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SENATE FILE 162  
BY COMMITTEE ON STATE GOVERNMENT  
*Approved 2/10/87 (p. 306)*  
(formerly SSB 79)

Passed Senate, Date 2-24-87 (p. 448) Passed House, Date 5/8/87 (p. 2216)  
Vote: Ayes 42 Nays 6 Vote: Ayes 85 Nays 9

Approved June 5, 1987

*Revised to measure (p. 453)  
2/15 3/16/87 (p. 694)*

A BILL FOR

1 An Act to provide for the establishment of the Iowa corporation  
2 for public telecommunications to plan, establish and operate  
3 educational radio and television facilities and other  
4 educational telecommunications systems and services including  
5 narrowcast and broadcast systems to serve the educational and  
6 economic development needs of the state and to provide an  
7 effective date.

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

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SF 162

1 Section 1. NEW SECTION. 302A.1 STATEMENT OF POLICY.

2 It is the policy of this state and the purpose of this  
3 chapter to provide for the establishment of the Iowa  
4 corporation for public telecommunications to plan, establish,  
5 and operate educational radio and television facilities and  
6 other educational telecommunications systems and services  
7 including narrowcast and broadcast systems to serve the  
8 educational and economic development needs of the state.

9 Sec. 2. NEW SECTION. 302A.2 DEFINITIONS.

10 As used in this chapter, unless the context otherwise re-  
11 quires:

12 1. "Board" means the board of directors of the Iowa  
13 corporation for public telecommunications.

14 2. "Corporation" means the Iowa corporation for public  
15 telecommunications.

16 3. "Director" means the chief executive officer of the  
17 Iowa corporation for public telecommunications.

18 4. "Radio and television facility" means transmitters,  
19 towers, studios and all necessary associated equipment for  
20 broadcasting, including closed circuit television.

21 5. "Narrowcast" means communications through systems that  
22 are directed toward a narrowly defined audience and are not  
23 receivable by the general public.

24 6. "Public broadcast" means communications through a  
25 system that is receivable by the general public with  
26 educational, cultural, or other programming designed for a  
27 large group of users.

28 Sec. 3. NEW SECTION. 302A.3 PUBLIC CORPORATION.

29 A public corporate body called the Iowa corporation for  
30 public telecommunications is created to plan, establish, and  
31 operate educational radio and television facilities and other  
32 educational telecommunications systems and services including  
33 narrowcast and broadcast systems to serve the educational and  
34 economic development needs of the state. However, the  
35 corporation shall not provide that school districts may use

1 educational telecommunications systems to meet the minimum  
2 educational standards for accreditation. The corporation is a  
3 nonprofit public instrumentality that is not a state agency  
4 and the exercise of the powers granted to the corporation  
5 under this chapter is an essential government function. The  
6 corporation has perpetual succession. The succession shall  
7 continue until the existence of the corporation is terminated  
8 by law.

9 The corporation may sue and be sued, hold property, and  
10 exercise all powers granted by law and other powers incident  
11 to public corporations of like character that are not  
12 inconsistent with the laws of this state.

13 Sec. 4. NEW SECTION. 302A.4 BOARD OF DIRECTORS.

14 1. A board of directors of the corporation is created,  
15 composed of thirteen members selected in the following manner:

16 a. One member shall be appointed jointly by the presidents  
17 of the three institutions of higher education governed by the  
18 state board of regents.

19 b. One member shall be appointed jointly by the  
20 superintendents of the merged area schools created by chapter  
21 280A.

22 c. One member shall be appointed jointly by the  
23 administrators of the area education agencies created by  
24 chapter 273.

25 d. One member shall be a president of a regionally ac-  
26 credited private four-year college or university selected by  
27 the state association representing private colleges and uni-  
28 versities.

29 e. One member shall be appointed by the state board of  
30 regents from its own membership.

31 f. One member shall be appointed by the state board of  
32 education from its own membership.

33 g. One member is the director of the department of  
34 education.

35 h. Three members shall be appointed by the governor, one

1 of whom shall be from the Iowa business community other than  
2 the commercial broadcast industry, one of whom shall be from  
3 the commercial broadcast industry, and one of whom shall be a  
4 member of a fund-raising nonprofit organization financially  
5 assisting the Iowa corporation for public telecommunications.

6 i. One member shall be appointed from the board of a fund-  
7 raising nonprofit organization organized pursuant to section  
8 302A.11 by the board established under section 302A.11.

9 j. Two members shall be appointed by the journalistic and  
10 editorial integrity committee established in section 302A.15.

11 2. Members of the board of directors shall serve three-  
12 year terms commencing and ending as provided in section 69.19.  
13 A vacancy shall be filled in the same manner as the original  
14 appointment for the remainder of the term.

15 3. The board shall elect from among its members a chair-  
16 person and a vice chairperson to serve a one-year term.

17 4. The board shall meet at least four times annually and  
18 shall hold special meetings at the call of the chairperson, or  
19 in the absence of the chairperson by the vice chairperson, or  
20 by the chairperson on the written request of five members of  
21 the board.

22 5. Members of the board shall receive forty dollars per  
23 diem and actual and necessary expenses incurred in performing  
24 their official duties. Payment shall be made from moneys  
25 available to the corporation.

26 Sec. 5. NEW SECTION. 302A.5 MEMBERSHIP ON BOARD.

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

34 Sec. 6. NEW SECTION. 302A.6 POWERS AND DUTIES.

35 The board shall have the powers and duties necessary to

1 carry out its purposes, including but not limited to the  
2 following:

3 1. To appoint a director of the corporation and fix the  
4 director's compensation.

5 2. To adopt a design plan for educational telecom-  
6 munications systems and services in this state.

7 3. To establish guidelines for the imposition of fees and  
8 charges for services.

9 4. To make and execute agreements, contracts, and other  
10 instruments with any public or private entity. State  
11 departments and agencies, other public agencies, and  
12 governmental subdivisions may enter into contracts and  
13 otherwise cooperate with the board.

14 5. To contract with engineers, attorneys, accountants, fi-  
15 nancial experts, and other advisors upon the recommendation of  
16 the director. The board may enter into contracts or  
17 agreements for such services with local, state, or federal  
18 governmental agencies.

19 6. To accept appropriations, gifts, grants, loans, or  
20 other aid from public and private entities in order to achieve  
21 its public purpose. Any interest earned on those funds shall  
22 be retained by the board of directors and may be used for the  
23 purposes of this chapter.

24 7. Upon completion of a collective bargaining agreement,  
25 to submit to the department of management appropriation re-  
26 quests to fund salary increases for designated employees.

27 8. To adopt rules consistent with the provisions of this  
28 chapter and consistent with chapter 17A.

29 9. To purchase, lease, and improve property, equipment,  
30 and services, and to dispose of property and equipment when  
31 not necessary or advisable for its purposes.

32 10. To apply for and hold channels, frequencies, licenses,  
33 and permits as are necessary in the performance of the board's  
34 duties.

35 Sec. 7. NEW SECTION. 302A.7 DUTIES OF THE DIRECTOR.

1 The director shall:

2 1. Develop a state educational telecommunications design  
3 plan for submission to the board and annually review and  
4 update the plan.

5 2. Administer and coordinate the state educational  
6 telecommunications design plan and operate educational radio  
7 and television facilities and other educational  
8 telecommunications systems and services, subject to the  
9 board's approval.

10 3. Manage the internal operations of the corporation and  
11 establish guidelines and procedures to promote the orderly and  
12 efficient administration of the corporation.

13 4. Employ personnel as necessary to carry out the duties  
14 and responsibilities of the corporation subject to the  
15 approval of the board. The director may assign and reassign  
16 personnel.

17 5. Establish temporary advisory committees deemed  
18 appropriate.

19 6. Prepare a budget for the corporation, subject to the  
20 approval of the board. The corporation is subject to section  
21 8.23. Allotments of moneys appropriated by the general  
22 assembly to the corporation for a fiscal year shall be made in  
23 equal installments on July 1 and January 1.

24 7. Collect fees and charges for services which shall be  
25 deposited to the credit of the corporation. Any interest  
26 earned on these receipts shall be retained and may be expended  
27 by the corporation subject to the approval of the board.

28 8. Provide technical assistance and counseling related to  
29 the corporation's purposes to public and private entities.

30 9. Perform other duties necessary for the administration  
31 of this chapter.

32 Sec. 8. NEW SECTION. 302A.8 SUBMISSION OF PROPOSALS.

33 Any agency of the state and any political subdivision of  
34 the state shall submit plans for the development of educa-  
35 tional telecommunications systems to the board to be

1 coordinated with the educational telecommunications plan  
2 adopted by the board. Private institutions and entities may  
3 submit educational telecommunications proposals for coordina-  
4 tion.

5 Sec. 9. NEW SECTION. 302A.9 COMPETITION WITH PRIVATE  
6 SECTOR.

7 The corporation shall not use, permit use, or permit resale  
8 of its telecommunications narrowcast system for other than  
9 educational purposes. The corporation, in the establishment  
10 and operation of its telecommunications narrowcast system,  
11 shall use facilities and services of the private telecommuni-  
12 cations industry companies to the greatest extent possible and  
13 is prohibited from constructing telecommunications facilities  
14 unless comparable facilities are not available from the  
15 private telecommunications industry at comparable quality and  
16 price.

17 Notwithstanding chapter 476, the provisions of chapter 476  
18 shall not apply to a public utility in furnishing a  
19 telecommunications service or facility to the corporation.

20 Sec. 10. NEW SECTION. 302A.10 ADVERTISEMENT FOR BIDS.

21 When the estimated cost of purchasing equipment for the  
22 corporation exceeds ten thousand dollars or the estimated cost  
23 for construction exceeds twenty-five thousand dollars, the  
24 board shall advertise for bids for the equipment or  
25 construction and shall let the contract to the lowest  
26 responsible bidder. However, if in the judgment of the board  
27 bids received are not acceptable, the board may reject all  
28 bids and proceed with the purchase or construction by a method  
29 determined by the board. Bids shall be filed by the board and  
30 be open for public inspection. All bids submitted under this  
31 section shall be accompanied by a deposit of money, a  
32 certified check, or a credit union certified share draft in an  
33 amount prescribed by the board.

34 Sec. 11. NEW SECTION. 302A.11 TRUSTS.

35 Notwithstanding section 633.63, the board may accept and

1 administer trusts and may authorize nonprofit foundations  
2 acting solely for the support of the corporation to accept and  
3 administer trusts deemed by the board to be beneficial to the  
4 operation of the corporation. The board of directors and the  
5 foundations may act as trustees in such instances.

6 Sec. 12. NEW SECTION. 302A.12 EXISTING FACILITIES.

7 This chapter does not prohibit institutions under the state  
8 board of regents and merged area schools under the department  
9 of education from owning, operating, improving, and  
10 maintaining educational radio and television stations and  
11 transmitters in existence and operation on the effective date  
12 of this Act. The institutions and schools may enter into  
13 agreements with the board of directors for the lease and  
14 purchase of equipment and facilities.

15 Sec. 13. NEW SECTION. 302A.13 ANNUITY CONTRACTS.

16 At the request of an employee of the corporation through  
17 contractual agreement the board of directors may arrange for  
18 the purchase of group or individual annuity contracts for any  
19 of its employees from any company the employee chooses that is  
20 authorized to do business in this state and through an Iowa-  
21 licensed insurance agent that the employee selects, for re-  
22 tirement or other purposes and may make payroll deductions in  
23 accordance with arrangements for the purpose of paying the  
24 entire premium due and to become due under the contract. The  
25 deductions shall be made in the manner which will qualify the  
26 annuity premiums for the benefits afforded under section 403B  
27 of the Internal Revenue Code as defined in section 422.3. The  
28 employee's rights under the annuity contract are nonfor-  
29 feitable except for the failure to pay premiums.

30 Whenever an existing tax-sheltered annuity contract is to  
31 be replaced by a new contract the agent or representative of  
32 the company shall send a letter of intent by registered mail  
33 at least thirty days prior to any action to the company being  
34 replaced, to the insurance commissioner of the state of Iowa,  
35 to the agent's own company, and to the president. The letter

1 of intent shall contain the policy number and description of  
2 the contract being replaced and a description of the replace-  
3 ment contract.

4 Sec. 14. NEW SECTION. 302A.14 EMPLOYEE BENEFITS.

5 Employees of the corporation are public employees, but are  
6 not employees of the state. For purposes of chapter 20,  
7 employees of the corporation that are members of an employee  
8 organization in which the public employer is the state of Iowa  
9 prior to the effective date of this Act shall continue as mem-  
10 bers of the employee organization. At the request of the  
11 board, the department of revenue and finance and the  
12 department of personnel shall include employees of the  
13 corporation in the state's benefit programs available to state  
14 employees. The employer costs of the benefit programs  
15 provided to the corporation's employees shall be paid by the  
16 corporation to the state.

17 Sec. 15. NEW SECTION. 302A.15 EDITORIAL INTEGRITY AND  
18 JOURNALISTIC AND EDITORIAL INTEGRITY COMMITTEE.

19 1. It is the intent of the general assembly that public  
20 broadcasting in Iowa be governed by the national principles of  
21 editorial integrity developed by the editorial integrity  
22 project.

23 2. The board shall appoint a journalistic and editorial  
24 integrity committee whose function shall be to ensure  
25 maintenance of the principles as contained in the national  
26 principles of editorial integrity. Committee members shall  
27 receive actual and necessary expenses incurred in performing  
28 their official duties from moneys available to the  
29 corporation.

30 Sec. 16. NEW SECTION. 302A.16 NARROWCAST OPERATION COM-  
31 MITTEE.

32 The board shall appoint a committee to advise the corpora-  
33 tion about the operation of the narrowcast system. The com-  
34 mittee shall be composed of members from among the users of  
35 the narrowcast system including representatives of

1 institutions under the state board of regents, merged area  
2 schools, area education agencies, the department of economic  
3 development, the department of education, and private colleges  
4 and universities.

5 Committee members shall receive actual and necessary ex-  
6 penses incurred in performing their official duties from  
7 moneys available to the corporation.

