HOUSE FILE 2459
BY COMMITTEE ON INFORMATION TECHNOLOGY

(SUCCESSOR TO HSB 621)

A BILL FOR

1 An Act relating to the financing of the construction or repair
2 of works or facilities used to provide telecommunications
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 28F.1, subsection 1, Code 2022, is amended to read as follows:

1. This chapter provides a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, facilities used for the conversion of solid waste to energy, works or facilities useful for the operation of a telecommunications system or the provision of telecommunications services, gasworks and facilities useful for the delivery of natural gas service, and also electric power facilities constructed within the state of Iowa, except that hydroelectric power facilities may also be located in the waters and on the dams of or on land adjacent to either side of the Mississippi or Missouri river bordering the state of Iowa, water supply systems, swimming pools or golf courses. This chapter applies to the acquisition, construction, reconstruction, ownership, operation, repair, extension, or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E or chapter 389. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof or any combination of the foregoing with other public agencies, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the seal at pleasure, and execute all the powers conferred in this chapter.

Sec. 2. Section 384.24, subsection 3, Code 2022, is amended by adding the following new paragraph:

NEW PARAGRAPH. y. The construction, reconstruction, and repair of fiberoptic network conduit as defined in section
H.F. 2459

1 8B.25, and the acquisition of real estate interests needed for
2 such purposes. A city shall comply with 47 U.S.C. §253 and
3 332 and shall provide nondiscriminatory access to fiberoptic
4 network conduit owned or leased by the city to provide
5 telecommunications services.

EXPLANATION

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

9 This bill relates to the financing of the construction
10 or repair of works or facilities used to provide
11 telecommunications services.
12 The bill permits joint financing under Code chapter
13 28F for works or facilities useful for the operation
14 of a telecommunications system or the provision of
15 telecommunications services.
16 The bill provides that the definition of "essential
17 corporate purpose" contained in Code section 384.24 shall
18 include the construction, reconstruction, and repair of
19 fiberoptic network conduit and the acquisition of real estate
20 interests needed for such purposes. The bill provides that
21 "fiberoptic network conduit" means as defined in Code section
22 8B.25 to include a pipe, vault, or duct used to enclose
23 fiberoptic cable facilities buried alongside a roadway or
24 surface mounted on a bridge, overpass, or other facility
25 where placement below ground is impossible or impractical but
26 not including electronics or cable. The bill provides in
27 the definition that a city shall comply with 47 U.S.C. §253
28 regarding removal of barriers to entry and 47 U.S.C. §332
29 regarding mobile services and shall provide nondiscriminatory
30 access to fiberoptic network conduit owned or leased by the
31 city to provide telecommunications services.