

(P. 218) 2/3/94 Motion to Rk Vote by  
Welch  
(P. 229) 2/4/94 Motion to Rk Withdrawn  
FILED FEB 2 1994  
(P. 222) House - approp.

SENATE FILE **2089**  
BY COMMITTEE ON COMMUNICATIONS  
AND INFORMATION POLICY

(SUCCESSOR TO SSB 2098)

Passed Senate, Date <sup>P. 215</sup> 2/3/94 Passed House, Date <sup>(P. 526)</sup> 3-9-94  
Vote: Ayes 47 Nays 0 Vote: Ayes 55 Nays 44

Approved May 18, 1994  
Passed 3-31-94  
File 42-7 (P. 961)  
Passed 4-15-94 A BILL FOR  
vote 47-1  
Passed 4-18-94  
vote 90-9

1 An Act relating to the Iowa communications network by  
2 establishing a board, an executive director of the board, and  
3 an educational telecommunications advisory council and  
4 providing an effective date.

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

6 Senate Conf. Comm. 4-8-94  
7 Welch  
8 Delaney  
9 Husak  
10 Mc Laren  
11 Redfern

House Conf. Comm. 4-8-94  
Corbett  
Lipp  
Millage  
Brand  
McKinney

SF 2089

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1 Section 1. Section 18.133, subsection 1, Code Supplement  
2 1993, is amended to read as follows:

3 1. "Director" means the executive director of the  
4 department of general services or the director's designee  
5 appointed pursuant to section 18.133B.

6 Sec. 2. Section 18.133, Code Supplement 1993, is amended  
7 by adding the following new subsection:

8 NEW SUBSECTION. 1A. "Network" means the Iowa com-  
9 munications network or the state communications network.

10 Sec. 3. NEW SECTION. 18.133A IOWA COMMUNICATIONS NETWORK  
11 BOARD.

12 1. NETWORK BOARD ESTABLISHED. An Iowa communications  
13 network board is established, as an agency of the state  
14 exercising public and essential governmental functions, with  
15 the sole authority to supervise the management and operation  
16 of the Iowa communications network. The board shall ensure  
17 that the network operates in an efficient and responsible  
18 manner consistent with the provisions of this chapter for the  
19 purpose of providing the best economic service attainable to  
20 network users consistent with the state's financial capacity.  
21 The board shall review and approve the use of the network.  
22 Such review and approval by the board shall provide for the  
23 centralized, coordinated use and control of the network. The  
24 board may contract with appropriate vendors for the  
25 maintenance, operation, management, and development of the  
26 technical aspects and uses of Part I, Part II, and Part III in  
27 a manner consistent with this chapter for the purpose of  
28 providing the best economic service attainable to network  
29 users consistent with the state's financial capacity.

30 2. MEMBERSHIP.

31 a. The board consists of eight members, who shall be  
32 citizens of this state, appointed by the governor, subject to  
33 senate confirmation. Members of the board shall not have any  
34 interest, financially or otherwise, in any entity related to  
35 or associated with any activity concerning the planning,

1 development, operation, or maintenance of the network.  
2 Members of the board shall not serve in any manner or be  
3 employed by an authorized user of the network. Members of the  
4 board shall serve four-year staggered terms as designated by  
5 the governor and appointments to the board are subject to the  
6 requirements of sections 69.16, 69.16A, and 69.19. Vacancies  
7 shall be filled by the governor for the duration of the  
8 unexpired term.

9 b. Members of the board are entitled to receive a per diem  
10 as specified in section 7E.6 for each day spent in performance  
11 of duties as members and shall be reimbursed for all actual  
12 and necessary expenses incurred in the performance of duties  
13 as members. However, a member who is also a state employee  
14 shall only receive the member's actual and necessary expenses.

15 c. Meetings of the board shall be held at the call of the  
16 chairperson of the board or on written request of two members.

17 d. Members shall elect a chairperson and vice chairperson  
18 annually and other officers as they determine. The executive  
19 director shall serve as secretary to the board.

20 Sec. 4. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
21 APPOINTED.

22 The board shall submit the name of an individual to the  
23 governor for appointment as the executive director of the  
24 board. Such individual shall not serve as a member of the  
25 board. Upon approval by the governor, the individual shall be  
26 appointed to the position of executive director of the board,  
27 subject to confirmation by the senate. The executive director  
28 shall serve at the pleasure of the board. The executive  
29 director shall be selected primarily for administrative  
30 ability and knowledge in the field, without regard to  
31 political affiliation.

32 Sec. 5. NEW SECTION. 18.133C EDUCATIONAL  
33 TELECOMMUNICATIONS ADVISORY COUNCIL ESTABLISHED -- ADVISORY  
34 COMMITTEES.

35 1. a. An educational telecommunications council is

1 established to advise the Iowa communications network board  
2 concerning the educational telecommunication applications of  
3 the network and other matters as assigned by the board. The  
4 council consists of eleven members to be appointed by the  
5 board. The eleven members shall include one person  
6 representing the state board of regents, one person  
7 representing the department of education, one person  
8 representing the community colleges, one person representing  
9 public libraries, one person representing school districts,  
10 one person representing the area education agencies, one  
11 person representing nonpublic school administrators, one  
12 person representing private colleges, one person who is  
13 engaged in the training of personnel who use the network, and  
14 two persons who use or provide teaching instruction on the  
15 system. The council shall recommend long-range plans for  
16 enhancements needed for educational applications.  
17 Administrative support and staffing for the council shall be  
18 provided by the department of education.

19 b. In addition to the eleven members appointed pursuant to  
20 paragraph "a", the board shall appoint five nonvoting members  
21 to the council representing the telecommunications industry.  
22 Members appointed pursuant to this paragraph shall be  
23 representatives of specific telecommunications industries or  
24 persons with technical expertise related to the network.

25 2. The board may establish other advisory committees as  
26 necessary representing authorized users of the network.

27 Sec. 6. INITIAL BOARD APPOINTMENTS. Notwithstanding the  
28 provisions of section 2.32 relating to the time within which  
29 an appointment must be made, the initial members of the Iowa  
30 communications network board shall be appointed no later than  
31 twenty-one days after the effective date of this Act.

32 Sec. 7. EFFECTIVE DATE. This Act, being deemed of  
33 immediate importance, is effective upon enactment.

34

EXPLANATION

35 This bill amends provisions related to the state

1 communications network.

2 Section 18.133 is amended to define the director as the  
3 executive director created in the bill.

4 New section 18.133A establishes an Iowa communications  
5 network board consisting of eight members and granted sole  
6 authority to supervise the management and operations of the  
7 network.

8 New section 18.133B creates the position of executive  
9 director of the network board. The board is to submit the  
10 name of an individual to the governor for appointment as the  
11 executive director. Upon approval by the governor, the  
12 individual is to be appointed to the position, subject to  
13 senate confirmation.

14 New section 18.133C establishes an educational  
15 telecommunications advisory council to advise the network  
16 board concerning the educational telecommunication  
17 applications of the network and other matters as assigned by  
18 the board. The network board is granted authority to  
19 establish other advisory committees as necessary.

20 The bill provides that the initial members of the Iowa  
21 communications network board are to be appointed no later than  
22 21 days after the bill's effective date. The bill also  
23 provides that the bill is effective upon enactment.

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**SENATE FILE 2089  
FISCAL NOTE**

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A fiscal note for Senate File 2089 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2089 establishes an Iowa Communications Network Board consisting of 8 members with the sole authority to supervise the management and operations of the Iowa Communications Network (ICN). The bill creates the position of Executive Director of the ICN Board. The bill also establishes an educational telecommunications advisory council to advise the ICN Board concerning the educational telecommunication applications of the network.

**ASSUMPTIONS**

1. The Executive Director's salary will be \$90,000 plus fringe benefits of \$16,200 for a total cost of \$106,200.
2. The ICN Board will meet 12 times a year with the 8 board members receiving \$50 per day for per diem and \$35 per day for expenses for a total cost of \$8,160.
3. Miscellaneous support for the ICN board and Executive Director will cost \$5,000.
4. Support for the Educational Telecommunications Advisory Council will cost \$10,000.

**FISCAL EFFECT**

The fiscal impact to the ICN Operating Fund is \$119,360 for the ICN Board and Executive Director and \$10,000 to the Department of Education General Fund appropriation for support of the Educational Telecommunications Advisory Council.

(LSB 4054SV, JAS)

FILED FEBRUARY 3, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 2089

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1 Amend Senate File 2089, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 2.32, Code 1993, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 9. If an appointment subject to  
8 senate confirmation is required by statute to be made  
9 by an appointing authority other than the governor,  
10 the duties assigned under this section to the governor  
11 shall be performed by the appointing authority.

12 Sec. 2. Section 18.133, subsection 1, Code  
13 Supplement 1993, is amended to read as follows:

14 1. "Director" means the executive director of the  
15 department-of-general-services-or-the-director's  
16 designee appointed pursuant to section 18.133B.

17 Sec. 3. Section 18.133, Code Supplement 1993, is  
18 amended by adding the following new subsection:

19 NEW SUBSECTION. 1A. "Network" means the Iowa com-  
20 munications network or the state communications  
21 network.

22 Sec. 4. NEW SECTION. 18.133A IOWA COMMUNICATIONS  
23 NETWORK BOARD.

24 1. NETWORK BOARD ESTABLISHED.

25 a. An Iowa communications network board is  
26 established, as an agency of the state exercising  
27 public and essential governmental functions, with the  
28 sole authority to supervise the management and  
29 operation of the Iowa communications network. The  
30 board shall ensure that educational users and  
31 educational applications of the network be given the  
32 highest priority in supervising the management and  
33 operation of the network. The board shall ensure that  
34 the network operates in an efficient and responsible  
35 manner consistent with the provisions of this chapter  
36 for the purpose of providing the best economic service  
37 attainable to network users consistent with the  
38 state's financial capacity. The board shall review  
39 and approve the use of the network. Such review and  
40 approval by the board shall provide for the  
41 centralized, coordinated use and control of the  
42 network. The board may contract with appropriate  
43 vendors for the maintenance, operation, management,  
44 and development of the technical aspects and uses of  
45 Part I, Part II, and Part III in a manner consistent  
46 with this chapter for the purpose of providing the  
47 best economic service attainable to network users  
48 consistent with the state's financial capacity.

49 b. The board shall establish a long-term network  
50 plan including, at a minimum, the following:

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1 (1) Projections for future revenue and operating  
2 expenditures related to Part I and Part II.  
3 (2) A comprehensive financing plan for Part III,  
4 including projections for future revenue and operating  
5 expenditures, the cost of completing Part III, and  
6 sources of additional revenue necessary to complete  
7 Part III including state general fund appropriations.  
8 (3) Recommendations for possible funding  
9 mechanisms for Part I, Part II, and Part III.  
10 (4) Recommendations for the construction and  
11 implementation of Part III, and for authorizing  
12 additional users of the network.  
13 c. The board shall adopt rules pursuant to chapter  
14 17A as deemed appropriate and directly related to the  
15 operations of the board. The board shall adopt rules  
16 pursuant to chapter 17A necessary for the operations  
17 of the education telecommunications council and the  
18 administration and technology council established in  
19 section 18.133C, as provided in this section. The  
20 board shall adopt by rule all fees to be charged for  
21 use of the network.  
22 d. The board shall review and approve for adoption  
23 rules as proposed and submitted by the education  
24 telecommunications council and the administration and  
25 technology council. The board may refuse to approve  
26 and adopt a proposed rule, and upon such refusal,  
27 shall return the proposed rule to the respective  
28 council proposing the rule with a statement indicating  
29 the board's reason for refusing to approve and adopt  
30 the rule. The board shall not adopt any rule directly  
31 affecting the operations of the education  
32 telecommunications council and the administration and  
33 technology council without consultation with the  
34 affected council.

35 2. MEMBERSHIP.

36 a. The board consists of nine members, who shall  
37 be citizens of this state, appointed by the governor,  
38 subject to senate confirmation. Members of the board  
39 shall not serve in any manner or be employed by an  
40 authorized user of the network. Members of the board  
41 shall serve four-year staggered terms as designated by  
42 the governor and appointments to the board are subject  
43 to the requirements of sections 69.16, 69.16A, and  
44 69.19. Vacancies shall be filled by the governor for  
45 the duration of the unexpired term.

46 b. Members of the board shall be reimbursed for  
47 all actual and necessary expenses incurred in the  
48 performance of duties as members.

49 c. Meetings of the board shall be held at the call  
50 of the chairperson of the board or on written request

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1 of two members.

2 d. Members shall elect a chairperson and vice  
3 chairperson annually and other officers as they  
4 determine. The executive director shall serve as  
5 secretary to the board.

