

Reprinted 4/6/83

FILED MAR 4 1983

SENATE FILE 356

BY COMMITTEE ON STATE GOVERNMENT
Approved 2/4 (p. 637)
(FORMERLY SSB 120)

Passed Senate, Date 4-5-83 (p. 1101) Passed House, Date _____
Vote: Ayes 45 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating the Iowa department of public broadcasting
2 and prescribing its powers and duties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 356

1 Section 1. Section 18.1, subsection 6, Code 1983, is
2 amended by striking the subsection.

3 Sec. 2. Section 18.3, subsection 5, Code 1983, is amended
4 to read as follows:

5 5. Administering ~~the provisions of~~ sections 18.132 to
6 ~~18.152~~ 18.143.

7 Sec. 3. Section 18.132, Code 1983, is amended to read
8 as follows:

9 18.132 PURPOSE. It is the intent of the general assembly
10 ~~in providing for state communications, that an educational~~
11 ~~radio and television facility, including provision for closed~~
12 ~~circuit television, be established to serve the entire state,~~
13 and that communications of state government be co-ordinated
14 to effect maximum practical consolidation and joint use of
15 communications services.

16 Sec. 4. Section 18.133, subsection 1, Code 1983, is amended
17 to read as follows:

18 1. "State communications" means a system to serve
19 communications needs of state ~~departments and agencies~~ but
20 does not include communications activities exempt under section
21 18.135, subsection 3 and radio and television facilities under
22 the Iowa department of public broadcasting.

23 Sec. 5. Section 18.133, subsections 4 and 5, Code 1983,
24 are amended by striking the subsections.

25 Sec. 6. Section 18.135, Code 1983, is amended to read
26 as follows:

27 18.135 RULES.

28 1. The director shall ~~promulgate~~ adopt rules relating
29 to state communications in accordance with ~~the provisions~~
30 ~~of~~ this chapter. The director shall also adopt and provide
31 for standard communications procedures and policies to be
32 used by ~~all departments and~~ state agencies ~~of state government.~~

33 2. Communications activities of ~~departments of~~ state
34 ~~government which~~ agencies that affect the overall operation
35 of state communications shall fall within the administrative

1 jurisdiction of the director for review and action upon request
2 from ~~any department of~~ a state government agency.

3 3. Communications activities which are operational and
4 the responsibility of a particular department of state
5 government shall continue to fall within the administrative
6 jurisdiction of ~~that department of~~ the state government agency
7 and be financed through its appropriations.

8 ~~The director and the state educational radio and television~~
9 ~~facility board shall co-ordinate their activities to achieve~~
10 ~~the maximum possible co-operation and effective use of the~~
11 ~~available facilities.~~

12 Sec. 7. Section 18.136, subsection 7, Code 1983, is amended
13 to read as follows:

14 7. The ~~chairman~~ president of the ~~state educational radio~~
15 ~~and television facility board~~ board of public broadcasting.

16 Sec. 8. Section 18.141, Code 1983, is amended to read
17 as follows:

18 18.141 OFFICERS. The council ~~and board~~ shall each elect
19 from ~~their respective memberships~~ its membership a chairman
20 chairperson and vice chairman chairperson who shall each serve
21 for one year and who may be re-elected. Membership on the
22 council ~~or board shall~~ does not constitute holding a public
23 office and members ~~shall~~ are not be required to take and file
24 oaths of office before serving. ~~No~~ A member shall not be
25 disqualified from holding any a public office or employment
26 by reason of his appointment or membership on ~~either~~ the
27 council ~~or the board~~ nor shall any a member forfeit any such
28 the office or employment by reason of his an appointment to
29 the council ~~or board, notwithstanding the provisions of any~~
30 ~~general, special or local law, ordinance or city charter.~~

31 Sec. 9. Section 18.142, Code 1983, is amended to read
32 as follows:

33 18.142 COMPENSATION AND EXPENSES. The members of both
34 the council ~~and the board~~ shall ~~be paid~~ receive a forty-dollar
35 per diem and be reimbursed for travel and actual and necessary

1 expenses involved in attending meetings and in the performance
2 of their duties. ~~All-per~~ Per diem and expense moneys paid
3 to the members shall be paid from funds appropriated to the
4 department of general services.

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7 18.143 MEETINGS. ~~Both-the~~ The council ~~and-the-board~~ shall
8 meet ~~separately~~ at least four times each year and shall hold
9 special meetings when called by the appropriate ~~chairman~~
10 chairperson or in the absence of the ~~chairman~~ chairperson
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12 upon written request of four members. ~~Both-the~~ The council
13 ~~and-the-board~~ shall establish procedures and requirements
14 with respect to quorum, place and conduct of meetings.

