

**House File 2472 - Introduced**

HOUSE FILE 2472

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2329)

(SUCCESSOR TO HSB 515)

**A BILL FOR**

1 An Act relating to and providing for the facilitation of  
2 broadband access in unserved or underserved areas of the  
3 state, including income and property tax incentives for  
4 broadband infrastructure installation, and including  
5 retroactive applicability provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

LEGISLATIVE INTENT

Section 1. SHORT TITLE. This Act shall be known and may be cited as the "Connect Every Iowan Act".

Sec. 2. LEGISLATIVE INTENT. The general assembly finds and declares that increasing the extent and availability of broadband infrastructure throughout the state facilitates the provision of internet access to citizens, businesses, and communities at speeds that promote economic development, employment, enhanced access to goods and services, increased educational and training opportunities, faster access to government services and health care, and improved overall information and community access.

DIVISION II

STATEWIDE BROADBAND COORDINATION

Sec. 3. Section 8B.1, Code 2014, is amended by adding the following new subsections:

NEW SUBSECTION. 01. "*Broadband*" means a high-speed, high-capacity electronic transmission medium that can carry data signals from multiple independent network sources by establishing different bandwidth channels and that is commonly used to deliver internet services to the public.

NEW SUBSECTION. 001. "*Broadband infrastructure*" means the physical infrastructure used for the transmission of data via broadband, including but not limited to any equipment, systems, switches, routers, wire, cable, satellite, conduits, servers, software, technology, base transceiver station sites, or other means of transmission or communication. "*Broadband infrastructure*" does not include land, buildings, structures, improvements, or equipment not directly used in the transmission of data.

NEW SUBSECTION. 0001. "*Communications service provider*" means a service provider that provides broadband service.

NEW SUBSECTION. 00001. "*Crop operation*" means the same as defined in section 717A.1.

1     Sec. 4. Section 8B.1, subsection 1, Code 2014, is amended  
2 to read as follows:

3     1. *"Information technology"* means computing and electronics  
4 applications used to process and distribute information in  
5 digital and other forms and includes information technology  
6 devices, information technology services, infrastructure  
7 services, broadband and broadband infrastructure, and  
8 value-added services.

9     Sec. 5. Section 8B.1, Code 2014, is amended by adding the  
10 following new subsections:

11     NEW SUBSECTION. 7A. *"Targeted underserved service area"*  
12 means a United States census bureau census block located in  
13 this state, including any crop operation located within the  
14 census block, within which no communications service provider  
15 offers or facilitates broadband service at or above twenty-five  
16 megabits per second of download speed and three megabits per  
17 second of upload speed.

18     NEW SUBSECTION. 7B. *"Targeted unserved service area"* means  
19 a United States census bureau census block located in this  
20 state, including any crop operation located within the census  
21 block, within which no communications service provider offers  
22 or facilitates broadband service at or above four megabits per  
23 second of download speed and one megabit per second of upload  
24 speed.

25     Sec. 6. Section 8B.3, subsection 1, Code 2014, is amended  
26 to read as follows:

27     1. The office is created for the purpose of leading,  
28 directing, managing, coordinating, and providing accountability  
29 for the information technology resources of state government  
30 and for coordinating statewide broadband availability and  
31 access.

32     Sec. 7. Section 8B.4, Code 2014, is amended by adding the  
33 following new subsection:

34     NEW SUBSECTION. 14A. Streamline, consolidate, and  
35 coordinate the access to and availability of broadband and

1 broadband infrastructure throughout the state, including but  
2 not limited to the facilitation of public-private partnerships,  
3 ensuring that all state agencies' broadband and broadband  
4 infrastructure policies and procedures are aligned, promoting  
5 accountability regarding broadband and broadband infrastructure  
6 availability and access, integrating broadband with cyber  
7 security standards and rules, resolving issues which arise  
8 with regard to implementation efforts, collecting data and  
9 developing metrics or standards against which the data may  
10 be measured and evaluated regarding broadband infrastructure  
11 installation and deployment, and identifying options regarding  
12 the creation of standing resources for stakeholders such  
13 as a fiberoptic database or a fiberoptic network conduit  
14 installation coordination effort for state-funded construction  
15 projects.

16 Sec. 8. Section 8B.9, Code 2014, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 5. An annual report regarding the status of  
19 broadband expansion and coordination.

20 Sec. 9. NEW SECTION. **8B.10 Targeted unserved and**  
21 **underserved service areas — determination — criteria —**  
22 **subdivision.**

23 1. The determination of whether a communications service  
24 provider offers or facilitates broadband service meeting the  
25 download or upload speeds specified in the definitions of  
26 targeted underserved service area and targeted unserved service  
27 area in section 8B.1 shall be determined or ascertained by  
28 reference to broadband availability maps or data sources that  
29 are widely accepted for accuracy and available for public  
30 review and comment and that are identified by the office by  
31 rule.

32 2. The office shall establish procedures to allow  
33 challenges to claims that an area meets the definition of a  
34 targeted unserved service area or targeted underserved service  
35 area.

1 3. Service areas that have more than one communications  
2 service provider shall be subdivided based on incumbent local  
3 telephone exchange areas that have been established by the  
4 utilities board of the utilities division of the department of  
5 commerce pursuant to section 476.29.

6 Sec. 10. NEW SECTION. **8B.25 Broadband permitting process**  
7 **— expeditious response.**

8 Notwithstanding any other provision to the contrary, a  
9 political subdivision vested with permitting authority shall  
10 approve, approve with modification, or disapprove nonwireless  
11 broadband-related permits within sixty business days following  
12 the submission of a permit application and fee. In the event  
13 that no action is taken during the sixty-day period, the  
14 application shall be deemed approved.

15 Sec. 11. Section 8D.3, subsection 2, paragraph a, Code 2014,  
16 is amended to read as follows:

17 a. The commission is composed of the chief information  
18 officer appointed pursuant to section 8B.2 or the chief  
19 information officer's designee and five other members who shall  
20 be appointed by the governor and subject to confirmation by the  
21 senate. ~~Members~~ Appointed members of the commission shall not  
22 serve in any manner or be employed by an authorized user of the  
23 network or by an entity seeking to do or doing business with  
24 the network.

25 (1) The governor shall appoint a member as the chairperson  
26 of the commission from the five members appointed by the  
27 governor, subject to confirmation by the senate.

