

**Senate Study Bill 3099 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

**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 a property tax exemption for broadband  
4 infrastructure, and making appropriations.  
5 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

STREAMLINED RESPONSIBILITY FOR BROADBAND

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 that facilitate download speeds of a minimum of fifty megabits per second and upload speeds of a minimum of fifteen megabits per second. "*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 via

1 any broadband infrastructure platform.

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

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

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

12 NEW SUBSECTION. 8A. "*Unserved or underserved communications*  
13 *service area*" means one or more United States census bureau  
14 census blocks in which no communications service provider  
15 offers broadband service with download speeds of greater than  
16 fifty megabits per second and upload speeds of greater than  
17 fifteen megabits per second to residential customers.

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

20 1. The office is created for the purpose of leading,  
21 directing, managing, coordinating, and providing accountability  
22 for the information technology resources of state government  
23 and for the expansion of broadband infrastructure to unserved  
24 or underserved communications service areas of the state.

25 Sec. 7. Section 8B.4, Code 2014, is amended by adding the  
26 following new subsections:

27 NEW SUBSECTION. 14A. Coordinate and monitor the  
28 availability, implementation, and affordability of broadband  
29 access across state government and the private sector,  
30 including but not limited to consulting with the department  
31 of revenue regarding the property tax exemption for broadband  
32 infrastructure provided in section 427.1; facilitating  
33 public-private partnerships and aligning state agencies,  
34 boards, and commissions to the shared vision of increasing  
35 the availability of and access to broadband by citizens,

1 businesses, and communities; and collecting data and developing  
2 metrics or standards against which the data may be measured and  
3 evaluated regarding broadband infrastructure installation and  
4 deployment.

5 NEW SUBSECTION. 14B. Coordinate the fiberoptic network  
6 conduit installation program established in section 8B.25.

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

9 NEW SUBSECTION. 5. An annual report regarding the status  
10 of broadband access across state government and the private  
11 sector.

12 Sec. 9. NEW SECTION. 8B.25 **Fiberoptic network conduit**  
13 **installation program.**

14 1. For the purposes of this section, "*fiberoptic network*  
15 *conduit*" means a pipe or duct used to enclose fiberoptic cable  
16 facilities buried alongside a roadway or surface mounted on  
17 a bridge, overpass, or other facility where placement below  
18 ground is impossible or impractical.

19 2. The office shall lead and coordinate a program to  
20 provide for the installation of fiberoptic network conduit  
21 where such conduit does not exist. The chief information  
22 officer shall consult and coordinate with the department of  
23 administrative services, the department of transportation, the  
24 Iowa communications network, and other agencies and entities  
25 as determined appropriate to ensure that the opportunity is  
26 provided to lay or install fiberoptic network conduit wherever  
27 a state-funded construction project involves trenching, boring,  
28 a bridge, a roadway, or opening of the ground, or alongside any  
29 state-owned infrastructure.

30 3. Contingent upon the provision of funding for such  
31 purposes by the general assembly, the office may contract with  
32 a third party to manage, lease, install, or otherwise provide  
33 fiberoptic network conduit access for projects described in  
34 this section. This section shall not prohibit the office from  
35 purchasing or installing fiberoptic cable within any fiberoptic

1 network conduit installed pursuant to the program.

2 Sec. 10. NEW SECTION. **8B.26 Broadband permitting process**  
3 **— expeditious response.**

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

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

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

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

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

29 (3) The salary of the appointed members of the commission  
30 shall be twelve thousand dollars per year, except that the  
31 salary of the chairperson shall be seventeen thousand dollars  
32 per year. Members of the commission shall also be reimbursed  
33 for all actual and necessary expenses incurred in the  
34 performance of duties as members. The benefits and salary paid  
35 to the appointed members of the commission shall be adjusted

1 annually equal to the average of the annual pay adjustments,  
2 expense reimbursements, and related benefits provided under  
3 collective bargaining agreements negotiated pursuant to chapter  
4 20.