15 Sec. 11. NEW SECTION. 18B.1 DEFINITIONS. As used in
16 this chapter unless the context otherwise requires:

17 1. "Board" means the Iowa public broadcasting board created
18 in section 18B.3.

19 2. "Executive director" means the executive director of
20 the Iowa department of public broadcasting.

21 3. "Radio and television facility" means transmitters,
22 towers, studios, and all necessary associated equipment for
23 broadcasting, including closed circuit television.

24 Sec. 12. NEW SECTION. 18B.2 DEPARTMENT CREATED. The
25 Iowa department of public broadcasting is created. The board
26 shall appoint an executive director who shall be the chief
27 administrative officer for the department. The board shall
28 fix the executive director's compensation unless otherwise
29 provided by law. Appointment of employees of the department
30 shall be without reference to political party affiliation,
31 religious beliefs, sex, marital status, race, color, age,
32 or national origin. The total amount of compensation for
33 employees is subject to the limitation of the appropriation
34 and other funds lawfully available.

35 Sec. 13. NEW SECTION. 18B.3 BOARD.

1 1. The Iowa public broadcasting board is created to plan,
2 establish, and operate an educational radio and television
3 facility and other communications services as necessary to
4 aid in accomplishing the educational objectives of the state.
5 Nine members shall compose the board selected in the following
6 manner:

7 a. Three members shall be appointed by the state board
8 of public instruction from its own membership or from the
9 personnel of the state department of public instruction.

10 b. Three members shall be appointed by the state board
11 of regents from its own membership or from among its employees
12 or employees of institutions under the jurisdiction of the
13 board.

14 c. Three members shall be appointed by the governor, at
15 least one of whom shall be from a regionally accredited private
16 four-year college or university.

17 2. Board members shall serve a three-year term commencing
18 on July 1 of the year of appointment. A vacancy shall be
19 filled in the same manner as the original appointment for
20 the remainder of the term.

21 Membership on the board does not constitute holding a
22 public office and members shall not be required to take and
23 file oaths of office before serving. A member shall not be
24 disqualified from holding any public office or employment
25 by reason of appointment to the board nor shall a member
26 forfeit an office or employment by reason of appointment to
27 the board.

28 Sec. 14. NEW SECTION. 18B.4 MEETINGS.

29 1. The board shall elect from among its members a president
30 and a vice president to serve a one-year term. The board
31 shall meet at least four times annually and shall hold special
32 meetings at the call of the president or in the absence of
33 the president by the vice president or by the president upon
34 written request of four members. The board shall establish
35 procedures and requirements relating to quorum, place, and

1 conduct of meetings.

2 2. Board members shall receive forty dollars per diem
3 and actual and necessary expenses incurred in performing their
4 official duties.

5 Sec. 15. NEW SECTION. 18B.5 ADVISORY COMMITTEES. The
6 board shall appoint at least two advisory committees as
7 follows:

8 1. Advisory committee on general operations and policy.

9 2. Advisory committee on curricula and educational mat-
10 ters.

11 Duties of the advisory committees, and of additional ad-
12 visory committees as the board may from time to time appoint,
13 shall be specified in rules of internal management adopted
14 by the board.

15 Sec. 16. NEW SECTION. 18B.6 FACILITIES AND PERMITS.

16 1. The board may purchase, lease, and improve property,
17 equipment, and services for proper educational communications
18 uses, and may dispose of property and equipment when not
19 necessary for its purposes. The board and the executive
20 director may arrange for joint use of available services and
21 facilities.

22 2. The board shall apply for channels, frequencies,
23 licenses, and permits as are required for broadcasting.

24 Sec. 17. NEW SECTION. 18B.7 EXISTING FACILITIES. This
25 chapter does not prohibit institutions under the state board
26 of regents and merged area schools under the department of
27 public instruction from owning, operating, improving and
28 maintaining educational radio and television stations and
29 transmitters now in existence and operation. The institutions
30 and schools may enter into agreements with the board for the
31 lease or purchase of equipment and facilities.

32 Sec. 18. NEW SECTION. 18B.8 COMPETITION WITH PRIVATE
33 SECTOR. It is the intent of the general assembly that the
34 board shall not compete with the private sector by actively
35 seeking revenue from its operations. It is not the intent

1 of the general assembly to prohibit the receipt of charitable
2 contributions as defined by section 170 of the Internal Revenue
3 Code. The board, the governor, or the executive director
4 may apply for and accept federal or nonfederal gifts, loans,
5 or grants of funds and may use the funds for projects under
6 this chapter.

