

Senate File 625 - Introduced

SENATE FILE 625

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1193)

A BILL FOR

1 An Act creating an empower rural Iowa Act to provide incentives
2 for broadband access.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. TITLE OF ACT. This Act shall be known and may be
2 cited as the "Empower Rural Iowa Act".

3 Sec. 2. Section 8B.1, Code 2019, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 4A. "*Facilitate*" means a communication
6 service provider's ability to provide broadband service at
7 or above the download and upload speeds specified in the
8 definition of targeted service area in this section to a home,
9 farm, school, or business within a commercially reasonable
10 time and at a commercially reasonable price upon request by a
11 consumer.

12 Sec. 3. Section 8B.1, subsection 12, Code 2019, is amended
13 to read as follows:

14 12. "*Targeted service area*" means a United States census
15 bureau census block located in this state, including any crop
16 operation located within the census block, within which no
17 communications service provider offers or facilitates broadband
18 service at or above ~~twenty-five megabits per second of download~~
19 ~~speed and three megabits per second of upload speed as of July~~
20 ~~1, 2015~~ the download and upload speed benchmarks identified
21 by the federal communications commission in its most recent
22 broadband report issued pursuant to section 706 of the Federal
23 Telecommunications Act of 1996, as amended.

24 Sec. 4. Section 8B.10, subsection 1, Code 2019, is amended
25 to read as follows:

26 1. The determination of whether a communications service
27 provider offers or facilitates broadband service meeting the
28 download or upload speeds specified in the definition of
29 targeted service area in [section 8B.1](#) shall be determined
30 or ascertained by reference to broadband availability maps
31 or data sources that are widely accepted for accuracy and
32 available for public review and comment and that are identified
33 by the office by rule. The office shall periodically make
34 renewed determinations of whether a communications service
35 provider offers or facilitates broadband service at or above

1 the download and upload speeds specified in the definition of
2 targeted service area in section 8B.1, which shall include
3 making such determinations prior to each round of grant
4 applications solicited by the office pursuant to section 8B.11.

5 Sec. 5. Section 8B.11, subsection 1, Code 2019, is amended
6 to read as follows:

7 1. The office shall administer a broadband grant program
8 designed to award reduce or eliminate unserved and underserved
9 areas in the state, leveraging federal funds and public and
10 private partnerships where possible, by awarding grants to
11 communications service providers that reduce or eliminate
12 targeted service areas by installing broadband infrastructure
13 that facilitates broadband service in targeted service areas
14 at or above the download and upload speeds specified in
15 the definition of targeted service area in section 8B.1, in
16 accordance with [this section](#).

17 Sec. 6. Section 8B.11, subsection 2, paragraph c, Code 2019,
18 is amended to read as follows:

19 c. Notwithstanding [section 8.33](#), moneys in the fund
20 that remain unencumbered or unobligated at the close of the
21 fiscal year shall not revert but shall remain available for
22 expenditure for the purposes designated until ~~the close of~~
23 ~~the succeeding fiscal year~~ three years following the last
24 day of the fiscal year in which the funds were originally
25 appropriated.

26 Sec. 7. Section 8B.11, subsection 3, Code 2019, is amended
27 to read as follows:

28 3. Communications service providers may apply to the office
29 for a grant pursuant to [this section](#) for the installation of
30 broadband infrastructure that facilitates broadband service
31 ~~at or above twenty-five megabits per second of download speed~~
32 ~~and three megabits per second of upload speed in targeted~~
33 service areas at or above the download and upload speeds
34 specified in the definition of targeted service area in
35 section 8B.1. The office may, by rule, increase the minimum

1 download and upload speeds for grant eligibility pursuant to
2 this section. The office shall include representatives from
3 schools, communities, agriculture, industry, and other areas
4 as appropriate to review and recommend grant awards. The
5 office shall conduct an open application review process ~~and~~
6 include that includes the opportunity for the public to submit
7 factual information as part of a validation process to address
8 claims that a targeted service area is currently served with
9 broadband service at or above the download and upload speeds
10 specified in the definition of targeted service area in section
11 8B.1. Upon completion of the validation process, the office
12 may modify a proposed targeted service area to account for
13 information received during the validation process. The office
14 shall make available a public internet site ~~for~~ identifying all
15 publicly available information contained in the applications,
16 the members of the review committee, a summary of the review
17 committee's recommended results, and any results of performance
18 testing conducted after the project is completed.

