

House File 586 - Reprinted

HOUSE FILE 586
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 53)

(As Amended and Passed by the House March 23, 2021)

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.25, subsection 2, Code 2021, is
2 amended to read as follows:

3 2. The office shall lead and coordinate a program to provide
4 for the installation of fiberoptic network conduit where such
5 conduit does not exist. The chief information officer shall
6 consult and coordinate with applicable agencies and entities,
7 including public utilities as defined in section 476.1, the
8 state department of transportation, the economic development
9 authority, county boards of supervisors, municipal governing
10 bodies, the farm-to-market review board, county conservation
11 boards, and the boards, commissions, or agencies in control
12 of state parks, as determined appropriate to ensure that the
13 opportunity is provided to lay or install fiberoptic network
14 conduit wherever a state-funded construction project involves
15 trenching, boring, a bridge, a roadway, or opening of the
16 ground, or alongside any state-owned infrastructure.

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

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

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

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

24 c. "*Communications service provider*" means a service
25 provider that provides broadband service.

26 d. "*Political subdivision*" means a city, county, or
27 township.

28 2. The authority shall establish the following
29 certification programs:

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

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

1 3. To obtain broadband forward certification, a political
2 subdivision shall submit to the authority, on forms prescribed
3 by the authority by rule, an application indicating the
4 following:

5 a. The political subdivision's support and commitment to
6 promote the availability of broadband.

7 b. Existing or proposed ordinances encouraging the
8 further development of broadband infrastructure and access to
9 broadband.

10 c. Efforts to secure local funding for the further
11 development of broadband infrastructure and access to
12 broadband.

13 d. A single point of contact for all matters related to
14 broadband and broadband infrastructure.

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

18 a. Coordination and partnership with the authority,
19 communications service providers, realtors, economic
20 development professionals, employers, employees, and other
21 broadband stakeholders.

22 b. Collaboration with the authority, communication service
23 providers, and employers to identify, develop, and market
24 broadband packages available in the political subdivision.

25 c. Familiarity with broadband mapping tools and other
26 state-level resources.

27 d. Maintaining regular communication with the authority.

28 e. Providing to the political subdivision regular reports
29 regarding the availability of broadband in the political
30 subdivision.

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

34 a. Require an applicant to designate a final contractor to
35 complete a broadband infrastructure project.

1 *b.* Impose a fee to review an application or issue a permit
2 for a broadband infrastructure application in excess of one
3 hundred dollars.

4 *c.* Impose a moratorium of any kind on the approval
5 of applications and issuance of permits for broadband
6 infrastructure projects or on construction related to broadband
7 infrastructure.

8 *d.* Discriminate among communications service providers,
9 or public utilities with respect to any action described in
10 this section or otherwise related to broadband infrastructure,
11 including granting access to public rights-of-way,
12 infrastructure and poles, river and bridge crossings, or any
13 other physical assets owned or controlled by the political
14 subdivision.

15 *e.* As a condition for approving an application or issuing a
16 permit for a broadband infrastructure project or for any other
17 purpose, require the applicant to do any of the following:

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

20 (2) Except for the fee allowed under paragraph "*b*" of this
21 subsection, make any payment to or on behalf of the political
22 subdivision.

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

27 *a.* The political subdivision's support and commitment to
28 promote the availability of telecommuting options.

29 *b.* Existing or proposed ordinances encouraging the further
30 development of telecommuting options.

31 *c.* Efforts to secure local funding for the further
32 development of telecommuting options.

33 *d.* A single point of contact for coordinating telecommuting
34 opportunities and options:

35 7. A single point of contact designated in an application

1 submitted pursuant to subsection 6 shall be responsible for all
2 of the following:

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

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

11 *c.* Promotion of telecommuter-friendly workspaces, such
12 as business incubators with telecommuting spaces, if such a
13 workspace has been established in the political subdivision at
14 the time the political subdivision submits the application.

15 *d.* Familiarity with broadband mapping tools and other
16 state-level resources.

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

18 *f.* Providing to the political subdivision regular reports
19 regarding the availability of telecommuting options in the
20 political subdivision.

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

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