28 (2) ~~Members~~ Appointed members of the commission shall serve  
29 six-year staggered terms as designated by the governor and  
30 appointments to the commission are subject to the requirements  
31 of sections 69.16, 69.16A, and 69.19. Vacancies shall be  
32 filled by the governor for the duration of the unexpired term.

33 (3) The salary of the appointed members of the commission  
34 shall be twelve thousand dollars per year, except that the  
35 salary of the chairperson shall be seventeen thousand dollars

1 per year. ~~Members~~ Appointed members of the commission shall  
2 also be reimbursed for all actual and necessary expenses  
3 incurred in the performance of duties as members. The benefits  
4 and salary paid to the appointed members of the commission  
5 shall be adjusted annually equal to the average of the annual  
6 pay adjustments, expense reimbursements, and related benefits  
7 provided under collective bargaining agreements negotiated  
8 pursuant to chapter 20.

9 Sec. 12. Section 8D.3, subsection 2, paragraph b, Code 2014,  
10 is amended to read as follows:

11 ~~b. In addition to the members appointed by the governor, the~~  
12 The auditor of state or the auditor's designee shall serve as a  
13 nonvoting, ex officio member of the commission.

14 Sec. 13. Section 8D.4, Code 2014, is amended to read as  
15 follows:

16 **8D.4 Executive director appointed.**

17 ~~The commission, in consultation with the director of~~  
18 ~~the department of administrative services and the chief~~  
19 ~~information officer,~~ shall appoint an executive director of  
20 the commission, subject to confirmation by the senate. Such  
21 individual shall not serve as a member of the commission.  
22 The executive director shall serve at the pleasure of the  
23 commission. The executive director shall be selected primarily  
24 for administrative ability and knowledge in the field, without  
25 regard to political affiliation. The governor shall establish  
26 the salary of the executive director within range nine as  
27 established by the general assembly. The salary and support of  
28 the executive director shall be paid from funds deposited in  
29 the Iowa communications network fund.

30 Sec. 14. Section 80.28, subsection 2, Code 2014, is amended  
31 to read as follows:

32 2. The board shall consist of ~~fifteen~~ seventeen voting  
33 members, as follows:

34 a. The following members representing state agencies:

35 (1) One member representing the department of public

1 safety.

2 (2) One member representing the state department of  
3 transportation.

4 (3) One member representing the department of homeland  
5 security and emergency management.

6 (4) One member representing the department of corrections.

7 (5) One member representing the department of natural  
8 resources.

9 (6) One member representing the Iowa department of public  
10 health.

11 (7) One member representing the office of the chief  
12 information officer.

13 b. The governor shall solicit and consider recommendations  
14 from professional or volunteer organizations in appointing the  
15 following members:

16 (1) Two members who are representatives from municipal  
17 police departments.

18 (2) Two members who are representatives of sheriff's  
19 offices.

20 (3) Two members who are representatives from fire  
21 departments. One of the members shall be a volunteer fire  
22 fighter and the other member shall be a paid fire fighter.

23 (4) Two members who are law communication center managers  
24 employed by state or local government agencies.

25 (05) One member who is an emergency medical care provider  
26 as defined in section 147A.1.

27 (5) One at-large member.

28 DIVISION III

29 INCOME TAX INCENTIVES

30 Sec. 15. Section 422.7, Code 2014, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 57. a. If adjusted gross income includes  
33 a depreciation deduction under section 167 of the Internal  
34 Revenue Code for broadband infrastructure placed in service on  
35 or after July 1, 2014, in a targeted unserved service area or a

1 targeted underserved service area, the taxpayer may elect to  
2 claim an accelerated depreciation deduction on such broadband  
3 infrastructure in computing net income for state tax purposes.  
4 If the taxpayer does elect to claim an accelerated depreciation  
5 deduction, the following adjustments shall be made:

6 (1) Add the total amount of depreciation taken for federal  
7 tax purposes on the broadband infrastructure for the tax  
8 year using the modified accelerated cost recovery system  
9 depreciation method applicable under section 168 of the  
10 Internal Revenue Code.

11 (2) Subtract an amount equal to the product of the amount of  
12 depreciation taken for federal tax purposes on the broadband  
13 infrastructure for the tax year using the modified accelerated  
14 cost recovery system depreciation method applicable under  
15 section 168 of the Internal Revenue Code multiplied by two, not  
16 to exceed the adjusted basis of the broadband infrastructure  
17 for state tax purposes.

18 (3) Any other adjustments to basis or gains or losses to  
19 reflect the adjustments made in subparagraphs (1) and (2)  
20 pursuant to rules adopted by the director.

21 *b.* An election made under this subsection is irrevocable  
22 and applies to the broadband infrastructure for which the  
23 election is made for the tax year of the election and for each  
24 succeeding tax year.

25 *c.* For purposes of this subsection, "*broadband*  
26 *infrastructure*", "*targeted unserved service area*", and "*targeted*  
27 *underserved service area*" mean the same as defined in section  
28 8B.1.

29 **Sec. 16. NEW SECTION. 422.11C Broadband infrastructure tax**  
30 **credit.**

31 1. For purposes of this section, "*broadband infrastructure*",  
32 "*communications service provider*", "*targeted unserved service*  
33 *area*", and "*targeted underserved service area*" mean the same as  
34 defined in section 8B.1.

35 2. The taxes imposed under this division, less the credits



1 allowed under section 422.12, shall be reduced by a broadband  
2 infrastructure tax credit. The credit shall be equal to seven  
3 percent of the amount expended by a communications service  
4 provider for a new installation of broadband infrastructure  
5 completed on or after July 1, 2014, in a targeted unserved  
6 service area, and three and one-half percent of the amount  
7 expended by a communications service provider for a new  
8 installation of broadband infrastructure completed on or  
9 after July 1, 2014, in a targeted underserved service area.  
10 The amount of a reduction pursuant to this section shall not  
11 exceed a maximum of five hundred thousand dollars per United  
12 States census bureau census block, or three million dollars  
13 per installation. A taxpayer claiming a credit under this  
14 section shall certify prior to commencement of the installation  
15 that the broadband infrastructure installation will take place  
16 within targeted unserved service areas or targeted underserved  
17 service areas. Any credit in excess of the tax liability for  
18 the tax year shall not be refunded, but may be credited to  
19 the tax liability for the following ten tax years or until  
20 depleted, whichever is earlier.