8 Sec. 17. NEW SECTION. 302A.17 LIABILITY AND CASUALTY  
9 INSURANCE.

10 The state shall act as the insurer for the corporation.  
11 However, the board may elect to obtain liability and casualty  
12 insurance from a private insurance carrier.

13 The corporation is eligible for the services of the risk  
14 management division of the department of general services  
15 under chapter 18, division VI, as if it were a governmental  
16 subdivision.

17 Sec. 18. INITIAL BOARD.

18 Members of the board of directors shall be appointed by the  
19 appointing authority within fifteen days of the effective date  
20 of this section, except that the member appointed by the board  
21 of a fundraising nonprofit organization shall be appointed by  
22 the board of a fundraising nonprofit organization organized  
23 pursuant to section 303.82 and the two members of the board  
24 appointed by the journalistic and editorial integrity  
25 committee shall not serve as members of the board until after  
26 the creation of the committee after July 1, 1987. Insofar as  
27 possible, members of the board shall be appointed from the  
28 membership of the Iowa public broadcasting board. The initial  
29 board members shall hold an organizational meeting within  
30 thirty days of the effective date of this section upon the  
31 call of the executive director of the Iowa public broadcasting  
32 board. At the organizational meeting, the members of the  
33 board appointed prior to July 1, 1987 shall determine the  
34 terms of the members so that the terms of approximately one-  
35 third of the members expire on April 30 of each of the next

1 three years.

2 Sec. 19. TRANSITION.

3 The department of revenue and finance shall transfer funds  
4 and accounts of the public broadcasting division of the  
5 department of cultural affairs to the corporation on July 1,  
6 1987. Notwithstanding section 302A.7, subsection 4, employees  
7 of the public broadcasting division of the department of  
8 cultural affairs shall become employees of the corporation on  
9 July 1, 1987. Property and records of the public broadcasting  
10 division of the department of cultural affairs become the  
11 property and records of the corporation on July 1, 1987 and  
12 shall be transferred accordingly. Rules of the public  
13 broadcasting division of the department of cultural affairs  
14 shall continue in full force and effect as rules of the  
15 corporation until amended or supplanted by action of the  
16 board.

17 Sec. 20. Section 18.133, subsection 1, Code 1987, is  
18 amended to read as follows:

19 1. "State communications" refers to the transmission of  
20 voice, data, video, the written word or other visual signals  
21 by electronic means to serve the needs of state agencies but  
22 does not include communications activities of the state board  
23 of regents, ~~radio-and-television-facilities-under-the-division~~  
24 ~~of-public-broadcasting Iowa corporation for public~~  
25 telecommunications, department of transportation distributed  
26 data processing and mobile radio network, or law enforcement  
27 communications systems.

28 Sec. 21. Section 19A.3, subsection 12, Code 1987, is  
29 amended by striking the subsection.

30 Sec. 22. Section 20.9, unnumbered paragraph 2, Code 1987,  
31 is amended to read as follows:

32 Nothing in this section shall diminish the authority and  
33 power of the department of personnel, board of regents' merit  
34 system, ~~Iowa-public-broadcasting-board's-merit-system~~, or any  
35 civil service commission established by constitutional

1 provision, statute, charter or special act to recruit  
2 employees, prepare, conduct and grade examinations, rate  
3 candidates in order of their relative scores for certification  
4 for appointment or promotion or for other matters of  
5 classification, reclassification or appeal rights in the  
6 classified service of the public employer served.

7 Sec. 23. Section 20.3, subsection 1, Code 1987, is amended  
8 to read as follows:

9 1. "Public employer" means the state of Iowa, its boards,  
10 commissions, agencies, departments, the Iowa corporation for  
11 public telecommunications, and ~~its~~ the state's political  
12 subdivisions including school districts and other special  
13 purpose districts.

14 Sec. 24. Section 85.2, Code 1987, is amended to read as  
15 follows:

16 85.2 COMPULSORY WHEN.

17 Where the state, county, municipal corporation, school  
18 corporation, area education agency, ~~or~~ city under any form of  
19 government, or the Iowa corporation for public  
20 telecommunications is the employer, the provisions of this  
21 chapter for the payment of compensation and amount thereof for  
22 an injury sustained by an employee of ~~such an~~ an employer shall  
23 be exclusive, compulsory, and obligatory upon both employer  
24 and employee, except as otherwise provided in section 85.1.  
25 For the purposes of this chapter elected and appointed  
26 officials ~~shall-be~~ are employees.

27 Sec. 25. Section 97B.41, subsection 3, paragraph a,  
28 unnumbered paragraph 1, Code 1987, is amended to read as  
29 follows:

30 "Employer" means the state of Iowa, the counties,  
31 municipalities, and public school districts and all of the  
32 political subdivisions and all of their departments and  
33 instrumentalities, including joint planning commissions  
34 created under ~~the-provisions-of~~ chapter 473A and the Iowa  
35 corporation for public telecommunications.

1 Sec. 26. Section 422.45, subsection 5, unnumbered  
2 paragraph 1, Code 1987, is amended to read follows:

3 The gross receipts or from services rendered, furnished, or  
4 performed and of all sales of goods, wares or merchandise used  
5 for public purposes to any tax-certifying or tax-levying body  
6 of the state of Iowa or governmental subdivision thereof,  
7 including the state board of regents, state department of  
8 human services, state department of transportation, Iowa  
9 corporation for public telecommunications, any municipally  
10 owned solid waste facility which sells all or part of its  
11 processed waste as fuel to a municipally owned public utility  
12 and all divisions, boards, commissions, agencies or  
13 instrumentalities of state, federal, county or municipal  
14 government which have no earnings going to the benefit of an  
15 equity investor or stockholder except sales of goods, wares or  
16 merchandise or from services rendered, furnished, or performed  
17 and used by or in connection with the operation of any  
18 municipally owned public utility engaged in selling gas,  
19 electricity or heat to the general public.

20 Sec. 27. Section 427.1, Code 1987, is amended by adding  
21 the following new subsection:

22 NEW SUBSECTION. 40. All grounds and buildings used or  
23 under construction for public television facilities or  
24 telecommunications systems.

25 Sec. 28. Section 303.1, subsection 2, unnumbered paragraph  
26 1, Code 1987, is amended to read as follows:

27 The department has primary responsibility for development  
28 of the state's interest in the areas of the arts, history,  
29 libraries, and other cultural matters. In fulfilling this  
30 responsibility, the department will be advised and assisted by  
31 the state library commission, the state historical society and  
32 its board of trustees, the Iowa arts council, and the Terrace  
33 Hill commission, ~~and the Iowa public broadcasting board.~~

34 Sec. 29. Section 303.1, subsection 3, paragraph d, Code  
35 1987, is amended by striking the paragraph.

1 Sec. 30. Section 303.1, subsection 6, unnumbered paragraph  
2 1, Code 1987, is amended to read as follows:

3 The divisions shall be administered by administrators who  
4 shall be appointed by the director and serve at the director's  
5 pleasure. However, the administrator of ~~the public~~  
6 ~~broadcasting division shall be appointed by and serve at the~~  
7 ~~pleasure of the public broadcasting board and the~~  
8 administrator of the library division shall be appointed by  
9 and serve at the pleasure of the library commission. The  
10 administrators shall:

11 Sec. 31. Section 303.2, subsection 1, Code 1987, is  
12 amended to read as follows:

13 1. The administrative services section shall provide  
14 administrative, accounting, public relations and clerical  
15 services for the department, report to the director and  
16 perform other duties assigned to it by the director, ~~except~~  
17 ~~for those matters prescribed by sections 303.75 through~~  
18 ~~303.83. The administrative services section may provide~~  
19 ~~services to the public broadcasting division.~~

20 Sec. 32. Section 303.2A, subsection 1, paragraph a, Code  
21 1987, is amended to read as follows:

22 a. The chairpersons of the historical society board of  
23 trustees, the library commission, and the arts council and  
24 ~~public broadcasting board.~~

25 Sec. 33. Sections 303.75 through 303.83, Code 1987, are  
26 repealed.

27 Sec. 34. This Act takes effect July 1, 1987, except that  
28 sections 4, 5, and 18 of this Act take effect upon its  
29 enactment. The board shall meet prior to July 1, 1987 for  
30 organizational purposes, to appoint the director, to apply for  
31 federal grants and other funding in the name of the  
32 corporation, and to prepare for the operation of the  
33 corporation. The board may meet jointly with the Iowa public  
34 broadcasting board to provide for an orderly transition.  
35 Expenses of the board shall be paid from funds appropriated to

1 the public broadcasting division of the department of cultural  
2 affairs.

3

EXPLANATION

4 This bill creates a public nonprofit corporation called the  
5 Iowa corporation for public telecommunications to plan,  
6 establish, and operate educational radio and television fa-  
7 cilities and other educational telecommunications systems and  
8 services including narrowcast and broadcast systems to serve  
9 the educational and economic development needs of the state.  
10 A thirteen-member board is created to govern the corporation.  
11 The board will appoint a director to serve as the chief  
12 executive officer of the corporation. The director will  
13 employ the necessary employees subject to the approval of the  
14 board. The employees will not be employees of the state but  
15 will be eligible for the fringe benefits available to public  
16 employees. The fringe benefits will be paid for by the  
17 corporation.

18 The bill establishes a journalistic and editorial integrity  
19 committee to ensure the maintenance of editorial integrity.  
20 It also establishes a committee to advise the corporation  
21 about the operation of the narrowcast system.

22 The telecommunications narrowcast system can only be used  
23 for educational purposes and must use facilities and services  
24 of the private telecommunications industry to the greatest  
25 extent possible.

26 The bill takes effect July 1, 1987 except that the board  
27 will be appointed upon the bill's enactment and will begin  
28 planning.

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S-3054

## SENATE FILE 162

1 Amend Senate File 162 as follows:

2 1. Page 2, line 4, by striking the words "and  
3 the" and inserting the following: "but is attached to  
4 the department of cultural affairs for organizational  
5 purposes only. The".

6 2. Page 2, line 12, by inserting after the word  
7 "state." the following: "The income and assets of the  
8 corporation shall not inure to the benefit of a member  
9 of the board, the director, or an employee of the  
10 corporation except as salary or reasonable  
11 compensation for services."

12 3. Page 2, by inserting after line 12 the  
13 following:

14 "For the purposes of chapter 68B, the corporation  
15 is a political subdivision."

16 4. Page 3, line 21, by inserting after the word  
17 "board." the following: "The board is a governing  
18 body for purposes of chapter 21."

19 5. Page 4, line 4, by inserting after the word  
20 "compensation." the following: "The director's  
21 compensation for a fiscal year shall not exceed the  
22 maximum salary in the department director's salary  
23 range three established for that fiscal year by the  
24 general assembly."

25 6. Page 4, line 5, by inserting after the word  
26 "adopt" the following: "and update".

27 7. Page 4, line 6, by inserting after the word  
28 "state." the following: "Copies of the design plan  
29 shall be transmitted to the governor and the general  
30 assembly."

31 8. Page 4, line 31, by inserting after the word  
32 "purposes." the following: "Any property given to the  
33 corporation, except property belonging to the Iowa  
34 public broadcasting board prior to July 1, 1987, may  
35 be sold by the director with the approval of the  
36 board."

37 9. Page 7, by striking lines 10 through 12 and  
38 inserting the following: "maintaining educational  
39 radio stations and other educational narrowcast  
40 telecommunications systems and services. The  
41 institutions and schools may enter into".

42 10. Page 12, by inserting after line 24 the  
43 following:

44 "Sec. \_\_\_\_ . Section 303.1, subsections 1 and 4,  
45 Code 1987, are amended to read as follows:

46 1. The department of cultural affairs is created.  
47 The Except for the Iowa corporation for public  
48 telecommunications, the department is under the  
49 control of a director who shall be appointed by the  
50 governor, subject to confirmation by the senate, and

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1 shall serve at the pleasure of the governor. The  
2 salary of the director shall be set by the governor  
3 within a range set by the general assembly.

4 4. The director may create, combine, eliminate,  
5 alter or reorganize the organization of the department  
6 by rule except for those matters prescribed by  
7 ~~sections-303-75-through-303-83~~ chapter 302A."

8 11. Page 12, by inserting after line 33 the  
9 following:

10 "Sec. \_\_\_\_\_. Section 303.1, subsection 2, paragraph  
11 b, Code 1987, is amended by striking the paragraph."

12 12. Page 13, by inserting after line 10 the  
13 following:

14 "Sec. \_\_\_\_\_. Section 303.1, Code 1987, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 7. The Iowa corporation for  
17 public telecommunications is an autonomous public  
18 corporation which is attached to the department for  
19 organizational purposes only."

20 13. Page 13, by inserting before line 11 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 303.1A, unnumbered paragraph 1,  
23 Code 1987, is amended to read as follows:

24 Except for those matters prescribed by ~~sections~~  
25 ~~303-75-through-303-83~~ chapter 302A, the director  
26 shall:

27 Sec. \_\_\_\_\_. Section 303.1A, unnumbered paragraph 3,  
28 Code 1987, is amended to read as follows:

29 The director may delegate the powers and duties of  
30 that office to the administrators. The director is  
31 not liable for the activities of the ~~division of~~  
32 public-broadcasting Iowa corporation for public  
33 telecommunications."

34 14. Page 13, by striking lines 16 through 18 and  
35 inserting the following: "perform other duties  
36 assigned to it by the director, except for those  
37 matters prescribed by ~~sections-303-75-through-303-83~~  
38 chapter 302A. ~~The administrative services section may~~  
39 provide"

S-3054

Filed February 19, 1987

ADOPTED (p. 40 c)

BY RICHARD F. DRAKE

ROBERT M. CARR

SENATE FILE 162

S-3064

1 Amend Senate File 162 as follows:

2 1. Page 4, line 12, by inserting after the word  
3 "subdivisions" the following: "and private entities  
4 including but not limited to institutions of higher  
5 education and nonpublic schools".

S-3064

Filed February 23, 1987

(Adopted 2/24/87 p. 443)

BY RICHARD F. DRAKE

ROBERT M. CARR

SENATE FILE 162

S-3050

- 1 Amend Senate File 162 as follows:
- 2 1. Page 8, line 6, by inserting after the word
- 3 "state" the following: "except for purposes of
- 4 chapter 20".