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

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

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

12 **8D.4 Executive director appointed.**

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

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

28 2. The board shall consist of ~~fifteen~~ sixteen voting  
29 members, as follows:

30 a. The following members representing state agencies:

31 (1) One member representing the department of public  
32 safety.

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

35 (3) One member representing the department of homeland

1 security and emergency management.

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

3 (5) One member representing the department of natural  
4 resources.

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

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

9 b. The governor shall solicit and consider recommendations  
10 from professional or volunteer organizations in appointing the  
11 following members:

12 (1) Two members who are representatives from municipal  
13 police departments.

14 (2) Two members who are representatives of sheriff's  
15 offices.

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

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

21 (5) One at-large member.

22 Sec. 15. BROADBAND COORDINATION AND ANALYSIS —

23 APPROPRIATION. There is appropriated from the general fund of  
24 the state to the office of chief information officer for the  
25 fiscal year beginning July 1, 2014, and ending June 30, 2015,  
26 the following amount, or so much thereof as is necessary, for  
27 the purposes designated:

28 For data collection and analysis regarding the availability,  
29 implementation, and affordability of broadband access across  
30 state government and the private sector as provided in section  
31 8B.4, as enacted in this Act:

32 ..... \$ 250,000

33 Notwithstanding section 8.33, moneys appropriated in this  
34 section which remain unencumbered or unobligated at the end of  
35 the fiscal year shall not revert but shall remain available for

1 expenditure for the purposes designated in subsequent fiscal  
2 years.

3 DIVISION III  
4 TAX INCENTIVES

5 Sec. 16. Section 427.1, Code 2014, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 40. *Broadband infrastructure.* Broadband  
8 infrastructure to the extent provided in this subsection. For  
9 the purposes of this subsection, "*broadband infrastructure*" and  
10 "*unserved or underserved communications service area*" mean the  
11 same as defined in section 8B.1.

12 a. This exemption shall apply to the new installation of  
13 broadband infrastructure completed on or after July 1, 2014, to  
14 and including December 31, 2018, in an unserved or underserved  
15 communications service area. A person claiming an exemption  
16 under this subsection shall certify that no communications  
17 service provider offered broadband download speeds of greater  
18 than fifty megabits per second and upload speeds of greater  
19 than fifteen megabits per second in the unserved or underserved  
20 communications service area prior to installation of the  
21 broadband infrastructure.

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

29 c. The director of revenue may adopt rules pursuant to  
30 chapter 17A for the interpretation and proper administration of  
31 the exemption provided in this subsection.

32 DIVISION IV  
33 IOWA COMMUNICATIONS NETWORK WHOLESALE ACCESS

34 Sec. 17. Section 8D.3, subsection 3, Code 2014, is amended  
35 by adding the following new paragraph:



1 NEW PARAGRAPH. 1. Support establishment of policies that  
2 facilitate formation of partnerships with the private sector  
3 for the use of the network for the expansion of broadband  
4 access.

5 Sec. 18. NEW SECTION. 8D.21 **Definitions.**

6 For the purposes of this subchapter, "*broadband*  
7 *infrastructure*", "*communications service provider*", and "*unserved*  
8 *or underserved communications service area*" mean the same as  
9 defined in section 8B.1.

10 Sec. 19. NEW SECTION. 8D.22 **Wholesale access authorization.**

11 1. *Access to network — commission authority.*

12 Notwithstanding any contrary provisions of this chapter related  
13 to access to the network, the commission may enter into a  
14 contract to provide access to the network to a person who  
15 is not an authorized user as provided in this section. The  
16 commission may establish by rule the manner in which a contract  
17 entered into pursuant to this section shall be undertaken.  
18 All contracts entered into pursuant to this section shall be  
19 coordinated with the office of the chief information officer.