21 3. An individual may claim the tax credit allowed a  
22 partnership, limited liability company, S corporation, estate,  
23 or trust electing to have the income taxed directly to the  
24 individual. The amount claimed by the individual shall be  
25 based upon the pro rata share of the individual's earnings of a  
26 partnership, limited liability company, S corporation, estate,  
27 or trust.

28 4. The director of revenue may adopt rules pursuant to  
29 chapter 17A for the interpretation and proper administration of  
30 the credit provided in this section.

31 Sec. 17. Section 422.33, Code 2014, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 31. The taxes imposed under this division  
34 shall be reduced by a broadband infrastructure tax credit  
35 allowed under section 422.11C.

1     Sec. 18. Section 422.35, Code 2014, is amended by adding the  
2 following new subsection:

3     NEW SUBSECTION. 26. *a.* If taxable income includes a  
4 depreciation deduction under section 167 of the Internal  
5 Revenue Code for broadband infrastructure placed in service on  
6 or after July 1, 2014, in a targeted unserved service area or a  
7 targeted underserved service area, the taxpayer may elect to  
8 claim an accelerated depreciation deduction on such broadband  
9 infrastructure in computing net income for state tax purposes.  
10 If the taxpayer does elect to claim an accelerated depreciation  
11 deduction, the following adjustments shall be made:

12     (1) Add the total amount of depreciation taken for federal  
13 tax purposes on the broadband infrastructure for the tax  
14 year using the modified accelerated cost recovery system  
15 depreciation method applicable under section 168 of the  
16 Internal Revenue Code.

17     (2) Subtract an amount equal to the product of the amount of  
18 depreciation taken for federal tax purposes on the broadband  
19 infrastructure for the tax year using the modified accelerated  
20 cost recovery system depreciation method applicable under  
21 section 168 of the Internal Revenue Code multiplied by two, not  
22 to exceed the adjusted basis of the broadband infrastructure  
23 for state tax purposes.

24     (3) Any other adjustments to basis or gains or losses to  
25 reflect the adjustments made in subparagraphs (1) and (2)  
26 pursuant to rules adopted by the director.

27     *b.* An election made under this subsection is irrevocable  
28 and applies to the broadband infrastructure for which the  
29 election is made for the tax year of the election and for each  
30 succeeding tax year.

31     *c.* For purposes of this subsection, "*broadband*  
32 *infrastructure*", "*targeted unserved service area*", and "*targeted*  
33 *underserved service area*" mean the same as defined in section  
34 8B.1.

35     Sec. 19. RETROACTIVE APPLICABILITY. This division of this

1 Act applies retroactively to January 1, 2014, for tax years  
2 beginning on or after that date.

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DIVISION IV

4

PROPERTY TAX INCENTIVES AND ASSESSMENT

5

Sec. 20. Section 427.1, Code 2014, is amended by adding the  
6 following new subsection:

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NEW SUBSECTION. 40. *Broadband infrastructure.*

8 *a.* Broadband infrastructure shall be entitled to an  
9 exemption from taxation to the extent provided in this section  
10 based upon the actual value added by broadband infrastructure  
11 that is newly installed and completed. For the purposes of  
12 this subsection, "*broadband infrastructure*", "*targeted unserved*  
13 *service area*", and "*targeted underserved service area*" mean the  
14 same as defined in section 8B.1.

15 *b.* The exemption shall apply to the new installation  
16 of broadband infrastructure completed on or after July 1,  
17 2014, in a targeted unserved service area or a targeted  
18 underserved service area. A person claiming an exemption  
19 under this subsection shall certify prior to commencement of  
20 the installation that the broadband installation will take  
21 place within a targeted unserved service area or a targeted  
22 underserved service area.

23 *c.* If the broadband infrastructure is assessed with other  
24 property as a unit by the department of revenue pursuant  
25 to sections 428.24 through 428.29 or chapter 433, this  
26 exemption shall be limited to the value added by the broadband  
27 infrastructure as determined as of the assessment date and  
28 the exemption shall be applied prior to any other exemption  
29 applicable to the unit value.

30 *d.* The tax exemption shall be a one hundred percent  
31 exemption from taxation on the actual value added by the  
32 improvements for a period of ten years.

33 *e.* (1) A person may submit a proposal to the governing body  
34 of the city or county within which a broadband infrastructure  
35 installation project is proposed to receive prior approval for

1 eligibility for a tax exemption for the project pursuant to  
2 this section. The governing body shall, by resolution, give  
3 its prior approval if the project is in conformance with the  
4 requirements of this subsection. Such prior approval shall  
5 not entitle the owner to exemption from taxation until the  
6 improvements have been completed and found to be qualified  
7 real estate. However, if the proposal is not approved, the  
8 person may submit an amended proposal for the governing body to  
9 approve or reject.

10 (2) The application for an exemption shall be filed by the  
11 owner of the property with the governing body of the city or  
12 county in which the property is located by February 1 of the  
13 assessment year for which the exemption is first claimed, but  
14 not later than the year in which the value added pursuant to  
15 the project is first assessed for taxation, or the following  
16 two assessment years, in which case the exemption is allowed  
17 for the total number of years in the exemption schedule.  
18 However, upon the request of the owner at any time, the  
19 governing body of the city or county may provide by resolution  
20 that the owner may file an application by February 1 of any  
21 other assessment year selected by the governing body in which  
22 case the exemption is allowed for the number of years remaining  
23 in the exemption schedule selected. The application shall  
24 contain but not be limited to the following information:

- 25 (a) The nature of the improvement.
- 26 (b) The estimated cost of the improvement.
- 27 (c) The estimated or actual date of project completion.
- 28 (d) Certification that the installation was completed in  
29 a targeted unserved service area or a targeted underserved  
30 service area.

31 (3) The governing body of the city or county shall forward  
32 for review all approved applications to the appropriate local  
33 assessor by March 1 annually. The assessor shall proceed to  
34 determine the actual value of the newly installed broadband  
35 infrastructure and shall certify the valuation determined to

1 the county auditor at the time of transmitting the assessment  
2 rolls. After the tax exemption is granted, the local assessor  
3 shall continue to grant the tax exemption for the remainder of  
4 the time period in the exemption schedule, and applications for  
5 exemption for succeeding years shall not be required.