S-3050

Filed February 18, 1987

*Adopted 2/19/87 (p. 406)*

BY RICHARD F. DRAKE  
DONALD E. GETTINGS

SENATE FILE 162

S-3051

- 1 Amend the amendment, S-3024, to Senate File 162 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 12.
- 4 2. Page 1, by inserting after line 22 the
- 5 following:
- 6 "\_\_\_\_\_". Page 9, line 2, by inserting after the word
- 7 "agencies," the following: "classroom teachers,
- 8 school district administrators, school district boards
- 9 of directors,".

S-3051

Filed February 18, 1987

*Adopted 2/19 (p. 405)*

BY WALLY E. HORN  
RICHARD F. DRAKE  
LARRY MURPHY

SENATE FILE 162

S-3052

- 1 Amend the amendment S-3024 to Senate File 162 as
- 2 follows:
- 3 1. Page 1, by striking lines 28 through 31 and
- 4 inserting the following: "regarding policy and
- 5 practices for use of educational technology in the
- 6 elementary and secondary schools."

S-3052

Filed February 18, 1987

*Please o/c 2/19 (p. 406)*

BY WALLY E. HORN  
RICHARD F. DRAKE  
LARRY MURPHY

SENATE FILE 162

S-3067

1 Amend Senate File 162 as follows:

- 2 1. Page 1, line 34 through page 2, line 2 by striking
- 3 the words "However, the corporation shall not provide
- 4 that school districts may use educational telecommunications
- 5 systems to meet the minimum educational standards for
- 6 accreditation."

S-3067

Filed February 24, 1987

BY LEE W. HOLT

ADOPTED (p. 447)

SENATE FILE 162

S-3077

1 Amend Senate File 162 as follows:

- 2 1. Page 9, line 4, by inserting after the word
- 3 "universities." the following: "At least one member
- 4 of the committee shall represent school districts of
- 5 five hundred or fewer enrollment, one shall represent
- 6 school districts with an enrollment between five
- 7 hundred one and seven thousand five hundred, and one
- 8 shall represent school districts of more than seven
- 9 thousand five hundred enrollment."

S-3077

Filed February 24, 1987

LARRY MURPHY

WITHDRAWN (p. 448)

SENATE FILE 162

S-3024

- 1 Amend Senate File 162 as follows:
- 2 1. Page 1, line 8, by striking the following:
- 3 "and economic development".
- 4 2. Page 1, lines 33 and 34, by striking the
- 5 following: "and economic development".
- 6 3. Page 1, line 35, by inserting after the word
- 7 "districts" the following: "or nonpublic schools".
- 8 4. Page 2, by striking lines 31 and 32 and
- 9 inserting the following:
- 10 "f. One member who is a classroom teacher shall be
- 11 appointed by the state board of education from lists
- 12 of names recommended by the teacher associations."
- 13 5. Page 4, by inserting after line 26 the
- 14 following:
- 15 "7A. To advise and assist the department of
- 16 cultural affairs in developing the state's interest in
- 17 the areas of the arts, history, libraries, and other
- 18 cultural matters."
- 19 6. Page 6, by striking lines 28 and 29 and
- 20 inserting the following: "bids and may advertise for
- 21 and secure new bids. Bids shall be filed by the board
- 22 and".
- 23 7. Page 11, by inserting after line 35 the
- 24 following:
- 25 "Sec. \_\_\_\_ . Section 256.7, Code 1987, is amended by
- 26 adding the following new subsection:
- 27 NEW SUBSECTION. 8. Adopt rules under chapter 17A
- 28 requiring that boards of directors of school districts
- 29 ensure that a certificated teacher assists students
- 30 enrolled in a class provided by means of educational
- 31 telecommunications systems and services."
- 32 8. Amend the title, lines 5 and 6, by striking
- 33 the words "and economic development".

S-3024

Filed February 11, 1987

BY COMMITTEE ON STATE GOVERNMENT, BOB CARR, Chair

*A, B, D, E Adopted 2/19/87*

*motion to reconsider B 2/24 (p. 447)*  
*13/ placed on file by 3067 (p. 447)*

SENATE FILE 162

S-3027

- 1 Amend Senate File 162 as follows:
- 2 1. Page 6, by striking lines 17 through 19 and
- 3 inserting the following:
- 4 "The provisions of chapter 476 shall not apply to a
- 5 public utility in furnishing telecommunications
- 6 services or facilities for narrowcast educational
- 7 purposes to the corporation."

S-3027

Filed February 12, 1987

BY MICHAEL E. GRONSTAL  
RICHARD F. DRAKE  
ROBERT M. CARR

*Adopted 2/19/87 (p. 406)*

SENATE FILE 162

S-3037

- 1 Amend Senate File 162 as follows:
- 2 1. Page 4, line 23, by inserting after the word
- 3 "chapter." the following: "The auditor of state or a
- 4 certified public accounting firm appointed by the
- 5 auditor shall conduct annual audits of all accounts
- 6 and transactions of the corporation and other special
- 7 audits as the auditor of state, the general assembly,
- 8 or the governor deems necessary."

S-3037

Filed February 16, 1987

*Adopted 2/19/87 (p. 406)*

BY BOB CARR

RICHARD DRAKE

SENATE FILE 162

S-3047

- 1 Amend Senate File 162 as follows:
- 2 1. Page 1, by striking line 34 through page 2, line
- 3 2 and inserting in lieu thereof the following:
- 4 "economic development needs of the state. The corporation
- 5 is a".

S-3047

Filed February 17, 1987

*Sub H 2/19 (p. 404)*  
*Motion to Reconsider (p. 411)*  
*" placed on 2/24 (p. 407)*

BY LEE W. HOLT

SENATE FILE 162

S-3048

- 1 Amend amendment S-3024 to Senate File 162 as follows:
- 2 1. Page 1, by striking lines 23 through 31.

S-3048

Filed February 17, 1987

*Adopted 2/19/87 (p. 405)*  
*Motion to Reconsider (p. 411)*  
*" with 2/24 (p. 407)*

BY LEE W. HOLT

*See State Gov. 3/11/81*

State  
Shoni

*Amend (3687) to Be Passed 4/9/81 (p 1241)*

SENATE FILE 162  
BY COMMITTEE ON STATE GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 24, 1987)

\_\_\_\_\_ - New Language by the Senate  
\* - Language Stricken by the Senate

*By* Passed Senate, Date 5/9/87 (p 1813) Passed House, Date 5/8/87 (p 2216)  
Vote: Ayes 37 Nays 11 Vote: Ayes 25 Nays 9  
Approved June 5, 1987

**A BILL FOR**

1 An Act to provide for the establishment of the Iowa corporation  
2 for public telecommunications to plan, establish and operate  
3 educational radio and television facilities and other  
4 educational telecommunications systems and services including  
5 narrowcast and broadcast systems to serve the educational  
\* 6 needs of the state and to provide an effective date.

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

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1 Section 1. NEW SECTION. 302A.1 STATEMENT OF POLICY.

2 It is the policy of this state and the purpose of this  
3 chapter to provide for the establishment of the Iowa  
4 corporation for public telecommunications to plan, establish,  
5 and operate educational radio and television facilities and  
6 other educational telecommunications systems and services  
7 including narrowcast and broadcast systems to serve the  
\* 8 educational needs of the state.

9 Sec. 2. NEW SECTION. 302A.2 DEFINITIONS.

10 As used in this chapter, unless the context otherwise re-  
11 quires:

- 12 1. "Board" means the board of directors of the Iowa  
13 corporation for public telecommunications.
- 14 2. "Corporation" means the Iowa corporation for public  
15 telecommunications.
- 16 3. "Director" means the chief executive officer of the  
17 Iowa corporation for public telecommunications.
- 18 4. "Radio and television facility" means transmitters,  
19 towers, studios and all necessary associated equipment for  
20 broadcasting, including closed circuit television.
- 21 5. "Narrowcast" means communications through systems that  
22 are directed toward a narrowly defined audience and are not  
23 receivable by the general public.
- 24 6. "Public broadcast" means communications through a  
25 system that is receivable by the general public with  
26 educational, cultural, or other programming designed for a  
27 large group of users.

28 Sec. 3. NEW SECTION. 302A.3 PUBLIC CORPORATION.

29 A public corporate body called the Iowa corporation for  
30 public telecommunications is created to plan, establish, and  
31 operate educational radio and television facilities and other  
32 educational telecommunications systems and services including  
33 narrowcast and broadcast systems to serve the educational  
\*\* 34 needs of the state. The corporation is a nonprofit public  
35 instrumentality that is not a state agency but is attached to

1 the department of cultural affairs for organizational purposes  
2 only. The exercise of the powers granted to the corporation  
3 under this chapter is an essential government function. The  
4 corporation has perpetual succession. The succession shall  
5 continue until the existence of the corporation is terminated  
6 by law.

7 The corporation may sue and be sued, hold property, and  
8 exercise all powers granted by law and other powers incident  
9 to public corporations of like character that are not  
10 inconsistent with the laws of this state. The income and  
11 assets of the corporation shall not inure to the benefit of a  
12 member of the board, the director, or an employee of the  
13 corporation except as salary or reasonable compensation for  
14 services.

15 For the purposes of chapter 68B, the corporation is a  
16 political subdivision.

17 Sec. 4. NEW SECTION. 302A.4 BOARD OF DIRECTORS.

18 1. A board of directors of the corporation is created,  
19 composed of thirteen members selected in the following manner:

20 a. One member shall be appointed jointly by the presidents  
21 of the three institutions of higher education governed by the  
22 state board of regents.

23 b. One member shall be appointed jointly by the  
24 superintendents of the merged area schools created by chapter  
25 280A.

26 c. One member shall be appointed jointly by the  
27 administrators of the area education agencies created by  
28 chapter 273.

29 d. One member shall be a president of a regionally ac-  
30 credited private four-year college or university selected by  
31 the state association representing private colleges and uni-  
32 versities.

33 e. One member shall be appointed by the state board of  
34 regents from its own membership.

35 f. One member shall be appointed by the state board of

1 education from its own membership.

2 g. One member is the director of the department of  
3 education.

4 h. Three members shall be appointed by the governor, one  
5 of whom shall be from the Iowa business community other than  
6 the commercial broadcast industry, one of whom shall be from  
7 the commercial broadcast industry, and one of whom shall be a  
8 member of a fund-raising nonprofit organization financially  
9 assisting the Iowa corporation for public telecommunications.

10 i. One member shall be appointed from the board of a fund-  
11 raising nonprofit organization organized pursuant to section  
12 302A.11 by the board established under section 302A.11.

13 j. Two members shall be appointed by the journalistic and  
14 editorial integrity committee established in section 302A.15.

15 2. Members of the board of directors shall serve three-  
16 year terms commencing and ending as provided in section 69.19.  
17 A vacancy shall be filled in the same manner as the original  
18 appointment for the remainder of the term.

19 3. The board shall elect from among its members a chair-  
20 person and a vice chairperson to serve a one-year term.

21 4. The board shall meet at least four times annually and  
22 shall hold special meetings at the call of the chairperson, or  
23 in the absence of the chairperson by the vice chairperson, or  
24 by the chairperson on the written request of five members of  
25 the board. The board is a governing body for purposes of  
26 chapter 21.

27 5. Members of the board shall receive forty dollars per  
28 diem and actual and necessary expenses incurred in performing  
29 their official duties. Payment shall be made from moneys  
30 available to the corporation.

31 Sec. 5. NEW SECTION. 302A.5 MEMBERSHIP ON BOARD.

32 Membership on the board of directors of the corporation  
33 does not constitute holding a public office and members shall  
34 not be required to take and file oaths of office before  
35 serving. A member shall not be disqualified from holding any

1 public office or employment by reason of appointment to the  
2 board nor shall a member forfeit an office or employment by  
3 reason of appointment to the board.

4 Sec. 6. NEW SECTION. 302A.6 POWERS AND DUTIES.

5 The board shall have the powers and duties necessary to  
6 carry out its purposes, including but not limited to the  
7 following:

8 1. To appoint a director of the corporation and fix the  
9 director's compensation. The director's compensation for a  
10 fiscal year shall not exceed the maximum salary in the  
11 department director's salary range three established for that  
12 fiscal year by the general assembly.

13 2. To adopt and update a design plan for educational  
14 telecommunications systems and services in this state. Copies  
15 of the design plan shall be transmitted to the governor and  
16 the general assembly.

17 3. To establish guidelines for the imposition of fees and  
18 charges for services.

19 4. To make and execute agreements, contracts, and other  
20 instruments with any public or private entity. State  
21 departments and agencies, other public agencies, and  
22 governmental subdivisions and private entities including but  
23 not limited to institutions of higher education and nonpublic  
24 schools may enter into contracts and otherwise cooperate with  
25 the board.

26 5. To contract with engineers, attorneys, accountants, fi-  
27 nancial experts, and other advisors upon the recommendation of  
28 the director. The board may enter into contracts or  
29 agreements for such services with local, state, or federal  
30 governmental agencies.

31 6. To accept appropriations, gifts, grants, loans, or  
32 other aid from public and private entities in order to achieve  
33 its public purpose. Any interest earned on those funds shall  
34 be retained by the board of directors and may be used for the  
35 purposes of this chapter. The auditor of state or a certified

1 public accounting firm appointed by the auditor shall conduct  
2 annual audits of all accounts and transactions of the  
3 corporation and other special audits as the auditor of state,  
4 the general assembly, or the governor deems necessary.

5 7. Upon completion of a collective bargaining agreement,  
6 to submit to the department of management appropriation re-  
7 quests to fund salary increases for designated employees.

8 7A. To advise and assist the department of cultural  
9 affairs in developing the state's interest in the areas of the  
10 arts, history, libraries, and other cultural matters.

11 8. To adopt rules consistent with the provisions of this  
12 chapter and consistent with chapter 17A.

13 9. To purchase, lease, and improve property, equipment,  
14 and services, and to dispose of property and equipment when  
15 not necessary or advisable for its purposes. Any property  
16 given to the corporation, except property belonging to the  
17 Iowa public broadcasting board prior to July 1, 1987, may be  
18 sold by the director with the approval of the board.