6 Sec. 5. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
7 APPOINTED.

8 The board shall appoint an executive director of  
9 the board, subject to confirmation by the senate.  
10 Such individual shall not serve as a member of the  
11 board. The executive director shall serve at the  
12 pleasure of the board. The executive director shall  
13 be selected primarily for administrative ability and  
14 knowledge in the field, without regard to political  
15 affiliation. The salary and support of the executive  
16 director shall be paid from funds deposited in the  
17 state communications network fund.

18 Sec. 6. NEW SECTION. 18.133C EDUCATION  
19 TELECOMMUNICATIONS COUNCIL ESTABLISHED --  
20 ADMINISTRATION AND TECHNOLOGY COUNCIL ESTABLISHED --  
21 ADVISORY COMMITTEES.

22 i. a. An education telecommunications council is  
23 established to advise the Iowa communications network  
24 board concerning the educational telecommunication  
25 applications of the network and other matters as  
26 assigned by the board. The council consists of  
27 twenty-five members and shall include the following:  
28 three persons appointed by the state board of regents;  
29 three persons appointed by the Iowa association of  
30 community college trustees; three persons appointed by  
31 the area education agency boards; three persons  
32 appointed by the Iowa association of school boards;  
33 three persons appointed by the school administrators  
34 of Iowa; three persons appointed by the Iowa  
35 association of independent colleges and universities;  
36 three persons appointed by the Iowa state education  
37 association; and four persons appointed by the  
38 director of the department of education including one  
39 person representing libraries, one person representing  
40 nonpublic schools, one person who shall be a staff  
41 person, and one person appointed as determined by the  
42 director. The council shall recommend long-range  
43 plans for enhancements needed for educational  
44 applications. Administrative support and staffing for  
45 the council shall be provided by the department of  
46 education.

47 The education telecommunications council shall do  
48 all of the following:

49 (1) Coordinate and direct all educational  
50 activities and applications related to the network.

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1 (2) Recommend to the board reasonable and  
2 appropriate distance learning applications of the  
3 network.

4 (3) Resolve all scheduling conflicts between the  
5 merged areas if an appropriate agreement is not  
6 entered into between the affected merged areas. A  
7 determination made by the council pursuant to this  
8 subparagraph shall be final.

9 (4) Resolve scheduling conflicts which a regional  
10 telecommunications council is unable to resolve  
11 satisfactorily at the request of an affected  
12 authorized user. A determination made by the council  
13 pursuant to this subparagraph shall be final.

14 (5) Establish scheduling policies to be  
15 implemented by the regional telecommunications  
16 councils.

17 (6) Develop proposed rules to be submitted to the  
18 network board for review and adoption as deemed  
19 appropriate by the council to implement the duties  
20 delegated to the council pursuant to this section and  
21 by the board.

22 2. An administration and technology council is  
23 established which consists of nine members as  
24 appointed by the board. The council shall include  
25 three persons representing telecommunications vendors;  
26 one person representing the department of general  
27 services; one person representing persons providing  
28 maintenance services associated with the network;  
29 three persons representing government users; and one  
30 person representing hospitals. The council shall be  
31 responsible for those duties assigned to it by the  
32 board. The council shall develop proposed rules to be  
33 submitted to the network board for review and adoption  
34 as deemed appropriate by the council to implement the  
35 duties delegated to the council pursuant to this  
36 section and by the board.

37 3. The board may establish other advisory  
38 committees as necessary representing authorized users  
39 of the network.

40 Sec. 7. NEW SECTION. 18.133D REGIONAL  
41 TELECOMMUNICATIONS COUNCILS -- MEMBERS -- DUTIES.

42 1. A regional telecommunications council is  
43 established in each of the merged areas established  
44 pursuant to chapter 260C consisting of nine members,  
45 including one member each to be appointed by each of  
46 the appointing authorities under section 18.133C,  
47 subsection 1.

48 2. The regional telecommunications councils shall  
49 do all of the following:

50 a. Assess local needs and potential uses of the

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1 network and other related educational applications of  
2 technology.  
3 .b. Coordinate program activities within the merged  
4 area, including scheduling.  
5 c. Resolve scheduling conflicts between  
6 educational users and noneducational users.  
7 Sec. 8. Section 18.134, subsection 1, Code  
8 Supplement 1993, is amended to read as follows:  
9 1. The ~~department-of-general-services board~~ may  
10 purchase, lease-purchase, lease, and improve property,  
11 equipment, and services for telecommunications for  
12 public and private agencies, including the broadcast  
13 and narrowcast systems, and may dispose of property  
14 and equipment when not necessary for its purposes.  
15 However, the ~~department-of-general-services board~~  
16 shall not provide or resell communications services to  
17 entities other than public and private agencies. The  
18 public or private agency shall not provide  
19 communication services of the network to another  
20 entity at a cost greater than that charged to the  
21 agency pursuant to section 18.136, ~~subsections~~  
22 ~~subsection 11 and 12~~. The ~~department board~~ may  
23 arrange for joint use of available services and  
24 facilities, and may enter into leases and agreements  
25 with private and public agencies with respect to a  
26 ~~state the Iowa communications system network~~, and  
27 public agencies are authorized to enter into leases  
28 and agreements with respect to the ~~system network~~ for  
29 their use and operation. Rentals and other amounts  
30 due under the agreements or leases entered into  
31 pursuant to this section by a state agency are payable  
32 from funds annually appropriated by the general  
33 assembly or from other funds legally available. Other  
34 public agencies may pay the rental costs and other  
35 amounts due under an agreement or lease from their  
36 annual budgeted funds or other funds legally available  
37 or to become available. This section comprises a  
38 complete and independent authorization and procedure  
39 for a public agency, with the approval of the  
40 ~~department board~~, to enter into a lease or agreement  
41 and related security enhancement arrangements and this  
42 section is not a qualification of any other powers  
43 which a public agency may possess and the  
44 authorizations and powers granted under this section  
45 are not subject to the terms, requirements, or  
46 limitations of any other provisions of law. All  
47 moneys received by the ~~department board~~ from  
48 agreements and leases entered into pursuant to this  
49 section with private and public agencies shall be  
50 deposited in the ~~state Iowa communications network~~

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1 fund.

2 It is the intent of the general assembly that  
3 rental and other costs due under agreements and leases  
4 entered into pursuant to this section by state  
5 agencies be replaced by supplemental appropriations to  
6 the state agencies.

7 Sec. 9. NEW SECTION. 18.134A DISPOSITION OF  
8 NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

9 Notwithstanding any provision to the contrary, the  
10 Iowa communications network board or the department of  
11 general services shall not sell, lease, or otherwise  
12 dispose of Part I or II without prior authorization by  
13 a constitutional majority of each house of the general  
14 assembly and approval by the governor.

15 Sec. 10. Section 18.135, Code 1993, is amended to  
16 read as follows:

17 18.135 RULES.

18 The director board shall adopt rules relating to  
19 state communications in accordance with this chapter.  
20 The director board shall also adopt and provide for  
21 standard communications procedures and policies to be  
22 used by state agencies.

23 Sec. 11. Section 18.136, subsections 1, 2, 4, 6,  
24 7, 8, 9, 10, 12, 13, and 14, Code Supplement 1993, are  
25 amended to read as follows:

26 1. Moneys in the state communications network fund  
27 are appropriated to the ~~Iowa-public-broadcasting~~ board  
28 for purposes of providing financing for the  
29 procurement, operation, and maintenance of a state  
30 communications network with sufficient capacity to  
31 serve the video, data, and voice requirements of state  
32 agencies and the educational telecommunications  
33 system. The state Iowa communications network  
34 consists of Part I, Part II, and Part III ~~of-the~~  
35 system.

36 2. For purposes of this section, unless the  
37 context otherwise requires:

38 a. "~~Part I of-the-system~~" means the communications  
39 connections between central switching and the regional  
40 switching centers for the remainder of the network.

41 b. "~~Part II of-the-system~~" means the  
42 communications connections between the regional  
43 switching centers and the secondary switching centers.

44 c. "~~Part III of-the-system~~" means the  
45 communications connection between the secondary  
46 switching centers and the agencies defined in section  
47 18.133, subsections 3 2 and 4 3.

48 4. The ~~department-of-general-services~~ board shall  
49 develop the requests for proposals that are needed for  
50 a state communications network with sufficient

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1 capacity to serve the video, data, and voice  
2 requirements of state agencies and the for educational  
3 telecommunications applications required-by-the- Iowa  
4 public-broadcasting-board. The department board shall  
5 develop a request for proposals for each of the  
6 systems that will make up the network. The department  
7 board may develop a request for proposals for each  
8 definitive component of Part I, Part II, and Part III  
9 of-the-system or the department board may provide in  
10 the request for proposals for each such system that  
11 separate contracts may be entered into for each  
12 definitive component covered by the request for  
13 proposals. The requests for proposals may be for the  
14 purchase, lease-purchase, or lease of the component  
15 parts of the system, may require maintenance costs to  
16 be identified, and the resulting contract may provide  
17 for maintenance for parts of the system. The master  
18 contract may provide for electronic classrooms,  
19 satellite equipment, receiving equipment, studio and  
20 production equipment, and other associated equipment  
21 as required.

22 6. Prior to the awarding of a contract under this  
23 section, the department board shall notify the  
24 legislative council and the department of management  
25 of the department's board's intent to award a contract  
26 and of the cost to the state. The department of  
27 management and the legislative council shall determine  
28 if the anticipated financial resources of the state  
29 are adequate to fund the expenditure during the fiscal  
30 years covered by the contract, and if so, the  
31 department of management shall certify the  
32 determination to the department board. Upon  
33 certification, the department board may enter into the  
34 contract.

35 7. The department-of-general-services board shall  
36 be responsible for the network system design and shall  
37 be responsible for the implementation of each  
38 component of the network as it is incorporated into  
39 the network system. The final design selected shall  
40 optimize the routing for all users in order to assure  
41 maximum utilization by all agencies of the state.  
42 Efficiencies achieved in the implementation of the  
43 network shall be used to fund further implementation  
44 and enhancement of the network, and shall be  
45 considered part of the operational cost of the  
46 network. The department board shall be responsible  
47 for all management, operations, control switching,  
48 diagnostics, and maintenance functions of Part I and  
49 Part II of-the-system operations, except as designated  
50 in subsection 8. The performance of these duties is

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1 intended to provide optimal utilization of the  
2 facilities, and the assurance that future growth  
3 requirements will be provided for, and that sufficient  
4 network capacity will be available to meet the needs  
5 of all users. ~~The telecommunications information~~  
6 ~~management council, created by executive order of the~~  
7 ~~governor, shall provide general oversight for these~~  
8 ~~functions.~~

9 8. The ~~Iowa public broadcasting~~ board retains sole  
10 authority through the education telecommunications  
11 council over the educational telecommunications  
12 applications of Part I of ~~the system~~, Part II, and  
13 Part III, and its authority shall include management  
14 and operational control, programming, budget,  
15 personnel, scheduling, and program switching of  
16 educational material carried by Part I of ~~the system~~.  
17 ~~The Iowa public broadcasting board, through its~~  
18 ~~narrowcast system advisory committee, retains~~  
19 ~~coordination authority over the educational~~  
20 ~~telecommunications applications of Part II and Part~~  
21 ~~III of the system.~~ Community colleges are responsible  
22 for scheduling and switching of educational materials  
23 carried by Part II and Part III of ~~the system~~ within  
24 their respective areas. Such responsibility may be  
25 accomplished by a chapter 28E agreement with the  
26 department of general services board.

27 ~~The narrowcast system advisory committee shall~~  
28 ~~review all requests for grants for educational~~  
29 ~~telecommunications applications, if they are a part of~~  
30 ~~the state communications network, to ensure that the~~  
31 ~~educational telecommunications application is~~  
32 ~~consistent with the telecommunications plan. If the~~  
33 ~~narrowcast system advisory committee finds that a~~  
34 ~~grant request is inconsistent with the~~  
35 ~~telecommunications plan, the grant request shall not~~  
36 ~~be allowed.~~

37 9. The procurement and maintenance of electronic  
38 equipment including, but not limited to, master  
39 receiver antenna systems, studio and production  
40 equipment, and broadcast system components shall be  
41 provided for under department of general services the  
42 board's contracts. The Iowa public broadcasting board  
43 and other educational entities within the state have  
44 the option to use their existing or replacement  
45 resources and agreements in the operation and  
46 maintenance of these systems.

47 10. In addition to the other evaluation criteria  
48 specified in the request for proposals issued pursuant  
49 to this section, the department of general services  
50 board, in evaluating proposals, shall base up to two

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1 percent of the total possible points on the public  
2 benefit that can be derived from a given proposal due  
3 to the increased private telecommunications capacity  
4 available to Iowa citizens located in rural Iowa. For  
5 purposes of this subsection, an area of the state is  
6 considered rural if it is not part of a federally  
7 designated standard metropolitan statistical area.