6 *f.* The director of revenue may adopt rules pursuant to  
7 chapter 17A for the interpretation and proper administration of  
8 the exemption provided in this subsection.

9 Sec. 21. Section 433.4, subsection 1, Code 2014, is amended  
10 to read as follows:

11 1. a. The director of revenue shall on or before October  
12 31 each year, proceed to find the actual value of the property  
13 of these companies in this state that is used by the companies  
14 in the transaction of telegraph and telephone business, taking  
15 into consideration the information obtained from the statements  
16 required, and any further information the director can obtain,  
17 using the same as a means for determining the actual value  
18 of the property of these companies within this state. The  
19 director shall also take into consideration the valuation of  
20 all property of these companies, including franchises and the  
21 use of the property in connection with lines outside the state,  
22 and making these deductions as may be necessary on account of  
23 extra value of property outside the state as compared with  
24 the value of property in the state, in order that the actual  
25 value of the property of the company within this state may be  
26 ascertained. The assessment shall include all property of  
27 every kind and character whatsoever, real, personal, or mixed,  
28 used by the companies in the transaction of telegraph and  
29 telephone business. The property so included in the assessment  
30 shall not be taxed in any other manner than as provided in this  
31 chapter.

32 b. (1) A telephone and telegraph company that has property  
33 situated in a majority of the counties in the state and that  
34 has a total actual value for the assessment years beginning  
35 January 1, 2013, and January 1, 2014, of seven hundred

1 eighty million dollars shall, in lieu of other valuation  
2 methodologies, be valued as a unit according to the cost of  
3 acquiring or constructing at current prices a property that  
4 is the functional equivalent of an existing property less an  
5 allowance for depreciation for a period of ten consecutive  
6 assessment years beginning January 1, 2015.

7 (2) The actual value of the property of a company determined  
8 under this paragraph "b" shall not be construed to be the actual  
9 value that would, but for this paragraph "b", be determined by  
10 the director under this chapter and shall not be construed to  
11 reflect the market value of the property of a telephone and  
12 telegraph company that is valued under this paragraph "b".

13 DIVISION V

14 UNIFORM CELL SITING

15 Sec. 22. NEW SECTION. 8C.1 Short title.

16 This chapter shall be known and may be cited as the "*Iowa*  
17 *Cell Siting Act*".

18 Sec. 23. NEW SECTION. 8C.2 Legislative intent.

19 The general assembly finds and declares that it is the  
20 policy of this state to facilitate the provision of broadband  
21 and other advanced wireless communication services across the  
22 entirety of the state; and that it is further the policy to  
23 promote access to broadband and advanced wireless communication  
24 services for all residents, students, government agencies,  
25 and businesses to ensure the availability of world-class  
26 educational opportunities, economic development, and public  
27 safety services throughout the state.

28 Sec. 24. NEW SECTION. 8C.3 Definitions.

29 For the purposes of this chapter, unless the context  
30 otherwise requires:

31 1. "*Accessory equipment*" means any equipment serving or  
32 being used in conjunction with a wireless facility or wireless  
33 support structure, including but not limited to power supplies,  
34 generators, batteries, cables, equipment, buildings, cabinets,  
35 storage sheds, shelters, and similar structures.

1     2. "*Antenna*" means communications equipment that transmits  
2 and receives electromagnetic radio signals used in the  
3 provision of all types of wireless communications services.

4     3. "*Applicant*" means any person engaged in the business  
5 of providing wireless communications services or the  
6 wireless communications infrastructure required for wireless  
7 communications services who submits an application.

8     4. "*Application*" means a request submitted by an applicant  
9 to an authority to construct a new wireless support structure,  
10 for the substantial modification of a wireless support  
11 structure, or for collocation of wireless facilities on an  
12 existing structure.

13     5. "*Authority*" means a state, county, or municipal governing  
14 body, board, agency, office, or commission authorized by law to  
15 make legislative, quasi-judicial, or administrative decisions  
16 relative to the construction, installation, modification, or  
17 siting of wireless facilities or wireless support structures.  
18 "*Authority*" does not include state courts having jurisdiction  
19 over land use, planning, or zoning decisions made by an  
20 authority or the utilities division of the department of  
21 commerce.

22     6. "*Base station*" means a station at a specific site  
23 authorized to communicate with mobile stations, generally  
24 consisting of radio transceivers, antennas, coaxial cables,  
25 power supplies, and other associated electronics.

26     7. "*Building permit*" means a permit issued by an authority  
27 prior to the collocation of wireless facilities on an existing  
28 structure, the substantial modification of a wireless support  
29 structure, or the commencement of construction of any new  
30 wireless support structure, solely to ensure that the work to  
31 be performed by the applicant satisfies the applicable building  
32 code.

33     8. "*Collocation*" means the placement or installation of  
34 wireless facilities on existing structures, without the need  
35 to construct a new wireless support structure. "*Collocation*"

1 includes the placement, replacement, or modification of  
2 wireless facilities within a previously approved equipment  
3 compound.

4 9. "*Electric utility*" means an owner or operator of an  
5 electric transmission or distribution facility subject to the  
6 safety jurisdiction of the utilities board of the utilities  
7 division of the department of commerce.

8 10. "*Equipment compound*" means an area surrounding or  
9 near the base of a wireless support structure within which is  
10 located wireless facilities.

11 11. "*Existing structure*" means a structure that exists at  
12 the time a request for permission to place wireless facilities  
13 on a structure is filed with an authority, including any  
14 structure that is capable of supporting the attachment of  
15 wireless facilities in compliance with applicable building  
16 codes, including but not limited to towers, buildings, and  
17 water towers, but not including utility poles.

18 12. "*Substantial modification*" means the mounting of a  
19 proposed wireless facility on a wireless support structure  
20 which results in one or more of the following:

21 a. Increasing the existing vertical height of the structure  
22 by more than ten percent, or the height of one additional  
23 antenna array with separation from the nearest existing antenna  
24 not to exceed twenty feet, whichever is greater.

25 b. Adding an appurtenance to the body of a wireless support  
26 structure that protrudes horizontally from the edge of the  
27 wireless support structure more than twenty feet, or more than  
28 the width of the wireless support structure at the level of the  
29 appurtenance, whichever is greater, except where necessary to  
30 shelter the antenna from inclement weather or to connect the  
31 antenna to the wireless support structure via cable.

