

Reprinted

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SENATE FILE **524**

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 2747XC)

Passed Senate, Date 3/28/91 (p. 933) Passed House, Date _____

Vote: Ayes 37 Nays 12 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

32141 An Act relating to the state communications network.

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

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SF 524

3148 amended

1 Section 1. STATE COMMUNICATIONS NETWORK.

32142 1. The general assembly shall determine whether the
3 anticipated financial resources of the state are adequate to
4 fund the expenditure, for the contract for a state
5 communications network during the fiscal years covered by the
6 contract.

7 2. The general assembly shall review statutory provisions
8 concerning the departments of general services, education,
9 public defense, cultural affairs, particularly libraries and
10 Iowa public television, public safety, transportation,
11 economic development, and commerce, particularly the utilities
12 division, and the state board of regents and its institutions,
13 merged area schools and community colleges, and other
14 entities, as the provisions relate to the state communications
15 network.

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EXPLANATION

17 This bill relates to the state communications network by
18 stating that the general assembly will determine whether the
19 anticipated financial resources of the state are adequate to
20 fund the expenditure, for the contract for a state
21 communications network during the fiscal years covered by the
22 contract. The bill also states that the general assembly will
23 review statutory provisions concerning various entities, as
24 the provisions relate to the state communications network.

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SENATE FILE 524

S-3198

1 Amend Senate File 524 as follows:

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

4 "Section 1. STATE COMMUNICATIONS NETWORK -- LOCAL
5 EXCHANGE TELEPHONE UTILITIES PROPOSAL.

6 1. In order to ensure the availability of the
7 latest electronic technology to state agencies and
8 private and public educational institutions in Iowa,
9 it is the intent of the general assembly to consider a
10 system capable of remaining current with rapidly
11 evolving telecommunications technology by exploring a
12 lease option for establishing a state communications
13 network.

14 2. The general assembly requests that the local
15 exchange telephone utilities in the state form a
16 consortium, utilizing the Iowa telephone association,
17 in order to examine the requirements to develop the
18 state communications network. The consortium is
19 further requested to consider submission of a proposal
20 to procure, operate, or maintain the state
21 communications network or to perform any combination
22 of these functions. Any proposal considered by the
23 consortium must provide for sufficient system capacity
24 to provide the video, data, and voice transmission
25 needs of state agencies and the educational
26 telecommunications system and include sufficient
27 flexibility to permit upgrades to accommodate advances
28 in technology.

29 3. If the local exchange telephone utility
30 consortium determines that the state requirements for
31 the network can be met by the local exchange telephone
32 utilities in Iowa, the consortium must submit a
33 proposal to the legislative council on or before
34 January 31, 1992. However, if the consortium
35 determines that the requirements of the state cannot
36 be met by the utilities, this determination shall be
37 reported to the legislative council as soon as
38 possible but no later than January 31, 1992, in order
39 for procurement of the network from other sources to
40 commence.

41 4. Beginning in June 1991, the consortium shall
42 report monthly to the legislative council in order to
43 apprise the members concerning the status of or
44 progress in developing the proposal.

45 5. Notwithstanding any provisions of sections
46 18.136 and 18.137, a contract for the state
47 communications network shall not be awarded and moneys
48 in the state communications fund shall not be expended
49 to fund such a contract until the consortium has
50 either reported to the legislative council with a

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1 proposal to develop the network or has declined to
2 submit a proposal.

3 6. Agencies of state government are directed and
4 telephone utilities providing interexchange services
5 to local exchange telephone utilities within a local
6 access transport area (LATA) are requested to promptly
7 respond to requests for data and information intended
8 to assist the consortium in making a determination or
9 developing a proposal.

10 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
11 immediate importance, takes effect upon enactment."

12 2. Title page, line 1, by inserting after the
13 word "network" the following: "and providing an
14 effective date".

By EMIL HUSAK

S-3198 FILED MARCH 26, 1991

Adopted as amended by 3222 3/28 (p. 933)

SENATE FILE 524

S-3222

1 Amend the amendment, S-3198, to Senate File 524 as
2 follows:

3 1. Page 1, line 19, by inserting after the word
4 "proposal" the following: ", in cooperation with the
5 department of general services,".