8 ~~12.--The Iowa public broadcasting board, in~~  
9 ~~consultation with its narrowcast system advisory~~  
10 ~~committee, shall determine the fee to be charged per~~  
11 ~~course or credit hour by the originating institution,~~  
12 ~~and the fees shall be substantially the same for~~  
13 ~~comparable courses.~~

14 ~~13~~ 12. Access to the network shall be offered on  
15 an equal basis to public and private agencies under  
16 subsection 8 if the private agency contributes an  
17 amount toward the match requirement comparable to its  
18 share of use for the part of the system in which it  
19 participates.

20 ~~14~~ 13. Notwithstanding chapter 476, the provisions  
21 of chapter 476 shall not apply to a public utility in  
22 furnishing a telecommunications service or facility to  
23 the ~~department of general services~~ board for the state  
24 communications network.

25 Sec. 12. Section 18.137, Code 1993, is amended to  
26 read as follows:

27 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

28 There is created in the office of the treasurer of  
29 state a temporary fund to be known as the state Iowa  
30 communications network fund. ~~There is appropriated to~~  
31 ~~the state communications network fund for the fiscal~~  
32 ~~year beginning July 1, 1989, and ending June 30, 1990,~~  
33 ~~the sum of two million one hundred forty two thousand~~  
34 ~~six hundred twenty one dollars from the general fund~~  
35 ~~of the state.~~ There is appropriated from the general  
36 fund of the state to the state Iowa communications  
37 network fund for each fiscal year of the fiscal period  
38 beginning July 1, 1991, and ending June 30, 1996, the  
39 sum of five million dollars. Notwithstanding section  
40 8.33, unobligated and unencumbered moneys from the  
41 appropriation for a fiscal year remaining on June 30  
42 of that fiscal year shall not revert to the general  
43 fund of the state but shall remain available for  
44 expenditure during the next following fiscal year.  
45 There shall also be deposited into the state Iowa  
46 communications network fund proceeds from bonds issued  
47 for purposes of projects authorized pursuant to  
48 section 18.136, matching funds received from the  
49 community colleges and the local school boards  
50 corporations, funds received from leases pursuant to

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1 section 18.134, and other moneys by law credited to or  
2 designated by a person for deposit into the fund.  
3 ~~Notwithstanding the requirements of section 18.136,~~  
4 ~~subsection 1, for the fiscal year beginning July 1,~~  
5 ~~1990, and ending June 30, 1991, thirty-one thousand~~  
6 ~~dollars of moneys in the state communications network~~  
7 ~~fund may be expended for the state's share of the cost~~  
8 ~~for the design of a disaster recovery facility to be~~  
9 ~~built in conjunction with the Iowa communications~~  
10 ~~network facility and emergency operation center. The~~  
11 ~~department of general services may increase its fees~~  
12 ~~for data processing in order to collect an additional~~  
13 ~~amount not exceeding two hundred thousand dollars~~  
14 ~~during the fiscal year beginning July 1, 1991, to pay~~  
15 ~~for the state's share of the cost of construction of~~  
16 ~~the disaster recovery facility.~~

17 The Iowa public broadcasting board shall use the  
18 net increase in the federal match awarded to the Iowa  
19 public broadcasting board as a result of this  
20 appropriation in order to meet the needs of the  
21 educational telecommunications system. These funds  
22 shall be deposited in a separate account within the  
23 state Iowa communications network fund, and shall be  
24 administered by the Iowa public broadcasting board for  
25 purposes of the fund.

26 Sec. 13. INITIAL IOWA COMMUNICATIONS NETWORK BOARD  
27 APPOINTMENTS. The initial members of the Iowa  
28 communications network board shall be appointed on or  
29 before July 1, 1994, to the following terms:

30 1. Three members shall be appointed for a term of  
31 four years.

32 2. Two members shall be appointed for a term of  
33 three years.

34 3. Two members shall be appointed for a term of  
35 two years.

36 4. Two members shall be appointed for a term of  
37 one year.

38 Sec. 14. INITIAL EDUCATION TELECOMMUNICATIONS  
39 COUNCIL APPOINTMENTS. The initial members of the  
40 education telecommunications council shall be  
41 appointed by each of the appointing authorities, other  
42 than the network board, to the following terms:

43 1. One member shall be appointed for a term of  
44 three years.

45 2. One member shall be appointed for a term of two  
46 years.

47 3. One member shall be appointed for a term of one  
48 year.

49 Sec. 15. CODE EDITOR TRANSFERS. The Code editor  
50 shall transfer sections 18.132 through 18.137 to be a

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1 new chapter 8D. The Code editor shall correct all  
2 internal citations and references consistent with the  
3 transfer of Code sections as provided in this section.  
4 Sec. 16. EFFECTIVE DATE. This Act, being deemed  
5 of immediate importance, is effective upon enactment."

By COMMITTEE ON APPROPRIATIONS  
CORBETT of Linn, Chairperson

H-5118 FILED MARCH 1, 1994

*Adopted 3-9-94  
(P.525)*

## SENATE FILE 2089

5148

Amend the amendment, H-5118, to Senate File 2089,  
as passed by the Senate, as follows:

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

"(5) A review and analysis relating to the future  
control, operation, and management of the network,  
including the feasibility of alternatives related to  
the future disposition of the network. The review and  
analysis shall include, at a minimum, all of the  
following:

(a) The feasibility of the privatization of Parts  
I and II.

(b) A study of issues related to right-of-way for  
construction of the network, intergovernmental  
contracts affecting the network, federal antitrust  
concerns, and issues which may affect local exchange  
companies and other providers of telecommunications  
services, including the relationship between long  
distance carriers and local exchange companies and the  
impact of that relationship on the possible  
disposition of the network."

By CORBETT of Linn

H-5148 FILED MARCH 7, 1994

WITHDRAWN

3-9-94

## SENATE FILE 2089

5150

Amend the amendment, H-5118, to Senate File 2089,  
as passed by the Senate, as follows:

1. Page 6, by inserting after line 14 the  
following:

"The board shall establish a plan for the sale or  
lease of Parts I and II pursuant to bids submitted  
from interested persons, conditioned upon continued  
use of the network by school districts, community  
colleges, libraries, and area education agencies;  
conditioned upon continued use of the network by state  
agencies, not including communications activities of  
the state board of regents, radio and television  
facilities, narrowcast and broadcast systems, and  
other educational telecommunications systems and  
services under the control of the public broadcasting  
division of the department of education, state  
department of transportation distributed data  
processing and mobile radio network, and law  
enforcement communications systems; and conditioned  
upon allowing use of the network by facilities under  
the control of the armory board.

The board shall recommend terms of the sale to the  
general assembly which shall be approved by the  
general assembly prior to completing such sale."

2. Page 6, lines 23 and 24, by striking the  
figures "4, 6, 7, 8, 9, 10," and inserting the  
following: "8, 9,".

3. By striking page 6, line 48 through page 8,  
line 8.

4. By striking 8, line 47 through page 9, line 7.

5. Page 9, by inserting after line 24 the  
following:

"Sec. \_\_\_\_ . Section 18.136, subsections 4, 6, 7,  
and 10, Code Supplement 1993, are amended by striking  
the subsections."

6. By renumbering as necessary.

By MILLER of Cherokee

H-5150 FILED MARCH 7, 1994

Lost 3-8-94 (P. 490)

SENATE FILE 2089

H-5151

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

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

5 "\_\_\_\_\_. The board shall provide that a school  
6 district, library, or area education agency shall  
7 determine the equipment to be used in the district,  
8 library, or agency, with such equipment being capable  
9 of receiving and sending two-way audio and video  
10 signals, and with all maintenance and replacement  
11 costs being the responsibility of the user."

12 2. By renumbering as necessary.

By MILLER of Cherokee

H-5151 FILED MARCH 7, 1994

*Adopted 3-8-94 (P 482) Now - out of Order P.518 3-9-94*

SENATE FILE 2089

H-5160

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:

3 1. Page 8, by inserting after line 36 the  
4 following:

5 "8A. The board shall provide that no less than  
6 fifty percent of the available capacity of the network  
7 shall be reserved for the use of authorized  
8 educational users and educational purposes."

By NEUHAUSER of Johnson

H-5160 FILED MARCH 7, 1994

**WITHDRAWN**

*3-8-94*

## SENATE FILE 2089

5152

Amend the amendment, H-5118, to Senate File 2089,  
as passed by the Senate, as follows:

1. By striking page 1, line 33, through page 2,  
line 12, and inserting the following: "operation of  
the network. If the board, on its own or at the  
direction of the governor, has not issued a request  
for proposals as provided for in this section on the  
effective date of this section, the Iowa  
communications network management team shall issue a  
request for proposals for the extension of Part III to  
all high schools, libraries, and area education  
agencies which are not currently connected. The  
request for proposals shall require that each proposal  
submitted certify that a signal will be delivered to a  
specific location using fiber optic cable and provide  
the line charge the bidder is willing to offer to both  
public and private entities seeking to use the  
connection, which shall include a reasonable profit as  
determined by the Iowa utilities board. The Iowa  
communications network board shall collect all  
available financial information related to the network  
and provide a written report to the general assembly  
including such information no later than February 1,  
1995.

The Iowa communications network board shall select  
a proposal for the extension of Part III submitted in  
response to the request for proposals on the basis of  
the lowest line charge offered, and after such  
selection, shall request that the educational  
telecommunications advisory council recommend a  
reasonable and affordable fee for all community  
colleges, high schools, libraries, and area education  
agencies, which shall be submitted to the general  
assembly for approval."

2. By relettering as necessary.

By MILLER of Cherokee

H-5152 FILED MARCH 7, 1994

*Lost 3-8-94  
(P.481)*

## SENATE FILE 2089

H-5153

Amend the amendment, H-5118, to Senate File 2089,  
as passed by the Senate, as follows:

1. Page 5, line 6, by inserting after the word  
"users" the following: ", with priority given to  
educational users,".

By MILLER of Cherokee

H-5153 FILED MARCH 7, 1994

*Adopted 3-8-94  
(P.487)*

SENATE FILE 2089

H-5135

1 Amend the committee amendment, H-5118, to Senate  
2 File 2089, as passed by the Senate, as follows:  
3 1. Page 3, line 12, by inserting after the word  
4 "board" the following: ", but shall be subject to  
5 reconfirmation by the senate every four years".

By HAMMOND of Story

H-5135 FILED MARCH 7, 1994

*adopted 3/8/94 (P.487)*

SENATE FILE 2089

H-5136

1 Amend Senate File 2089, as passed by the Senate, as  
2 follows:  
3 1. Page 2, line 28, by inserting after the word  
4 "board" the following: ", but shall be subject to  
5 reconfirmation by the senate every four years".

By HAMMOND of Story

H-5136 FILED MARCH 7, 1994

*out of order 3-9-94 (P.525)*

SENATE FILE 2089

H-5138

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:  
3 1. Page 6, line 12, by striking the word and  
4 figure "or II" and inserting the following: ", II, or  
5 III".

6 2. Page 7, line 21, by inserting after the word  
7 "required." the following: "The requests for  
8 proposals for all component parts for Part III shall  
9 provide for an authorized user or a consortium of  
10 authorized users to solicit bids from, and enter into  
11 contracts with, qualified bidders for the purpose of  
12 completing the necessary work to connect the  
13 authorized user or consortium of authorized users to  
14 the network, consistent with the minimum standards  
15 established for Part III connections."

16 3. Page 7, line 34, by inserting after the word  
17 "contract." the following: "Notwithstanding any other  
18 provision of this chapter, the board shall not enter  
19 into any contract after March 1, 1994, for the  
20 construction or implementation of a component of Part  
21 III without the prior authorization by a  
22 constitutional majority of each house of the general  
23 assembly and approval by the governor."

By MILLAGE of Scott

H-5138 FILED MARCH 7, 1994

*A - Lost 3-8-94*  
*B - Withdrawn 3-9-94 (P.519)*

SENATE FILE 2089

-5178

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 2, by striking line 17 and inserting the  
4 following: "of the".

5 2. Page 2, line 19, by inserting after the figure  
6 "18.133C," the following: "subsection 2,".

7 3. Page 2, lines 23 and 24, by striking the words  
8 "education telecommunications council and the".

A

9 4. Page 2, line 27, by striking the word  
10 "respective".

11 5. Page 2, lines 31 and 32, by striking the words  
12 "education telecommunications council and the".

13 6. Page 3, line 27, by striking the word "twenty-  
14 five" and inserting the following: "eleven".

15 7. Page 3, by striking lines 28 through 38 and  
16 inserting the following:

17 "(1) One person appointed by the state board of  
18 regents.

19 (2) One person appointed by the Iowa association  
20 of community college trustees.

21 (3) One person appointed by the area education  
22 agency boards.

23 (4) One person appointed by the Iowa association  
24 of school boards.