7 Sec. 19. NEW SECTION. 18B.9 LOCATION OF FACILITIES.

8 The board may locate its administrative offices and production
9 facilities outside the city of Des Moines, Iowa.

10 Sec. 20. NEW SECTION. 18B.10 ANNUITY CONTRACTS. At

11 the request of an employee through contractual agreement the
12 board may arrange for the purchase of group or individual
13 annuity contracts for any of its employees from any company
14 the employee chooses that is authorized to do business in
15 this state and through an Iowa-licensed insurance agent that
16 the employee selects, for retirement or other purposes and
17 may make payroll deductions in accordance with the arrangements
18 for the purpose of paying the entire premium due and to become
19 due under the contract. The deductions shall be made in the
20 manner which will qualify the annuity premiums for the benefits
21 afforded under section 403b of the Internal Revenue Code of
22 1954 as amended to the effective date of this Act. The
23 employee's rights under the annuity contract are nonforfeitable
24 except for the failure to pay premiums.

25 Whenever an existing tax-sheltered annuity contract is
26 to be replaced by a new contract the agent or representative
27 of the company shall send a letter of intent by registered
28 mail at least thirty days prior to any action to the company
29 being replaced, to the insurance commissioner of the state
30 of Iowa, and to the agent's own company. The letter of intent
31 shall contain the policy number and description of the contract
32 being replaced and a description of the replacement contract.

33 Sec. 21. NEW SECTION. 18B.11 CAPITAL EQUIPMENT
34 REPLACEMENT REVOLVING FUND.

35 1. The board may provide noncommercial production or

1 reproduction services for other public agencies, nonprofit
2 corporations or associations organized under state law, or
3 other nonprofit organizations and may collect the costs of
4 providing the services from the public agency, nonprofit
5 corporation, association, or organization plus a separate
6 equipment usage fee in an amount determined by the board and
7 based upon the equipment used. The costs shall be deposited
8 to the credit of the board. The separate equipment usage
9 fee shall be deposited in the capital equipment replacement
10 revolving fund.

11 2. The board may establish a capital equipment replacement
12 revolving fund into which shall be deposited equipment usage
13 fees collected under subsection 1 and funds from other sources
14 designated for deposit in the capital equipment replacement
15 revolving fund. The board may expend moneys from the capital
16 equipment replacement revolving fund to purchase technical
17 equipment for operating the educational radio and television
18 facility.

19 Sec. 22. NEW SECTION. 18B.12 TRUSTS. Notwithstanding
20 section 633.63, the board may accept and administer trusts
21 and may authorize nonprofit foundations acting solely for
22 the support of the educational radio and television facility
23 to accept and administer trusts deemed by the board to be
24 beneficial to the operation of the educational radio and
25 television facility. The board and the foundations may act
26 as trustees in such instances.

27 Sec. 23. Section 19A.3, subsection 16, Code 1983, is
28 amended to read as follows:

29 16. Employees of the ~~educational-radio-and-television~~
30 ~~facility~~ Iowa public broadcasting board.

31 Sec. 24. Section 19A.3, unnumbered paragraph 5, Code 1983,
32 is amended to read as follows:

33 The state board of regents ~~and-the-educational-radio-and~~
34 ~~television-facility board~~ shall adopt rules for their
35 employees, which ~~rules-shall~~ are not be inconsistent with

1 the objectives of this chapter, and which ~~shall be~~ are subject
2 to approval of the Iowa merit employment commission. If at
3 any time the director determines that the board of regents
4 merit system ~~of the educational radio and television facility~~
5 ~~boards merit system~~ does not comply with the intent of this
6 chapter, ~~he~~ the director, subject to the approval of the
7 commission, ~~shall have authority to direct correction thereof~~
8 ~~and the~~ may direct the board to correct the rules. The rules
9 of the board ~~shall~~ are not be in compliance until the
10 corrections are made.

11 Sec. 25. Sections 18.134, 18.138 through 18.140 and 18.144
12 through 18.155, Code 1983, are repealed.

13 EXPLANATION

14 This bill separates the educational radio and television
15 facility from the communications functions of the department
16 of general services and creates the Iowa department of public
17 broadcasting. The activities of the department would continue
18 to be directed by a board which remains the same in composi-
19 tion as the current educational radio and television board.
20 The bill transfers current language relating to public
21 broadcasting from chapter 18 into a new chapter 18B. As under
22 current law, public broadcasting could not compete with the
23 private sector in seeking revenue from its operations. The
24 bill is effective July 1 following enactment.

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SENATE FILE 356
FISCAL NOTE

REQUESTED BY SENATOR NYSTROM

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 356 pursuant to Joint Rule 17.

Senate File 356 is an Act which separates the education radio and television facility from the communications functions of the department of general services and creates the Iowa department of public broadcasting. The activities of the department would continue to be directed by a board which remains the same in composition as the current educational radio and television board. The bill transfers current language relating to public broadcasting from chapter 18 into a new chapter 18B.

