

**House Study Bill 53 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
ECONOMIC GROWTH BILL BY  
CHAIRPERSON 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. 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. "*Political subdivision*" means a city, county, or  
11 township.

12 2. The authority shall establish the following  
13 certification programs:

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

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

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

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

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

33 Sec. 3. NEW SECTION. 306.48 **Fiberoptic network conduit**  
34 **installation program.**

35 1. For purposes of this section:

1     *a. "Fiberoptic network conduit"* means a pipe, vault,  
2 or duct used to enclose fiberoptic cable facilities buried  
3 alongside a roadway or surface mounted on a bridge, overpass,  
4 or other facility where placement below ground is impossible  
5 or impractical. *"Fiberoptic network conduit"* does not include  
6 electronics or cable.

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

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

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

25     3. The department may contract with a nongovernmental  
26 third party to manage, lease, install, or otherwise provide  
27 fiberoptic network conduit access for projects described in  
28 this section. This section does not require coordination with  
29 or approval from the department pursuant to this program or  
30 installation of fiberoptic conduit as required by this section  
31 for construction projects not using public funding.

32     4. To facilitate the installation of fiberoptic network  
33 conduit where such conduit does not exist, the department shall  
34 maintain an up-to-date list of construction projects utilizing  
35 public funding that involve the opening of the ground alongside

1 a primary road and shall publish the list on the department's  
2 internet site.

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

4 EXPLANATION

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

7 This bill relates to the development and utilization  
8 of high-speed electronic transmission mediums, including  
9 certifications to be issued by the economic development  
10 authority and the fiberoptic conduit installation program.

11 The bill requires the authority to establish a broadband  
12 forward certification program and a telecommuter forward  
13 certification program. The objective of the broadband forward  
14 certification program is to encourage political subdivisions  
15 to further develop broadband infrastructure and access  
16 to broadband. The objective of the telecommuter forward  
17 certification program is to encourage political subdivisions to  
18 further develop and promote the availability of telecommuting.

19 The bill provides that a political subdivision is to apply  
20 to the authority for broadband forward certification or  
21 telecommuter forward certification on forms prescribed by the  
22 authority by rule. The bill requires the authority to develop  
23 criteria for evaluating applications for broadband forward  
24 certification and telecommuter forward certification. The  
25 bill provides that such criteria shall take into account the  
26 applicant's individual circumstances and economic goals. The  
27 bill additionally provides that the authority shall consult  
28 with local government entities and local economic development  
29 officials when evaluating an application.

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

1 to the installation of fiberoptic network conduit where such  
2 conduit does not exist. More specifically, the department  
3 is to coordinate with applicable agencies and entities to  
4 ensure there is an opportunity to install fiberoptic network  
5 conduit during certain projects. The bill also requires the  
6 department to maintain and publish on its internet site a list  
7 of construction projects utilizing public funding that involve  
8 opening the ground alongside a private road.