

House File 586 - Introduced

HOUSE FILE 586
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 53)

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. Section 8B.4, subsection 17, Code 2021, is
2 amended by striking the subsection.

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

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

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

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

10 *c.* "Communications service provider" means a service
11 provider that provides broadband service.

12 *d.* "Political subdivision" means a city, county, or
13 township.

14 2. The authority shall establish the following
15 certification programs:

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

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

22 3. To obtain broadband forward certification, a political
23 subdivision shall submit to the authority, on forms prescribed
24 by the authority by rule, an application indicating the
25 following:

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

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

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

34 *d.* A single point of contact for all matters related to
35 broadband and broadband infrastructure.

1 4. A single point of contact designated in an application
2 submitted pursuant to subsection 3 shall be responsible for all
3 of the following:

4 a. Coordination and partnership with the authority,
5 communications service providers, realtors, economic
6 development professionals, employers, employees, and other
7 broadband stakeholders.

8 b. Collaboration with the authority, communication service
9 providers, and employers to identify, develop, and market
10 broadband packages available in the political subdivision.

11 c. Familiarity with broadband mapping tools and other
12 state-level resources.

13 d. Maintaining regular communication with the authority.

14 e. Providing to the political subdivision regular reports
15 regarding the availability of broadband in the political
16 subdivision.

17 5. A political subdivision that the authority has certified
18 as a broadband forward community under subsection 3 shall not
19 do any of the following:

20 a. Require an applicant to designate a final contractor to
21 complete a broadband infrastructure project.

22 b. Impose a fee to review an application or issue a permit
23 for a broadband infrastructure application in excess of one
24 hundred dollars.

25 c. Impose a moratorium of any kind on the approval
26 of applications and issuance of permits for broadband
27 infrastructure projects or on construction related to broadband
28 infrastructure.

29 d. Discriminate among communications service providers,
30 or public utilities with respect to any action described in
31 this section or otherwise related to broadband infrastructure,
32 including granting access to public rights-of-way,
33 infrastructure and poles, river and bridge crossings, or any
34 other physical assets owned or controlled by the political
35 subdivision.

1 e. As a condition for approving an application or issuing a
2 permit for a broadband infrastructure project or for any other
3 purpose, require the applicant to do any of the following:

4 (1) Provide any service or make available any part of the
5 broadband infrastructure to the political subdivision.

6 (2) Except for the fee allowed under paragraph "b" of this
7 subsection, make any payment to or on behalf of the political
8 subdivision.

9 6. To obtain telecommuter forward certification, a
10 political subdivision shall submit to the authority, on forms
11 prescribed by the authority by rule, an application indicating
12 the following:

13 a. The political subdivision's support and commitment to
14 promote the availability of telecommuting options.

15 b. Existing or proposed ordinances encouraging the further
16 development of telecommuting options.

17 c. Efforts to secure local funding for the further
18 development of telecommuting options.

19 d. A single point of contact for coordinating telecommuting
20 opportunities and options:

21 7. A single point of contact designated in an application
22 submitted pursuant to subsection 6 shall be responsible for all
23 of the following:

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

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

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

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

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

4 *f.* Providing to the political subdivision regular reports
5 regarding the availability of telecommuting options in the
6 political subdivision.

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

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

16 Sec. 3. NEW SECTION. **306.48 Fiberoptic network conduit**
17 **installation program.**

18 1. For purposes of this section:

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

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

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

30 2. The department shall lead and coordinate a program to
31 provide for the installation of fiberoptic network conduit
32 where such conduit does not exist. The department shall
33 consult and coordinate with applicable agencies and entities,
34 including the office of the chief information officer, the
35 economic development authority, county boards of supervisors,

1 municipal governing bodies, the farm-to-market review board,
2 county conservation boards, and the boards, commissions, or
3 agencies in control of state parks, as determined appropriate
4 to ensure that the opportunity is provided to lay or install
5 fiberoptic network conduit wherever a construction project
6 utilizing public funding involves opening of the ground
7 alongside a primary road.

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

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

21 Sec. 4. REPEAL. Section 8B.25, Code 2021, is repealed.

22 EXPLANATION

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

25 This bill relates to the development and utilization
26 of high-speed electronic transmission mediums, including
27 certifications to be issued by the economic development
28 authority and the fiberoptic conduit installation program.

29 The bill requires the authority to establish a broadband
30 forward certification program and a telecommuter forward
31 certification program. The bill provides application
32 requirements for each program. The objective of the broadband
33 forward certification program is to encourage political
34 subdivisions to further develop broadband infrastructure and
35 access to broadband. The bill limits the activities of a

1 political subdivision that has been certified as a broadband
2 forward community with respect to broadband infrastructure
3 projects. The objective of the telecommuter forward
4 certification program is to encourage political subdivisions to
5 further develop and promote the availability of telecommuting.

6 The bill requires the authority to develop criteria for
7 evaluating applications for broadband forward certification
8 and telecommuter forward certification. The bill provides
9 that such criteria shall take into account the applicant's
10 individual circumstances and economic goals. The bill
11 additionally provides that the authority shall consult with
12 local government entities and local economic development
13 officials when evaluating an application.

14 The bill repeals the fiberoptic network conduit installation
15 program under the authority of the office of the chief
16 information officer and reestablishes the program under the
17 purview of the department of transportation. The fiberoptic
18 network conduit installation program provides that the
19 department of transportation is to administer a program related
20 to the installation of fiberoptic network conduit where such
21 conduit does not exist. More specifically, the department
22 is to coordinate with applicable agencies and entities to
23 ensure there is an opportunity to install fiberoptic network
24 conduit during certain projects. The bill also requires the
25 department to maintain and publish on its internet site a list
26 of construction projects utilizing public funding that involve
27 opening the ground alongside a private road.