There would be no fiscal impact to the state resulting from this Act. The same responsibilities exist under this Act as previously. †

(S36S, 83-344, GFD)

RECEIVED BY THE SECRETARY OF THE SENATE, MARCH 14, 1983

FILED:

MARCH 16, 1983

BY LEGISLATIVE FISCAL BUREAU
DENNIS C. PROUTY, DIRECTOR

SENATE FILE 356

S-3193

1 Amend Senate File 356 as follows:
2 1. Page 8, by inserting after line 10 the
3 following:
4 "Sec. ____ . Members of the state educational radio
5 and television facility board on the effective date
6 of this Act shall continue to serve the unexpired
7 portion of their term as members of the state
8 educational radio and television facility board as
9 members of the Iowa public broadcasting board. The
10 state comptroller shall transfer funds and accounts
11 of the state educational radio and television facility
12 board to the Iowa department of public broadcasting
13 on the effective date of this Act. Property and
14 records of the state educational radio and television
15 facility board become the property and records of
16 the Iowa department of public broadcasting on the
17 effective date of this Act and shall be transferred
18 accordingly."

S-3193 FILED

BY JOHN NYSTROM

MARCH 8, 1983

Adopted 4/5/83 (p. 1100)

SENATE FILE 356

S-3263

1 Amend Senate File 356 as follows:
2 1. Page 7, by striking lines 27 through 30 and
3 inserting in lieu thereof the following:
4 "Sec. 23. Section 19A.3, subsection 16, Code 1983,
5 is amended by striking the subsection and inserting
6 in lieu thereof the following:
7 16. The executive director, the executive
8 director's secretary, the division directors and their
9 principal assistants, and programming, production,
10 educational, and engineering personnel under the
11 jurisdiction of the Iowa public broadcasting board."

S-3263 FILED

BY JOHN N. NYSTROM

MARCH 21, 1983

Adopted 4/5 (p. 1100)

SENATE FILE 356

S-3307

1 Amend Senate File 356 as follows:
2 1. Page 4, line 3, by inserting after the word
3 "other" the word "educational".

S-3307 FILED

BY JOHN N. NYSTROM

MARCH 23, 1983

Adopted 4/5 (p. 1100)

SENATE FILE 356

S-3280

1 Amend Senate File 356 as follows:

2 1. Page 3, by striking lines 29 through 34 and
3 inserting in lieu thereof the words "provided by law."

4 2. Page 8, by inserting after line 10 the following
5 section:

6 "Sec. ____ . 1981 Iowa Acts, chapter 9, section
7 7, subsection 6, is amended to read as follows:

8 6. The following are range four positions:

9 superintendent of banking, director of the Iowa beer
10 and liquor control department, chairperson and members
11 of the Iowa state commerce commission, director of
12 the state conservation commission, director of the
13 Iowa development commission, executive director of
14 the educational-radio-and-television-facility-board
15 Iowa department of public broadcasting, director of
16 the Iowa department of job service, director of the
17 department of general services, commissioner of health,
18 director of the office for planning and programming,
19 and commissioner of public safety."

S-3280 FILED

BY JOHN NYSTROM

MARCH 21, 1983

Adopted 4/5/83 (p. 1100)

S-3367

- 1 Amend Senate File 356 as follows:
2 1. Page 1, line 22, by striking the word "public"
3 and inserting in lieu thereof the word "educational".
4 2. Page 2, line 15, by striking the word "public"
5 and inserting in lieu thereof the word "educational".
6 3. Page 3, line 17, by striking the word "public"
7 and inserting in lieu thereof the word "educational".
8 4. Page 3, line 20, by striking the word "public"
9 and inserting in lieu thereof the word "educational".
10 5. Page 3, line 25, by striking the word "public"
11 and inserting in lieu thereof the word "educational".
12 6. Page 4, line 1, by striking the word "public"
13 and inserting in lieu thereof the word "educational".
14 7. Page 7, line 30, by striking the word "public"
15 and inserting in lieu thereof the word "educational".
16 8. Amend the title, line 1, by striking the word
17 "public" and inserting in lieu thereof the word
18 "educational".

S-3357 FILED
MARCH 28, 1983

Last 4/5/83 (p. 1099)

BY FORREST V. SCHWENGELS
JIM GALLAGHER

SENATE 15
MARCH 29, 1983

SENATE FILE 356

S-3363

- 1 Amend the amendment S-3280 to Senate File 356 as
- 2 follows:
- 3 1. Page 1, line 15, by striking the word "public"
- 4 and inserting in lieu thereof the word "educational".