By JIM KERSTEN
PAUL PATE

RICHARD VANDE HOEF
JOHN W. JENSEN

S-3222 FILED MARCH 28, 1991

ADOPTED *(p. 933)*

SENATE FILE 524

S-3212

1 Amend the amendment, S-3198, to Senate File 524 as
2 follows:

3 1. By striking page 1, line 2 through page 2,
4 line 14, and inserting the following:

5 "____. Page 1, by striking line 2, and inserting
6 the following:

7 "____. The general assembly approves the
8 legislative council's determination that the".

9 _____. Page 1, by inserting after line 15 the
10 following:

11 "Sec. _____. Section 18.133, subsection 4, Code
12 1991, is amended to read as follows:

13 4. "State communications" refers to the
14 transmission of voice, data, video, the written word
15 or other visual signals by electronic means to serve
16 the needs of state agencies but does not include
17 communications activities of the state board of
18 regents, ~~radio-and-television-facilities-and-other~~
19 ~~educational-telecommunications-systems-and-services~~
20 ~~including-narrowcast-and-broadcast-systems-under-the~~
21 ~~division-of-public-broadcasting,~~ the department of
22 transportation distributed data processing and mobile
23 radio network, or law enforcement communications
24 systems.

25 Sec. _____. Section 18.136, subsections 1 and 3,
26 Code 1991, are amended to read as follows:

27 1. Moneys in the state communications network fund
28 are appropriated to the ~~Iowa-public-broadcasting-board~~
29 ~~department~~ for purposes of providing financing for the
30 ~~procurement,~~ operation, and maintenance of a state
31 communications network with sufficient capacity to
32 serve the video, data, and voice requirements of state
33 agencies and the educational telecommunications
34 system. The state communications network consists of
35 Part I, Part II, and Part III of the system. Any
36 public or private institution of higher education
37 which is eligible for services shall be switched by
38 the state communications network control center as if
39 the institution is located on Part I of the system.

40 3. The financing for the procurement costs for the
41 entirety of Part I of the system, and the video, data,
42 and voice capacity for state agencies for Part II and
43 Part III of the system, shall be provided by the
44 state. The financing for the procurement costs for
45 Part II of the system shall be provided eighty percent
46 from the state and twenty percent from the community
47 colleges for the areas in which Part II of the system
48 is located. The basis for the state match is eighty
49 percent of a single interactive video and interactive
50 audio for Parts I and II of the system, and such data

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1 and voice capacity as is necessary. The financing for
2 the procurement and maintenance costs for Part III of
3 the system shall be provided eighty percent from the
4 state and twenty percent from the local school boards
5 of the areas which receive transmissions from the
6 system. The local school boards may meet all or part
7 of the match requirements of Part III of the system
8 through a cooperative arrangement with community
9 colleges. The basis for the state match is eighty
10 percent of a single interactive audio and one-way
11 interactive video for Part III of the system, and such
12 data and voice capacity as is necessary. The local
13 school boards and community colleges may meet the
14 match requirements for Part II and Part III of the
15 system from funds they have already spent for their
16 systems, from funds available in the school budget, or
17 from funds received from other nonstate sources. In
18 the case of existing systems, in order to upgrade
19 facilities to the specifications of the state
20 communications network, the local school boards and
21 community colleges, in lieu of a cash match, may meet
22 the match requirements from funds they have already
23 spent for their systems provided that the state match
24 does not exceed the lesser of eighty percent of the
25 total cost of the upgraded system or eighty percent of
26 the replacement cost of the system. The
27 communications equipment used as a match shall not
28 subsequently be used as a match by another educational
29 entity or for another part of the system. A local
30 school board may request the school budget review
31 committee to adjust the allowable growth for the
32 school district so that the resulting increase in
33 budget could be used for the match. A local school
34 board may also elect not to become part of the system.
35 Such election shall be made on an annual basis. State
36 matching funds shall not be provided for Part III of
37 the system until Part I and Part II of the system have
38 been completed. State financing of Part III is
39 limited to facilities and services provided to
40 secondary schools.

41 It is the intent of the general assembly that
42 during the implementation of Part I and Part II of the
43 system, the department shall employ a consultant to
44 report on the impact of changing technology on the
45 potential cost and capability of the system. It is
46 also the intent of the general assembly that the
47 department of education shall study new techniques in
48 distance teaching. Both reports shall be made
49 available to the general assembly.