25 (5) One person appointed by the school  
26 administrators of Iowa.

27 (6) One person appointed by the Iowa association  
28 of independent colleges and universities.

29 (7) One person appointed by the Iowa state  
30 education association.

31 (8) Four persons appointed by the director of the  
32 department of education including one".

33 8. Page 3, line 42, by striking the words  
34 "director. The" and inserting the following:

B

35 "director.  
36 b. The".

37 9. Page 3, line 44, by inserting after the word  
38 "applications." the following: "The council shall

39 adopt rules pursuant to chapter 17A necessary for the  
40 implementation of this section and the duties

A

41 delegated to the council."

42 10. Page 3, line 47, by striking the word "The"  
43 and inserting the following:

B

44 "c. The".

45 11. Page 4, by striking lines 17 through 21.

A

46 12. Page 10, by striking lines 38 through 48.

B  
47c

13. By renumbering as necessary.

By MCKINNEY of Dallas

H-5178 FILED MARCH 8, 1994  
DIV A, LOST DIV B, ADOPTED

*Div B Motion to R/C Div. B 3/9/94*  
*Prucha Division Requested 3-8-94 (P. 520)*  
*Div B - Lost 3/9/94 (P. 520)*  
*Div. C - Adopted 3-9-94 (P. 521)*

## SENATE FILE 2089

H-5171

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:

3 1. Page 9, by inserting after line 24 the  
4 following:

5 "Sec. . . . NEW SECTION. 18.136A FINANCING  
6 PROPOSAL SUBMITTED EACH YEAR.

7 The board shall annually prepare and submit to the  
8 general assembly for approval or rejection a proposed  
9 financing program for the network. Such proposal  
10 shall include an estimate of the maximum amount of  
11 financing expected to be necessary for the coming  
12 fiscal year. The proposal and estimate shall be  
13 submitted no later than seven days after the convening  
14 of each regular session of the general assembly. The  
15 program shall contain a list of all facilities or  
16 activities to be funded and the method of financing.  
17 The board shall not provide for the financing proposed  
18 or enter into any contracts related to the facilities  
19 or activities listed in the program until the program  
20 is approved by a constitutional majority of each house  
21 and approved by the governor."

22 2. By renumbering as necessary.

By NEUHAUSER of Johnson

H-5171 FILED MARCH 8, 1994

*Adopted 3-9-94*  
*P. 506*

## SENATE FILE 2089

H-5172

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 9, by striking lines 14 through 20 and  
4 inserting the following:

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

11 14 12. Notwithstanding chapter 476, the  
12 provisions".

By IVERSON of Wright

**WITHDRAWN**  
3-9-94

H-5172 FILED MARCH 8, 1994

## SENATE FILE 2089

H-5173

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 10, line 16, by inserting after the word  
4 "facility:" the following: "Moneys remaining in the  
5 fund at the end of a fiscal year, after the payment of  
6 any debt service, shall be used exclusively for  
7 educational telecommunication applications as  
8 determined by the education telecommunications  
9 council."

By MCKINNEY of Dallas

**WITHDRAWN**  
2-9-94

H-5173 FILED MARCH 8, 1994

## SENATE FILE 2089

5169

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 9, by inserting after line 24 the  
4 following:

5 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 12A. The board shall develop a  
8 plan to assure that no less than fifty percent of the  
9 capacity of the network shall be leased to nonpublic  
10 users for noneducational transmissions. The board  
11 shall retain control of the operation and management  
12 of all educational uses of the network. The board  
13 shall develop a request for proposals for issuance to  
14 qualified vendors for the maintenance, operation,  
15 construction, and management of that portion of the  
16 network to be leased to nonpublic users. The board  
17 shall not accept a bid for or award a contract  
18 pursuant to such request for proposals which is less  
19 than the sum of the cost of providing services over  
20 that portion of the network, maintenance costs, and an  
21 additional five percent of the total of such costs to  
22 be used for upgrading facilities and construction  
23 related to the network."

24 2. By renumbering as necessary.

By BURKE of Marshall

5169 FILED MARCH 8, 1994

LOST 3-9-94  
P. 507

## SENATE FILE 2089

H-5170

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 9, by striking lines 39 through 44 and  
4 inserting the following: "sum of five million  
5 dollars. ~~Notwithstanding section 8.33, unobligated~~  
6 ~~and unencumbered moneys from the appropriation for a~~  
7 ~~fiscal year remaining on June 30 of that fiscal year~~  
8 ~~shall not revert to the general fund of the state but~~  
9 ~~shall remain available for expenditure during the next~~  
10 following fiscal year."

By MILLAGE of Scott

H-5170 FILED MARCH 8, 1994

Adopted P 509  
3-9-94

## SENATE FILE 2089

H-5167

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 9, by inserting after line 19 the follow-  
4 ing:

5 "12A. Notwithstanding any other provision of this  
6 section, all moneys collected from entities defined as  
7 private or public agencies and which are provided  
8 access to the network on or after March 1, 1994, shall  
9 be under the control of the education  
10 telecommunications council and shall be used to pay  
11 for the costs of Part III connections."

By WISE of Lee

SHOULTZ of Black Hawk

NELSON of Pottawattamie

LARKIN of Lee

O'BRIEN of Boone

H-5167 FILED MARCH 8, 1994

WITHDRAWN

## SENATE FILE 2089

H-5168

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 9, by inserting after line 19 the follow-  
4 ing:

5 "12A. Notwithstanding any other provision of this  
6 section, all moneys collected from entities defined as  
7 private or public agencies and which are provided  
8 access to the network on or after March 1, 1994, shall  
9 be used to pay for the costs of Part III connections."

By NEUHAUSER of Johnson

H-5168 FILED MARCH 8, 1994

WITHDRAWN

## SENATE FILE 2089

H-5161

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 2, by striking lines 30 through 34 and  
4 inserting the following: "the rule."

By MILLAGE of Scott

H-5161 FILED MARCH 8, 1994

WITHDRAWN

## SENATE FILE 2089

H-5162

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:

3 1. Page 3, line 50, by inserting after the word  
4 "network" the following: ", subject to the approval  
5 of the board".

6 2. Page 4, line 1, by inserting after the word  
7 "board" the following: ", for the approval of the  
8 board,".

9 3. Page 4, by striking lines 6 through 8 and  
10 inserting the following: "entered into between the  
11 affected merged areas, with such resolution subject to  
12 the approval of the board."

13 4. Page 4, by striking lines 12 and 13, and  
14 inserting the following: "authorized user, with such  
15 resolution subject to the approval of the board."

16 5. Page 4, line 16, by inserting after the word  
17 "councils" the following: ", subject to the approval  
18 of the board".

19 6. Page 4, by striking lines 17 through 21 and  
20 inserting the following:

21 "(6) Develop proposed rules to implement the  
22 duties delegated to the council pursuant to this  
23 section and by the board, to be submitted to the board  
24 for review and adoption as deemed appropriate by the  
25 board."

By IVERSON of Wright

H-5162 FILED MARCH 8, 1994  
WITHDRAWN

## SENATE FILE 2089

H-5163

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 5, line 15, by inserting after the word  
4 "board" the following: "shall not enter into a  
5 contract for the purchase, lease-purchase, lease, or  
6 improvement of property, equipment, or services for  
7 telecommunications pursuant to this subsection in an  
8 amount greater than two hundred fifty thousand dollars  
9 without prior authorization by a constitutional  
10 majority of each house of the general assembly. The  
11 board also".

By MILLAGE of Scott

H-5163 FILED MARCH 8, 1994  
ADOPTED

## SENATE FILE 2089

H-5164

1 . Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 6, by striking lines 2 through 6 and  
4 inserting the following:

5 ~~"It is the intent of the general assembly that~~  
6 ~~rental and other costs due under agreements and leases~~  
7 ~~entered into pursuant to this section by state~~  
8 ~~agencies be replaced by supplemental appropriations to~~  
9 ~~the state agencies."~~

By IVERSON of Wright

H-5164 FILED MARCH 8, 1994  
ADOPTED

## SENATE FILE 2089

H-5165

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 7, by striking lines 17 through 21 and  
4 inserting the following: "for maintenance for parts  
5 of the system. ~~The master contract may provide for~~  
6 ~~electronic classrooms, satellite equipment, receiving~~  
7 ~~equipment, studio and production equipment, and other~~  
8 ~~associated equipment as required."~~

By MILLAGE of Scott

H-5165 FILED MARCH 8, 1994  
WITHDRAWN

## SENATE FILE 2089

H-5166

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 7, line 31, by striking the words  
4 "department of management" and inserting the  
5 following: "department of management legislative  
6 council".

By MILLAGE of Scott

H-5166 FILED MARCH 8, 1994  
ADOPTED

## SENATE FILE 2089

H-5179

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:

3 1. Page 2, line 22, by striking the words "review  
 4 and approve" and inserting the following: "consider".

5 2. Page 4, line 13, by striking the words "review  
 6 and adoption" and inserting the following:  
 7 "consideration".

8 3. Page 8, lines 10 and 11, by striking the words  
 9 "through the education telecommunications council".

By CORBETT of Linn

H-5179 FILED MARCH 8, 1994  
 DIV A, WITHDRAWN DIV B, ADOPTED

## SENATE FILE 2089

H-5181

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:

3 1. Page 2, line 36, by striking the word "who"  
 4 and inserting the following: "of which five shall be  
 5 voting members who".

6 2. Page 2, line 38, by inserting after the word  
 7 "confirmation." the following: "The other four  
 8 members shall be voting members of the board and shall  
 9 be members of the general assembly, with two members  
 10 appointed from the senate, one to be appointed by the  
 11 majority leader of the senate and one to be appointed  
 12 by the minority leader of the senate, and two members  
 13 appointed from the house of representatives, one to be  
 14 appointed by the speaker of the house and one to be  
 15 appointed by the minority leader of the house."

16 3. Page 2, line 40, by inserting after the word  
 17 "board" the following: "appointed by the governor".

By IVERSON of Wright

H-5181 FILED MARCH 8, 1994  
 WITHDRAWN

W. J. C. W.

## SENATE FILE 2089

H-5182

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:  
3 1. Page 2, line 36, by inserting after the word  
4 "aine" the following: "voting".  
5 2. Page 2, line 38, by inserting after the word  
6 "confirmation." the following: "Additionally, four ex  
7 officio nonvoting members shall be appointed who shall  
8 be members of the general assembly, with two members  
9 appointed from the senate, one to be appointed by the  
10 majority leader of the senate and one to be appointed  
11 by the minority leader of the senate, and two members  
12 appointed from the house of representatives, one to be  
13 appointed by the speaker of the house and one to be  
14 appointed by the minority leader of the house."  
15 3. Page 2, line 40, by inserting after the word  
16 "board" the following: "appointed by the governor".

By BRUNKHORST of Bremer

H-5182 FILED MARCH 8, 1994

ADOPTED

## SENATE FILE 2089

H-5183

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:  
3 1. Page 7, line 21, by inserting after the word  
4 "required." the following: "Notwithstanding this  
5 section, a proposal related to Part III submitted in  
6 response to a request for proposals developed by the  
7 board shall not be accepted and contracts shall not be  
8 awarded pursuant to such proposal without prior  
9 authorization by a constitutional majority of each  
10 house of the general assembly and approval by the  
11 governor."

By NEUHAUSER of Johnson

H-5183 FILED MARCH 8, 1994

**WITHDRAWN**

3-9-94

p. 519

## SENATE FILE 2089

H-5202

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate as follows:  
 3 1. Page 3, line 27, by striking the word "twenty-  
 4 five" and inserting the following: "seventeen".  
 5 2. Page 3, line 28, by striking the word "three"  
 6 and inserting the following: "two".  
 7 3. Page 3, line 29, by striking the word "three"  
 8 and inserting the following: "two".  
 9 4. Page 3, line 30, by striking the word "three"  
 10 and inserting the following: "two".  
 11 5. Page 3, line 31, by striking the word "three"  
 12 and inserting the following: "two".  
 13 6. Page 3, line 32, by striking the word "three"  
 14 and inserting the following: "two".  
 15 7. Page 3, line 34, by striking the word "three"  
 16 and inserting the following: "two".  
 17 8. Page 3, line 36, by striking the word "three"  
 18 and inserting the following: "two".  
 19 9. Page 3, line 37, by striking the word "four"  
 20 and inserting the following: "three".  
 21 10. Page 3, line 40, by inserting after the word  
 22 "schools," the following: "and".  
 23 11. Page 3, by striking lines 41 and 42 and  
 24 inserting the following: "person. The council shall  
 25 recommend long-range".

