluating applications for broadband forward
certification and telecommuter forward certification. The
bill provides that such criteria shall take into account the
applicant’s individual circumstances and economic goals. The
bill additionally provides that the authority shall consult
with local government entities and local economic development
officials when evaluating an application.
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 is to coordinate with applicable agencies and entities to ensure there is an opportunity to install fiberoptic network conduit during certain projects. The bill also requires the department to maintain and publish on its internet site a list of construction projects utilizing public funding that involve opening the ground alongside a private road.