50 Sec. ____ . Section 18.136, Code 1991, is amended by

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1 adding the following new subsection:

2 NEW SUBSECTION. 3A. a. If a public or private
3 agency elects to become a part of the system and
4 requests Part III facilities, utilities providing
5 local exchange telephone service in the area to be
6 served by the requested facilities shall have a right
7 of first refusal to provide the facilities. The
8 agency may specify that the facilities be capable of
9 providing interactive video and audio capability and
10 capacity for four offerings or specify another
11 mutually agreed upon technical capability, including
12 but not limited to compressed video.

13 b. The local exchange utilities shall notify the
14 agency as to the utilities' intention to provide the
15 facilities within thirty days of receiving the request
16 for establishment of the facilities. Charges for
17 services or facilities provided under this subsection
18 by local exchange telephone utilities shall be based
19 upon capacity, not usage. The utilities shall be
20 allowed to recover all reasonable costs, including a
21 reasonable return on capital. Not more than twenty-
22 five percent of the costs may be recovered through
23 basic local telephone rates. Any telephone company
24 which is not subject to rate regulation under chapter
25 476 shall not be subject to regulation under this
26 chapter, but is subject to the requirement that
27 charges are based on capacity, not usage.

28 c. If the local exchange telephone utilities state
29 that the utilities will not provide the specified Part
30 III facilities, the public or private agency may
31 submit an application to develop the Part III
32 facilities to the department or to the narrowcast
33 system advisory committee. The proposed facilities
34 may include but are not limited to lease of existing
35 capacity, capacity purchased by the agency, facilities
36 capable of providing one-way video and two-way audio,
37 microwave facilities, or other suitable facilities.

38 Sec. ____ . Section 18.136, subsections 7, 8, 12,
39 and 13, Code 1991, are amended to read as follows:

40 7. The department of general services shall be
41 responsible for the network system design and shall be
42 responsible for the implementation of each component
43 of the network as it is incorporated into the network
44 system. The final design selected shall optimize the
45 routing for all users in order to assure maximum
46 utilization by all agencies of the state. The design
47 shall include the identification of the end points for
48 Part I of the system and the end points may include a
49 public or private institution of higher education.
50 However, a private institution of higher education

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1 shall have sole responsibility for purchase of
2 equipment associated with an end point located at the
3 institution. Efficiencies achieved in the
4 implementation of the network shall be used to fund
5 further implementation and enhancement of the network,
6 and shall be considered part of the operational cost
7 of the network. The department shall be responsible
8 for all management, operations, control switching,
9 diagnostics, and maintenance functions of Part I and
10 Part II of the system operations, except as designated
11 in subsection 8. The performance of these duties is
12 intended to provide optimal utilization of the
13 facilities, and the assurance that future growth
14 requirements will be provided for, and that sufficient
15 network capacity will be available to meet the needs
16 of all users. The telecommunications information
17 management council, created by executive order of the
18 governor, shall provide general oversight for these
19 functions.

20 8. The Iowa public broadcasting board retains sole
21 authority over the educational telecommunications
22 applications of Part I of the system, and its
23 authority shall include management and operational
24 control, programming, budget, personnel, scheduling,
25 and program switching of educational material carried
26 by Part I of the system. The Iowa public broadcasting
27 board, through its narrowcast system advisory
28 committee, retains coordination authority over the
29 educational telecommunications applications of Part II
30 and Part III of the system. Community colleges are
31 responsible for facilitating the scheduling and
32 switching of educational materials carried by Part II
33 and Part III of the system within their respective
34 areas. In situations where duplicative programming or
35 scheduling conflicts precipitate a complaint from an
36 institution, the narrowcast system advisory committee
37 shall consider the matter and make recommendations to
38 the parties involved in the complaint. Such
39 responsibility may shall be accomplished by a chapter
40 28E agreement with the department of general services.

41 The narrowcast system advisory committee shall
42 review all requests for grants for educational
43 telecommunications applications, if they are a part of
44 the state communications network, to ensure that the
45 educational telecommunications application is
46 consistent with the telecommunications plan. If the
47 narrowcast system advisory committee finds that a
48 grant request is inconsistent with the
49 telecommunications plan, the grant request shall not
50 be allowed.

