

IN THE SENATE

SENATE BILL NO. 1149

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BROADBAND COMMUNICATIONS INFRASTRUCTURE AND SYSTEMS; AMENDING  
2 CHAPTER 3, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-346,  
3 IDAHO CODE, TO PROVIDE CERTAIN POWERS AND AUTHORITY TO A MUNICIPALITY  
4 REGARDING BROADBAND COMMUNICATIONS INFRASTRUCTURE AND SYSTEMS, TO PRO-  
5 VIDE THAT A MUNICIPALITY SHALL ACCOUNT FOR CERTAIN MONEYS, TO PROHIBIT A  
6 MUNICIPALITY FROM USING EMINENT DOMAIN, TO PROVIDE THAT A MUNICIPALITY  
7 SHALL NOT BE LIMITED IN THE USE OF OTHER POWERS, AND TO DEFINE TERMS; AND  
8 DECLARING AN EMERGENCY.  
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Chapter 3, Title 50, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 50-346, Idaho Code, and to read as follows:

14 50-346. BROADBAND COMMUNICATIONS INFRASTRUCTURE AND SYSTEMS. (1)  
15 A municipality shall have the express authority to establish, create,  
16 develop, acquire, finance, construct, equip, lease, own, maintain, and op-  
17 erate broadband communications infrastructure and systems.

18 (2) In furtherance of the authority granted in this section, each  
19 municipality shall, in addition to the powers otherwise granted to the mu-  
20 nicipality under the laws of the state of Idaho, have the following powers  
21 together with all powers incidental thereto or necessary for the purpose  
22 thereof:

23 (a) To enter into contracts, leases, and other agreements with any  
24 body, public or private, including communications service providers,  
25 to provide access to rights-of-way, poles, or conduits owned, leased,  
26 or operated by the municipality or otherwise related to municipal  
27 broadband communications infrastructure and systems;

28 (b) To construct or repair broadband communications infrastructure  
29 with the municipality's own employees pursuant to section 67-2804(2),  
30 Idaho Code, or to procure construction or repair of broadband communi-  
31 cations infrastructure as provided in section 67-2805, Idaho Code;

32 (c) To receive grants, private donations, state or federal dollars, or  
33 other revenues, including from private parties for broadband communi-  
34 cations infrastructure and systems; and

35 (d) To do all things necessary and convenient to carry out the purposes  
36 of this section.

37 (3) A municipality shall account for revenues, expenses, property, and  
38 source of investment moneys associated with broadband communications infra-  
39 structure and systems, including with regard to cost accounting principles,  
40 in accordance with the laws of the state of Idaho governing such municipality  
41 and applicable standards of government accounting.

1 (4) A municipality shall not acquire by eminent domain the facilities  
2 or other property of any private communications service provider.

3 (5) Nothing in this section shall be construed as a restriction or lim-  
4 itation upon any powers that any municipality might otherwise have under the  
5 laws of the state of Idaho.

6 (6) As used in this section:

7 (a) "Broadband communications infrastructure and systems" means  
8 infrastructure, systems, and networks for the provision of communica-  
9 tions, including but not limited to the provision of cable, telecom-  
10 munications, broadband, data, data transport, data transmission, or  
11 high-speed internet equipment, regardless of the technology used to  
12 deliver the communication.

13 (b) "Municipality" means any county, incorporated city, or port dis-  
14 trict within the state of Idaho.

15 SECTION 2. An emergency existing therefor, which emergency is hereby  
16 declared to exist, this act shall be in full force and effect on and after its  
17 passage and approval.