By CARPENTER of Polk  
 DODERER of Jonnson

H-5202 FILED MARCH 8, 1994

*Adopted 3-9-94 (P521)*

## SENATE FILE 2089

H-5203

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:  
 3 1. Page 10, by inserting after-line 25 the  
 4 following:  
 5 "Sec. \_\_\_\_ . MORATORIUM ON NETWORK ACTIVITY. Not-  
 6 withstanding any other provision of chapter 18, or any  
 7 other legislative enactment of the 1994 Regular  
 8 Session of the Seventy-fifth General Assembly, the  
 9 department of general services and the Iowa  
 10 communications network management team shall provide  
 11 for the cessation of all activities on the Iowa  
 12 communications network until such time as a  
 13 comprehensive long-term plan is presented to the  
 14 general assembly and approved by a constitutional  
 15 majority of both houses and the governor."  
 16 2. Renumber as necessary.

By MCKINNEY of Dallas

H-5203 FILED MARCH 8, 1994

DRAWN

3-9-94

## SENATE FILE 2089

H-5204

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:  
3 1. Page 9, by inserting after line 24 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 12A. The auditor of state shall,  
8 no less than annually, examine the financial condition  
9 and transactions of the board as provided in chapter  
10 11. A copy of the auditor's report concerning such  
11 examination shall be provided to the general  
12 assembly."  
13 2. Renumber as necessary.

By WISE of Lee  
NEUHAUSER of Johnson  
MYERS of Johnson

H-5204 FILED MARCH 8, 1994

*Adopted 3-9-94 P.507*

## SENATE FILE 2089

H-5205

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:  
3 1. Page 9, by inserting after line 24 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 13A. A nonpublic or  
8 nongovernmental entity provided access to the network  
9 shall pay all costs associated with the connection to  
10 and use of the network. No state subsidy related to  
11 the costs of the connection or use of the network  
12 related to such user shall be provided."  
13 2. By renumbering as necessary.

By HAMMOND of Story

H-5205 FILED MARCH 8, 1994

*Lat 3-9-94 P.507*

## SENATE FILE 2089

H-5198

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:  
 3 1. Page 9, by inserting after line 24 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 18.136, Code Supplement 1993,  
 6 is amended by adding the following new subsection:  
 7 NEW SUBSECTION. 13A. Notwithstanding any other  
 8 provisions of this section, all moneys collected from  
 9 entities defined as private or public agencies and  
 10 which are provided access to the network on or after  
 11 March 1, 1994, shall be deposited in a trust fund  
 12 established within the Iowa communications network  
 13 fund, subject to appropriation by the general  
 14 assembly, to be used to pay for the costs of Part III  
 15 connections."  
 16 2. By renumbering as necessary.

By NEUHAUSER of Johnson

H-5198 FILED MARCH 8, 1994

WITHDRAWN  
 3-9-94 P 507

## SENATE FILE 2089

H-5201

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:  
 3 1. Page 2, by striking lines 21 through 30 and  
 4 inserting the following: "use of the network. The  
 5 board shall not adopt any rule directly".  
 6 2. Page 3, line 8, by striking the word "board"  
 7 and inserting the following: "governor".  
 8 3. Page 3, line 12, by striking the word "board"  
 9 and inserting the following: "governor".  
 10 4. Page 3, line 50, by inserting after the word  
 11 "network" the following: ", pursuant to rules adopted  
 12 by the board".  
 13 5. Page 4, line 4, by inserting after the word  
 14 "conflicts" the following: ", pursuant to rules  
 15 adopted by the network board,".  
 16 6. Page 4, line 9, by inserting after the word  
 17 "conflicts" the following: ", pursuant to rules  
 18 adopted by the network board,".  
 19 7. Page 4, line 17, by inserting after the word  
 20 "rules" the following: "or proposed changes to  
 21 rules".  
 22 8. Page 4, line 18, by striking the words "for  
 23 review and adoption".  
 24 9. Page 4, line 33, by striking the words "for  
 25 review and adoption".

By HANSON of Delaware  
VANDE HOEF of OsceolaH-5201 FILED MARCH 8, 1994  
DIV A, ADOPTED, DIV B, LOST

*Div. A now Ruled out of order*  
 3-9-94  
 P 519

## SENATE FILE 2089

H-5195

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:  
3 1. Page 10, by inserting after line 25 the  
4 following:  
5 "Sec. .... Notwithstanding the provisions of  
6 sections 18.133 through 18.137, and any Act of the  
7 general assembly enacted during the 1994 Regular  
8 Session of the Seventy-fifth General Assembly, the  
9 board or the department of general services shall not  
10 provide access to any additional users of the network,  
11 and shall not expend any funds in excess of the funds  
12 appropriated for the network for the fiscal year  
13 beginning July 1, 1993, for any purpose related to the  
14 network until such time as a comprehensive plan has  
15 been developed by the board including, but not limited  
16 to, funding requirements and mechanisms for the  
17 network, and a plan of implementation for Parts I, II,  
18 and III, and until such time as the comprehensive plan  
19 is delivered to the general assembly, and the governor,  
20 approved by a constitutional majority of each house of  
21 the general assembly, and approved by the governor."  
22 2. By renumbering as necessary.

By KREIMAN of Davis

H-5195 FILED MARCH 8, 1994

*Just 3-9-94  
p 519*

## SENATE FILE 2089

H-5197

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:  
3 1. Page 1, line 50, by inserting after the word  
4 "plan" the following: ", to be delivered to the  
5 general assembly no later than January 1, 1995,".  
6 2. Page 2, line 12, by inserting after the word  
7 "network." the following: "The recommendations shall  
8 include a detailed plan for the connection of all  
9 public schools to the network, including a discussion  
10 and evaluation of all potential financing options, an  
11 estimate of all costs incurred in providing such  
12 connections, and a schedule for completing such  
13 connections, including the anticipated final  
14 completion date for such connections."

By NEUHAUSER of Johnson

H-5197 FILED MARCH 8, 1994

ADOPTED

## SENATE FILE 2089

H-5206

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:

3 1. By striking page 1, line 4 through page 11,  
4 line 5, and inserting the following: "clause and  
5 inserting the following:

6 "Section 1. Section 2.32, Code 1993, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 9. If an appointment subject to  
9 senate confirmation is required by statute to be made  
10 by an appointing authority other than the governor,  
11 the duties assigned under this section to the governor  
12 shall be performed by the appointing authority.

13 Sec. 2. Section 18.133, subsection 1, Code  
14 Supplement 1993, is amended to read as follows:

15 1. "Director" means the executive director of the  
16 department of general services or the director's  
17 designee appointed pursuant to section 18.133B.

18 Sec. 3. Section 18.133, Code Supplement 1993, is  
19 amended by adding the following new subsection:

20 NEW SUBSECTION. 1A. "Network" means the Iowa com-  
21 munications network or the state communications  
22 network.

23 Sec. 4. NEW SECTION. 18.133A IOWA COMMUNICATIONS  
24 NETWORK BOARD.

25 1. NETWORK BOARD ESTABLISHED.

26 a. An Iowa communications network board is  
27 established, as an agency of the state exercising  
28 public and essential governmental functions, with the  
29 authority to supervise the management and operation of  
30 the Iowa communications network. The board shall  
31 ensure that educational users and educational  
32 applications of the network be given the highest  
33 priority in supervising the management and operation  
34 of the network. The board shall ensure that the  
35 network operates in an efficient and responsible  
36 manner consistent with the provisions of this chapter  
37 for the purpose of providing the best economic service  
38 attainable to network users consistent with the  
39 state's financial capacity. The board shall provide  
40 for the centralized, coordinated use and control of  
41 the network.

42 b. The board shall do all of the following:

43 (1) Establish a comprehensive financing plan for  
44 Part III to be delivered to the general assembly for  
45 review and approval, including projections for future  
46 revenue and operating expenditures, the cost of  
47 completing Part III, and sources of additional revenue  
48 necessary to complete Part III including state general  
49 fund appropriations.

50 (2) Make recommendations to the general assembly

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1 for the construction and implementation of Part III,  
2 and for authorizing additional users of the network.

3 (3) Provide the requests for proposals for all  
4 component parts for Part III for an authorized user or  
5 a consortium of authorized users to solicit bids from,  
6 and enter into contracts with, qualified bidders for  
7 the purpose of completing the necessary work to  
8 connect the authorized user or consortium of  
9 authorized users to the network, consistent with the  
10 minimum standards established for Part III  
11 connections.

12 c. The board shall adopt rules pursuant to chapter  
13 17A as deemed appropriate and directly related to the  
14 operations of the board.

15 2. MEMBERSHIP.

16 a. The board consists of nine members, who shall  
17 be citizens of this state, appointed by the governor,  
18 subject to senate confirmation. Members of the board  
19 shall not serve in any manner or be employed by an  
20 authorized user of the network. Members of the board  
21 shall serve four-year staggered terms as designated by  
22 the governor and appointments to the board are subject  
23 to the requirements of sections 69.16, 69.16A, and  
24 69.19. Vacancies shall be filled by the governor for  
25 the duration of the unexpired term. Additionally,  
26 four ex officio nonvoting members shall be appointed  
27 who shall be members of the general assembly, with two  
28 members appointed from the senate, one to be appointed  
29 by the majority leader of the senate and one to be  
30 appointed by the minority leader of the senate, and  
31 two members appointed from the house of  
32 representatives, one to be appointed by the speaker of  
33 the house and one to be appointed by the minority  
34 leader of the house.

35 b. Members of the board shall be reimbursed for  
36 all actual and necessary expenses incurred in the  
37 performance of duties as members.

38 c. Meetings of the board shall be held at the call  
39 of the chairperson of the board or on written request  
40 of two members.

41 d. Members shall elect a chairperson and vice  
42 chairperson annually and other officers as they  
43 determine. The executive director shall serve as  
44 secretary to the board.

45 Sec. 5. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
46 APPOINTED.

47 The board shall appoint an executive director of  
48 the board, subject to confirmation by the senate.  
49 Such individual shall not serve as a member of the  
50 board. The executive director shall serve at the

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1 pleasure of the board. The executive director shall  
2 be selected primarily for administrative ability and  
3 knowledge in the field, without regard to political  
4 affiliation. The salary and support of the executive  
5 director shall be paid from funds deposited in the  
6 state communications network fund.

7 Sec. 6. Section 18.134, subsection 1, Code  
8 Supplement 1993, is amended to read as follows:

9 1. ~~The department of general services board~~ may  
10 purchase, lease-purchase, lease, and improve property,  
11 equipment, and services for telecommunications for  
12 public and private agencies, including the broadcast  
13 and narrowcast systems, and may dispose of property  
14 and equipment when not necessary for its purposes.  
15 However, ~~the department of general services board~~  
16 shall not enter into a contract for the purchase,  
17 lease-purchase, lease, or improvement of property,  
18 equipment, or services for telecommunications pursuant  
19 to this subsection in an amount greater than two  
20 hundred fifty thousand dollars without prior  
21 authorization by a constitutional majority of each  
22 house of the general assembly. The board also shall  
23 not provide or resell communications services to  
24 entities other than public and private agencies as  
25 defined on January 1, 1994. The public or private  
26 agency shall not provide communication services of the  
27 network to another entity at a cost greater than that  
28 charged to the agency pursuant to section 18.136,  
29 subsections subsection 11 and 12. The department  
30 board may arrange for joint use of available services  
31 and facilities, and may enter into leases and  
32 agreements with private and public agencies with  
33 respect to a state the Iowa communications system  
34 network, and public agencies are authorized to enter  
35 into leases and agreements with respect to the system  
36 network for their use and operation. Rentals and  
37 other amounts due under the agreements or leases  
38 entered into pursuant to this section by a state  
39 agency are payable from funds annually appropriated by  
40 the general assembly or from other funds legally  
41 available. Other public agencies may pay the rental  
42 costs and other amounts due under an agreement or  
43 lease from their annual budgeted funds or other funds  
44 legally available or to become available. This  
45 section comprises a complete and independent  
46 authorization and procedure for a public agency, with  
47 the approval of the department board, to enter into a  
48 lease or agreement and related security enhancement  
49 arrangements and this section is not a qualification  
50 of any other powers which a public agency may possess

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1 and the authorizations and powers granted under this  
2 section are not subject to the terms, requirements, or  
3 limitations of any other provisions of law. All  
4 moneys received by the department board from  
5 agreements and leases entered into pursuant to this  
6 section with private and public agencies shall be  
7 deposited in the state Iowa communications network  
8 fund.