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1 12. The Iowa public broadcasting board, in
2 consultation with its narrowcast system advisory
3 committee, shall determine review the fee to be
4 charged per course or credit hour by the originating
5 institution, ~~and the fees shall be substantially one~~
6 ~~same for comparable courses.~~

7 13. Access to the network shall be offered on an
8 equal basis to public and private agencies under
9 subsection 8 ~~if the private agency contributes an~~
10 ~~amount toward the match requirement comparable to its~~
11 ~~share of use for the part of the system in which it~~
12 ~~participates.~~

13 Sec. . NEW SECTION. 18.138 STATE NETWORK
14 ORGANIZATION.

15 1. A state network organization is established to
16 have authority over the uses of the state
17 communications network. The organization shall
18 consist of five persons representing local exchange
19 telephone utilities who are appointed by the governor
20 and confirmed by the senate. The state network
21 organization shall be incorporated under chapter 504A
22 and shall not be regarded as a state agency, except
23 for purposes of chapter 17A. Staffing of the state
24 network organization shall be provided by the
25 department.

26 2. The department of general services and the Iowa
27 public broadcasting board shall execute a public trust
28 agreement with the state network organization
29 establishing the state network organization as the
30 public trustee to hold Parts I and II of the state
31 communications network in trust for the benefit of the
32 state. The public trust agreement shall provide that
33 the state network organization, as trustee, shall
34 authorize public and private agencies, as defined in
35 section 18.133, to use the capacity of Parts I and II
36 of the state communications network for state
37 communications and for the educational
38 telecommunications system described in section 303.79.
39 The public trust agreement shall also provide that any
40 capacity of Parts I and II of the state communications
41 network not used for state communications or for the
42 education telecommunications system by public and
43 private agencies shall remain unused unless use of the
44 unused capacity is approved by the state network
45 organization.

46 3. The state network organization shall have the
47 authority to review transmissions carried by Parts I
48 and II of the state communications network and may
49 prohibit any transmission which is not state
50 communications or which is not part of the educational

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1 telecommunications system.

2 4. Any liability for the state communications
3 network, including financial liability, remains the
4 responsibility of the state or a public or private
5 agency in accordance with this chapter.

6 Sec. ____ . Section 256.7, Code 1991, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 21. Establish a twelve-member
9 advisory committee on technology utilization to make
10 recommendations relating to utilization of the state
11 communications network for educational purposes,
12 including desirable technologies for classroom use.
13 The state board shall appoint the members of the
14 advisory committee as follows:

15 a. Five persons who are licensed teachers or
16 employed by a practitioner preparation program, as
17 defined in chapter 260.

18 b. One person representing the department.

19 c. One person representing area education
20 agencies.

21 d. One person who is a principal.

22 e. One person who is a superintendent.

23 f. One person representing community colleges who
24 is not an administrator.

25 g. One person representing the state association
26 of private colleges and universities who is not an
27 administrator.

28 h. One person representing institutions under the
29 authority of the state board of regents who is not an
30 administrator.

31 Sec. ____ . EFFECTIVE DATE. This Act, being deemed
32 of immediate importance, takes effect upon enactment."

33 ____ . Title page, line 1, by inserting after the
34 word "network" the following: "and providing an
35 effective date".

36 ____ . By renumbering as necessary."

By RICHARD VARN

S-3212, FILED MARCH 27, 1991

Lost 3/28 (y 933)

SENATE FILE 524

S-3206

1 Amend amendment, S-3198, to Senate File 524 as
2 follows:

3 1. Page 1, line 33, by inserting after the word
4 "council" the following: "and the general assembly".

5 2. Page 1, line 34, by striking the word and
6 figures "January 31, 1992" and inserting the
7 following: "April 30, 1991".

8 3. Page 1, line 37, by inserting after the word
9 "council" the following: "and the general assembly".

10 4. Page 1, line 38, by striking the word and
11 figures "January 31, 1992" and inserting the
12 following: "April 30, 1991".

13 5. Page 1, by striking lines 41 through 44.

14 6. By renumbering as necessary.

By MARK HAGERLA

S-3206 FILED MARCH 27, 1991

Lost 3/28

SENATE FILE 524

S-3214

1 Amend Senate File 524 as follows:

2 1. Page 1, by striking line 2, and inserting the
3 following:

4 "____. The general assembly approves the
5 legislative council's determination that the".