19 Sec. 8. Section 8B.11, subsection 4, Code 2019, is amended
20 to read as follows:

21 4. a. The office shall award grants on a competitive basis
22 after considering the following:

23 (1) The relative need for broadband infrastructure in the
24 area and the existing broadband service speeds, including
25 whether the project serves a rural area or areas.

26 (2) The amount or percentage of local or federal matching
27 funds, if any, any funding obligations shared between public
28 and private entities, and any support provided from federal
29 programs.

30 (3) The specific product attributes resulting from the
31 proposed project, including technologies, capabilities, and
32 broadband service speeds that are more advanced. The office
33 shall give preference to projects that facilitate broadband
34 service at or above one hundred megabits per second of download
35 speed and one hundred megabits per second of upload speed.

1 "Empower Rural Iowa Act".

2 Current law requires the OCIO to administer a broadband
3 grant program to award grants to communications service
4 providers that reduce or eliminate targeted service areas,
5 as defined, by installing broadband infrastructure that
6 facilitates broadband service at or above 25 megabits per
7 second of download speed and 3 megabits per second of upload
8 speed as of July 1, 2015. The bill removes references to the
9 specified download and upload speeds and date throughout Code
10 chapter 8B and instead references the download and upload speed
11 benchmarks identified by the federal communications commission
12 in its most recent broadband report issued pursuant to federal
13 law. The bill also provides a new definition for "facilitate"
14 in Code section 8B.1, as described in the bill.

15 Current law provides that the determination of whether a
16 communications service provider facilitates broadband service
17 meeting the requisite download or upload speeds shall be
18 ascertained by reference to certain broadband availability
19 maps or data sources identified by the OCIO by rule. The bill
20 requires the OCIO to periodically make renewed determinations
21 of whether such a provider facilitates broadband service
22 at or above the requisite speeds, including making such
23 determinations prior to each round of grant applications.

24 The bill provides that the broadband grant program shall
25 be designed to reduce or eliminate unserved and underserved
26 areas in Iowa, leveraging federal funds and public and
27 private partnerships where possible, by awarding grants
28 to communications service providers to install broadband
29 infrastructure that facilitates broadband service in targeted
30 service areas at or above the requisite download and upload
31 speeds.

32 Current law allows unencumbered or unobligated moneys
33 remaining in the broadband grant fund at the close of the
34 fiscal year to remain available for use until the close of the
35 succeeding fiscal year. The bill instead provides that such

1 moneys shall remain available until three years following the
2 last day of the fiscal year in which the funds were originally
3 appropriated.

4 The bill allows the OCIO to increase the minimum download and
5 upload speeds for broadband grant eligibility by rule.

6 The bill requires the OCIO to conduct a validation process
7 for public comment on grant applications, as described in
8 the bill. The bill requires the OCIO to identify certain
9 information relating to broadband grants on a public internet
10 site.

11 Current law provides certain factors for the OCIO to
12 consider in awarding grants on a competitive basis. The bill
13 modifies such factors for the OCIO to consider in awarding
14 grants and provides that the OCIO shall afford the greatest
15 weight to certain factors, as described in the bill.

16 Current law requires the OCIO to evaluate applications for
17 broadband grants only pursuant to the information provided
18 in an application. The bill allows the OCIO to consider
19 any information obtained during the application process or
20 validation process.

21 The bill extends the OCIO broadband grant program from July
22 1, 2020, to July 1, 2025.

23 Current law requires the OCIO to adopt rules related to the
24 broadband grant program. The bill instead provides the OCIO
25 with discretion to adopt rules deemed necessary to interpret or
26 administer Code chapter 8B, including but not limited to rules
27 relating to the broadband grant program.