19 10. To apply for and hold channels, frequencies, licenses,  
20 and permits as are necessary in the performance of the board's  
21 duties.

22 Sec. 7. NEW SECTION. 302A.7 DUTIES OF THE DIRECTOR.

23 The director shall:

24 1. Develop a state educational telecommunications design  
25 plan for submission to the board and annually review and  
26 update the plan.

27 2. Administer and coordinate the state educational  
28 telecommunications design plan and operate educational radio  
29 and television facilities and other educational  
30 telecommunications systems and services, subject to the  
31 board's approval.

32 3. Manage the internal operations of the corporation and  
33 establish guidelines and procedures to promote the orderly and  
34 efficient administration of the corporation.

35 4. Employ personnel as necessary to carry out the duties

1 and responsibilities of the corporation subject to the  
2 approval of the board. The director may assign and reassign  
3 personnel.

4 5. Establish temporary advisory committees deemed  
5 appropriate.

6 6. Prepare a budget for the corporation, subject to the  
7 approval of the board. The corporation is subject to section  
8 8.23. Allotments of moneys appropriated by the general  
9 assembly to the corporation for a fiscal year shall be made in  
10 equal installments on July 1 and January 1.

11 7. Collect fees and charges for services which shall be  
12 deposited to the credit of the corporation. Any interest  
13 earned on these receipts shall be retained and may be expended  
14 by the corporation subject to the approval of the board.

15 8. Provide technical assistance and counseling related to  
16 the corporation's purposes to public and private entities.

17 9. Perform other duties necessary for the administration  
18 of this chapter.

19 Sec. 8. NEW SECTION. 302A.8 SUBMISSION OF PROPOSALS.

20 Any agency of the state and any political subdivision of  
21 the state shall submit plans for the development of educa-  
22 tional telecommunications systems to the board to be  
23 coordinated with the educational telecommunications plan  
24 adopted by the board. Private institutions and entities may  
25 submit educational telecommunications proposals for coordina-  
26 tion.

27 Sec. 9. NEW SECTION. 302A.9 COMPETITION WITH PRIVATE  
28 SECTOR.

29 The corporation shall not use, permit use, or permit resale  
30 of its telecommunications narrowcast system for other than  
31 educational purposes. The corporation, in the establishment  
32 and operation of its telecommunications narrowcast system,  
33 shall use facilities and services of the private telecommuni-  
34 cations industry companies to the greatest extent possible and  
35 is prohibited from constructing telecommunications facilities

1 unless comparable facilities are not available from the  
2 private telecommunications industry at comparable quality and  
3 price.

4 The provisions of chapter 476 shall not apply to a public  
5 utility in furnishing telecommunications services or  
6 facilities for narrowcast educational purposes to the  
7 corporation.

8 Sec. 10. NEW SECTION. 302A.10 ADVERTISEMENT FOR BIDS.

9 When the estimated cost of purchasing equipment for the  
10 corporation exceeds ten thousand dollars or the estimated cost  
11 for construction exceeds twenty-five thousand dollars, the  
12 board shall advertise for bids for the equipment or  
13 construction and shall let the contract to the lowest  
14 responsible bidder. However, if in the judgment of the board  
15 bids received are not acceptable, the board may reject all  
16 bids and may advertise for and secure new bids. Bids shall be  
17 filed by the board and be open for public inspection. All  
18 bids submitted under this section shall be accompanied by a  
19 deposit of money, a certified check, or a credit union  
20 certified share draft in an amount prescribed by the board.

21 Sec. 11. NEW SECTION. 302A.11 TRUSTS.

22 Notwithstanding section 633.63, the board may accept and  
23 administer trusts and may authorize nonprofit foundations  
24 acting solely for the support of the corporation to accept and  
25 administer trusts deemed by the board to be beneficial to the  
26 operation of the corporation. The board of directors and the  
27 foundations may act as trustees in such instances.

28 Sec. 12. NEW SECTION. 302A.12 EXISTING FACILITIES.

29 This chapter does not prohibit institutions under the state  
30 board of regents and merged area schools under the department  
31 of education from owning, operating, improving, and  
32 maintaining educational radio stations and other educational  
33 narrowcast telecommunications systems and services. The  
34 institutions and schools may enter into agreements with the  
35 board of directors for the lease and purchase of equipment and

1 facilities.

2 Sec. 13. NEW SECTION. 302A.13 ANNUITY CONTRACTS.

3 At the request of an employee of the corporation through  
4 contractual agreement the board of directors may arrange for  
5 the purchase of group or individual annuity contracts for any  
6 of its employees from any company the employee chooses that is  
7 authorized to do business in this state and through an Iowa-  
8 licensed insurance agent that the employee selects, for re-  
9 tirement or other purposes and may make payroll deductions in  
10 accordance with arrangements for the purpose of paying the  
11 entire premium due and to become due under the contract. The  
12 deductions shall be made in the manner which will qualify the  
13 annuity premiums for the benefits afforded under section 403B  
14 of the Internal Revenue Code as defined in section 422.3. The  
15 employee's rights under the annuity contract are nonfor-  
16 feitable except for the failure to pay premiums.

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

26 Sec. 14. NEW SECTION. 302A.14 EMPLOYEE BENEFITS.

27 Employees of the corporation are public employees, but are  
28 not employees of the state except for purposes of chapter 20.  
29 For purposes of chapter 20, employees of the corporation that  
30 are members of an employee organization in which the public  
31 employer is the state of Iowa prior to the effective date of  
32 this Act shall continue as members of the employee  
33 organization. At the request of the board, the department of  
34 revenue and finance and the department of personnel shall  
35 include employees of the corporation in the state's benefit

1 programs available to state employees. The employer costs of  
2 the benefit programs provided to the corporation's employees  
3 shall be paid by the corporation to the state.

4 Sec. 15. NEW SECTION. 302A.15 EDITORIAL INTEGRITY AND  
5 JOURNALISTIC AND EDITORIAL INTEGRITY COMMITTEE.

6 1. It is the intent of the general assembly that public  
7 broadcasting in Iowa be governed by the national principles of  
8 editorial integrity developed by the editorial integrity  
9 project.

10 2. The board shall appoint a journalistic and editorial  
11 integrity committee whose function shall be to ensure  
12 maintenance of the principles as contained in the national  
13 principles of editorial integrity. Committee members shall  
14 receive actual and necessary expenses incurred in performing  
15 their official duties from moneys available to the  
16 corporation.

17 Sec. 16. NEW SECTION. 302A.16 NARROWCAST OPERATION COM-  
18 MITTEE.

19 The board shall appoint a committee to advise the corpora-  
20 tion about the operation of the narrowcast system. The com-  
21 mittee shall be composed of members from among the users of  
22 the narrowcast system including representatives of  
23 institutions under the state board of regents, merged area  
24 schools, area education agencies, classroom teachers, school  
25 district administrators, school district boards of directors,  
26 the department of economic development, the department of  
27 education, and private colleges and universities.

28 Committee members shall receive actual and necessary ex-  
29 penses incurred in performing their official duties from  
30 moneys available to the corporation.

31 Sec. 17. NEW SECTION. 302A.17 LIABILITY AND CASUALTY  
32 INSURANCE.

33 The state shall act as the insurer for the corporation.  
34 However, the board may elect to obtain liability and casualty  
35 insurance from a private insurance carrier.

1 The corporation is eligible for the services of the risk  
2 management division of the department of general services  
3 under chapter 18, division VI, as if it were a governmental  
4 subdivision.

5 Sec. 18. INITIAL BOARD.

6 Members of the board of directors shall be appointed by the  
7 appointing authority within fifteen days of the effective date  
8 of this section, except that the member appointed by the board  
9 of a fundraising nonprofit organization shall be appointed by  
10 the board of a fundraising nonprofit organization organized  
11 pursuant to section 303.82 and the two members of the board  
12 appointed by the journalistic and editorial integrity  
13 committee shall not serve as members of the board until after  
14 the creation of the committee after July 1, 1987. Insofar as  
15 possible, members of the board shall be appointed from the  
16 membership of the Iowa public broadcasting board. The initial  
17 board members shall hold an organizational meeting within  
18 thirty days of the effective date of this section upon the  
19 call of the executive director of the Iowa public broadcasting  
20 board. At the organizational meeting, the members of the  
21 board appointed prior to July 1, 1987 shall determine the  
22 terms of the members so that the terms of approximately one-  
23 third of the members expire on April 30 of each of the next  
24 three years.

25 Sec. 19. TRANSITION.

26 The department of revenue and finance shall transfer funds  
27 and accounts of the public broadcasting division of the  
28 department of cultural affairs to the corporation on July 1,  
29 1987. Notwithstanding section 302A.7, subsection 4, employees  
30 of the public broadcasting division of the department of  
31 cultural affairs shall become employees of the corporation on  
32 July 1, 1987. Property and records of the public broadcasting  
33 division of the department of cultural affairs become the  
34 property and records of the corporation on July 1, 1987 and  
35 shall be transferred accordingly. Rules of the public

~~1 broadcasting division of the department of cultural affairs~~

2 shall continue in full force and effect as rules of the  
3 corporation until amended or supplanted by action of the  
4 board.

5 Sec. 20. Section 18.133, subsection 1, Code 1987, is  
6 amended to read as follows:

7 1. "State communications" refers to the transmission of  
8 voice, data, video, the written word or other visual signals  
9 by electronic means to serve the needs of state agencies but  
10 does not include communications activities of the state board  
11 of regents, ~~radio and television facilities under the division~~  
12 ~~of public broadcasting~~ Iowa corporation for public  
13 telecommunications, department of transportation distributed  
14 data processing and mobile radio network, or law enforcement  
15 communications systems.

16 Sec. 21. Section 19A.3, subsection 12, Code 1987, is  
17 amended by striking the subsection.

18 Sec. 22. Section 20.9, unnumbered paragraph 2, Code 1987,  
19 is amended to read as follows:

20 Nothing in this section shall diminish the authority and  
21 power of the department of personnel, board of regents' merit  
22 system, ~~Iowa public broadcasting board's merit system~~, or any  
23 civil service commission established by constitutional  
24 provision, statute, charter or special act to recruit  
25 employees, prepare, conduct and grade examinations, rate  
26 candidates in order of their relative scores for certification  
27 for appointment or promotion or for other matters of  
28 classification, reclassification or appeal rights in the  
29 classified service of the public employer served.

30 Sec. 23. Section 20.3, subsection 1, Code 1987, is amended  
31 to read as follows:

32 1. "Public employer" means the state of Iowa, its boards,  
33 commissions, agencies, departments, the Iowa corporation for  
34 public telecommunications, and ~~its~~ the state's political  
35 subdivisions including school districts and other special

1 purpose districts.

2 Sec. 24. Section 85.2, Code 1987, is amended to read as  
3 follows:

4 85.2 COMPULSORY WHEN.

5 Where the state, county, municipal corporation, school  
6 corporation, area education agency, or city under any form of  
7 government, or the Iowa corporation for public  
8 telecommunications is the employer, the provisions of this  
9 chapter for the payment of compensation and amount thereof for  
10 an injury sustained by an employee of ~~such an~~ employer shall  
11 be exclusive, compulsory, and obligatory upon both employer  
12 and employee, except as otherwise provided in section 85.1.  
13 For the purposes of this chapter elected and appointed  
14 officials ~~shall-be~~ are employees.

15 Sec. 25. Section 97B.41, subsection 3, paragraph a,  
16 unnumbered paragraph 1, Code 1987, is amended to read as  
17 follows:

18 "Employer" means the state of Iowa, the counties,  
19 municipalities, and public school districts and all of the  
20 political subdivisions and all of their departments and  
21 instrumentalities, including joint planning commissions  
22 created under ~~the-provisions-of~~ chapter 473A and the Iowa  
23 corporation for public telecommunications.

24 Sec. 26. Section 422.45, subsection 5, unnumbered  
25 paragraph 1, Code 1987, is amended to read follows:

26 The gross receipts or from services rendered, furnished, or  
27 performed and of all sales of goods, wares or merchandise used  
28 for public purposes to any tax-certifying or tax-levying body  
29 of the state of Iowa or governmental subdivision thereof,  
30 including the state board of regents, state department of  
31 human services, state department of transportation, Iowa  
32 corporation for public telecommunications, any municipally  
33 owned solid waste facility which sells all or part of its  
34 processed waste as fuel to a municipally owned public utility  
35 and all divisions, boards, commissions, agencies or

1 instrumentalities of state, federal, county or municipal  
2 government which have no earnings going to the benefit of an  
3 equity investor or stockholder except sales of goods, wares or  
4 merchandise or from services rendered, furnished, or performed  
5 and used by or in connection with the operation of any  
6 municipally owned public utility engaged in selling gas,  
7 electricity or heat to the general public.

8 Sec. 27. Section 427.1, Code 1987, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 40. All grounds and buildings used or  
11 under construction for public television facilities or  
12 telecommunications systems.

13 Sec. 28. Section 303.1, subsections 1 and 4, Code 1987,  
14 are amended to read as follows:

15 1. The department of cultural affairs is created. The  
16 Except for the Iowa corporation for public telecommunications,  
17 the department is under the control of a director who shall be  
18 appointed by the governor, subject to confirmation by the  
19 senate, and shall serve at the pleasure of the governor. The  
20 salary of the director shall be set by the governor within a  
21 range set by the general assembly.

22 4. The director may create, combine, eliminate, alter or  
23 reorganize the organization of the department by rule except  
24 for those matters prescribed by sections 303-75 through 303-83  
25 chapter 302A.

26 Sec. 29. Section 303.1, subsection 2, unnumbered paragraph  
27 1, Code 1987, is amended to read as follows:

28 The department has primary responsibility for development  
29 of the state's interest in the areas of the arts, history,  
30 libraries, and other cultural matters. In fulfilling this  
31 responsibility, the department will be advised and assisted by  
32 the state library commission, the state historical society and  
33 its board of trustees, the Iowa arts council, and the Terrace  
34 Hill commission, ~~and the Iowa public broadcasting board.~~

35 Sec. 30. Section 303.1, subsection 2, paragraph b, Code

1 1987, is amended by striking the paragraph.