9 ~~It is the intent of the general assembly that~~  
10 ~~rental and other costs due under agreements and leases~~  
11 ~~entered into pursuant to this section by state~~  
12 ~~agencies be replaced by supplemental appropriations to~~  
13 ~~the state agencies.~~

14 Sec. 7. NEW SECTION. 18.134A DISPOSITION OF  
15 NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

16 Notwithstanding any provision to the contrary, the  
17 Iowa communications network board or the department of  
18 general services shall not sell, lease, or otherwise  
19 dispose of Part I, II, or III without prior  
20 authorization by a constitutional majority of each  
21 house of the general assembly and approval by the  
22 governor. The board shall develop the request or  
23 requests for proposals which are necessary for the  
24 sale of Parts I, II, and III which are owned by the  
25 state. Such request or requests shall be delivered to  
26 the general assembly no later than January 1, 1995,  
27 for review and approval. The request or requests for  
28 proposals developed for the sale of Parts I, II, and  
29 III which are owned by the state shall provide, at a  
30 minimum, the following:

31 1. Guaranteed access and use to all current  
32 authorized users whether such users are currently  
33 connected to or utilizing the network. The access  
34 guaranteed under this subsection shall assure such  
35 capacity for video, data, and voice requirements as  
36 provided in the request for proposals developed by the  
37 department of general services for the installation  
38 and maintenance of Part III connections of the Iowa  
39 communications network, and dated November 3, 1993.

40 2. Guaranteed access and use for operations  
41 related to an agency of the federal government whose  
42 activities are directly related to the activities at  
43 facilities under the control of the armory board  
44 appointed pursuant to section 29A.57.

45 Sec. 8. Section 18.135, Code 1993, is amended to  
46 read as follows:

47 18.135 RULES.

48 The director board shall adopt rules relating to  
49 state communications in accordance with this chapter.  
50 The director board shall also adopt and provide for

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1 standard communications procedures and policies to be  
2 used by state agencies.

3 Sec. 9. Section 18.136, subsections 1, 2, 4, 6, 8,  
4 and 9, Code Supplement 1993, are amended to read as  
5 follows:

6 1. Moneys in the state communications network fund  
7 are appropriated to the ~~Iowa public broadcasting~~ board  
8 for purposes of providing financing for the  
9 procurement, operation, and maintenance of a state  
10 communications network with sufficient capacity to  
11 serve the video, data, and voice requirements of state  
12 agencies and the educational telecommunications  
13 system. The state Iowa communications network  
14 consists of Part I, Part II, and Part III ~~of the~~  
15 system.

16 2. For purposes of this section, unless the  
17 context otherwise requires:

18 a. "Part I ~~of the system~~" means the communications  
19 connections between central switching and the regional  
20 switching centers for the remainder of the network.

21 b. "Part II ~~of the system~~" means the  
22 communications connections between the regional  
23 switching centers and the secondary switching centers.

24 c. "Part III ~~of the system~~" means the  
25 communications connection between the secondary  
26 switching centers and the agencies defined in section  
27 18.133, subsections 3 2 and 4 3.

28 4. The ~~department of general services~~ board shall  
29 develop the requests for proposals that are needed for  
30 a state communications network with sufficient  
31 capacity to serve the video, data, and voice  
32 requirements of state agencies and ~~the~~ for educational  
33 telecommunications applications ~~required by the Iowa~~  
34 ~~public broadcasting board~~. The department board shall  
35 develop a request for proposals for each of the  
36 systems that will make up the network. The department  
37 board may develop a request for proposals for each  
38 definitive component of Part I, Part II, and Part III  
39 ~~of the system~~ or the department board may provide in  
40 the request for proposals for each such system that  
41 separate contracts may be entered into for each  
42 definitive component covered by the request for  
43 proposals. The requests for proposals may be for the  
44 purchase, lease-purchase, or lease of the component  
45 parts of the system, may require maintenance costs to  
46 be identified, and the resulting contract may provide  
47 for maintenance for parts of the system. The master  
48 contract may provide for electronic classrooms,  
49 satellite equipment, receiving equipment, studio and  
50 production equipment, and other associated equipment

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1 as required.

2 6. Prior to the awarding of a contract under this  
3 section, the department board shall notify the  
4 legislative council and the department of management  
5 of the department's board's intent to award a contract  
6 and of the cost to the state. The department of  
7 management and the legislative council shall determine  
8 if the anticipated financial resources of the state  
9 are adequate to fund the expenditure during the fiscal  
10 years covered by the contract, and if so, the  
11 department of management shall certify the  
12 determination to the department board. Upon  
13 certification, the department board may enter into the  
14 contract.

15 8. The Iowa public broadcasting board retains sole  
16 authority over the educational telecommunications  
17 applications of Part I of the system, Part II, and  
18 Part III, and its authority shall include management  
19 and operational control, programming, budget,  
20 personnel, scheduling, and program switching of  
21 educational material carried by Part I of the system.  
22 The Iowa public broadcasting board, through its  
23 narrowcast system advisory committee, retains  
24 coordination authority over the educational  
25 telecommunications applications of Part II and Part  
26 III of the system. Community colleges are responsible  
27 for scheduling and switching of educational materials  
28 carried by Part II and Part III of the system within  
29 their respective areas. Such responsibility may be  
30 accomplished by a chapter 28E agreement with the  
31 department of general services board.

32 The narrowcast system advisory committee shall  
33 review all requests for grants for educational  
34 telecommunications applications, if they are a part of  
35 the state communications network, to ensure that the  
36 educational telecommunications application is  
37 consistent with the telecommunications plan. If the  
38 narrowcast system advisory committee finds that a  
39 grant request is inconsistent with the  
40 telecommunications plan, the grant request shall not  
41 be allowed.

42 9. The procurement and maintenance of electronic  
43 equipment including, but not limited to, master  
44 receiver antenna systems, studio and production  
45 equipment, and broadcast system components shall be  
46 provided for under department of general services' the  
47 board's contracts. The Iowa public broadcasting board  
48 and other educational entities within the state have  
49 the option to use their existing or replacement  
50 resources and agreements in the operation and

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1 maintenance of these systems.

2 Sec. 10. Section 18.136, subsections 7, 10, 12,  
3 13, and 14, Code Supplement 1993, are amended by  
4 striking the subsections.

5 Sec. 11. NEW SECTION. 18.136A UTILITIES BOARD TO  
6 ESTABLISH RATES.

7 The Iowa utilities board shall establish all rates  
8 and fees to be charged to an authorized user related  
9 to transmissions on any connection from a Part II  
10 secondary switching center to an authorized user.  
11 Such rates and fees shall vary based upon the costs  
12 incurred in providing such connection and the services  
13 to be provided to such authorized users.

14 Sec. 12. Section 18.137, Code 1993, is amended to  
15 read as follows:

16 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

17 There is created in the office of the treasurer of  
18 state a temporary fund to be known as the state Iowa  
19 communications network fund. ~~There is appropriated to~~  
20 ~~the state communications network fund for the fiscal~~  
21 ~~year beginning July 17, 1989, and ending June 30, 1990,~~  
22 ~~the sum of two million one hundred forty-two thousand~~  
23 ~~six hundred twenty-one dollars from the general fund~~  
24 ~~of the state.~~ There is appropriated from the general  
25 fund of the state to the state Iowa communications  
26 network fund for each fiscal year of the fiscal period  
27 beginning July 1, 1991, and ending June 30, 1996, the  
28 sum of five million dollars. Notwithstanding section  
29 8.33, unobligated and unencumbered moneys from the  
30 appropriation for a fiscal year remaining on June 30  
31 of that fiscal year shall not revert to the general  
32 fund of the state but shall remain available for  
33 expenditure during the next following fiscal year.  
34 There shall also be deposited into the state Iowa  
35 communications network fund proceeds from bonds issued  
36 for purposes of projects authorized pursuant to  
37 section 18.136, matching funds received from the  
38 community colleges and the local school boards  
39 corporations, funds received from leases pursuant to  
40 section 18.134, and other moneys by law credited to or  
41 designated by a person for deposit into the fund.  
42 ~~Notwithstanding the requirements of section 18.136,~~  
43 ~~subsection 7, for the fiscal year beginning July 17~~  
44 ~~1990 and ending June 30, 1991, one thousand~~  
45 ~~dollars of moneys in the state communications network~~  
46 ~~fund may be expended for the state share of the cost~~  
47 ~~for the design of a disaster recovery facility to be~~  
48 ~~built in conjunction with the Iowa communications~~  
49 ~~network facility and emergency operation center. The~~  
50 ~~department of general services may increase the fee~~

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1 for data processing in order to collect an additional  
 2 amount not exceeding two hundred thousand dollars  
 3 during the fiscal year beginning July 1, 1991, to pay  
 4 for the state's share of the cost of construction of  
 5 the disaster recovery facility.

6 The Iowa public broadcasting board shall use the  
 7 net increase in the federal match awarded to the Iowa  
 8 public broadcasting board as a result of this  
 9 appropriation in order to meet the needs of the  
 10 educational telecommunications system. These funds  
 11 shall be deposited in a separate account within the  
 12 state Iowa communications network fund, and shall be  
 13 administered by the Iowa public broadcasting board for  
 14 purposes of the fund.

15 Sec. 13. INITIAL IOWA COMMUNICATIONS NETWORK BOARD  
 16 APPOINTMENTS. The initial members of the Iowa  
 17 communications network board shall be appointed on or  
 18 before July 1, 1994, to the following terms:

19 1. Three members shall be appointed for a term of  
 20 four years.

21 2. Two members shall be appointed for a term of  
 22 three years.

23 3. Two members shall be appointed for a term of  
 24 two years.

25 4. Two members shall be appointed for a term of  
 26 one year.

27 Sec. 14. CODE EDITOR TRANSFERS. The Code editor  
 28 shall transfer sections 18.132 through 18.137 to be a  
 29 new chapter 8D. The Code editor shall correct all  
 30 internal citations and references consistent with the  
 31 transfer of Code sections as provided in this section.

32 Sec. 15. EFFECTIVE DATE. This Act, being deemed  
 33 of immediate importance, is effective upon  
 34 enactment."

By IVLRSON of Wright  
 RAPPERTY of Scott  
 MILLER of Cherokee

MEYER of Sac  
 MILLAGE of Scott  
 BLODGETT of Cerro Gordo

H-5206 FILED MARCH 8, 1994

WITHDRAWN  
 3-9-94

## SENATE FILE 2089

H-5207

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:  
 3 1. Page 9, by inserting after line 19 the follow-  
 4 ing:  
 5 "12A. Notwithstanding any other provision of this  
 6 section, all moneys collected from entities defined as  
 7 private or public agencies and which are provided  
 8 access to the network on or after March 1, 1994, shall  
 9 be under the control of the education  
 10 telecommunications council and shall be used to pay  
 11 for the costs of Part III connections, including  
 12 connections for elementary and middle schools."

By WISE of Lee LARKIN of Lee  
 SHOULTZ of Black Hawk O'BRIEN of Boone  
 NELSON of Pottawattamie

H-5207 FILED MARCH 8, 1994

DEFERRED

*out of order 3-9-94  
 p 505*

## SENATE FILE 2089

H-5208

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:  
 3 1. Page 3, line 27, by striking the word "twenty-  
 4 five" and inserting the following: "twenty-six".  
 5 2. Page 3, line 37, by inserting after the word  
 6 "association;" the following: "one person appointed  
 7 by the Iowa taxpayers association;"

By RAFFERTY of Scott

H-5208 FILED MARCH 8, 1994

OUT OF ORDER

## SENATE FILE 2089

H-5211

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:  
 3 1. Page 2, by inserting after line 12 the  
 4 following:  
 5 "A long-term plan developed by the board and  
 6 approved by the general assembly shall provide for  
 7 access to all hospitals licensed pursuant to chapter  
 8 135B and physician clinics."  
 9 2. By renumbering as necessary.

By MYERS of Johnson  
WEIGEL of Chickasaw

H-5211 FILED MARCH 8, 1994

*Adopted 3-7-94 P 513  
 Now Ruled out of order  
 3-9-94 (P. 518)*

SENATE FILE 2089

H-5212

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:  
 3 1. Page 9, by inserting after line 19 the follow-  
 4 ing:  
 5 "12A. Notwithstanding any other provision of this  
 6 section, all moneys collected from entities defined as  
 7 private or public agencies and which are provided  
 8 access to the network on or after March 1, 1994, shall  
 9 be used to pay for the costs of Part III connections,  
 10 including connections for public elementary and public  
 11 middle schools."

By NEUHAUSER of Johnson

H-5212 FILED MARCH 8, 1994

*out of order 3/9/94 P. 505*

SENATE FILE 2089

H-5215

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate as follows:  
 3 1. Page 1, line 50, by striking the word  
 4 "including" and inserting the following: "for the  
 5 *A* review and approval of the general assembly, which  
 6 shall include".  
 7 2. Page 2, by inserting before line 13 the  
 8 following:  
 9 "A request for proposals shall not be issued by the  
 10 *B* board until the long-term network plan established  
 11 under this section is approved by the general  
 12 assembly."