32 c. Increasing the square footage of the existing equipment  
33 compound by more than two thousand five hundred square feet.

34 13. "*Utility pole*" means a structure owned or operated by a  
35 public utility or municipality that is designed specifically



1 for and used to carry lines, cables, or wires for telephony,  
2 cable television, or electricity, or to provide lighting. For  
3 the purposes of this section, "*public utility*" includes an  
4 electric utility.

5 14. "*Water tower*" means a water storage tank, or a standpipe  
6 or an elevated tank situated on a support structure, originally  
7 constructed for use as a reservoir or facility to store or  
8 deliver water.

9 15. "*Wireless facility*" means the set of equipment and  
10 network components, exclusive of the underlying wireless  
11 support structure, including but not limited to antennas,  
12 accessory equipment, transmitters, receivers, base stations,  
13 power supplies, cabling, and associated equipment, necessary to  
14 provide wireless communications services.

15 16. "*Wireless support structure*" means a structure designed  
16 to support wireless facilities, including but not limited to  
17 monopoles, towers, or other freestanding facilities. "*Wireless*  
18 *support structure*" does not include utility poles.

19 Sec. 25. NEW SECTION. 8C.4 Uniform rules and limitations —  
20 all applications.

21 In order to ensure uniformity across this state with respect  
22 to the consideration of every application, and notwithstanding  
23 any other provision to the contrary, an authority shall not do  
24 any of the following:

25 1. Require an applicant to submit information about, or  
26 evaluate an applicant's business decisions with respect to, the  
27 applicant's designed service, customer demand for service, or  
28 quality of the applicant's service to or from a particular area  
29 or site.

30 2. Evaluate an application based on the availability  
31 of other potential locations for the placement of wireless  
32 support structures or wireless facilities, including without  
33 limitation the option to collocate instead of constructing a  
34 new wireless support structure, or for substantial modification  
35 of a wireless support structure.

- 1 3. Dictate the type of wireless facilities, infrastructure,  
2 or technology to be used by the applicant or require an  
3 applicant to construct a distributed antenna system in lieu of  
4 construction of a new wireless support structure, substantial  
5 modification of a wireless support structure, or collocation.
- 6 4. Require the removal of existing wireless support  
7 structures or wireless facilities, wherever located, as a  
8 condition to approval of an application.
- 9 5. Impose environmental testing, sampling, or monitoring  
10 requirements, or other compliance measures for radio frequency  
11 emissions on wireless facilities that are categorically  
12 excluded under the federal communication commission's rules for  
13 radio frequency emissions pursuant to 47 C.F.R. §1.1307(b)(1).
- 14 6. Establish or enforce regulations or procedures for radio  
15 frequency signal strength or the adequacy of service quality.
- 16 7. Reject an application, in whole or in part, based on  
17 perceived or alleged environmental effects of radio frequency  
18 emissions, as provided in 47 U.S.C. §332(c)(7)(B)(iv).
- 19 8. Prohibit the placement of emergency power systems that  
20 comply with federal and state environmental requirements.
- 21 9. Charge an application fee, consulting fee, or other fee  
22 associated with the submission, review, processing, or approval  
23 of an application that is not required for similar types of  
24 commercial development within the authority's jurisdiction.  
25 Fees imposed by an authority or by a third-party entity  
26 providing review or technical consultation to the authority  
27 shall be based on actual, direct, and reasonable administrative  
28 costs incurred for the review, processing, and approval of an  
29 application. In no case shall total charges and fees exceed  
30 five hundred dollars for a collocation application or three  
31 thousand dollars for an application for a new wireless support  
32 structure or for a substantial modification of a wireless  
33 support structure. An authority or any third-party entity  
34 shall not include within its charges any travel expenses  
35 incurred in the review of an application, and an applicant

1 shall not be required to pay or reimburse an authority for  
2 consultant or other third-party fees based on a contingency or  
3 result-based arrangement.

4 10. Impose surety requirements, including bonds, escrow  
5 deposits, letters of credit, or any other type of financial  
6 surety, to ensure that abandoned or unused facilities can be  
7 removed unless the authority imposes similar requirements on  
8 other applicants for other types of commercial development  
9 or land uses. If surety requirements are imposed, the  
10 requirements must be competitively neutral, nondiscriminatory,  
11 reasonable in amount, and commensurate with the historical  
12 record for local facilities and structures that are abandoned.

13 11. Condition the approval of an application on the  
14 applicant's agreement to provide space on or near the wireless  
15 support structure for authority or local governmental services  
16 at less than the market rate for such space or to provide other  
17 services via the structure or facilities at less than the  
18 market rate for such services.

19 12. Limit the duration of the approval of an application.

20 13. Discriminate on the basis of the ownership, including  
21 ownership by the authority, of any property, structure, or  
22 tower when promulgating rules or procedures for siting wireless  
23 facilities or for evaluating applications.

24 Sec. 26. NEW SECTION. 8C.5 Uniform rules — new wireless  
25 support structure applications.

26 1. An authority may exercise zoning, land use, planning,  
27 and permitting authority within the authority's territorial  
28 boundaries with regard to the siting of a new wireless support  
29 structure, subject to the provisions of this chapter and  
30 federal law.

31 2. An applicant that proposes to construct a new wireless  
32 support structure within the jurisdiction of an authority  
33 that has adopted planning and zoning regulations shall submit  
34 the necessary copies and attachments of the application to  
35 the appropriate authority and comply with applicable local

1 ordinances concerning land use and the appropriate permitting  
2 processes.

3 3. All records, including but not limited to documents and  
4 electronic data, in the possession or custody of authority  
5 personnel shall be subject to applicable open records  
6 provisions of chapter 22.

7 4. An authority, within ninety calendar days of receiving  
8 an application to construct a new wireless support structure,  
9 unless another date is specified in a written agreement  
10 between the authority and the applicant, shall comply with the  
11 following provisions:

12 a. Review the application for conformity with applicable  
13 local zoning regulations, building permit requirements, and  
14 consistency with this chapter. An application is deemed to  
15 be complete unless the authority notifies the applicant in  
16 writing, within thirty calendar days of submission of the  
17 application, of the specific deficiencies in the application  
18 which, if cured, would make the application complete. Upon  
19 receipt of a timely written notice that an application is  
20 deficient, an applicant may take thirty calendar days from  
21 receiving such notice to cure the specific deficiencies. If  
22 the applicant cures the deficiencies within thirty calendar  
23 days, the application shall be reviewed and processed within  
24 ninety calendar days from the initial date the application was  
25 received. If the applicant requires a period of time beyond  
26 thirty calendar days to cure the specific deficiencies, the  
27 deadline for review and processing of the application shall be  
28 extended by the same period of time.