2 Sec. 31. Section 303.1, subsection 3, paragraph d, Code  
3 1987, is amended by striking the paragraph.

4 Sec. 32. Section 303.1, subsection 6, unnumbered paragraph  
5 1, Code 1987, is amended to read as follows:

6 The divisions shall be administered by administrators who  
7 shall be appointed by the director and serve at the director's  
8 pleasure. However, the administrator of-the-public  
9 broadcasting-division-shall-be-appointed-by-and-serve-at-the  
10 pleasure-of-the-public-broadcasting-board-and-the  
11 administrator of the library division shall be appointed by  
12 and serve at the pleasure of the library commission. The  
13 administrators shall:

14 Sec. 33. Section 303.1, Code 1987, is amended by adding  
15 the following new subsection:

16 NEW SUBSECTION. 7. The Iowa corporation for public  
17 telecommunications is an autonomous public corporation which  
18 is attached to the department for organizational purposes  
19 only.

20 Sec. 34. Section 303.1A, unnumbered paragraph 1, Code  
21 1987, is amended to read as follows:

22 Except for those matters prescribed by sections-303-75  
23 through-303-83 chapter 302A, the director shall:

24 Sec. 35. Section 303.1A, unnumbered paragraph 3, Code  
25 1987, is amended to read as follows:

26 The director may delegate the powers and duties of that  
27 office to the administrators. The director is not liable for  
28 the activities of the division-of-public-broadcasting Iowa  
29 corporation for public telecommunications.

30 Sec. 36. Section 303.2, subsection 1, Code 1987, is  
31 amended to read as follows:

32 1. The administrative services section shall provide  
33 administrative, accounting, public relations and clerical  
34 services for the department, report to the director and  
35 perform other duties assigned to it by the director, except

1 for those matters prescribed by ~~sections-303-75-through-303-83~~  
2 ~~chapter 302A. The-administrative-services-section-may-provide~~  
3 ~~services-to-the-public-broadcasting-division:~~

4 Sec. 37. Section 303.2A, subsection 1, paragraph a, Code  
5 1987, is amended to read as follows:

6 a. The chairpersons of the historical society board of  
7 trustees, the library commission, and the arts council and  
8 ~~public-broadcasting-board.~~

9 Sec. 38. Sections 303.75 through 303.83, Code 1987, are  
10 repealed.

11 Sec. 39. This Act takes effect July 1, 1987, except that  
12 sections 4, 5, and 18 of this Act take effect upon its  
13 enactment. The board shall meet prior to July 1, 1987 for  
14 organizational purposes, to appoint the director, to apply for  
15 federal grants and other funding in the name of the  
16 corporation, and to prepare for the operation of the  
17 corporation. The board may meet jointly with the Iowa public  
18 broadcasting board to provide for an orderly transition.  
19 Expenses of the board shall be paid from funds appropriated to  
20 the public broadcasting division of the department of cultural  
21 affairs.

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## SENATE FILE 162

H-3687

1 Amend Senate File 162 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 18.133, subsection 1, Code  
6 1987, is amended to read as follows:

7 1. "State communications" refers to the  
8 transmission of voice, data, video, the written word  
9 or other visual signals by electronic means to serve  
10 the needs of state agencies but does not include  
11 communications activities of the state board of  
12 regents, radio and television facilities and other  
13 educational telecommunications systems and services  
14 including narrowcast and broadcast systems under the  
15 division of public broadcasting, department of  
16 transportation distributed data processing and mobile  
17 radio network, or law enforcement communications  
18 systems.

19 Sec. 2. Section 303.1, subsection 4, Code 1987, is  
20 amended to read as follows:

21 4. The director may create, combine, eliminate,  
22 alter or reorganize the organization of the department  
23 by rule except for those matters prescribed by  
24 sections 303.75 through ~~303-83~~ 303.85.

25 Sec. 3. Section 303.1A, unnumbered paragraph 1,  
26 Code 1987, is amended to read as follows:

27 Except for those matters prescribed by sections  
28 303.75 through ~~303-83~~ 303.85, the director shall:

29 Sec. 4. Section 303.2, subsection 1, Code 1987, is  
30 amended to read as follows:

31 1. The administrative services section shall  
32 provide administrative, accounting, public relations  
33 and clerical services for the department, report to  
34 the director and perform other duties assigned to it  
35 by the director, except for those matters prescribed  
36 by sections 303.75 through ~~303-83~~ 303.85. The  
37 administrative services section may provide services  
38 to the public broadcasting division.

39 Sec. 5. Section 303.75, unnumbered paragraph 1,  
40 Code 1987, is amended to read as follows:

41 As used in this section and sections 303.76 through  
42 ~~303-83~~ 303.85 unless the context otherwise requires:

43 Sec. 6. Section 303.75, Code 1987, is amended by  
44 adding the following new subsections:

45 NEW SUBSECTION. 4. "Narrowcast" means  
46 communications through systems that are directed  
47 toward a narrowly defined audience and are not  
48 receivable by the general public.

49 NEW SUBSECTION. 5. "Broadcast" means  
50 communications through a system that is receivable by

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1 the general public with programming designed for a  
2 large group of users.

3 NEW SUBSECTION. 6. "Radio and television  
4 facility" means transmitters, towers, studios and all  
5 necessary associated equipment for broadcasting,  
6 including closed circuit television.

7 Sec. 7. Section 303.77, subsection 1, Code 1987,  
8 is amended by striking the subsection and inserting  
9 the following:

10 1. The Iowa public broadcasting board is created  
11 to plan, establish, and operate educational radio and  
12 television facilities and other telecommunications  
13 services including narrowcast and broadcast systems to  
14 serve the educational needs of the state. The board  
15 shall be composed of nine members selected in the  
16 following manner:

17 a. Four members shall be appointed by the governor  
18 so that the portion of the board membership appointed  
19 under this paragraph includes two male board members  
20 and two female board members at all times:

21 (1) Two members shall be appointed from the  
22 business community other than the commercial  
23 broadcasting industry and the telecommunications  
24 industry.

25 (2) One member shall be appointed from the  
26 membership of a fund-raising nonprofit organization  
27 financially assisting the Iowa public broadcasting  
28 division.

29 (3) One member shall represent the general public.

30 b. Five members shall be selected in the manner  
31 provided in this paragraph and the gender balance of  
32 the membership shall be coordinated among the  
33 associations and boards making the appointments so  
34 that not more than three members serving under this  
35 paragraph at the same time are of the same gender.

36 (1) One member shall be appointed by the state  
37 association of private colleges and universities.

38 (2) One member shall be appointed jointly by the  
39 superintendents of the merged area schools created by  
40 chapter 280A.

41 (3) One member shall be appointed jointly by the  
42 administrators of the area education agencies created  
43 by chapter 273.

44 (4) One member who is knowledgeable about  
45 telecommunications shall be appointed by the state  
46 board of regents.

47 (5) One member shall be appointed by the state  
48 board of education.

49 Sec. 8. Section 303.77, subsection 3, unnumbered  
50 paragraph 1, Code 1987, is amended to read as follows:

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The board shall appoint at least two advisory  
2 committees, each of which has no more than a simple  
3 majority of members of the same gender, as follows:

4 Sec. 9. Section 303.77, subsection 3, paragraphs a  
5 and b, Code 1987, are amended by striking the  
6 paragraphs and inserting in lieu thereof the  
7 following:

8 a. Advisory committee on the operation of the  
9 narrowcast system. The advisory committee shall be  
10 composed of members from among the users of the  
11 narrowcast system including representatives of  
12 institutions under the state board of regents, merged  
13 area schools, area education agencies, classroom  
14 teachers, school district administrators, school  
15 district boards of directors, the department of  
16 economic development, the department of education, and  
17 private colleges and universities.

18 b. Advisory committee on journalistic and  
19 editorial integrity. The division shall be governed  
20 by the national principles of editorial integrity  
21 developed by the editorial integrity project.

22 Sec. 10. Section 303.77, subsection 3, Code 1987,  
23 is amended by adding the following new unnumbered  
24 paragraph:

25 NEW UNNUMBERED PARAGRAPH. Members of advisory  
26 committees shall receive actual expenses incurred in  
27 performing their official duties.

28 Sec. 11. Section 303.78, subsection 2, Code 1987,  
29 is amended to read as follows:

30 2. Board members shall receive actual expenses  
31 incurred in performing their official duties. ~~Members~~  
32 ~~may also be eligible for compensation as provided in~~  
33 ~~section 7E-6.~~

34 Sec. 12. Section 303.79, Code 1987, is amended to  
35 read as follows:

36 303.79 FACILITIES-AND-PERMITS FUNCTIONS OF THE  
37 BOARD.

38 1. The board may purchase, lease, and improve  
39 property, equipment, and services for proper  
40 ~~educational-communications-uses~~ educational  
41 telecommunications including the broadcast and  
42 narrowcast systems, and may dispose of property and  
43 equipment when not necessary for its purposes. The  
44 board and division director may arrange for joint use  
45 of available services and facilities.

46 2. The board shall apply for channels,  
47 frequencies, licenses, and permits as ~~required-for~~  
48 broadcasting necessary for the performance of the  
49 board's duties.

50 3. This section does not prohibit institutions

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1 under the state board of regents and merged area  
2 schools under the department of education from owning,  
3 operating, improving, and maintaining educational  
4 radio and television stations and transmitters now in  
5 existence and operation other educational narrowcast  
6 telecommunications systems and services. The  
7 institutions and schools may enter into agreements  
8 with the board for the lease or purchase of equipment  
9 and facilities.

10 4. The board may locate its administrative offices  
11 and production facilities outside the city of Des  
12 Moines.

13 5. The board shall adopt and update a design plan  
14 for educational telecommunications systems and  
15 services in this state. Copies of the design plan  
16 shall be transmitted to the governor and the general  
17 assembly. The plan shall include a list of public  
18 utilities and private telecommunications companies  
19 being utilized by the educational telecommunications  
20 system; the cost of the system; the fees or charges  
21 established for the system; and information on areas  
22 where construction is required because facilities are  
23 not available from private telecommunications  
24 companies.

25 6. The board shall establish guidelines for and  
26 may impose and collect fees and charges for services.  
27 Fees and charges collected by the board for services  
28 shall be deposited to the credit of the division. Any  
29 interest earned on these receipts, and revenues  
30 generated under subsection 7, shall be retained and  
31 may be expended by the division subject to the  
32 approval of the board.

33 7. The board may make and execute agreements,  
34 contracts, and other instruments with any public or  
35 private entity and may retain revenues generated from  
36 these contracts. State departments and agencies,  
37 other public agencies, and governmental subdivisions  
38 and private entities including but not limited to  
39 institutions of higher education and nonpublic schools  
40 may enter into contracts and otherwise cooperate with  
41 the board.

42 8. The board may contract with engineers,  
43 attorneys, accountants, financial experts, and other  
44 advisors upon the recommendation of the director. The  
45 board may enter into contracts or agreements for such  
46 services with local, state, or federal governmental  
47 agencies.

48 5 9. The board may adopt rules to implement and  
49 administer the programs of the division.

50 6 10. The decision of the board is final agency

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action under chapter 17A.

2 Sec. 13. Section 303.82, Code 1987, is amended to  
3 read as follows:

4 303.82 TRUSTS.

5 Notwithstanding section 633.63, the board may  
6 accept and administer trusts and may authorize  
7 nonprofit foundations acting solely for the support of  
8 ~~the educational radio and television facility~~  
9 educational telecommunications including the broadcast  
10 and narrowcast systems to accept and administer trusts  
11 deemed by the board to be beneficial to the operation  
12 of the educational radio and television facility. The  
13 board and the foundations may act as trustees in such  
14 instances.

15 Sec. 14. NEW SECTION. 303.84 STATE PLAN.

16 The board shall cause to be developed and adopt a  
17 state educational telecommunications design plan. Any  
18 agency of the state and any political subdivision of  
19 the state shall submit plans for the development of  
20 educational telecommunications systems to the board to  
21 be coordinated with the state educational telecommuni-  
22 cations design plan adopted by the board. Private  
23 institutions and entities may submit educational  
24 telecommunications proposals for coordination.

25 Sec. 15. NEW SECTION. 303.85 NARROWCAST  
26 OPERATIONS.

27 The board shall not use, permit use, or permit  
28 resale of its telecommunications narrowcast system for  
29 other than educational purposes. The board, in the  
30 establishment and operation of its telecommunications  
31 narrowcast system, shall use facilities and services  
32 of the private telecommunications industry companies  
33 to the greatest extent possible and is prohibited from  
34 constructing telecommunications facilities unless  
35 comparable facilities are not available from the  
36 private telecommunications industry at comparable  
37 quality and price.

38 Notwithstanding chapter 476, the provisions of  
39 chapter 476 shall not apply to a public utility in  
40 furnishing a telecommunications service or facility to  
41 the board.

42 Sec. 16. Section 303.83, Code 1987, is repealed.

43 Sec. 17. The terms of office of members of the  
44 Iowa public broadcasting board shall expire on the  
45 effective date of this Act. Insofar as possible,  
46 members of the board shall be appointed from the  
47 membership of the Iowa public broadcasting board on  
48 June 30, 1987. For the initial board, the members  
49 appointed by the state board of regents, by the state  
board of education and by the governor from the fund-

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1 raising nonprofit organization shall serve one-year  
 2 terms; the members appointed by the administrators of  
 3 the area education agencies and by the state  
 4 association representing private colleges and  
 5 universities, and one member appointed by the governor  
 6 from the business community shall serve two-year  
 7 terms; and the member appointed by the superintendents  
 8 of the merged area schools, one member appointed by  
 9 the governor from the business community, and the  
 10 member appointed by the governor from the general  
 11 public shall serve three-year terms."

H-3687 FILED APRIL 9, 1987 BY COMMITTEE ON STATE GOVERNMENT

*Adopted as amended by 38764 4212  
5/8/87 (p. 2210)*

SENATE FILE 162

H-3876

1 Amend the amendment, H-3687, to Senate File 162, as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:

4 1. Page 2, line 21, by striking the words "Two  
 5 members" and inserting the following: "One member".