By WISE of Lee

H-5215 FILED MARCH 8, 1994

*A. adopted 3-9-94 P. 510 - now out of order 3-9-94*  
*B. Lost 3-7-94 P. 511*

SENATE FILE 2089

H-5216

1 Amend the amendment, H-5118, to Senate File 2089,  
 2 as passed by the Senate, as follows:  
 3 1. Page 2, by inserting after line 12 the follow-  
 4 ing:  
 5 "\_\_\_\_. The board shall annually, in consultation  
 6 with the utilities board, submit a written report to  
 7 the general assembly on or before February 1 of each  
 8 year which shall evaluate and review the impact of the  
 9 Iowa communications network on local exchange  
 10 companies in this state and on the services such  
 11 companies provide. The utilities board shall  
 12 cooperate with the network board in the development of  
 13 the written report."  
 14 2. Reletter as necessary.

By GILL of Woodbury

H-5216 FILED MARCH 8, 1994

*adopted 3-9-94 (P. 516)*  
*now ruled out of order P. 519*  
*3-9-94*

## SENATE FILE 2089

H-5222

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 6, line 23, by inserting after the figure  
4 "2," the following: "3,".

5 2. Page 6, by inserting after line 47 the  
6 following:

7 "3. The financing for the procurement costs for  
8 the entirety of Part I ~~of the system~~, and the video,  
9 data, and voice capacity for state agencies for Part  
10 II and Part III ~~of the system~~, shall be provided by  
11 the state. The financing for the procurement costs  
12 for Part II ~~of the system~~ shall be provided from the  
13 state. The financing for the procurement and  
14 maintenance costs for Part III ~~of the system~~ shall be  
15 provided ~~eighty percent from~~ by the state and ~~twenty~~  
16 ~~percent from the local school boards of the areas~~  
17 ~~which receive transmissions from the system~~. A local  
18 school board may elect to provide one hundred percent  
19 of the financing for the procurement and maintenance  
20 costs for Part III to become part of the system. ~~The~~  
21 ~~local school boards may meet all or part of the match~~  
22 ~~requirements of Part III of the system through a~~  
23 ~~cooperative arrangement with community colleges~~. The  
24 basis for the amount of state match financing is  
25 eighty one hundred percent of a single interactive  
26 audio and one-way interactive video connection for  
27 Part III ~~of the system~~, and such data and voice  
28 capacity as is necessary. ~~The local school boards and~~  
29 ~~community colleges may meet the match requirements for~~  
30 ~~Part III of the system from funds they have already~~  
31 ~~spent for their systems, from funds available in the~~  
32 ~~school budget, or from funds received from other~~  
33 ~~nonstate sources. In the case of existing systems, in~~  
34 ~~order to upgrade facilities to the specifications of~~  
35 ~~the state communications network, the local school~~  
36 ~~boards and community colleges, in lieu of a cash~~  
37 ~~match, may meet the match requirements from funds they~~  
38 ~~have already spent for their systems provided that the~~  
39 ~~state match does not exceed the lesser of eighty~~  
40 ~~percent of the total cost of the upgraded system or~~  
41 ~~eighty percent of the replacement cost of the system.~~  
42 ~~The communications equipment funds used as a match by~~  
43 ~~a community college shall be calculated based on~~  
44 ~~verified expenditures for capital, equipment,~~  
45 ~~hardware, and software for long distance learning~~  
46 ~~technologies, including both audio and visual~~  
47 ~~transmission. The communications equipment used as a~~  
48 ~~match shall not subsequently be used as a match by~~  
49 ~~another educational entity or for another part of the~~  
50 ~~system. A local school board may request the school~~

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Page 2

1 budget-review-committee-to-adjust-the-allowable-growth  
 2 for-the-school-district-so-that-the-resulting-increase  
 3 in-budget-could-be-used-for-the-match. A local school  
 4 board may also elect not to become part of the system  
 5 network. Such-election-shall-be-made-on-an-annual  
 6 basis. State-matching-funds-shall-not-be-provided-for  
 7 Part-III-of-the-system-until-Part-I-and-Part-II-of-the  
 8 system-have-been-completed. Construction of Part III  
 9 of the system may proceed before Part I and Part II of  
 10 the system have been completed."

By CORBETT of Linn

H-5222 FILED MARCH 8, 1994

*admitted*  
*3-9-94*  
*p. 5/5*

## SENATE FILE 2089

H-5247

- 1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:  
3 1. Page 2, by inserting before line 35 the  
4 following:  
5 "\_\_\_\_. The recommendations of the board contained  
6 in the long-term network plan shall include a detailed  
7 plan for the connection of all public schools to the  
8 network, including a discussion and evaluation of all  
9 potential financing options, an estimate of all costs  
10 incurred in providing such connections, and a schedule  
11 for completing such connections, including the  
12 anticipated final completion date for such  
13 connections."  
14 2. Reletter as necessary.

By NEUHAUSER of Johnson

H-5247 FILED MARCH 9, 1994  
ADOPTED

## SENATE FILE 2089

H-5258

- 1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:  
3 1. Page 2, by inserting before line 35 the  
4 following:  
5 "\_\_\_\_. A request for proposals shall not be issued  
6 by the board until the long-term network plan  
7 established under this section is approved by the  
8 general assembly."  
9 2. By relettering as necessary.

By WISE of Lee

NEUHAUSER of Johnson  
SHOULTZ of Black Hawk

H-5258 FILED MARCH 9, 1994  
LOST

## SENATE FILE 2089

H-5259

- 1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:  
3 1. Page 10, by inserting after line 25 the  
4 following:  
5 "Sec. \_\_\_\_ . SCHOOL CORPORATION CONNECTIONS. The  
6 state shall provide access to the network and provide  
7 the connection to implement such access for all school  
8 corporations in this state by no later than December  
9 1, 1996."  
10 2. By renumbering as necessary.

By DICKINSON of Jackson  
SCHRADER of Marion  
BRAND of Benton

H-5259 FILED MARCH 9, 1994  
ADOPTED

## SENATE FILE 2089

H-5245

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 10, by inserting after line 25 the  
4 following:

5 "Sec. \_\_\_\_\_. The Iowa communications network board  
6 shall annually, in consultation with the utilities  
7 board, submit a written report to the general assembly  
8 on or before February 1 of each year which shall  
9 evaluate and review the impact of the Iowa  
10 communications network on local exchange companies in  
11 this state and on the services such companies provide.  
12 The utilities board shall cooperate with the network  
13 board in the development of the written report."

14 2. Renumber as necessary.

By GILL of Woodbury

H-5245 FILED MARCH 9, 1994

ADOPTED

## SENATE FILE 2089

H-5246

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:

3 1. Page 10, by inserting after line 25 the  
4 following:

5 "Sec. \_\_\_\_\_. EDUCATIONAL PROGRAMMING REVIEW. The  
6 board shall review and assess the impact of  
7 educational programming and courses of instruction  
8 offered on the network by authorized users at  
9 locations other than where such authorized user is  
10 located, at educational institutions located at or  
11 near such locations offering similar or identical  
12 educational programming and courses of instruction.  
13 The board shall provide a written report to the  
14 general assembly annually on or before February 1  
15 concerning such review and assessment, which shall  
16 include any recommendations of the board regarding the  
17 review."

18 2. By renumbering as necessary.

By RANTS of Woodbury

BRUNKHORST of Bremer

H-5246 FILED MARCH 9, 1994

ADOPTED

## SENATE FILE 2089

H-5242

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:

3 1. By striking page 1, line 22 through page 2,  
4 line 34 and inserting the following:

5 "Sec. \_\_\_\_ . NEW SECTION. 18.133A IOWA  
6 COMMUNICATIONS NETWORK BOARD.

7 1. NETWORK BOARD ESTABLISHED.

8 a. An Iowa communications network board is  
9 established, as an agency of the state exercising  
10 public and essential governmental functions, with the  
11 authority to supervise the management and operation of  
12 the Iowa communications network. The board shall  
13 ensure that educational users and educational  
14 applications of the network be given the highest  
15 priority in supervising the management and operation  
16 of the network. The board shall ensure that the  
17 network operates in an efficient and responsible  
18 manner consistent with the provisions of this chapter  
19 for the purpose of providing the best economic service  
20 attainable to network users consistent with the  
21 state's financial capacity. The board shall provide  
22 for the centralized, coordinated use and control of  
23 the network.

24 b. The board shall do all of the following:

25 (1) Establish a comprehensive financing plan for  
26 Part III to be delivered to the general assembly for  
27 review and approval, including projections for future  
28 revenue and operating expenditures, the cost of  
29 completing Part III, and sources of additional revenue  
30 necessary to complete Part III including state general  
31 fund appropriations.

32 (2) Develop and issue a request for proposals for  
33 the completion of Part III.

34 (3) Make recommendations to the general assembly  
35 for the construction and implementation of Part III,  
36 and for authorizing additional users of the network.

37 (4) Provide the requests for proposals for all  
38 component parts for Part III for an authorized user or  
39 a consortium of authorized users to solicit bids from,  
40 and enter into contracts with, qualified bidders for  
41 the purpose of completing the necessary work to  
42 connect the authorized user or consortium of  
43 authorized users to the network, consistent with the  
44 minimum standards established for Part III  
45 connections.

46 (5) Deliver a written report and all proposals  
47 submitted in response to the request for proposals  
48 issued under subparagraph (2) to the general assembly  
49 no later than January 1, 1995. The board shall not  
50 enter into any agreement related to such proposals

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## SENATE FILE 2089

H-5244

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 7, by inserting after line 21 the follow-  
4 ing:

5 "A certified local exchange telephone company shall  
6 have the right to provide an authorized user within  
7 the company's service territory any required  
8 individual facility from a point of presence to an end  
9 point to be used for providing any component of Part  
10 III. The rate to be charged by the local exchange  
11 telephone company for providing such facility shall be  
12 approved by the Iowa utilities board.

13 A certified local exchange telephone company shall  
14 have ninety days, from the date an authorized user has  
15 requested that the local exchange telephone company  
16 provide the required facilities related to Part III of  
17 the network, to notify such user as to whether the  
18 local exchange telephone company elects to provide the  
19 required facilities. If a certified local exchange  
20 telephone company elects not to provide required  
21 facilities to an authorized user as provided by this  
22 subsection, the Iowa communications network board  
23 shall develop a request for proposals for the required  
24 facilities. The board shall determine the form and  
25 content of the request for proposals and shall  
26 determine which proposal will be accepted for  
27 providing the required facilities. Proposals may be  
28 submitted by any qualified person including other  
29 certified local exchange telephone companies.  
30 However, a proposal shall not be submitted by the  
31 certified local exchange telephone company electing  
32 not to provide such facilities pursuant to this  
33 subsection."

By MILLER of Cherokee

H-5244 FILED MARCH 9, 1994  
WITHDRAWN

## SENATE FILE 2089

H-5241

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 6, by striking lines 7 through 14 and  
4 inserting the following:

5 "Sec. \_\_\_\_ . NEW SECTION. 18.134A DISPOSITION OF  
6 NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

7 Notwithstanding any provision to the contrary, the  
8 Iowa communications network board or the department of  
9 general services shall not sell, lease, or otherwise  
10 dispose of Part I, II, or III without prior  
11 authorization by a constitutional majority of each  
12 house of the general assembly and approval by the  
13 governor. The board shall develop the request or  
14 requests for proposals which are necessary for the  
15 sale of Parts I, II, and III which are owned by the  
16 state. Such request or requests shall be delivered to  
17 the general assembly no later than January 1, 1995,  
18 for review and approval. The request or requests for  
19 proposals developed for the sale of Parts I, II, and  
20 III which are owned by the state shall provide, at a  
21 minimum, the following:

22 1. Guaranteed access and use to all current  
23 authorized users whether such users are currently  
24 connected to or utilizing the network. The access  
25 guaranteed under this subsection shall assure such  
26 capacity for video, data, and voice requirements as  
27 provided in the request for proposals developed by the  
28 department of general services for the installation  
29 and maintenance of Part III connections of the Iowa  
30 communications network, and dated November 3, 1993.

31 2. Guaranteed access and use for operations  
32 related to an agency of the federal government whose  
33 activities are directly related to the activities at  
34 facilities under the control of the armory board  
35 appointed pursuant to section 29A.57."

36 2. By renumbering as necessary.

By IVERSON of Wright  
MEYER of Sac  
MILLAGE of Scott

H-5241 FILED MARCH 9, 1994  
ADOPTED

## SENATE FILE 2089

H-5237

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 9, by inserting after line 24 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 18.136A ACCESS PROVIDED  
6 TO EACH SCHOOL DISTRICT.

7 The state shall provide access to the network and  
8 shall pay the costs associated with such access for  
9 each public school district in this state. For  
10 purposes of this section, "costs" include those costs  
11 associated with providing the connection of such  
12 schools to the network and the necessary classroom  
13 equipment related to such connections. Additionally,  
14 an entity defined as a private or public agency and to  
15 be offered access to the network on or after March 1,  
16 1994, shall not be provided such access until each  
17 public school district is provided access pursuant to  
18 this section."