20 2. *Access requirements — limitations.* Access to the  
21 network pursuant to any contract entered into by the commission  
22 pursuant to this section shall be subject to the following:

23 a. Retention of sufficient capacity for existing and future  
24 authorized user demands. In determining the capacity to be  
25 retained, the commission shall consult with the authorized  
26 users associated with the Part III connections, the judicial  
27 branch, the judicial district departments of correctional  
28 services, other authorized users, and the office of the chief  
29 information officer.

30 b. Access shall be provided solely for purposes of the  
31 installation and deployment of broadband infrastructure in  
32 unserved or underserved communications service areas of the  
33 state.

34 c. Access shall be provided for wholesale transactions to  
35 communications service providers who are engaged in providing

1 broadband capacity at retail to citizens and businesses  
2 in this state. Prior to entering into a contract pursuant  
3 to this section, and for an interval of ten business days,  
4 a communications service provider shall allow any private  
5 wholesale provider that has fiberoptic cable facilities  
6 that are closer in proximity to an unserved or underserved  
7 communications service area to which the contract would apply  
8 than the nearest network end point to make those facilities  
9 available at the same or a lower rate than that offered by the  
10 network determined pursuant to subsection 3.

11 *d.* Access shall be provided in a manner that supports  
12 communications service providers primarily in providing  
13 cost-effective broadband capacity to unserved or underserved  
14 communication service areas of the state, and in a manner that  
15 minimizes the level of capital investment necessary from those  
16 providers while allowing the providers to access new customers  
17 and new sources of revenue.

18 *e.* Access shall not be provided at retail to persons who are  
19 not authorized users or otherwise provided network access at  
20 retail as of July 1, 2014.

21 *f.* Access provided shall not be used by a communications  
22 service provider to provide services or broadband capacity to  
23 persons who are authorized users or otherwise provided network  
24 access as of July 1, 2014.

25 *3. Wholesale access — rates.* Rates applicable to a  
26 wholesale transaction pursuant to this subchapter shall be  
27 determined by rule pursuant to chapter 17A.

28 DIVISION V

29 INFORMATION TECHNOLOGY INFRASTRUCTURE FOR EDUCATION

30 Sec. 20. Section 423F.3, subsection 6, Code 2014, is amended  
31 to read as follows:

32 *6. a.* For purposes of this chapter, "*school infrastructure*"  
33 means those activities authorized in section 423E.1, subsection  
34 3, Code 2007.

35 *b.* Additionally, "*school infrastructure*" includes the

1 payment or retirement of outstanding bonds previously  
2 issued for school infrastructure purposes as defined in this  
3 subsection, and the payment or retirement of bonds issued under  
4 sections 423E.5 and 423F.4.

5 c. Additionally, "school infrastructure" includes the  
6 acquisition or installation of information technology  
7 infrastructure. "Information technology infrastructure" means  
8 the basic, underlying physical framework or system necessary  
9 to deliver technology connectivity to a school district and to  
10 network school buildings within a school district.

11 ~~e.~~ d. A school district that uses secure an advanced vision  
12 for education fund moneys for school infrastructure shall  
13 comply with the state building code in the absence of a local  
14 building code.

15 DIVISION VI

16 UNIFORM CELL SITING

17 Sec. 21. NEW SECTION. 8C.1 Short title.

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

20 Sec. 22. NEW SECTION. 8C.2 Legislative intent.

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

30 Sec. 23. NEW SECTION. 8C.3 Definitions.

31 For the purposes of this chapter, unless the context  
32 otherwise requires:

33 1. "*Accessory equipment*" means any equipment serving or  
34 being used in conjunction with a wireless facility or wireless  
35 support structure, including utility or transmission equipment,

1 power supplies, generators, batteries, cables, equipment,  
2 buildings, cabinets, storage sheds, shelters, and similar  
3 structures.

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

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

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

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

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

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

35 8. "*Collocation*" means the placement or installation of

1 wireless facilities on existing structures, including the  
2 placement, replacement, or modification of wireless facilities  
3 within a previously approved equipment compound.