6 2. Page 1, by inserting after line 15 the
7 following:

8 "Sec. _____. Section 18.133, subsection 4, Code
9 1991, is amended to read as follows:

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

22 Sec. _____. Section 18.136, subsections 1 and 3,
23 Code 1991, are amended to read as follows:

24 1. Moneys in the state communications network fund
25 are appropriated to the ~~Iowa-public-broadcasting-board~~
26 department for purposes of providing financing for the
27 procurement, operation, and maintenance of a state
28 communications network with sufficient capacity to
29 serve the video, data, and voice requirements of state
30 agencies and the educational telecommunications
31 system. The state communications network consists of
32 Part I, Part II, and Part III of the system. Any
33 public or private institution of higher education
34 which is eligible for services shall be switched by
35 the state communications network control center as if
36 the institution is located on Part I of the system.

37 3. The financing for the procurement costs for the
38 entirety of Part I of the system, and the video, data,
39 and voice capacity for state agencies for Part II and
40 Part III of the system, shall be provided by the
41 state. The financing for the procurement costs for
42 Part II of the system shall be provided eighty percent
43 from the state and twenty percent from the community
44 colleges for the areas in which Part II of the system
45 is located. The basis for the state match is eighty
46 percent of a single interactive video and interactive
47 audio for Parts I and II of the system, and such data
48 and voice capacity as is necessary. The financing for
49 the procurement and maintenance costs for Part III of
50 the system shall be provided eighty percent from the

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1 state and twenty percent from the local school boards
2 of the areas which receive transmissions from the
3 system. The local school boards may meet all or part
4 of the match requirements of Part III of the system
5 through a cooperative arrangement with community
6 colleges. The basis for the state match is eighty
7 percent of a single interactive audio and one-way
8 interactive video for Part III of the system, and such
9 data and voice capacity as is necessary. The local
10 school boards and community colleges may meet the
11 match requirements for Part II and Part III of the
12 system from funds they have already spent for their
13 systems, from funds available in the school budget, or
14 from funds received from other nonstate sources. In
15 the case of existing systems, in order to upgrade
16 facilities to the specifications of the state
17 communications network, the local school boards and
18 community colleges, in lieu of a cash match, may meet
19 the match requirements from funds they have already
20 spent for their systems provided that the state match
21 does not exceed the lesser of eighty percent of the
22 total cost of the upgraded system or eighty percent of
23 the replacement cost of the system. The
24 communications equipment used as a match shall not
25 subsequently be used as a match by another educational
26 entity or for another part of the system. A local
27 school board may request the school budget review
28 committee to adjust the allowable growth for the
29 school district so that the resulting increase in
30 budget could be used for the match. A local school
31 board may also elect not to become part of the system.
32 Such election shall be made on an annual basis. State
33 matching funds shall not be provided for Part III of
34 the system until Part I and Part II of the system have
35 been completed. State financing of Part III is
36 limited to facilities and services provided to
37 secondary schools.

38 It is the intent of the general assembly that
39 during the implementation of Part I and Part II of the
40 system, the department shall employ a consultant to
41 report on the impact of changing technology on the
42 potential cost and capability of the system. It is
43 also the intent of the general assembly that the
44 department of education shall study new techniques in
45 distance teaching. Both reports shall be made
46 available to the general assembly.

47 Sec. ____ . Section 18.136, Code 1991, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 3A. a. If a public or private
50 agency elects to become a part of the system and

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1 requests Part III facilities, utilities providing
2 local exchange telephone service in the area to be
3 served by the requested facilities shall have a right
4 of first refusal to provide the facilities. The
5 agency may specify that the facilities be capable of
6 providing interactive video and audio capability and
7 capacity for four offerings or specify another
8 mutually agreed upon technical capability, including
9 but not limited to compressed video.

10 b. The local exchange utilities shall notify the
11 agency as to the utilities' intention to provide the
12 facilities within thirty days of receiving the request
13 for establishment of the facilities. Charges for
14 services or facilities provided under this subsection
15 by local exchange telephone utilities shall be based
16 upon capacity, not usage. The utilities shall be
17 allowed to recover all reasonable costs, including a
18 reasonable return on capital. Not more than twenty-
19 five percent of the costs may be recovered through
20 basic local telephone rates. Any telephone company
21 which is not subject to rate regulation under chapter
22 476 shall not be subject to regulation under this
23 chapter, but is subject to the requirement that
24 charges are based on capacity, not usage.