29 b. Make its final decision to approve or disapprove the  
30 application.

31 c. Advise the applicant in writing of its final decision.

32 5. If the authority fails to act on an application to  
33 construct a new wireless support structure within the review  
34 period specified under subsection 4, the application shall be  
35 deemed approved.

1     6. A party aggrieved by the final action of an authority,  
2 either by its affirmative disapproval of an application under  
3 the provisions of this section or by its inaction, may bring an  
4 action for review in any court of competent jurisdiction.

5     Sec. 27. NEW SECTION. **8C.6 Uniform rules — substantial**  
6 **modification of wireless support structure applications.**

7     1. An authority may exercise zoning, land use, planning,  
8 and permitting authority within the authority's territorial  
9 boundaries with regard to an application for substantial  
10 modification of a wireless support structure, subject to the  
11 provisions of this chapter and federal law.

12    2. An applicant that proposes a substantial modification  
13 of a wireless support structure within the jurisdiction of an  
14 authority that has adopted planning and zoning regulations  
15 shall submit the necessary copies and attachments of the  
16 application to the appropriate authority and comply with  
17 applicable local ordinances concerning land use and the  
18 appropriate permitting processes.

19    3. All records, including but not limited to documents and  
20 electronic data, in the possession or custody of authority  
21 personnel shall be subject to applicable open records  
22 provisions of chapter 22.

23    4. An authority, within forty-five calendar days of  
24 receiving an application for a substantial modification of a  
25 wireless support structure, unless another date is specified in  
26 a written agreement between the authority and the applicant,  
27 shall comply with the following provisions:

28    a. Review the application for conformity with applicable  
29 local zoning regulations, building permit requirements, and  
30 consistency with this chapter. An application is deemed to  
31 be complete unless the authority notifies the applicant in  
32 writing, within fifteen calendar days of submission of the  
33 application, of the specific deficiencies in the application  
34 which, if cured, would make the application complete. Upon  
35 receipt of a timely written notice that an application is

1 deficient, an applicant may take fifteen calendar days from  
2 receiving such notice to cure the specific deficiencies. If  
3 the applicant cures the deficiencies within fifteen calendar  
4 days, the application shall be reviewed and processed within  
5 forty-five calendar days from the initial date the application  
6 was received. If the applicant requires a period of time  
7 beyond fifteen calendar days to cure the specific deficiencies,  
8 the deadline for review and processing of the application shall  
9 be extended by the same period of time.

10     *b.* Make its final decision to approve or disapprove the  
11 application.

12     *c.* Advise the applicant in writing of its final decision.

13     5. If the authority fails to act on an application for a  
14 substantial modification within the review period specified  
15 under subsection 4, the application for a substantial  
16 modification shall be deemed approved.

17     6. A party aggrieved by the final action of an authority,  
18 either by its affirmative disapproval of an application under  
19 the provisions of this section or by its inaction, may bring an  
20 action for review in any court of competent jurisdiction.

21     Sec. 28. NEW SECTION. **8C.7 Uniform rules — collocation**  
22 **applications.**

23     1. A collocation application shall be reviewed for  
24 conformance with applicable building permit requirements  
25 but shall not otherwise be subject to zoning or land use  
26 requirements, including design or placement requirements, or  
27 public hearing review, notwithstanding any other provision to  
28 the contrary.

29     2. An authority, within forty-five calendar days of  
30 receiving a collocation application, unless another date is  
31 specified in a written agreement between the authority and the  
32 applicant, shall comply with the following provisions:

33     *a.* Review the collocation application for conformity  
34 with applicable building permit requirements and consistency  
35 with this chapter. A collocation application is deemed to

1 be complete unless the authority notifies the applicant in  
2 writing, within fifteen calendar days of submission of the  
3 collocation application, of the specific deficiencies in  
4 the collocation application which, if cured, would make the  
5 collocation application complete. Upon receipt of a timely  
6 written notice that a collocation application is deficient, an  
7 applicant may take fifteen calendar days from receiving such  
8 notice to cure the specific deficiencies. If the applicant  
9 cures the deficiencies within fifteen calendar days, the  
10 collocation application shall be reviewed and processed within  
11 forty-five calendar days from the initial date the collocation  
12 application was received. If the applicant requires a period  
13 of time beyond fifteen calendar days to cure the specific  
14 deficiencies, the deadline for review and processing of the  
15 application shall be extended by the same period of time.

16 *b.* Make its final decision to approve or disapprove the  
17 collocation application.

18 *c.* Advise the applicant in writing of its final decision.

19 3. If the authority fails to act on a collocation  
20 application within the review period specified in subsection 2,  
21 the collocation application shall be deemed approved.

22 4. Notwithstanding any provision to the contrary, an  
23 authority shall not mandate, require, or regulate the  
24 installation, location, or use of a wireless facility on a  
25 utility pole.

26 5. A party aggrieved by the final action of an authority,  
27 either by its affirmative disapproval of an application under  
28 the provisions of this section or by its inaction, may bring an  
29 action for review in any court of competent jurisdiction.

30 **Sec. 29. NEW SECTION. 8C.8 Airport airspace safety.**

31 Nothing in this chapter shall be interpreted to prohibit  
32 an airport, aviation authority, or municipality from acting  
33 pursuant to the provisions of chapter 329.

34 **Sec. 30. NEW SECTION. 8C.9 Prohibition on moratoria.**

35 An authority shall not institute a moratorium on the

1 permitting, construction, or issuance of approval of new  
2 wireless support structures unless the moratorium is instituted  
3 for ninety days or less and the action or actions establishing  
4 the moratorium state reasonable ground and good cause for the  
5 moratorium. An authority shall not institute more than two  
6 such moratoria in a five-year period.