4 9. "*Electrical transmission tower*" means an electrical  
5 transmission structure used to support high-voltage overhead  
6 power lines. "*Electrical transmission tower*" does not include  
7 utility poles.

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  
35 by a public utility, municipality, or electric membership or

1 cooperative association that is designed specifically for and  
2 used to carry lines, cables, or wires for telephony, cable  
3 television, or electricity, or to provide lighting.

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

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

14 16. "*Wireless support structure*" means a freestanding  
15 structure, such as a monopole or tower, designed to support  
16 wireless facilities. "*Wireless support structure*" does not  
17 include utility poles.

18 Sec. 24. NEW SECTION. **8C.4 Uniform rules — new wireless**  
19 **support structure applications.**

20 1. An authority may exercise zoning, land use, planning,  
21 and permitting authority within the authority's territorial  
22 boundaries with regard to the siting of a new wireless support  
23 structure, subject to the provisions of this chapter and  
24 federal law.

25 2. An applicant that proposes to construct a new wireless  
26 support structure within the jurisdiction of an authority  
27 that has adopted planning and zoning regulations shall submit  
28 the necessary copies and attachments of the application to  
29 the appropriate authority and comply with applicable local  
30 ordinances concerning land use and the appropriate permitting  
31 processes.

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

1 4. An authority, within one hundred fifty calendar days of  
2 receiving an application to construct a new wireless support  
3 structure, shall comply with the following provisions:

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

21 b. Make its final decision to approve or disapprove the  
22 application.

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

24 5. If the authority fails to act on an application to  
25 construct a new wireless support structure within the review  
26 period specified under subsection 4, the application shall be  
27 deemed approved.

28 6. A party aggrieved by the final action of an authority,  
29 either by its affirmative disapproval of an application under  
30 the provisions of this section or by its inaction, may bring  
31 an action for review in any court of competent jurisdiction.  
32 In any such action, the party filing such an action may seek  
33 recovery of reasonable costs and attorney fees.

34 Sec. 25. NEW SECTION. 8C.5 Uniform rules — substantial  
35 modification of wireless support structure applications.

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

6 2. An applicant that proposes a substantial modification  
7 of a wireless support structure within the jurisdiction of an  
8 authority that has adopted planning and zoning regulations  
9 shall submit the necessary copies and attachments of the  
10 application to the appropriate authority and comply with  
11 applicable local ordinances concerning land use and the  
12 appropriate permitting processes.

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

17 4. An authority, within ninety calendar days of receiving  
18 an application for a substantial modification of a wireless  
19 support structure, shall comply with the following provisions:

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



1 extended by the same period of time.

2 *b.* Make its final decision to approve or disapprove the  
3 application.

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

5 5. If the authority fails to act on an application for a  
6 substantial modification within the review period specified  
7 under subsection 4, the application for a substantial  
8 modification shall be deemed approved.

9 6. A party aggrieved by the final action of an authority,  
10 either by its affirmative disapproval of an application under  
11 the provisions of this section or by its inaction, may bring  
12 an action for review in any court of competent jurisdiction.  
13 In any such action, the party filing such an action may seek  
14 recovery of reasonable costs and attorney fees.

15 Sec. 26. NEW SECTION. **8C.6 Uniform rules — collocation**  
16 **applications.**

17 1. A collocation application shall be reviewed for  
18 conformance with applicable building permit requirements  
19 but shall not otherwise be subject to zoning or land use  
20 requirements, including design or placement requirements, or  
21 public hearing review, notwithstanding any other provision to  
22 the contrary.