S-3363 FILED
MARCH 28, 1983
H/O 4/5/83 (p. 1100)

BY FORREST V. SCHWENGELS
JAMES V. GALLAGHER

SENATE FILE 356

S-3364

- 1 Amend the amendment S-3193 to Senate File 356 as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word "public"
- 4 and inserting in lieu thereof the word "educational".
- 5 2. Page 1, line 16, by striking the word "public"
- 6 and inserting in lieu thereof the word "educational".

S-3364 FILED
MARCH 28, 1983
H/O 4/5 (p. 1100)

BY FORREST V. SCHWENGELS
JAMES V. GALLAGHER

SENATE FILE 356

S-3365

- 1 Amend the amendment S-3263 to Senate File 356 as
- 2 follows:
- 3 1. Page 1, line 11, by striking the word "public"
- 4 and inserting in lieu thereof the word "educational".

S-3365 FILED
MARCH 28, 1983
H/O 4/5 (p. 1100)

BY FORREST V. SCHWENGELS
JAMES V. GALLAGHER

SENATE FILE 356

S-3366

- 1 Amend Senate File 356 as follows:
- 2 1. Page 4, line 4, by inserting after the word
- 3 "state." the words "Educational programming shall be
- 4 the highest priority of the board."

S-3366 FILED
MARCH 28, 1983
Adopted 4/5 (p. 1110)

BY FORREST V. SCHWENGELS
JAMES V. GALLAGHER

Her State Gov. 4/6/83

Senate File 356

State Government: Swearingen, Chair: Pavich and Swartz.

In Pass 4/8/83

SENATE FILE 356

BY COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 4-5-83 (p. 1101) Passed House, Date 4-12-83 (p. 1222)

Vote: Ayes 45 Nays 2 Vote: Ayes 94 Nays 3

Approved May 16, 1983
Return to recessions (p. 1250) w/d 4/22 (p. 1515)

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_____ = New language by the Senate

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29 the president by the vice president or by the president upon
30 written request of four members. The board shall establish
31 procedures and requirements relating to quorum, place, and
32 conduct of meetings.

33 2. Board members shall receive forty dollars per diem
34 and actual and necessary expenses incurred in performing their
35 official duties.

1 Sec. 15. NEW SECTION. 18B.5 ADVISORY COMMITTEES. The
2 board shall appoint at least two advisory committees as
3 follows:

- 4 1. Advisory committee on general operations and policy.
5 2. Advisory committee on curricula and educational mat-
6 ters.

7 Duties of the advisory committees, and of additional ad-
8 visory committees as the board may from time to time appoint,
9 shall be specified in rules of internal management adopted
10 by the board.

11 Sec. 16. NEW SECTION. 18B.6 FACILITIES AND PERMITS.

12 1. The board may purchase, lease, and improve property,
13 equipment, and services for proper educational communications
14 uses, and may dispose of property and equipment when not
15 necessary for its purposes. The board and the executive
16 director may arrange for joint use of available services and
17 facilities.

18 2. The board shall apply for channels, frequencies,
19 licenses, and permits as are required for broadcasting.

20 Sec. 17. NEW SECTION. 18B.7 EXISTING FACILITIES. This
21 chapter does not prohibit institutions under the state board
22 of regents and merged area schools under the department of
23 public instruction from owning, operating, improving and
24 maintaining educational radio and television stations and
25 transmitters now in existence and operation. The institutions
26 and schools may enter into agreements with the board for the
27 lease or purchase of equipment and facilities.

28 Sec. 18. NEW SECTION. 18B.8 COMPETITION WITH PRIVATE
29 SECTOR. It is the intent of the general assembly that the
30 board shall not compete with the private sector by actively
31 seeking revenue from its operations. It is not the intent
32 of the general assembly to prohibit the receipt of charitable
33 contributions as defined by section 170 of the Internal Revenue
34 Code. The board, the governor, or the executive director
35 may apply for and accept federal or nonfederal gifts, loans,

1 or grants of funds and may use the funds for projects under
2 this chapter.

3 Sec. 19. NEW SECTION. 18B.9 LOCATION OF FACILITIES.

4 The board may locate its administrative offices and production
5 facilities outside the city of Des Moines, Iowa.

6 Sec. 20. NEW SECTION. 18B.10 ANNUITY CONTRACTS. At
7 the request of an employee through contractual agreement the
8 board may arrange for the purchase of group or individual
9 annuity contracts for any of its employees from any company
10 the employee chooses that is authorized to do business in
11 this state and through an Iowa-licensed insurance agent that
12 the employee selects, for retirement or other purposes and
13 may make payroll deductions in accordance with the arrangements
14 for the purpose of paying the entire premium due and to become
15 due under the contract. The deductions shall be made in the
16 manner which will qualify the annuity premiums for the benefits
17 afforded under section 403b of the Internal Revenue Code of
18 1954 as amended to the effective date of this Act. The
19 employee's rights under the annuity contract are nonforfeitable
20 except for the failure to pay premiums.