6 2. Page 2, by inserting after line 24 the  
 7 following:

8 "(2) One member shall be appointed from the  
 9 commercial broadcast industry."

10 3. Page 2, line 25, by striking the figure "(2)"  
 11 and inserting the following: "(3)".

12 4. Page 2, line 29, by striking the figure "(3)"  
 13 and inserting the following: "(4)".

14 5. Page 6, by striking line 5 and inserting the  
 15 following: "universities and by the governor".

16 6. Page 6, by striking lines 8 and 9 and  
 17 inserting the following: "of the merged area schools,  
 18 the member appointed by the governor from the  
 19 commercial broadcast industry, and the".

BY CARPENTER of Polk  
BLANSHAN of Greenc

H-3876 FILED APRIL 20, 1987

*Adopted 5/8/87 (p. 2210)*

SENATE FILE 162

H-4212

Amend the amendment, H-3687, to Senate File 162, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 18 the following:

"Sec. 1A. Section 256.7, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Rules adopted under this section shall provide that telecommunications shall not be used by school districts as the exclusive means to provide any course which is required by the minimum educational standards for approval or accreditation."

2. Page 1, by striking lines 47 and 48 and inserting the following: "toward a narrowly defined audience."

3. Page 4, by striking lines 3 through 5 and inserting the following: "operating, improving, and maintaining, and restructuring educational radio and television stations and transmitters now in existence ~~and operation~~ or other educational narrowcast".

4. Page 4, by striking lines 15 through 17 and inserting the following: "services in this state. Not later than January 1, 1988, the board shall transmit to the general assembly a progress report concerning the development of the design plan. The design plan shall be adopted by the board not later than January 1, 1989, and shall be updated at least every two years thereafter. Copies of the design plan and updated design plan shall be made available to the governor and members of the general assembly upon request. The plan shall include a list of public".

5. Page 6, by inserting after line 11 the following:

"Sec. \_\_\_\_ . Section 1A of this Act prevails over section 256.7, subsection 8, unnumbered paragraph 4, contained in section 1 of Senate File 333 if Senate File 333 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law."

6. Page 6, by inserting after line 11 the following:

" \_\_\_\_ . Title page, by striking lines 1 through 4 and inserting the following: "An Act relating to the authority and composition of the Iowa public broadcasting board including authority over"."

7. Page 6, by inserting after line 11 the following:

" \_\_\_\_ . Title page, line 6, by striking the words "and to provide an effective date"."

H-4212 FILED MAY 5, 1987

BY BLANSHAN of Greenc

*A - Rules and General Assembly  
independent. Adopted 5/8/87 (p. 2214)  
B - Adopted (p. 2215)*

SENATE FILE 162

H-3924

1 Amend the amendment, H-3687, to Senate File 162, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 47 and 48 and  
5 inserting the following: "toward a narrowly defined  
6 audience."

7 2. Page 4, by striking lines 15 through 17 and  
8 inserting the following: "services in this state.  
9 Not later than January 1, 1988, the board shall  
10 transmit to the general assembly a progress report  
11 concerning the development of the design plan. The  
12 design plan shall be adopted by the board not later  
13 than January 1, 1989, and shall be updated at least  
14 every two years thereafter. Copies of the design plan  
15 and updated design plan shall be made available to the  
16 governor and members of the general assembly upon  
17 request. The plan shall include a list of public".

H-3924 FILED APRIL 23, 1987 BY BLANSHAN of Greene

4/25 5/8 (p. 2215)

HOUSE AMENDMENT TO  
SENATE FILE 162

S-4083

1 Amend Senate File 162 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 18.133, subsection 1, Code  
6 1987, is amended to read as follows:

7 1. "State communications" refers to the  
8 transmission of voice, data, video, the written word  
9 or other visual signals by electronic means to serve  
10 the needs of state agencies but does not include  
11 communications activities of the state board of  
12 regents, radio and television facilities and other  
13 educational telecommunications systems and services  
14 including narrowcast and broadcast systems under the  
15 division of public broadcasting, department of  
16 transportation distributed data processing and mobile  
17 radio network, or law enforcement communications  
18 systems.

19 Sec. 1A. Section 256.7, Code 1987, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 9. Rules adopted under this  
22 section shall provide that telecommunications shall  
23 not be used by school districts as the exclusive means  
24 to provide any course which is required by the minimum  
25 educational standards for approval or accreditation.

26 Sec. 2. Section 303.1, subsection 4, Code 1987, is  
27 amended to read as follows:

28 4. The director may create, combine, eliminate,  
29 alter or reorganize the organization of the department  
30 by rule except for those matters prescribed by  
31 sections 303.75 through ~~303.83~~ 303.85.

32 Sec. 3. Section 303.1A, unnumbered paragraph 1,  
33 Code 1987, is amended to read as follows:

34 Except for those matters prescribed by sections  
35 303.75 through ~~303.83~~ 303.85, the director shall:

36 Sec. 4. Section 303.2, subsection 1, Code 1987, is  
37 amended to read as follows:

38 1. The administrative services section shall  
39 provide administrative, accounting, public relations  
40 and clerical services for the department, report to  
41 the director and perform other duties assigned to it  
42 by the director, except for those matters prescribed  
43 by sections 303.75 through ~~303.83~~ 303.85. The  
44 administrative services section may provide services  
45 to the public broadcasting division.

46 Sec. 5. Section 303.75, unnumbered paragraph 1,  
47 Code 1987, is amended to read as follows:

48 As used in this section and sections 303.76 through  
49 ~~303.83~~ 303.85 unless the context otherwise requires:

50 Sec. 6. Section 303.75, Code 1987, is amended by

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1 adding the following new subsections:

2 NEW SUBSECTION. 4. "Narrowcast" means  
3 communications through systems that are directed  
4 toward a narrowly defined audience.

5 NEW SUBSECTION. 5. "Broadcast" means  
6 communications through a system that is receivable by  
7 the general public with programming designed for a  
8 large group of users.

9 NEW SUBSECTION. 6. "Radio and television  
10 facility" means transmitters, towers, studios and all  
11 necessary associated equipment for broadcasting,  
12 including closed circuit television.

13 Sec. 7. Section 303.77, subsection 1, Code 1987,  
14 is amended by striking the subsection and inserting  
15 the following:

16 1. The Iowa public broadcasting board is created  
17 to plan, establish, and operate educational radio and  
18 television facilities and other telecommunications  
19 services including narrowcast and broadcast systems to  
20 serve the educational needs of the state. The board  
21 shall be composed of nine members selected in the  
22 following manner:

23 a. Four members shall be appointed by the governor  
24 so that the portion of the board membership appointed  
25 under this paragraph includes two male board members  
26 and two female board members at all times:

27 (1) One member shall be appointed from the  
28 business community other than the commercial  
29 broadcasting industry and the telecommunications  
30 industry.

31 (2) One member shall be appointed from the  
32 commercial broadcast industry.

33 (3) One member shall be appointed from the  
34 membership of a fund-raising nonprofit organization  
35 financially assisting the Iowa public broadcasting  
36 division.

37 (4) One member shall represent the general public.

38 b. Five members shall be selected in the manner  
39 provided in this paragraph and the gender balance of  
40 the membership shall be coordinated among the  
41 associations and boards making the appointments so  
42 that not more than three members serving under this  
43 paragraph at the same time are of the same gender.

44 (1) One member shall be appointed by the state  
45 association of private colleges and universities.

46 (2) One member shall be appointed jointly by the  
47 superintendents of the merged area schools created by  
48 chapter 280A.

49 (3) One member shall be appointed jointly by the  
50 administrators of the area education agencies created

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1 by chapter 273.

2 (4) One member who is knowledgeable about  
3 telecommunications shall be appointed by the state  
4 board of regents.

5 (5) One member shall be appointed by the state  
6 board of education.

7 Sec. 8. Section 303.77, subsection 3, unnumbered  
8 paragraph 1, Code 1987, is amended to read as follows:

9 The board shall appoint at least two advisory  
10 committees, each of which has no more than a simple  
11 majority of members of the same gender, as follows:

12 Sec. 9. Section 303.77, subsection 3, paragraphs a  
13 and b, Code 1987, are amended by striking the  
14 paragraphs and inserting in lieu thereof the  
15 following:

16 a. Advisory committee on the operation of the  
17 narrowcast system. The advisory committee shall be  
18 composed of members from among the users of the  
19 narrowcast system including representatives of  
20 institutions under the state board of regents, merged  
21 area schools, area education agencies, classroom  
22 teachers, school district administrators, school  
23 district boards of directors, the department of  
24 economic development, the department of education, and  
25 private colleges and universities.

26 b. Advisory committee on journalistic and  
27 editorial integrity. The division shall be governed  
28 by the national principles of editorial integrity  
29 developed by the editorial integrity project.

30 Sec. 10. Section 303.77, subsection 3, Code 1987,  
31 is amended by adding the following new unnumbered  
32 paragraph:

33 NEW UNNUMBERED PARAGRAPH. Members of advisory  
34 committees shall receive actual expenses incurred in  
35 performing their official duties.

36 Sec. 11. Section 303.78, subsection 2, Code 1987,  
37 is amended to read as follows:

38 2. Board members shall receive actual expenses  
39 incurred in performing their official duties. ~~Members~~  
40 ~~may also be eligible for compensation as provided in~~  
41 ~~section 7E-6.~~

42 Sec. 12. Section 303.79, Code 1987, is amended to  
43 read as follows:

44 303.79 ~~FACILITIES-AND-PERMITS~~ FUNCTIONS OF THE  
45 BOARD.

46 1. The board may purchase, lease, and improve  
47 property, equipment, and services for ~~proper~~  
48 ~~educational-communications-uses~~ educational  
49 telecommunications including the broadcast and  
50 narrowcast systems, and may dispose of property and

1 equipment when not necessary for its purposes. The  
2 board and division director may arrange for joint use  
3 of available services and facilities.

4 2. The board shall apply for channels,  
5 frequencies, licenses, and permits as required for  
6 broadcasting necessary for the performance of the  
7 board's duties.

8 3. This section does not prohibit institutions  
9 under the state board of regents and merged area  
10 schools under the department of education from owning,  
11 operating, improving, and maintaining, and  
12 restructuring educational radio and television  
13 stations and transmitters now in existence and  
14 operation or other educational narrowcast  
15 telecommunications systems and services. The  
16 institutions and schools may enter into agreements  
17 with the board for the lease or purchase of equipment  
18 and facilities.

19 4. The board may locate its administrative offices  
20 and production facilities outside the city of Des  
21 Moines.

22 5. The board shall adopt and update a design plan  
23 for educational telecommunications systems and  
24 services in this state. Not later than January 1,  
25 1988, the board shall transmit to the general assembly  
26 a progress report concerning the development of the  
27 design plan. The design plan shall be adopted by the  
28 board not later than January 1, 1989, and shall be  
29 updated at least every two years thereafter. Copies  
30 of the design plan and updated design plan shall be  
31 made available to the governor and members of the  
32 general assembly upon request. The plan shall include  
33 a list of public utilities and private  
34 telecommunications companies being utilized by the  
35 educational telecommunications system; the cost of the  
36 system; the fees or charges established for the  
37 system; and information on areas where construction is  
38 required because facilities are not available from  
39 private telecommunications companies.

40 6. The board shall establish guidelines for and  
41 may impose and collect fees and charges for services.  
42 Fees and charges collected by the board for services  
43 shall be deposited to the credit of the division. Any  
44 interest earned on these receipts, and revenues  
45 generated under subsection 7, shall be retained and  
46 may be expended by the division subject to the  
47 approval of the board.

48 7. The board may make and execute agreements,  
49 contracts, and other instruments with any public or  
50 private entity and may retain revenues generated from

1 these contracts. State departments and agencies,  
2 other public agencies, and governmental subdivisions  
3 and private entities including but not limited to  
4 institutions of higher education and nonpublic schools  
5 may enter into contracts and otherwise cooperate with  
6 the board.

7 8. The board may contract with engineers,  
8 attorneys, accountants, financial experts, and other  
9 advisors upon the recommendation of the director. The  
10 board may enter into contracts or agreements for such  
11 services with local, state, or federal governmental  
12 agencies.

13 5 9. The board may adopt rules to implement and  
14 administer the programs of the division.

15 6 10. The decision of the board is final agency  
16 action under chapter 17A.

17 Sec. 13. Section 303.82, Code 1987, is amended to  
18 read as follows:

19 303.82 TRUSTS.

20 Notwithstanding section 633.63, the board may  
21 accept and administer trusts and may authorize  
22 nonprofit foundations acting solely for the support of  
23 ~~the-educational-radio-and-television-facility~~  
24 educational telecommunications including the broadcast  
25 and narrowcast systems to accept and administer trusts  
26 deemed by the board to be beneficial to the operation  
27 of the educational radio and television facility. The  
28 board and the foundations may act as trustees in such  
29 instances.

30 Sec. 14. NEW SECTION. 303.84 STATE PLAN.

31 The board shall cause to be developed and adopt a  
32 state educational telecommunications design plan. Any  
33 agency of the state and any political subdivision of  
34 the state shall submit plans for the development of  
35 educational telecommunications systems to the board to  
36 be coordinated with the state educational telecommuni-  
37 cations design plan adopted by the board. Private  
38 institutions and entities may submit educational  
39 telecommunications proposals for coordination.

40 Sec. 15. NEW SECTION. 303.85 NARROWCAST  
41 OPERATIONS.

42 The board shall not use, permit use, or permit  
43 resale of its telecommunications narrowcast system for  
44 other than educational purposes. The board, in the  
45 establishment and operation of its telecommunications  
46 narrowcast system, shall use facilities and services  
47 of the private telecommunications industry companies  
48 to the greatest extent possible and is prohibited from  
49 constructing telecommunications facilities unless  
50 comparable facilities are not available from the

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1 private telecommunications industry at comparable  
2 quality and price.

3 Notwithstanding chapter 476, the provisions of  
4 chapter 476 shall not apply to a public utility in  
5 furnishing a telecommunications service or facility to  
6 the board.