25 c. If the local exchange telephone utilities state
26 that the utilities will not provide the specified Part
27 III facilities, the public or private agency may
28 submit an application to develop the Part III
29 facilities to the department or to the narrowcast
30 system advisory committee. The proposed facilities
31 may include but are not limited to lease of existing
32 capacity, capacity purchased by the agency, facilities
33 capable of providing one-way video and two-way audio,
34 microwave facilities, or other suitable facilities.

35 Sec. ____ . Section 18.136, subsections 7, 8, 12,
36 and 13, Code 1991, are amended to read as follows:

37 7. The department of general services shall be
38 responsible for the network system design and shall be
39 responsible for the implementation of each component
40 of the network as it is incorporated into the network
41 system. The final design selected shall optimize the
42 routing for all users in order to assure maximum
43 utilization by all agencies of the state. The design
44 shall include the identification of the end points for
45 Part I of the system and the end points may include a
46 public or private institution of higher education.
47 However, a private institution of higher education
48 shall have sole responsibility for purchase of
49 equipment associated with an end point located at the
50 institution. Efficiencies achieved in the

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1 implementation of the network shall be used to fund
2 further implementation and enhancement of the network,
3 and shall be considered part of the operational cost
4 of the network. The department shall be responsible
5 for all management, operations, control switching,
6 diagnostics, and maintenance functions of Part I and
7 Part II of the system operations, except as designated
8 in subsection 8. The performance of these duties is
9 intended to provide optimal utilization of the
10 facilities, and the assurance that future growth
11 requirements will be provided for, and that sufficient
12 network capacity will be available to meet the needs
13 of all users. The telecommunications information
14 management council, created by executive order of the
15 governor, shall provide general oversight for these
16 functions.

17 8. The Iowa public broadcasting board retains sole
18 authority over the educational telecommunications
19 applications of Part I of the system, and its
20 authority shall include management and operational
21 control, programming, budget, personnel, scheduling,
22 and program switching of educational material carried
23 by Part I of the system. The Iowa public broadcasting
24 board, through its narrowcast system advisory
25 committee, retains coordination authority over the
26 educational telecommunications applications of Part II
27 and Part III of the system. Community colleges are
28 responsible for facilitating the scheduling and
29 switching of educational materials carried by Part II
30 and Part III of the system within their respective
31 areas. In situations where duplicative programming or
32 scheduling conflicts precipitate a complaint from an
33 institution, the narrowcast system advisory committee
34 shall consider the matter and make recommendations to
35 the parties involved in the complaint. Such
36 responsibility may shall be accomplished by a chapter
37 28E agreement with the department of general services.

38 The narrowcast system advisory committee shall
39 review all requests for grants for educational
40 telecommunications applications, if they are a part of
41 the state communications network, to ensure that the
42 educational telecommunications application is
43 consistent with the telecommunications plan. If the
44 narrowcast system advisory committee finds that a
45 grant request is inconsistent with the
46 telecommunications plan, the grant request shall not
47 be allowed.

48 12. The Iowa public broadcasting board, in
49 consultation with its narrowcast system advisory
50 committee, shall determine review the fee to be

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1 charged per course or credit hour by the originating
2 institution, ~~and the fees shall be substantially the~~
3 ~~same for comparable courses.~~

4 13. Access to the network shall be offered on an
5 equal basis to public and private agencies under
6 subsection 8 ~~if the private agency contributes an~~
7 ~~amount toward the match requirement comparable to its~~
8 ~~share of use for the part of the system in which it~~
9 participates.

10 Sec. . NEW SECTION. 18.138 STATE NETWORK
11 ORGANIZATION.

12 1. A state network organization is established to
13 have authority over the uses of the state
14 communications network. The organization shall
15 consist of five persons representing local exchange
16 telephone utilities who are appointed by the governor
17 and confirmed by the senate. The state network
18 organization shall be incorporated under chapter 504A
19 and shall not be regarded as a state agency, except
20 for purposes of chapter 17A. Staffing of the state
21 network organization shall be provided by the
22 department.

23 2. The department of general services and the Iowa
24 public broadcasting board shall execute a public trust
25 agreement with the state network organization
26 establishing the state network organization as the
27 public trustee to hold Parts I and II of the state
28 communications network in trust for the benefit of the
29 state. The public trust agreement shall provide that
30 the state network organization, as trustee, shall
31 authorize public and private agencies, as defined in
32 section 18.133, to use the capacity of Parts I and II
33 of the state communications network for state
34 communications and for the educational
35 telecommunications system described in section 303.79.
36 The public trust agreement shall also provide that any
37 capacity of Parts I and II of the state communications
38 network not used for state communications or for the
39 education telecommunications system by public and
40 private agencies shall remain unused unless use of the
41 unused capacity is approved by the state network
42 organization.