7 Sec. 31. NEW SECTION. 8C.10 Severability.

8 If any provision of this chapter or the application thereof  
9 to any person or circumstance is held invalid, such invalidity  
10 shall not affect other provisions or applications of the  
11 chapter which can be given effect without the invalid provision  
12 or application, and to that end the provisions of this chapter  
13 are declared to be severable.

14 DIVISION VI

15 STEM INTERNSHIPS

16 Sec. 32. Section 15.411, subsection 3, Code 2014, is amended  
17 to read as follows:

18 3. a. The authority shall establish and administer an  
19 ~~innovative businesses~~ internship program with two components  
20 for Iowa students. For purposes of this subsection, "*Iowa*  
21 *student*" means a student of an Iowa community college, private  
22 college, or institution of higher learning under the control  
23 of the state board of regents, or a student who graduated from  
24 high school in Iowa but now attends an institution of higher  
25 learning outside the state of Iowa.

26 b. The purpose of the first component of the program is  
27 to link Iowa students to small and medium sized Iowa firms  
28 through internship opportunities. An Iowa employer may receive  
29 financial assistance in an amount of one dollar for every  
30 two dollars paid by the employer to an intern. The amount  
31 of financial assistance shall not exceed three thousand one  
32 hundred dollars for any single internship, or nine thousand  
33 three hundred dollars for any single employer. In order to be  
34 eligible to receive financial assistance under this ~~subsection~~  
35 paragraph, the employer must have five hundred or fewer



1 employees and must be an innovative business. The authority  
2 shall encourage youth who reside in economically distressed  
3 areas, youth adjudicated to have committed a delinquent act,  
4 and youth transitioning out of foster care to participate in  
5 the first component of the internship program.

6 c. (1) The purpose of the second component of the program  
7 is to assist in placing Iowa students studying in the fields  
8 of science, technology, engineering, and mathematics into  
9 internships that lead to permanent positions with Iowa  
10 employers. The authority shall collaborate with eligible  
11 employers, including but not limited to innovative businesses,  
12 to ensure that the interns hired are studying in such fields.  
13 An Iowa employer may receive financial assistance in an amount  
14 of one dollar for every dollar paid by the employer to an  
15 intern. The amount of financial assistance shall not exceed  
16 five thousand dollars per internship. The authority may adopt  
17 rules to administer this component.

18 (2) The requirement to administer this component of the  
19 internship program is contingent upon the provision of funding  
20 for such purposes by the general assembly.

21 EXPLANATION

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

24 This bill relates to and provides for the facilitation of  
25 broadband access in targeted unserved or underserved service  
26 areas of the state. The bill is titled the "Connect Every  
27 Iowan Act".

28 DIVISION I — LEGISLATIVE INTENT. The bill provides that the  
29 general assembly finds and declares that increasing the extent  
30 and availability of broadband infrastructure throughout the  
31 state facilitates the provision of internet access to citizens,  
32 businesses, and communities at speeds that promote economic  
33 development, employment, enhanced access to goods and services,  
34 increased educational and training opportunities, faster access  
35 to government services and health care, and improved overall

1 information and community access for citizens.

2       DIVISION II — STATEWIDE BROADBAND COORDINATION. The bill  
3 modifies provisions in Code chapter 8B, relating to the office  
4 of the chief information officer. The bill adds several  
5 definitions to the Code chapter for use in the Code chapter and  
6 in other related provisions. The bill defines "broadband" to  
7 mean a high-speed, high-capacity electronic transmission medium  
8 that can carry data signals from multiple independent network  
9 sources by establishing different bandwidth channels and that  
10 is commonly used to deliver internet services to the public.  
11 The bill defines "broadband infrastructure" to mean the  
12 physical infrastructure used for the transmission of data via  
13 broadband, including but not limited to any equipment, systems,  
14 switches, routers, wire, cable, satellite, conduits, servers,  
15 software, technology, base transceiver station sites, or other  
16 means of transmission or communication. The bill defines  
17 "communications service provider" to mean a service provider  
18 that provides broadband service. The bill defines "targeted  
19 underserved service area" to mean a United States census bureau  
20 census block located in Iowa, including any crop operation  
21 located within the census block, within which no communications  
22 service provider offers or facilitates broadband service at or  
23 above 25 megabits per second of download speed and 3 megabits  
24 per second of upload speed. The bill defines "targeted  
25 unserved service area" to mean a United States census bureau  
26 census block located in Iowa, including any crop operation  
27 located within the census block, within which no communications  
28 service provider offers or facilitates broadband service at or  
29 above 4 megabits per second of download speed and 1 megabit per  
30 second of upload speed. The bill defines "crop operation" by  
31 referencing a definition contained in Code section 717A.1 as  
32 meaning a commercial enterprise where a crop is maintained on  
33 the property of the commercial enterprise. Additionally, the  
34 bill adds broadband and broadband infrastructure to an existing  
35 definition of "information technology".

1 The bill adds to the powers and duties of the chief  
2 information officer streamlining, consolidating, and  
3 coordinating access to and availability of broadband and  
4 broadband infrastructure throughout Iowa. This responsibility  
5 includes but is not limited to facilitating public-private  
6 partnerships, ensuring that state agencies' broadband and  
7 broadband infrastructure policies and procedures are aligned,  
8 promoting accountability, integrating broadband with cyber  
9 security standards and rules, resolving issues, collecting data  
10 and developing metrics or standards, and identifying options  
11 regarding the creation of standing broadband-related resources  
12 for stakeholders.

13 The bill provides that the determination of whether a  
14 provider's download and upload speeds are being met for  
15 purposes of the definitions of "targeted unserved service area"  
16 and "targeted underserved service area" shall be by reference  
17 to broadband availability maps or data sources identified by  
18 the office by rule. The bill directs the office to establish  
19 procedures to handle challenges to claims that the threshold  
20 download or upload speeds are being met, and provides that  
21 service areas with more than one communications service  
22 provider shall be subdivided.

23 Additionally, the bill specifies expeditious response  
24 requirements regarding the approval, modification, or  
25 disapproval of nonwireless broadband-related permits. The  
26 bill provides that, notwithstanding any other provision to  
27 the contrary, a political subdivision vested with permitting  
28 authority shall approve, approve with modification, or  
29 disapprove nonwireless broadband-related permits within 60  
30 business days following the submission of a permit application  
31 and fee. In the event that no action is taken during the 60-day  
32 period, the application shall be deemed approved.