23 2. An authority, within forty-five calendar days of  
24 receiving a collocation application, shall comply with the  
25 following provisions:

26 *a.* Review the collocation application for conformity  
27 with applicable building permit requirements and consistency  
28 with this chapter. A collocation application is deemed to  
29 be complete unless the authority notifies the applicant in  
30 writing, within fifteen calendar days of submission of the  
31 collocation application, of the specific deficiencies in  
32 the collocation application which, if cured, would make the  
33 collocation application complete. Upon receipt of a timely  
34 written notice that a collocation application is deficient, an  
35 applicant may take fifteen calendar days from receiving such

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

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

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

12     **3.** If the authority fails to act on a collocation  
13 application within the review period specified in subsection 2,  
14 the collocation application shall be deemed approved.

15     **4.** Notwithstanding any provision to the contrary, an  
16 authority shall not mandate, require, or regulate the  
17 installation, location, or use of a wireless facility on a  
18 utility pole.

19     **5.** A party aggrieved by the final action of an authority,  
20 either by its affirmative disapproval of an application under  
21 the provisions of this section or by its inaction, may bring  
22 an action for review in any court of competent jurisdiction.  
23 In any such action, the party filing such an action may seek  
24 recovery of reasonable costs and attorney fees.

25     **Sec. 27. NEW SECTION. 8C.7 Severability.**

26     If any provision of this chapter or the application thereof  
27 to any person or circumstance is held invalid, such invalidity  
28 shall not affect other provisions or applications of the  
29 chapter which can be given effect without the invalid provision  
30 or application, and to that end the provisions of this chapter  
31 are declared to be severable.

32   DIVISION VII

33             STEM INTERNSHIPS AND DIGITAL SKILLS WORKFORCE TRAINING

34     **Sec. 28.** Section 15.411, subsection 3, Code 2014, is amended  
35 to read as follows:

1     3. a. The authority shall establish and administer an  
2 ~~innovative businesses~~ internship program with two components  
3 for Iowa students. For purposes of this subsection, "*Iowa*  
4 *student*" means a student of an Iowa community college, private  
5 college, or institution of higher learning under the control  
6 of the state board of regents, or a student who graduated from  
7 high school in Iowa but now attends an institution of higher  
8 learning outside the state of Iowa.

9     b. The purpose of the first component of the program is  
10 to link Iowa students to small and medium sized Iowa firms  
11 through internship opportunities. An Iowa employer may receive  
12 financial assistance in an amount of one dollar for every  
13 two dollars paid by the employer to an intern. The amount  
14 of financial assistance shall not exceed three thousand one  
15 hundred dollars for any single internship, or nine thousand  
16 three hundred dollars for any single employer. In order to be  
17 eligible to receive financial assistance under this ~~subsection~~  
18 paragraph, the employer must have five hundred or fewer  
19 employees and must be an innovative business. The authority  
20 shall encourage youth who reside in economically distressed  
21 areas, youth adjudicated to have committed a delinquent act,  
22 and youth transitioning out of foster care to participate in  
23 the first component of the internship program.

24     c. (1) The purpose of the second component of the program  
25 is to assist in placing Iowa students studying in the fields  
26 of science, technology, engineering, and mathematics into  
27 internships that lead to permanent positions with Iowa  
28 employers. The authority shall collaborate with eligible  
29 employers, including but not limited to innovative businesses,  
30 to ensure that the interns hired are studying in such fields.  
31 An Iowa employer may receive financial assistance in an amount  
32 of one dollar for every two dollars paid by the employer to an  
33 intern. The amount of financial assistance shall not exceed  
34 five thousand dollars per internship. The authority may adopt  
35 rules to administer this component.

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

4     Sec. 29. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS  
5 INTERNSHIPS — APPROPRIATION. There is appropriated from the  
6 general fund of the state to the Iowa economic development  
7 authority for the fiscal year beginning July 1, 2014, and  
8 ending June 30, 2015, the following amount, or so much thereof  
9 as is necessary, for the purposes designated:

10     For the funding of internships for students studying in the  
11 fields of science, technology, engineering, and mathematics  
12 with eligible Iowa employers as provided in section 15.411, as  
13 amended in this Act:

14     ..... \$ 2,000,000

15     No more than 3 percent of the funds appropriated pursuant to  
16 this section may be used by the authority for costs associated  
17 with administration of the program as amended in this Act.  
18 Notwithstanding section 8.33, moneys appropriated in this  
19 section which remain unencumbered or unobligated at the end of  
20 the fiscal year shall not revert but shall remain available for  
21 expenditure for the purposes designated in subsequent fiscal  
22 years.