21 Whenever an existing tax-sheltered annuity contract is
22 to be replaced by a new contract the agent or representative
23 of the company shall send a letter of intent by registered
24 mail at least thirty days prior to any action to the company
25 being replaced, to the insurance commissioner of the state
26 of Iowa, and to the agent's own company. The letter of intent
27 shall contain the policy number and description of the contract
28 being replaced and a description of the replacement contract.

29 Sec. 21. NEW SECTION. 18B.11 CAPITAL EQUIPMENT
30 REPLACEMENT REVOLVING FUND.

31 1. The board may provide noncommercial production or
32 reproduction services for other public agencies, nonprofit
33 corporations or associations organized under state law, or
34 other nonprofit organizations and may collect the costs of
35 providing the services from the public agency, nonprofit

1 corporation, association, or organization plus a separate
2 equipment usage fee in an amount determined by the board and
3 based upon the equipment used. The costs shall be deposited
4 to the credit of the board. The separate equipment usage
5 fee shall be deposited in the capital equipment replacement
6 revolving fund.

7 2. The board may establish a capital equipment replacement
8 revolving fund into which shall be deposited equipment usage
9 fees collected under subsection 1 and funds from other sources
10 designated for deposit in the capital equipment replacement
11 revolving fund. The board may expend moneys from the capital
12 equipment replacement revolving fund to purchase technical
13 equipment for operating the educational radio and television
14 facility.

15 Sec. 22. NEW SECTION. 18B.12 TRUSTS. Notwithstanding
16 section 633.63, the board may accept and administer trusts
17 and may authorize nonprofit foundations acting solely for
18 the support of the educational radio and television facility
19 to accept and administer trusts deemed by the board to be
20 beneficial to the operation of the educational radio and
21 television facility. The board and the foundations may act
22 as trustees in such instances.

23 Sec. 23. Section 19A.3, subsection 16, Code 1983, is
24 amended by striking the subsection and inserting in lieu
25 thereof the following:

26 16. The executive director, the executive director's
27 secretary, the division directors and their principal
28 assistants, and programming, production, educational, and
29 engineering personnel under the jurisdiction of the Iowa
30 public broadcasting board.

31 Sec. 24. Section 19A.3, unnumbered paragraph 5, Code 1983,
32 is amended to read as follows:

33 The state board of regents ~~and the educational radio and~~
34 ~~television facility board~~ shall adopt rules for their
35 employees, which ~~rules shall~~ are not be inconsistent with

1 the objectives of this chapter, and which ~~shall be~~ are subject
 2 to approval of the Iowa merit employment commission. If at
 3 any time the director determines that the board of regents
 4 merit system ~~or the educational radio and television facility~~
 5 ~~boards merit system~~ does not comply with the intent of this
 6 chapter, he the director, subject to the approval of the
 7 commission, ~~shall have authority to direct correction thereof~~
 8 and the may direct the board to correct the rules. The rules
 9 of the board ~~shall~~ are not ~~be~~ in compliance until the
 10 corrections are made.

11 Sec. 25. 1981 Iowa Acts, chapter 9, section 7, subsection
 12 6, is amended to read as follows:

13 6. The following are range four positions: superintendent
 14 of banking, director of the Iowa beer and liquor control
 15 department, chairperson and members of the Iowa state commerce
 16 commission, director of the state conservation commission,
 17 director of the Iowa development commission, executive director
 18 of the educational radio and television facility board Iowa
 19 department of public broadcasting, director of the Iowa
 20 department of job service, director of the department of
 21 general services, commissioner of health, director of the
 22 office for planning and programming, and commissioner of
 23 public safety.

24 Sec. 26. Members of the state educational radio and
 25 television facility board on the effective date of this Act
 26 shall continue to serve the unexpired portion of their term
 27 as members of the state educational radio and television
 28 facility board as members of the Iowa public broadcasting
 29 board. The state comptroller shall transfer funds and accounts
 30 of the state educational radio and television facility board
 31 to the Iowa department of public broadcasting on the effective
 32 date of this Act. Property and records of the state
 33 educational radio and television facility board become the
 34 property and records of the Iowa department of public
 35 broadcasting on the effective date of this Act and shall be

1 transferred accordingly.

2 Sec. 27. Sections 18.134, 18.138 through 18.140 and 18.144
3 through 18.155, Code 1983, are repealed.

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SENATE FILE 356

AN ACT

CREATING THE IOWA DEPARTMENT OF PUBLIC BROADCASTING AND PRE-
SCRIBING ITS POWERS AND DUTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 18.1, subsection 6, Code 1983, is amended by striking the subsection.