33 The bill also requires the chief information officer to  
34 prepare an annual report regarding the status of broadband  
35 expansion and coordination, and adds the chief information

1 officer to the Iowa technology and telecommunications  
2 commission which oversees the operation of the Iowa  
3 communications network and to the statewide interoperable  
4 communications system board established in Code section 80.28.  
5 Further, the bill adds an additional member to the board who  
6 is an emergency medical care provider, and deletes a provision  
7 that required the commission to consult with the director  
8 of the department of administrative services and the chief  
9 information officer when appointing the commission's executive  
10 director.

11 DIVISION III — INCOME TAX INCENTIVES. The bill provides  
12 two income tax incentives for the installation of broadband  
13 infrastructure. The first incentive authorizes a taxpayer  
14 to elect to claim an accelerated depreciation deduction on  
15 broadband infrastructure placed in service on or after July  
16 1, 2014, in a targeted unserved service area or a targeted  
17 underserved service area with regard to both individual and  
18 corporate taxation. The second incentive permits an individual  
19 and corporate income tax credit equal to 7 percent of the  
20 amount expended by a communications service provider for a new  
21 installation of broadband infrastructure completed on or after  
22 July 1, 2014, in a targeted unserved service area, and 3.5  
23 percent of the amount expended in an underserved service area,  
24 with credit not to exceed a maximum of \$500,000 per census  
25 block or \$3 million per installation.

26 DIVISION IV — PROPERTY TAX INCENTIVES AND ASSESSMENT.  
27 The bill provides a property tax exemption for broadband  
28 infrastructure newly installed within a targeted unserved  
29 or underserved service area on or after July 1, 2014. The  
30 exemption shall be a 100 percent exemption from taxation on the  
31 actual value added by the broadband infrastructure improvements  
32 for a period of 10 years. The bill specifies procedures  
33 relating to applying for and receiving prior approval for  
34 eligibility for the tax exemption from the governing body of  
35 the city or county within which the broadband infrastructure

1 installation is proposed, and granting of the tax exemption.

2 The bill additionally provides that a telephone and  
3 telegraph company with property in a majority of Iowa counties  
4 and a total actual value for the assessment years beginning  
5 January 1, 2013, and January 1, 2014, of \$780 million shall  
6 be valued as a unit according to the cost of acquiring  
7 or constructing at current prices a property that is the  
8 functional equivalent of an existing property less an allowance  
9 for depreciation for a period of 10 consecutive assessment  
10 years beginning January 1, 2015, in lieu of other valuation  
11 methodologies.

12 DIVISION V — UNIFORM CELL SITING. The bill contains a  
13 uniform cell siting division consisting of three primary  
14 components.

15 The first component provides a number of definitions  
16 pertaining to the siting of wireless support structures and  
17 the mounting of wireless facilities upon such structures. An  
18 "authority" is defined to mean a state, county, or municipal  
19 governing body, board, agency, office, or commission authorized  
20 by law to make legislative, quasi-judicial, or administrative  
21 decisions relative to the construction, installation,  
22 modification, or siting of wireless facilities or wireless  
23 support structures. A "wireless support structure" is defined  
24 as a structure designed to support wireless facilities,  
25 including but not limited to monopoles, towers, or other  
26 freestanding facilities, but not including utility poles. A  
27 "substantial modification" means the mounting of a proposed  
28 wireless facility on a wireless support structure which results  
29 in a specified increase in vertical height of the structure,  
30 or which results in a specified horizontal protrusion from  
31 the structure, or which increases the square footage of  
32 the existing compound more than a specified amount. A  
33 "collocation" means the placement or installation of wireless  
34 facilities on existing structures without the need to construct  
35 a new wireless support structure.

1 The second component provides a series of uniform rules or  
2 limitations applicable to all applications, in order to ensure  
3 uniformity across the state with respect to the consideration  
4 of applications. The rules and limitations include but are  
5 not limited to prohibiting requiring information about an  
6 applicant's business decisions, evaluating an application  
7 based on the availability of other potential locations,  
8 dictating the type of wireless facilities, infrastructure, or  
9 technology to be used by an applicant, requiring the removal  
10 of existing wireless support structures or facilities as  
11 a condition of approval, imposing environmental testing,  
12 sampling, or monitoring requirements excluded under federal  
13 law, establishing or enforcing regulations or procedures for  
14 signal strength or service quality, charging fees not required  
15 for similar types of commercial development and which do not  
16 exceed specified levels, imposing surety requirements unless  
17 the authority imposes similar requirements on other applicants  
18 for other types of commercial development or land uses,  
19 condition approval of an application on the provision of space  
20 on or near the wireless support structure for authority or  
21 local government services at less than market rates, limiting  
22 the duration of the application's approval, and discriminating  
23 on the basis of ownership when promulgating rules or procedures  
24 for siting wireless facilities or evaluating applications.

25 The third component establishes timeframes within which  
26 an authority must act upon an application to construct a new  
27 wireless support structure, a substantial modification of a  
28 wireless support structure, or a collocation. Additionally,  
29 the bill provides that the wireless cell siting provisions  
30 shall not be interpreted to prohibit an airport, aviation  
31 authority, or municipality from acting pursuant to the  
32 provisions of Code chapter 329 dealing with airport zoning,  
33 and an authority shall not institute a moratorium on the  
34 permitting, construction or issuance of approval of new  
35 wireless support structures of over 90 days and the action

1 or actions establishing the moratorium must state reasonable  
2 grounds and good cause. Further, the bill provides that  
3 an authority is limited to no more than two moratoria in a  
4 five-year period.

5     DIVISION VI — STEM INTERNSHIPS. The bill establishes a new  
6 component to an existing internship program within the economic  
7 development authority to assist in placing Iowa students  
8 studying in the fields of science, technology, engineering,  
9 and mathematics (STEM) into internships that lead to permanent  
10 positions with Iowa employers. The bill directs the authority  
11 to collaborate with eligible employers to ensure that the  
12 interns hired are studying in the specified fields, and  
13 provides that an Iowa employer may receive financial assistance  
14 in the amount of \$1 for every dollar paid by the employer to  
15 an intern, limited to an amount not exceeding \$5,000 for any  
16 single internship. The bill states that the requirement to  
17 establish the internships is contingent upon the provision of  
18 funding for such purposes by the general assembly.