43 3. The state network organization shall have the
44 authority to review transmissions carried by Parts I
45 and II of the state communications network and may
46 prohibit any transmission which is not state
47 communications or which is not part of the educational
48 telecommunications system.

49 4. Any liability for the state communications
50 network, including financial liability, remains the

S-3214

Page 6

- 1 responsibility of the state or a public or private
2 agency in accordance with this chapter.
3 Sec. _____. Section 256.7, Code 1991, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 21. Establish a twelve-member
6 advisory committee on technology utilization to make
7 recommendations relating to utilization of the state
8 communications network for educational purposes,
9 including desirable technologies for classroom use.
10 The state board shall appoint the members of the
11 advisory committee as follows:
12 a. Five persons who are licensed teachers or
13 employed by a practitioner preparation program, as
14 defined in chapter 260.
15 b. One person representing the department.
16 c. One person representing area education
17 agencies.
18 d. One person who is a principal.
19 e. One person who is a superintendent.
20 f. One person representing community colleges who
21 is not an administrator.
22 g. One person representing the state association
23 of private colleges and universities who is not an
24 administrator.
25 h. One person representing institutions under the
26 authority of the state board of regents who is not an
27 administrator.
28 Sec. _____. EFFECTIVE DATE. This Act, being deemed
29 of immediate importance, takes effect upon enactment."
30 3. Title page, line 1, by inserting after the
31 word "network" the following: "and providing an
32 effective date".
33 4. By renumbering as necessary.

By RICHARD VARN

S-3214 FILED MARCH 27, 1991

Placed o/s 3/28 (p. 933)

How Approp. Filled to Pass 4/3

SENATE FILE 524
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 2747XC)

(AS AMENDED AND PASSED BY THE SENATE MARCH 28, 1991)

ALL New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the state communications network and providing
2 an effective date.

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

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SF. 524

1 Section 1. STATE COMMUNICATIONS NETWORK -- LOCAL EXCHANGE
2 TELEPHONE UTILITIES PROPOSAL.

3 1. In order to ensure the availability of the latest
4 electronic technology to state agencies and private and public
5 educational institutions in Iowa, it is the intent of the
6 general assembly to consider a system capable of remaining
7 current with rapidly evolving telecommunications technology by
8 exploring a lease option for establishing a state
9 communications network.

10 2. The general assembly requests that the local exchange
11 telephone utilities in the state form a consortium, utilizing
12 the Iowa telephone association, in order to examine the
13 requirements to develop the state communications network. The
14 consortium is further requested to consider submission of a
15 proposal, in cooperation with the department of general
16 services, to procure, operate, or maintain the state
17 communications network or to perform any combination of these
18 functions. Any proposal considered by the consortium must
19 provide for sufficient system capacity to provide the video,
20 data, and voice transmission needs of state agencies and the
21 educational telecommunications system and include sufficient
22 flexibility to permit upgrades to accommodate advances in
23 technology.

24 3. If the local exchange telephone utility consortium
25 determines that the state requirements for the network can be
26 met by the local exchange telephone utilities in Iowa, the
27 consortium must submit a proposal to the legislative council
28 on or before January 31, 1992. However, if the consortium
29 determines that the requirements of the state cannot be met by
30 the utilities, this determination shall be reported to the
31 legislative council as soon as possible but no later than
32 January 31, 1992, in order for procurement of the network from
33 other sources to commence.

34 4. Beginning in June 1991, the consortium shall report
35 monthly to the legislative council in order to apprise the

1 members concerning the status of or progress in developing the
2 proposal.

3 5. Notwithstanding any provisions of sections 18.136 and
4 18.137, a contract for the state communications network shall
5 not be awarded and moneys in the state communications fund
6 shall not be expended to fund such a contract until the
7 consortium has either reported to the legislative council with
8 a proposal to develop the network or has declined to submit a
9 proposal.

10 6. Agencies of state government are directed and telephone
11 utilities providing interexchange services to local exchange
12 telephone utilities within a local access transport area
13 (LATA) are requested to promptly respond to requests for data
14 and information intended to assist the consortium in making a
15 determination or developing a proposal.

16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

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