23     Sec. 30. DIGITAL LITERACY AND WORKFORCE TRAINING PILOT  
24 PROGRAM — APPROPRIATION.

25     1. The department of workforce development shall develop  
26 and issue a request for proposals regarding selection of  
27 a digital skills training provider to develop a digital  
28 literacy and workforce training pilot program. The program  
29 shall provide digital skills training, including training  
30 for teleworking and coworking employment opportunities. The  
31 distribution and use of any funds appropriated to administer  
32 the pilot program shall be determined by the department in  
33 coordination with the chief information officer appointed  
34 pursuant to section 8B.2.

35     2. There is appropriated from the general fund of the state

1 to the department of workforce development for the fiscal year  
2 beginning July 1, 2014, and ending June 30, 2015, the following  
3 amount, or so much thereof as is necessary, for the purposes  
4 designated:

5 For implementation of the digital literacy and workforce  
6 training pilot program to be developed pursuant to subsection  
7 1:

8 ..... \$ 1,400,000

9 Notwithstanding section 8.33, moneys appropriated in this  
10 section which remain unencumbered or unobligated at the end of  
11 the fiscal year shall not revert but shall remain available for  
12 expenditure for the purposes designated in subsequent fiscal  
13 years.

14 EXPLANATION

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

17 This bill relates to and provides for the facilitation of  
18 broadband access in unserved or underserved areas of the state.  
19 The bill is titled the "Connect Every Iowan Act".

20 DIVISION I — LEGISLATIVE INTENT. The bill provides that the  
21 general assembly finds and declares that increasing the extent  
22 and availability of broadband infrastructure throughout the  
23 state facilitates the provision of internet access to citizens,  
24 businesses, and communities at speeds that promote economic  
25 development, employment, enhanced access to goods and services,  
26 increased educational and training opportunities, faster access  
27 to government services and health care, and improved overall  
28 information and community access for citizens.

29 DIVISION II — STREAMLINED RESPONSIBILITY FOR BROADBAND.  
30 The bill modifies provisions in Code chapter 8B, establishing  
31 the office of the chief information officer. The bill adds  
32 several definitions to the Code chapter for use in the Code  
33 chapter and in other related provisions. The bill defines  
34 "broadband" to mean a high-speed, high-capacity electronic  
35 transmission medium that can carry data signals from multiple

1 independent network sources by establishing different bandwidth  
2 channels and that is commonly used to deliver internet services  
3 to the public. The bill defines "broadband infrastructure"  
4 to mean the physical infrastructure used for the transmission  
5 of broadband, including but not limited to any equipment,  
6 systems, switches, routers, wire, cable, satellite, conduits,  
7 servers, software, technology, base transceiver station sites,  
8 or other means of transmission or communication that facilitate  
9 download speeds of a minimum of 50 megabits per second and  
10 upload speeds of a minimum of 15 megabits per second. The  
11 bill defines "communications service provider" to mean a  
12 service provider that provides broadband service via any  
13 broadband infrastructure platform. The bill defines "unserved  
14 or underserved communications service area" to mean one or  
15 more census blocks in which no communications service provider  
16 offers broadband service with download speeds of greater than  
17 50 megabits per second and upload speeds of greater than 15  
18 megabits per second to residential customers. Additionally,  
19 the bill adds broadband and broadband infrastructure to an  
20 existing definition of "information technology".