Sec. 2. Section 18.3, subsection 5, Code 1983, is amended to read as follows:

5. Administering ~~the provisions of~~ sections 18.132 to 18-152 18.143.

Sec. 3. Section 18.132, Code 1983, is amended to read as follows:

18.132 PURPOSE. It is the intent of the general assembly ~~in providing for state communications, that an educational radio and television facility, including provision for closed circuit television, be established to serve the entire state, and that communications of state government be co-ordinated to effect maximum practical consolidation and joint use of communications services.~~

Sec. 4. Section 18.133, subsection 1, Code 1983, is amended to read as follows:

1. "State communications" means a system to serve communications needs of state ~~departments and agencies but does not include communications activities exempt under section 18.135, subsection 3 and radio and television facilities under the Iowa department of public broadcasting.~~

Sec. 5. Section 18.133, subsections 4 and 5, Code 1983, are amended by striking the subsections.

Sec. 6. Section 18.135, Code 1983, is amended to read as follows:

18.135 RULES.

1. The director shall ~~promulgate~~ adopt rules relating to state communications in accordance with ~~the provisions of~~ this chapter. The director shall also adopt and provide for standard communications procedures and policies to be used by ~~all departments and state agencies of state government.~~

2. Communications activities of ~~departments of state government which agencies that~~ affect the overall operation of state communications ~~shall~~ fall within the administrative jurisdiction of the director for review and action upon request from ~~any department of a state government agency.~~

3. Communications activities which are operational and the responsibility of a particular department of state government shall continue to fall within the administrative jurisdiction of ~~that department of the state government agency~~ and be financed through its appropriations.

~~The director and the state educational radio and television facility board shall co-ordinate their activities to achieve the maximum possible co-operation and effective use of the available facilities.~~

Sec. 7. Section 18.136, subsection 7, Code 1983, is amended to read as follows:

7. The ~~chairman~~ president of the ~~state educational radio and television facility board~~ board of public broadcasting.

Sec. 8. Section 18.141, Code 1983, is amended to read as follows:

18.141 OFFICERS. The council ~~and board~~ shall each elect from ~~their respective memberships its membership~~ a ~~chairman~~ chairperson and vice ~~chairman~~ chairperson who shall each serve for one year and who may be re-elected. Membership on the council ~~or board shall~~ does not constitute holding a public office and members ~~shall~~ are not be required to take and file oaths of office before serving. No ~~a~~ member shall ~~not~~ be disqualified from holding ~~any~~ a public office or employment by reason of ~~his~~ appointment or membership on ~~either~~ the

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~~council or the board~~ nor shall ~~any a~~ member forfeit ~~any such~~ ~~the~~ office or employment by reason of ~~his an~~ appointment to the ~~council or board, notwithstanding the provisions of any~~ ~~generally special or local law, ordinance or city charter.~~

Sec. 9. Section 18.142, Code 1983, is amended to read as follows:

18.142 COMPENSATION AND EXPENSES. The members of ~~both~~ the council ~~and the board~~ shall ~~be paid~~ receive a forty-dollar per diem and be reimbursed for travel and actual and necessary expenses involved in attending meetings and in the performance of their duties. ~~All per~~ Per diem and expense moneys paid to the members shall be paid from funds appropriated to the department of general services.

Sec. 10. Section 18.143, Code 1983, is amended to read as follows:

18.143 MEETINGS. ~~Both the~~ The council ~~and the board~~ shall meet ~~separately~~ at least four times each year and shall hold special meetings when called by the appropriate chairman chairperson or in the absence of the chairman chairperson by the vice chairman chairperson or by the chairman chairperson upon written request of four members. ~~Both the~~ The council ~~and the board~~ shall establish procedures and requirements with respect to quorum, place and conduct of meetings.

Sec. 11. NEW SECTION. 18B.1 DEFINITIONS. As used in this chapter unless the context otherwise requires:

1. "Board" means the Iowa public broadcasting board created in section 18B.3.
2. "Executive director" means the executive director of the Iowa department of public broadcasting.
3. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 12. NEW SECTION. 18B.2 DEPARTMENT CREATED. The Iowa department of public broadcasting is created. The board shall appoint an executive director who shall be the chief

administrative officer for the department. The board shall fix the executive director's compensation unless otherwise provided by law.

Sec. 13. NEW SECTION. 18B.3 BOARD.