7 Sec. 16. Section 303.83, Code 1987, is repealed.

8 Sec. 17. The terms of office of members of the  
9 Iowa public broadcasting board shall expire on the  
10 effective date of this Act. Insofar as possible,  
11 members of the board shall be appointed from the  
12 membership of the Iowa public broadcasting board on  
13 June 30, 1987. For the initial board, the members  
14 appointed by the state board of regents, by the state  
15 board of education and by the governor from the fund-  
16 raising nonprofit organization shall serve one-year  
17 terms; the members appointed by the administrators of  
18 the area education agencies and by the state  
19 association representing private colleges and  
20 universities and by the governor from the business  
21 community shall serve two-year terms; and the member  
22 appointed by the superintendents of the merged area  
23 schools, the member appointed by the governor from the  
24 commercial broadcast industry, and the member  
25 appointed by the governor from the general public  
26 shall serve three-year terms."

27 Sec. 18. Section 1A of this Act prevails over  
28 section 256.7, subsection 8, unnumbered paragraph 4,  
29 contained in section 1 of Senate File 333 if Senate  
30 File 333 is enacted by the Seventy-second General  
31 Assembly, 1987 Session, and becomes law.

32 2. Title page, by striking lines 1 through 4 and  
33 inserting the following: "An Act relating to the  
34 authority and composition of the Iowa public  
35 broadcasting board including authority over".

36 3. Title page, line 6, by striking the words "and  
37 to provide an effective date".

S-4083

Filed May 8, 1987

*Senate conference 5/9/87 (p. 1813)*

RECEIVED FROM THE HOUSE

SSB # 79  
State Government  
Nov  
SF 162

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act to provide for the establishment of a public corporation  
2 to plan, establish and operate educational radio and  
3 television facilities and other educational telecommunications  
4 systems and services including narrowcast and broadcast  
5 systems to serve the educational and economic development  
6 needs of the state and to provide an effective date.

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

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SUB COMMITTEE ASSIGNMENTS  
CHAIR *Drake*  
COMMITTEE: *State Government*  
*2-3-87*

SSB 79

1 Section 1. NEW SECTION. 302A.1 STATEMENT OF POLICY.

2 It is the policy of this state and the purpose of this  
3 chapter to provide for the establishment of a public  
4 corporation to plan, establish, and operate educational radio  
5 and television facilities and other educational  
6 telecommunications systems and services including narrowcast  
7 and broadcast systems to serve the educational and economic  
8 development needs of the state.

9 Sec. 2. NEW SECTION. 302A.2 DEFINITIONS.

10 As used in this chapter, unless the context otherwise re-  
11 quires:

12 1. "Board" means the board of directors of the Iowa  
13 corporation for public telecommunications.

14 2. "Corporation" means the Iowa corporation for public  
15 telecommunications.

16 3. "President" means the chief executive officer of the  
17 Iowa corporation for public telecommunications.

18 4. "Radio and television facility" means transmitters,  
19 towers, studios and all necessary associated equipment for  
20 broadcasting, including closed circuit television.

21 5. "Narrowcast" means communications through systems that  
22 are directed toward a narrowly defined audience and are not  
23 receivable by the general public.

24 6. "Public broadcast" means communications through a  
25 system that is receivable by the general public with  
26 educational, cultural, or other programming designed for a  
27 large group of users.

28 Sec. 3. NEW SECTION. 302A.3 PUBLIC CORPORATION.

29 A public corporate body called the Iowa corporation for  
30 public telecommunications is created to plan, establish, and  
31 operate educational radio and television facilities and other  
32 educational telecommunications systems and services including  
33 narrowcast and broadcast systems to serve the educational and  
34 economic development needs of the state. The corporation is a  
35 nonprofit public instrumentality that is not a state agency

1 and the exercise of the powers granted to the corporation  
2 under this chapter is an essential government function. The  
3 corporation has perpetual succession. The succession shall  
4 continue until the existence of the corporation is terminated  
5 by law.

6 The corporation may sue and be sued, hold property, and  
7 exercise all powers granted by law and other powers incident  
8 to public corporations of like character that are not  
9 inconsistent with the laws of this state.

10 Sec. 4. NEW SECTION. 302A.4 BOARD OF DIRECTORS.

11 1. A board of directors of the corporation is created,  
12 composed of thirteen members selected in the following manner:

13 a. One member shall be appointed by the presidents of the  
14 three institutions of higher education governed by the state  
15 board of regents.

16 b. One member shall be appointed by the superintendents of  
17 the merged area schools created by chapter 280A.

18 c. One member shall be appointed by the administrators of  
19 the area education agencies created by chapter 273.

20 d. One member shall be a president of a regionally ac-  
21 credited private four-year college or university selected by  
22 the state association representing private colleges and uni-  
23 versities.

24 e. One member shall be appointed by the state board of  
25 regents from its own membership.

26 f. One member shall be appointed by the state board of  
27 education from its own membership.

28 g. One member who is the director of the department of  
29 education.

30 h. Three members shall be appointed by the governor, one  
31 of whom shall be from the Iowa business community other than  
32 the commercial broadcast industry, one of whom shall be from  
33 the commercial broadcast industry, and one of whom shall be a  
34 member of a fund-raising nonprofit organization financially  
35 assisting the Iowa corporation for public telecommunications.

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1 i. One member shall be appointed by a fund-raising  
2 nonprofit organization organized pursuant to section 302A.8.

3 j. Two members shall be appointed by the journalistic and  
4 editorial integrity committee established in section 302A.12.

5 2. Members of the board of directors shall serve three-  
6 year terms commencing and ending as provided in section 69.19.  
7 A vacancy shall be filled in the same manner as the original  
8 appointment for the remainder of the term.

9 3. The board shall elect from among its members a chair-  
10 person and a vice chairperson to serve a one-year term.

11 4. The board shall meet at least four times annually and  
12 shall hold special meetings at the call of the chairperson or  
13 in the absence of the chairperson by the vice chairperson or  
14 by the chairperson on the written request of five members of  
15 the board.

16 5. Members of the board shall receive forty dollars per  
17 diem and actual and necessary expenses incurred in performing  
18 their official duties. Payment shall be made from moneys  
19 available to the corporation.

20 Sec. 5. NEW SECTION. 302A.5 MEMBERSHIP ON BOARD.

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

28 Sec. 6. NEW SECTION. 302A.6 POWERS AND DUTIES.

29 The board shall have the powers and duties necessary to  
30 carry out its purposes, including but not limited to the  
31 following:

32 1. To appoint a president for the corporation and fix the  
33 president's compensation. The president shall employ  
34 individuals that the president deems necessary and advisable  
35 to carry out the duties of the corporation.

1 2. To fix and collect fees and charges for services which  
2 shall be deposited to the credit of the corporation. Any  
3 interest earned on these receipts shall be retained and may be  
4 expended by the corporation.

5 3. To make and execute agreements, contracts, and other  
6 instruments with any public or private entity. All political  
7 subdivisions, public agencies, and state departments and  
8 agencies may enter into contracts and otherwise cooperate with  
9 the board.

10 4. To contract with engineers, attorneys, accountants, fi-  
11 nancial experts, and other advisors. The board may enter into  
12 contracts or agreements for such services with local, state or  
13 federal governmental agencies.

14 5. To provide technical assistance and counseling related  
15 to the board's purposes to public and private entities.

16 6. To accept appropriations, gifts, grants, loans, or  
17 other aid from public and private entities in order to achieve  
18 its public purpose. Any interest earned on those funds shall  
19 be retained by the board of directors. The corporation is  
20 subject to section 8.23. Allotments of moneys appropriated by  
21 the general assembly to the corporation for a fiscal year  
22 shall be made in equal installments on July 1 and January 1.

23 7. Upon completion of a collective bargaining agreement,  
24 to submit to the department of management appropriation re-  
25 quests to fund salary increases for designated employees.

26 8. To adopt rules consistent with the provisions of this  
27 chapter and subject to chapter 17A.

28 9. To purchase, lease, and improve property, equipment,  
29 and services, and to dispose of property and equipment when  
30 not necessary or advisable for its purposes.

31 10. To apply for and hold channels, frequencies, licenses,  
32 and permits as are necessary in the performance of the board's  
33 duties.

34 Sec. 7. NEW SECTION. 302A.7 COMPETITION WITH PRIVATE  
35 SECTOR.

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1 The corporation shall not use or permit use of its telecom-  
2 munications interconnect system for other than educational  
3 purposes. The corporation, in the establishment and operation  
4 of its telecommunications interconnect system, shall use  
5 facilities of the local exchange or interexchange telephone  
6 companies to the greatest extent possible.

7 Sec. 8. NEW SECTION. 302A.8 TRUSTS.

8 Notwithstanding section 633.63, the board may accept and  
9 administer trusts and may authorize nonprofit foundations  
10 acting solely for the support of the corporation to accept and  
11 administer trusts deemed by the board to be beneficial to the  
12 operation of the corporation. The board of directors and the  
13 foundations may act as trustees in such instances.

14 Sec. 9. NEW SECTION. 302A.9 EXISTING FACILITIES.

15 This chapter does not prohibit institutions under the state  
16 board of regents and merged area schools under the department  
17 of education from owning, operating, improving, and  
18 maintaining educational radio and television stations and  
19 transmitters in existence and operation on the effective date  
20 of this Act. The institutions and schools may enter into  
21 agreements with the board of directors for the lease and  
22 purchase of equipment and facilities.

23 Sec. 10. NEW SECTION. 302A.10 ANNUITY CONTRACTS.

24 At the request of an employee of the corporation through  
25 contractual agreement the board of directors may arrange for  
26 the purchase of group or individual annuity contracts for any  
27 of its employees from any company the employee chooses that is  
28 authorized to do business in this state and through an Iowa-  
29 licensed insurance agent that the employee selects, for re-  
30 tirement or other purposes and may make payroll deductions in  
31 accordance with arrangements for the purpose of paying the  
32 entire premium due and to become due under the contract. The  
33 deductions shall be made in the manner which will qualify the  
34 annuity premiums for the benefits afforded under section 403B  
35 of the Internal Revenue Code as defined in section 422.3. The

1 employee's rights under the annuity contract are nonfor-  
2 feitable except for the failure to pay premiums.

3 Whenever an existing tax-sheltered annuity contract is to  
4 be replaced by a new contract the agent or representative of  
5 the company shall send a letter of intent by registered mail  
6 at least thirty days prior to any action to the company being  
7 replaced, to the insurance commissioner of the state of Iowa,  
8 to the agent's own company, and to the president. The letter  
9 of intent shall contain the policy number and description of  
10 the contract being replaced and a description of the replace-  
11 ment contract.

12 Sec. 11. NEW SECTION. 302A.11 EMPLOYEE BENEFITS.

13 Employees of the corporation are public employees, but are  
14 not employees of the state. For purposes of chapter 20,  
15 employees of the corporation that are members of an employee  
16 organization in which the public employer is the state of Iowa  
17 prior to the effective date of this Act shall continue as mem-  
18 bers of the employee organization. At the request of the  
19 board, the department of revenue and finance and the  
20 department of personnel shall include employees of the  
21 corporation in the state's benefit programs available to state  
22 employees. The employer costs of the benefit programs  
23 provided to the corporation's employees shall be paid by the  
24 corporation to the state.

25 Sec. 12. NEW SECTION. 302A.12 EDITORIAL INTEGRITY AND  
26 JOURNALISTIC AND EDITORIAL INTEGRITY COMMITTEE.

27 1. It is the intent of the general assembly that public  
28 broadcasting in Iowa be governed by the national principles of  
29 editorial integrity developed by the editorial integrity  
30 project.

31 2. The board shall appoint a journalistic and editorial  
32 integrity committee whose function shall be to ensure  
33 maintenance of the principles as contained in the national  
34 principles of editorial integrity. Committee members shall  
35 receive actual and necessary expenses incurred in performing

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1 their official duties from moneys available to the  
2 corporation.

3 Sec. 13. NEW SECTION. 302A.13 NARROWCAST OPERATION COM-  
4 MITTEE.

5 The board shall appoint a committee to advise the corpora-  
6 tion about the operation of the narrowcast system. The com-  
7 mittee shall be composed of members from among the users of  
8 the narrowcast system including representatives of  
9 institutions under the state board of regents, merged area  
10 schools, area education agencies, the department of economic  
11 development, the department of education, and private colleges  
12 and universities.

13 Committee members shall receive actual and necessary ex-  
14 penses incurred in performing their official duties from  
15 moneys available to the corporation.

16 Sec. 14. NEW SECTION. 302A.14 LIABILITY AND CASUALTY  
17 INSURANCE.

18 The state shall act as the insurer for the corporation.  
19 However, the board may elect to obtain liability and casualty  
20 insurance from a private insurance carrier.

21 The corporation is eligible for the services of the risk  
22 management division of the department of general services  
23 under chapter 18, division VI, as if it were a governmental  
24 subdivision.

25 Sec. 15. TRANSITION.

26 Members of the board of directors shall be appointed by the  
27 appointing authority within fifteen days of the effective date  
28 of this Act and the initial board members shall hold its  
29 organizational meeting within thirty days of the effective  
30 date of this Act upon the call of executive director of the  
31 Iowa public broadcasting board. The board shall determine the  
32 terms of its members so that the terms of approximately one-  
33 third of the members expire on April 30 of each year. The  
34 department of revenue and finance shall transfer funds and  
35 accounts of the public broadcasting division of the department

1 of cultural affairs to the corporation on the effective date  
2 of this Act. Employees of the public broadcasting division of  
3 the department of cultural affairs shall become employees of  
4 the corporation on the effective date of this Act. Property  
5 and records of the public broadcasting division of the  
6 department of cultural affairs become the property and records  
7 of the corporation on the effective date of this Act and shall  
8 be transferred accordingly.

9 Sec. 16. Section 18.133, subsection 1, Code 1987, is  
10 amended to read as follows:

11 1. "State communications" refers to the transmission of  
12 voice, data, video, the written word or other visual signals  
13 by electronic means to serve the needs of state agencies but  
14 does not include communications activities of the state board  
15 of regents, ~~radio-and-television-facilities-under-the-division~~  
16 ~~of-public-broadcasting Iowa corporation for public~~  
17 telecommunications, department of transportation distributed  
18 data processing and mobile radio network, or law enforcement  
19 communications systems.