21 The bill adds to the powers and duties of the chief  
22 information officer the coordination and monitoring of the  
23 availability, implementation, and affordability of broadband  
24 access across state government and the private sector. This  
25 responsibility includes but is not limited to consulting with  
26 the department of revenue regarding the new property tax  
27 exemption for broadband infrastructure provided in Code section  
28 427.1; facilitating public-private partnerships and aligning  
29 state agencies, boards, and commissions to the shared vision  
30 of increasing the availability of and access to broadband by  
31 citizens, businesses, and communities; and collecting data and  
32 developing metrics or standards against which the data may  
33 be measured and evaluated regarding broadband infrastructure  
34 installation and deployment.

35 The bill also adds to the powers and duties of the chief

1 information officer the responsibility for coordinating a new  
2 fiberoptic network conduit installation program to facilitate  
3 incorporation of fiberoptic network conduit installations,  
4 as defined in the bill, into state-funded construction  
5 projects. The bill provides that the chief information  
6 officer shall consult and coordinate with the department of  
7 administrative services, the department of transportation, the  
8 Iowa communications network, and other agencies and entities  
9 as determined appropriate to ensure that the opportunity is  
10 provided to lay or install fiberoptic network conduit wherever  
11 a state-funded construction project involves trenching, boring,  
12 a bridge, a roadway, or opening of the ground, or alongside  
13 any state-owned infrastructure. The bill provides, contingent  
14 upon the provision of funding by the general assembly, that  
15 the office may contract with a third party to manage, lease,  
16 install, or otherwise provide fiberoptic network conduit  
17 access, and that the installation program shall not prohibit  
18 the office from purchasing or installing fiberoptic cable  
19 within fiberoptic network conduit installed pursuant to the  
20 program.

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

31 The bill also requires the chief information officer to  
32 prepare an annual report regarding the status of broadband  
33 access across state government and the private sector, and adds  
34 the chief information officer to the information technology  
35 and telecommunications commission which oversees the operation

1 of the Iowa communications network and to the statewide  
2 interoperable communications system board established in Code  
3 section 80.28. The bill appropriates \$250,000 to the office  
4 for the 2014-2015 fiscal year to facilitate broadband data  
5 collection and analysis.

6 DIVISION III — TAX INCENTIVES. The bill provides a property  
7 tax exemption for broadband infrastructure installed and  
8 deployed within an unserved or underserved communications  
9 service area. The exemption applies to the new installation  
10 of broadband infrastructure completed on or after July 1,  
11 2014, to and including December 31, 2018, in an unserved or  
12 underserved communications service area. The bill requires a  
13 person claiming the exemption to certify that no communications  
14 service provider offered broadband download speeds of greater  
15 than 50 megabits per second and upload speeds of greater  
16 than 15 megabits per second in the unserved or underserved  
17 communications service area prior to installation of broadband  
18 infrastructure. The bill provides that if the broadband  
19 infrastructure is assessed with other property as a unit by  
20 the department of revenue pursuant to Code sections 428.24  
21 to 428.29, or Code chapter 433, the exemption shall be  
22 limited to the value added by the broadband infrastructure  
23 determined as of the assessment date and the exemption shall  
24 be applied prior to any other exemption applicable to the unit  
25 value. The bill confers authority upon the director of the  
26 department of revenue to adopt rules for the interpretation and  
27 administration of the exemption.

28 DIVISION IV — IOWA COMMUNICATIONS NETWORK WHOLESALE ACCESS.  
29 The bill permits wholesale access to the Iowa communications  
30 network to persons who are not otherwise authorized users as  
31 determined under Code chapter 8D. The bill provides that  
32 the information technology and telecommunications commission  
33 may enter into a contract to provide access to the network  
34 to a communications services provider for the installation  
35 and deployment of broadband infrastructure in an unserved or



1 underserved communications service area. The bill provides  
2 that the commission may establish by rule the manner in which a  
3 contract entered into shall be undertaken, and that all such  
4 contracts shall be coordinated with the chief information  
5 officer. The bill provides that access shall be subject to  
6 sufficient capacity being reserved for existing and future  
7 authorized users of the network, and restricted to wholesale  
8 transactions with communications service providers who are  
9 engaged in providing broadband capacity at retail to citizens  
10 and businesses in Iowa.