1. The Iowa public broadcasting board is created to plan, establish, and operate an educational radio and television facility and other educational communications services as necessary to aid in accomplishing the educational objectives of the state. Educational programming shall be the highest priority of the board. Nine members shall compose the board selected in the following manner:

- a. Three members shall be appointed by the state board of public instruction from its own membership or from the personnel of the state department of public instruction.
- b. Three members shall be appointed by the state board of regents from its own membership or from among its employees or employees of institutions under the jurisdiction of the board.
- c. Three members shall be appointed by the governor, at least one of whom shall be from a regionally accredited private four-year college or university.

2. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

Sec. 14. NEW SECTION. 18B.4 MEETINGS.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board

shall meet at least four times annually and shall hold special meetings at the call of the president or in the absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive forty dollars per diem and actual and necessary expenses incurred in performing their official duties.

Sec. 15. NEW SECTION. 18B.5 ADVISORY COMMITTEES. The board shall appoint at least two advisory committees as follows:

1. Advisory committee on general operations and policy.
2. Advisory committee on curricula and educational matters.

Duties of the advisory committees, and of additional advisory committees as the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Sec. 16. NEW SECTION. 18B.6 FACILITIES AND PERMITS.

1. The board may purchase, lease, and improve property, equipment, and services for proper educational communications uses, and may dispose of property and equipment when not necessary for its purposes. The board and the executive director may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as are required for broadcasting.

Sec. 17. NEW SECTION. 18B.7 EXISTING FACILITIES. This chapter does not prohibit institutions under the state board of regents and merged area schools under the department of public instruction from owning, operating, improving and maintaining educational radio and television stations and transmitters now in existence and operation. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

Sec. 18. NEW SECTION. 18B.8 COMPETITION WITH PRIVATE SECTOR. It is the intent of the general assembly that the board shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code. The board, the governor, or the executive director may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 19. NEW SECTION. 18B.9 LOCATION OF FACILITIES. The board may locate its administrative offices and production facilities outside the city of Des Moines, Iowa.

Sec. 20. NEW SECTION. 18B.10 ANNUITY CONTRACTS. At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its employees from any company the employee chooses that is authorized to do business in this state and through an Iowa-licensed insurance agent that the employee selects, for retirement or other purposes and may make payroll deductions in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403b of the Internal Revenue Code of 1954 as amended to the effective date of this Act. The employee's rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

Whenever an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall send a letter of intent by registered mail at least thirty days prior to any action to the company being replaced, to the insurance commissioner of the state of Iowa, and to the agent's own company. The letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Sec. 21. NEW SECTION. 18B.11 CAPITAL EQUIPMENT REPLACEMENT REVOLVING FUND.

1. The board may provide noncommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other nonprofit organizations and may collect the costs of providing the services from the public agency, nonprofit corporation, association, or organization plus a separate equipment usage fee in an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.

2. The board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection 1 and funds from other sources designated for deposit in the capital equipment replacement revolving fund. The board may expend moneys from the capital equipment replacement revolving fund to purchase technical equipment for operating the educational radio and television facility.

Sec. 22. NEW SECTION. 18B.12 TRUSTS. Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the educational radio and television facility to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

Sec. 23. Section 19A.3, subsection 16, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

16. The executive director, the executive director's secretary, the division directors and their principal assistants, and programming, production, educational, and

engineering personnel under the jurisdiction of the Iowa public broadcasting board.

Sec. 24. Section 19A.3, unnumbered paragraph 5, Code 1983, is amended to read as follows:

The state board of regents ~~and the educational radio and television facility board~~ shall adopt rules for their employees, which ~~rules shall~~ are not be inconsistent with the objectives of this chapter, and which ~~shall be~~ are subject to approval of the Iowa merit employment commission. If at any time the director determines that the board of regents merit system ~~of the educational radio and television facility boards merit system~~ does not comply with the intent of this chapter, ~~he the director~~, subject to the approval of the commission, ~~shall have authority to direct correction thereof and the may direct the board to correct the rules.~~ The rules of the board shall are not be in compliance until the corrections are made.

Sec. 25. 1981 Iowa Acts, chapter 9, section 7, subsection 6, is amended to read as follows:

6. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, executive director of the ~~educational radio and television facility board~~ Iowa department of public broadcasting, director of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, and commissioner of public safety.

Sec. 26. Members of the state educational radio and television facility board on the effective date of this Act shall continue to serve the unexpired portion of their term as members of the state educational radio and television facility board as members of the Iowa public broadcasting

board. The state comptroller shall transfer funds and accounts of the state educational radio and television facility board to the Iowa department of public broadcasting on the effective date of this Act. Property and records of the state educational radio and television facility board become the property and records of the Iowa department of public broadcasting on the effective date of this Act and shall be transferred accordingly.

Sec. 27. Sections 18.134, 18.138 through 18.140 and 18.144 through 18.155, Code 1983, are repealed.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 356, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 16, 1983

TERRY E. BRANSTAD
Governor

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