20 Sec. 17. Section 19A.3, subsection 12, Code 1987, is  
21 amended by striking the subsection.

22 Sec. 18. Section 20.9, unnumbered paragraph 2, Code 1987,  
23 is amended to read as follows:

24 Nothing in this section shall diminish the authority and  
25 power of the department of personnel, board of regents' merit  
26 system, ~~Iowa-public-broadcasting-board's-merit-system~~, or any  
27 civil service commission established by constitutional  
28 provision, statute, charter or special act to recruit  
29 employees, prepare, conduct and grade examinations, rate  
30 candidates in order of their relative scores for certification  
31 for appointment or promotion or for other matters of  
32 classification, reclassification or appeal rights in the  
33 classified service of the public employer served.

34 Sec. 19. Section 20.3, subsection 1, Code 1987, is amended  
35 to read as follows:

1 1. "Public employer" means the state of Iowa, its boards,  
2 commissions, agencies, departments, the Iowa corporation for  
3 public telecommunications, and its the state's political  
4 subdivisions including school districts and other special  
5 purpose districts.

6 Sec. 20. Section 85.2, Code 1987, is amended to read as  
7 follows:

8 85.2 COMPULSORY WHEN.

9 Where the state, county, municipal corporation, school  
10 corporation, area education agency, or city under any form of  
11 government, or the Iowa corporation for public  
12 telecommunications is the employer, the provisions of this  
13 chapter for the payment of compensation and amount thereof for  
14 an injury sustained by an employee of such an employer shall  
15 be exclusive, compulsory, and obligatory upon both employer  
16 and employee, except as otherwise provided in section 85.1.  
17 For the purposes of this chapter elected and appointed  
18 officials ~~shall-be~~ are employees.

19 Sec. 21. Section 422.45, subsection 5, unnumbered  
20 paragraph 1, Code 1987, is amended to read follows:

21 The gross receipts or from services rendered, furnished, or  
22 performed and of all sales of goods, wares or merchandise used  
23 for public purposes to any tax-certifying or tax-levying body  
24 of the state of Iowa or governmental subdivision thereof,  
25 including the state board of regents, state department of  
26 human services, state department of transportation, Iowa  
27 corporation for public telecommunications, any municipally  
28 owned solid waste facility which sells all or part of its  
29 processed waste as fuel to a municipally owned public utility  
30 and all divisions, boards, commissions, agencies or  
31 instrumentalities of state, federal, county or municipal  
32 government which have no earnings going to the benefit of an  
33 equity investor or stockholder except sales of goods, wares or  
34 merchandise or from services rendered, furnished, or performed  
35 and used by or in connection with the operation of any

1 municipally owned public utility engaged in selling gas,  
2 electricity or heat to the general public.

3 Sec. 22. Section 427.1, Code 1987, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 40. All grounds and buildings used or  
6 under construction for public television facilities or  
7 telecommunications systems.

8 Sec. 23. Section 303.1, subsection 2, unnumbered paragraph  
9 1, Code 1987, is amended to read as follows:

10 The department has primary responsibility for development  
11 of the state's interest in the areas of the arts, history,  
12 libraries, and other cultural matters. In fulfilling this  
13 responsibility, the department will be advised and assisted by  
14 the state library commission, the state historical society and  
15 its board of trustees, the Iowa arts council, and the Terrace  
16 Hill commission, ~~and the Iowa public broadcasting board.~~

17 Sec. 24. Section 303.1, subsection 3, paragraph d, Code  
18 1987, is amended by striking the paragraph.

19 Sec. 25. Section 303.1, subsection 6, unnumbered paragraph  
20 1, Code 1987, is amended to read as follows:

21 The divisions shall be administered by administrators who  
22 shall be appointed by the director and serve at the director's  
23 pleasure. However, the administrator ~~of the public~~  
24 ~~broadcasting division shall be appointed by and serve at the~~  
25 ~~pleasure of the public broadcasting board and the~~  
26 administrator of the library division shall be appointed by  
27 and serve at the pleasure of the library commission. The  
28 administrators shall:

29 Sec. 26. Section 303.2, subsection 1, Code 1987, is  
30 amended to read as follows:

31 1. The administrative services section shall provide  
32 administrative, accounting, public relations and clerical  
33 services for the department, report to the director and  
34 perform other duties assigned to it by the director, ~~except~~  
35 ~~for those matters prescribed by sections 303.75 through~~

1 303-83. ~~The-administrative-services-section-may-provide~~  
2 ~~services-to-the-public-broadcasting-division-~~

3 Sec. 27. Section 303.2A, subsection 1, paragraph a, Code  
4 1987, is amended to read as follows:

5 a. The chairpersons of the historical society board of  
6 trustees, the library commission, and the arts council and  
7 ~~public-broadcasting-board.~~

8 Sec. 28. Sections 303.75 through 303.83, Code 1987, are  
9 repealed.

10 Sec. 29. This Act, being deemed of immediate importance,  
11 takes effect upon its enactment.

12 EXPLANATION

13 This bill creates a public nonprofit corporation called the  
14 Iowa corporation for public telecommunications to plan,  
15 establish, and operate educational radio and television fa-  
16 cilities and other educational telecommunications systems and  
17 services including narrowcast and broadcast systems to serve  
18 the educational and economic development needs of the state.  
19 A thirteen-member board is created to govern the corporation.  
20 The board will appoint a president to serve as the chief  
21 executive officer of the corporation. The president will  
22 employ the necessary employees who are not employees of the  
23 state but who will be eligible for the fringe benefits  
24 available to public employees. The fringe benefits will be  
25 paid for by the corporation.

26 The bill establishes a journalistic and editorial integrity  
27 committee to ensure the maintenance of editorial integrity.  
28 It also establishes a committee to advise the corporation  
29 about the operation of the narrowcast system.

30 The telecommunications interconnect system can only be used  
31 for educational purposes and must use facilities of the local  
32 exchange or interexchange telephone companies to the greatest  
33 extent possible.

34 The bill takes effect upon its enactment.

35

SENATE FILE 162

AN ACT

RELATING TO THE AUTHORITY AND COMPOSITION OF THE IOWA PUBLIC BROADCASTING BOARD INCLUDING AUTHORITY OVER NARROWCAST AND BROADCAST SYSTEMS TO SERVE THE EDUCATIONAL NEEDS OF THE STATE AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Section 18.133, subsection 1, Code 1987, is amended to read as follows:

1. "State communications" refers to the transmission of voice, data, video, the written word or other visual signals by electronic means to serve the needs of state agencies but does not include communications activities of the state board of regents, radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the division of public broadcasting, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

Sec. 2. Section 256.7, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Rules adopted under this section shall provide that telecommunications shall not be used by school districts as the exclusive means to provide any course which is required by the minimum educational standards for approval or accreditation.

Sec. 3. Section 303.1, subsection 4, Code 1987, is amended to read as follows:

4. The director may create, combine, eliminate, alter or reorganize the organization of the department by rule except for those matters prescribed by sections 303.75 through 303-83 303.85.

Sec. 4. Section 303.1A, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Except for those matters prescribed by sections 303.75 through 303-83 303.85, the director shall:

Sec. 5. Section 303.2, subsection 1, Code 1987, is amended to read as follows:

1. The administrative services section shall provide administrative, accounting, public relations and clerical services for the department, report to the director and perform other duties assigned to it by the director, except for those matters prescribed by sections 303.75 through 303-83 303.85. The administrative services section may provide services to the public broadcasting division.

Sec. 6. Section 303.75, unnumbered paragraph 1, Code 1987, is amended to read as follows:

As used in this section and sections 303.76 through 303-83 303.85 unless the context otherwise requires:

Sec. 7. Section 303.75, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 4. "Narrowcast" means communications through systems that are directed toward a narrowly defined audience.

NEW SUBSECTION. 5. "Broadcast" means communications through a system that is receivable by the general public with programming designed for a large group of users.

NEW SUBSECTION. 6. "Radio and television facility" means transmitters, towers, studios and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 8. Section 303.77, subsection 1, Code 1987, is amended by striking the subsection and inserting the following:

1. The Iowa public broadcasting board is created to plan, establish, and operate educational radio and television facilities and other telecommunication services including narrowcast and broadcast systems to serve the educational

needs of the state. The board shall be composed of nine members selected in the following manner:

a. Four members shall be appointed by the governor so that the portion of the board membership appointed under this paragraph includes two male board members and two female board members at all times:

- (1) One member shall be appointed from the business community other than the commercial broadcasting industry and the telecommunications industry.
- (2) One member shall be appointed from the commercial broadcast industry.
- (3) One member shall be appointed from the membership of a fund-raising nonprofit organization financially assisting the Iowa public broadcasting division.
- (4) One member shall represent the general public.

b. Five members shall be selected in the manner provided in this paragraph and the gender balance of the membership shall be coordinated among the associations and boards making the appointments so that not more than three members serving under this paragraph at the same time are of the same gender.

- (1) One member shall be appointed by the state association of private colleges and universities.
- (2) One member shall be appointed jointly by the superintendents of the merged area schools created by chapter 280A.
- (3) One member shall be appointed jointly by the administrators of the area education agencies created by chapter 273.
- (4) One member who is knowledgeable about telecommunications shall be appointed by the state board of regents.
- (5) One member shall be appointed by the state board of education.

Sec. 9. Section 303.77, subsection 3, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The board shall appoint at least two advisory committees, each of which has no more than a simple majority of members of the same gender, as follows:

Sec. 10. Section 303.77, subsection 3, paragraphs a and b, Code 1987, are amended by striking the paragraphs and inserting in lieu thereof the following:

a. Advisory committee on the operation of the narrowcast system. The advisory committee shall be composed of members from among the users of the narrowcast system including representatives of institutions under the state board of regents, merged area schools, area education agencies, classroom teachers, school district administrators, school district boards of directors, the department of economic development, the department of education, and private colleges and universities.

b. Advisory committee on journalistic and editorial integrity. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

Sec. 11. Section 303.77, subsection 3, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Members of advisory committees shall receive actual expenses incurred in performing their official duties.

Sec. 12. Section 303.78, subsection 2, Code 1987, is amended to read as follows:

2. Board members shall receive actual expenses incurred in performing their official duties. ~~Members may also be eligible for compensation as provided in section 78.6.~~

Sec. 13. Section 303.79, Code 1987, is amended to read as follows:

303.79 FACILITIES-AND-PERMIT FUNCTIONS OF THE BOARD.

1. The board may purchase, lease, and improve property, equipment, and services for proper educational-communications uses educational telecommunications including the broadcast and narrowcast systems, and may dispose of property and

equipment when not necessary for its purposes. The board and division director may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as required for broadcasting necessary for the performance of the board's duties.

3. This section does not prohibit institutions under the state board of regents and merged area schools under the department of education from owning, operating, improving, and maintaining, and restructuring educational radio and television stations and transmitters now in existence and operation or other educational narrowcast telecommunications systems and services. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

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

5. The board shall adopt and update a design plan for educational telecommunications systems and services in this state. Not later than January 1, 1988, the board shall transmit to the general assembly a progress report concerning the development of the design plan. The design plan shall be adopted by the board not later than January 1, 1989, and shall be updated at least every two years thereafter. Copies of the design plan and updated design plan shall be made available to the governor and members of the general assembly upon request. The plan shall include a list of public utilities and private telecommunications companies being utilized by the educational telecommunications system; the cost of the system; the fees or charges established for the system; and information on areas where construction is required because facilities are not available from private telecommunications companies.

6. The board shall establish guidelines for and may impose and collect fees and charges for services. Fees and charges collected by the board for services shall be deposited to the

credit of the division. Any interest earned on these receipts, and revenues generated under subsection 7, shall be retained and may be expended by the division subject to the approval of the board.

7. The board may make and execute agreements, contracts, and other instruments with any public or private entity and may retain revenues generated from these contracts. State departments and agencies, other public agencies, and governmental subdivisions and private entities including but not limited to institutions of higher education and nonpublic schools may enter into contracts and otherwise cooperate with the board.

8. The board may contract with engineers, attorneys, accountants, financial experts, and other advisors upon the recommendation of the director. The board may enter into contracts or agreements for such services with local, state, or federal governmental agencies.

9. The board may adopt rules to implement and administer the programs of the division.

10. The decision of the board is final agency action under chapter 17A.

Sec. 14. Section 303.82, Code 1987, is amended to read as follows:

#### 303.82 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 educational telecommunications including the broadcast and narrowcast systems 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. 15. NEW SECTION. 303.84 STATE PLAN.

The board shall cause to be developed and adopt a state educational telecommunications design plan. Any agency of the state and any political subdivision of the state shall submit

plans for the development of educational telecommunications systems to the board to be coordinated with the state educational telecommunications design plan adopted by the board. Private institutions and entities may submit educational telecommunications proposals for coordination.

Sec. 16. NEW SECTION. 303.85 NARROWCAST OPERATIONS.

The board shall not use, permit use, or permit resale of its telecommunications narrowcast system for other than educational purposes. The board, in the establishment and operation of its telecommunications narrowcast system, shall use facilities and services of the private telecommunications industry companies to the greatest extent possible and is prohibited from constructing telecommunications facilities unless comparable facilities are not available from the private telecommunications industry at comparable quality and price.

Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the board.

Sec. 17. Section 303.83, Code 1987, is repealed.

Sec. 18. The terms of office of members of the Iowa public broadcasting board shall expire on the effective date of this Act. Insofar as possible, members of the board shall be appointed from the membership of the Iowa public broadcasting board on June 30, 1987. For the initial board, the members appointed by the state board of regents, by the state board of education and by the governor from the fund-raising nonprofit organization shall serve one-year terms; the members appointed by the administrators of the area education agencies and by the state association representing private colleges and universities and by the governor from the business community shall serve two-year terms; and the member appointed by the superintendents of the merged area schools, the member appointed by the governor from the commercial broadcast industry, and the member appointed by the governor from the general public shall serve three-year terms.

Sec. 19. Section 2 of this Act prevails over section 256.7, subsection 8, unnumbered paragraph 4, contained in section 1 of Senate File 333 if Senate File 333 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 162, Seventy-second General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved June 5, 1987

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TERRY E. BRANSTAD  
Governor