11 The bill provides that prior to entering into a contract with  
12 the network, a communications service provider must allow, for  
13 a 10-business-day period, any private wholesale provider that  
14 has fiberoptic cable facilities that are closer in proximity to  
15 an unserved or underserved communications service area to which  
16 the contract would apply than the nearest network endpoint to  
17 make those facilities available at the same or a lower rate  
18 than that offered by the network. The bill provides that  
19 access shall be provided in a manner that minimizes the level  
20 of capital investment necessary from communications service  
21 providers to expand broadband in unserved or underserved  
22 communications service areas while allowing them to access new  
23 customers and new sources of revenue, that it shall not be  
24 provided at retail to persons who are not authorized users or  
25 otherwise provided network access at retail as of July 1, 2014,  
26 and that access shall not be used by a communications service  
27 provider to provide services or broadband capacity to persons  
28 who are authorized users or otherwise provided network access  
29 as of July 1, 2014. Additionally, the bill provides that rates  
30 applicable to a wholesale transaction shall be determined by  
31 the commission by rule.

32 DIVISION V — INFORMATION TECHNOLOGY INFRASTRUCTURE FOR  
33 EDUCATION. The bill adds the acquisition or installation of  
34 "information technology infrastructure", as defined in the  
35 bill, to the definition of "school infrastructure" for purposes

1 of the statewide school infrastructure funding provisions  
2 contained in Code chapter 423F.

3 DIVISION VI — UNIFORM CELL SITING. The bill provides  
4 uniform rules establishing specific and varying timelines for  
5 the exercise of zoning, land use, planning, and permitting  
6 authority applicable to new wireless support structure  
7 applications, applications for substantial modifications of  
8 wireless support structures, and collocation applications.  
9 The bill states that authorities may continue to exercise  
10 zoning, land use, planning, and permitting authority within  
11 their territorial boundaries with regard to the siting of new  
12 wireless support structures, subject to the bill's provisions  
13 and federal law. Timelines for reviewing an application,  
14 making a final decision to approve or disapprove it, and  
15 advising the applicant of the decision in writing are set  
16 forth, as is the requirement that if a specified time elapses  
17 without action the application shall be deemed approved.

18 DIVISION VII — STEM INTERNSHIPS AND DIGITAL SKILLS  
19 WORKFORCE TRAINING. The bill establishes a new program  
20 within the economic development authority to assist in placing  
21 Iowa students studying in the fields of science, technology,  
22 engineering, and mathematics into internships that lead to  
23 permanent positions with Iowa employers. The bill directs  
24 the authority to collaborate with eligible employers, which  
25 may include but are not limited to innovative businesses, to  
26 ensure that the interns hired are studying in the specified  
27 fields, and provides that an Iowa employer may receive  
28 financial assistance in the amount of \$1 for every \$2 paid by  
29 the employer to an intern, limited to an amount not exceeding  
30 \$5,000 for any single internship. The bill states that the  
31 requirement to establish the internships is contingent upon the  
32 provision of funding for such purposes by the general assembly,  
33 and then appropriates \$2 million for this purpose for the  
34 2014-2015 fiscal year. The bill provides that no more than 3  
35 percent of the funds appropriated may be used by the authority

1 for costs associated with administration of the program.  
2 The bill directs the department of workforce development to  
3 issue a request for proposals regarding election of a digital  
4 skills training provider to establish a digital literacy and  
5 workforce training pilot program. The program shall provide  
6 digital skills training, including training for teleworking and  
7 coworking employment opportunities. The bill provides that  
8 distribution and use of any funds appropriated to administer  
9 the pilot program shall be determined by the department in  
10 coordination with the chief information officer. The bill  
11 appropriates \$1.4 million to the department for purposes of  
12 program administration for the 2014-2015 fiscal year.