19 2. By renumbering as necessary.

By SCHRADER of Marion

H-5237 FILED MARCH 9, 1994

WITHDRAWN

## SENATE FILE 2089

H-5240

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate as follows:

3 1. Page 9, by inserting after line 24 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 18.136A ACCESS PROVIDED  
6 TO ALL SCHOOLS.

7 The state shall provide access to the network and  
8 shall pay the costs associated with such access for  
9 all learning centers in each school district in this  
10 state. For purposes of this section, "costs" include  
11 those costs associated with providing the connection  
12 of such schools to the network and the necessary  
13 classroom equipment related to such connections."

14 2. By renumbering as necessary.

By DICKINSON of Jackson

H-5240 FILED MARCH 9, 1994

LOST

## SENATE FILE 2089

H-5224

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:  
3 1. Page 9, by inserting after line 19 the follow-  
4 ing:

5 "12A. Notwithstanding any other provision of this  
6 section, all fees and charges assessed by the board  
7 and collected from entities defined as private or  
8 public agencies which are provided access to the  
9 network on or after March 1, 1994, shall be under the  
10 control of the board and shall be used to pay for the  
11 costs of Part III connections, including connections  
12 for public elementary and middle schools."

By WISE of Lee NELSON of Pottawattamie  
CORBETT of Linn LARKIN of Lee  
SHOULTZ of Black Hawk O'BRIEN of Boone

H-5224 FILED MARCH 9, 1994

ADOPTED

## SENATE FILE 2089

H-5225

1 Amend the amendment, H-5118, to Senate File 2089,  
2 as passed by the Senate, as follows:

3 1. Page 10, by inserting after line 25 the  
4 following:

5 "Sec. \_\_\_\_ . MORATORIUM ON NETWORK ACTIVITY. Not-  
6 withstanding any provision of chapter 18, or any other  
7 legislative enactment of the 1994 Regular Session of  
8 the Seventy-fifth General Assembly, the department of  
9 general services and the Iowa communications network  
10 management team shall provide for the cessation of all  
11 activities on the Iowa communications network to be  
12 effective July 1, 1994, until such time as a  
13 comprehensive long-term plan is presented to the  
14 general assembly and approved by a constitutional  
15 majority of both houses and the governor."

16 2. Renumber as necessary.

By MCKINNEY of Dallas

H-5225 FILED MARCH 9, 1994

LOST

HOUSE AMENDMENT TO  
SENATE FILE 2089

S-5144

1 Amend Senate File 2089, as passed by the Senate, as  
2 follows:

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

5 "Section 1. Section 2.32, Code 1993, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 9. If an appointment subject to  
8 senate confirmation is required by statute to be made  
9 by an appointing authority other than the governor,  
10 the duties assigned under this section to the governor  
11 shall be performed by the appointing authority.

12 Sec. 2. Section 18.133, subsection 1, Code  
13 Supplement 1993, is amended to read as follows:

14 1. "Director" means the executive director of the  
15 ~~department of general services or the director's~~  
16 designee appointed pursuant to section 18.133B.

17 Sec. 3. Section 18.133, Code Supplement 1993, is  
18 amended by adding the following new subsection:

19 NEW SUBSECTION. 1A. "Network" means the Iowa com-  
20 munications network or the state communications  
21 network.

22 Sec. 4. NEW SECTION. 18.133A IOWA COMMUNICATIONS  
23 NETWORK BOARD.

24 1. NETWORK BOARD ESTABLISHED.

25 a. An Iowa communications network board is  
26 established, as an agency of the state exercising  
27 public and essential governmental functions, with the  
28 authority to supervise the management and operation of  
29 the Iowa communications network. The board shall  
30 ensure that educational users and educational  
31 applications of the network be given the highest  
32 priority in supervising the management and operation  
33 of the network. The board shall ensure that the  
34 network operates in an efficient and responsible  
35 manner consistent with the provisions of this chapter  
36 for the purpose of providing the best economic service  
37 attainable to network users consistent with the  
38 state's financial capacity. The board shall provide  
39 for the centralized, coordinated use and control of  
40 the network.

41 b. The board shall do all of the following:

42 (1) Establish a comprehensive financing plan for  
43 Part III to be delivered to the general assembly for  
44 review and approval, including projections for future  
45 revenue and operating expenditures, the cost of  
46 completing Part III, and sources of additional revenue  
47 necessary to complete Part III including state general  
48 fund appropriations.

49 (2) Develop and issue a request for proposals for  
50 the completion of Part III.

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1 (3) Make recommendations to the general assembly  
2 for the construction and implementation of Part III,  
3 and for authorizing additional users of the network.  
4 (4) Provide the requests for proposals for all  
5 component parts for Part III for an authorized user or  
6 a consortium of authorized users to solicit bids from,  
7 and enter into contracts with, qualified bidders for  
8 the purpose of completing the necessary work to  
9 connect the authorized user or consortium of  
10 authorized users to the network, consistent with the  
11 minimum standards established for Part III  
12 connections.  
13 (5) Deliver a written report and all proposals  
14 submitted in response to the request for proposals  
15 issued under subparagraph (2) to the general assembly  
16 no later than January 1, 1995. The board shall not  
17 enter into any agreement related to such proposals  
18 without prior authorization by a constitutional  
19 majority of each house of the general assembly and  
20 approval by the governor.  
21 c. The board shall adopt rules pursuant to chapter  
22 17A as deemed appropriate and directly related to the  
23 operations of the board.  
24 d. The recommendations of the board contained in  
25 the long-term network plan shall include a detailed  
26 plan for the connection of all public schools to the  
27 network, including a discussion and evaluation of all  
28 potential financing options, an estimate of all costs  
29 incurred in providing such connections, and a schedule  
30 for completing such connections, including the  
31 anticipated final completion date for such  
32 connections.  
33 2. MEMBERSHIP.  
34 a. The board consists of nine voting members, who  
35 shall be citizens of this state, appointed by the  
36 governor, subject to senate confirmation.  
37 Additionally, four ex officio nonvoting members shall  
38 be appointed who shall be members of the general  
39 assembly, with two members appointed from the senate,  
40 one to be appointed by the majority leader of the  
41 senate and one to be appointed by the minority leader  
42 of the senate, and two members appointed from the  
43 house of representatives, one to be appointed by the  
44 speaker of the house and one to be appointed by the  
45 minority leader of the house. Members of the board  
46 shall not serve in any manner or be employed by an  
47 authorized user of the network. Members of the board  
48 appointed by the governor shall serve four-year  
49 staggered terms as designated by the governor and  
50 appointments to the board are subject to the

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1 requirements of sections 69.16, 69.16A, and 69.19.  
2 Vacancies shall be filled by the governor for the  
3 duration of the unexpired term.

4 b. Members of the board shall be reimbursed for  
5 all actual and necessary expenses incurred in the  
6 performance of duties as members.

7 c. Meetings of the board shall be held at the call  
8 of the chairperson of the board or on written request  
9 of two members.

10 d. Members shall elect a chairperson and vice  
11 chairperson annually and other officers as they  
12 determine. The executive director shall serve as  
13 secretary to the board.

14 Sec. 5. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
15 APPOINTED.

16 The board shall appoint an executive director of  
17 the board, subject to confirmation by the senate.  
18 Such individual shall not serve as a member of the  
19 board. The executive director shall serve at the  
20 pleasure of the board, but shall be subject to  
21 reconfirmation by the senate every four years. The  
22 executive director shall be selected primarily for  
23 administrative ability and knowledge in the field,  
24 without regard to political affiliation. The salary  
25 and support of the executive director shall be paid  
26 from funds deposited in the state communications  
27 network fund.

28 Sec. 6. NEW SECTION. 18.133C EDUCATION

29 TELECOMMUNICATIONS COUNCIL ESTABLISHED --  
30 ADMINISTRATION AND TECHNOLOGY COUNCIL ESTABLISHED --  
31 ADVISORY COMMITTEES.

32 1. a. An education telecommunications council is  
33 established to advise the Iowa communications network  
34 board concerning the educational telecommunication  
35 applications of the network and other matters as  
36 assigned by the board. The council consists of  
37 seventeen members and shall include the following:  
38 two persons appointed by the state board of regents;  
39 two persons appointed by the Iowa association of  
40 community college trustees; two persons appointed by  
41 the area education agency boards; two persons  
42 appointed by the Iowa association of school boards;  
43 two persons appointed by the school administrators of  
44 Iowa; two persons appointed by the Iowa association of  
45 independent colleges and universities; two persons  
46 appointed by the Iowa state education association; and  
47 three persons appointed by the director of the  
48 department of education including one person  
49 representing libraries, one person representing  
50 nonpublic schools, and one person who shall be a staff

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1 person. The council shall recommend long-range plans  
2 for enhancements needed for educational applications.  
3 Administrative support and staffing for the council  
4 shall be provided by the department of education.

5 The education telecommunications council shall do  
6 all of the following:

7 (1) Coordinate and direct all educational  
8 activities and applications related to the network,  
9 pursuant to rules adopted by the board.

10 (2) Recommend to the board reasonable and  
11 appropriate distance learning applications of the  
12 network.

13 (3) Resolve all scheduling conflicts, pursuant to  
14 rules adopted by the network board, between the merged  
15 areas if an appropriate agreement is not entered into  
16 between the affected merged areas. A determination  
17 made by the council pursuant to this subparagraph  
18 shall be final.

19 (4) Resolve scheduling conflicts, pursuant to  
20 rules adopted by the network board, which a regional  
21 telecommunications council is unable to resolve  
22 satisfactorily at the request of an affected  
23 authorized user. A determination made by the council  
24 pursuant to this subparagraph shall be final.

25 (5) Establish scheduling policies to be  
26 implemented by the regional telecommunications  
27 councils.

28 (6) Develop proposed rules or proposed changes to  
29 rules to be submitted to the network board as deemed  
30 appropriate by the council to implement the duties  
31 delegated to the council pursuant to this section and  
32 by the board.

33 2. An administration and technology council is  
34 established which consists of nine members as  
35 appointed by the board. The council shall include  
36 three persons representing telecommunications vendors;  
37 one person representing the department of general  
38 services; one person representing persons providing  
39 maintenance services associated with the network;  
40 three persons representing government users; and one  
41 person representing hospitals. The council shall be  
42 responsible for those duties assigned to it by the  
43 board. The council shall develop proposed rules to be  
44 submitted to the network board as deemed appropriate  
45 by the council to implement the duties delegated to  
46 the council pursuant to this section and by the board.

47 3. The board may establish other advisory  
48 committees as necessary representing authorized users  
49 of the network.

50 Sec. 7. NEW SECTION. 18.133D REGIONAL

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1 TELECOMMUNICATIONS COUNCILS -- MEMBERS -- DUTIES.

2 1. A regional telecommunications council is  
3 established in each of the merged areas established  
4 pursuant to chapter 260C consisting of nine members,  
5 including one member each to be appointed by each of  
6 the appointing authorities under section 18.133C,  
7 subsection 1.

8 2. The regional telecommunications councils shall  
9 do all of the following:

10 a. Assess local needs and potential uses of the  
11 network and other related educational applications of  
12 technology.

13 b. Coordinate program activities within the merged  
14 area, including scheduling.

15 c. Resolve scheduling conflicts between  
16 educational users and noneducational users, with  
17 priority given to educational users.

18 Sec. 8. Section 18.134, subsection 1, Code  
19 Supplement 1993, is amended to read as follows:

20 1. The department-of-general-services board may  
21 purchase, lease-purchase, lease, and improve property,  
22 equipment, and services for telecommunications for  
23 public and private agencies, including the broadcast  
24 and narrowcast systems, and may dispose of property  
25 and equipment when not necessary for its purposes.  
26 However, the department-of-general-services board  
27 shall not enter into a contract for the purchase,  
28 lease-purchase, lease, or improvement of property,  
29 equipment, or services for telecommunications pursuant  
30 to this subsection in an amount greater than two  
31 hundred fifty thousand dollars without prior  
32 authorization by a constitutional majority of each  
33 house of the general assembly. The board also shall  
34 not provide or resell communications services to  
35 entities other than public and private agencies. The  
36 public or private agency shall not provide  
37 communication services of the network to another  
38 entity at a cost greater than that charged to the  
39 agency pursuant to section 18.136, subsections  
40 subsection 11 and 12. The department board may  
41 arrange for joint use of available services and  
42 facilities, and may enter into leases and agreements  
43 with private and public agencies with respect to a  
44 state the Iowa communications system network, and  
45 public agencies are authorized to enter into leases  
46 and agreements with respect to the system network for  
47 their use and operation. Rentals and other amounts  
48 due under the agreements or leases entered into  
49 pursuant to this section by a state agency are payable  
50 from funds annually appropriated by the general

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1 assembly or from other funds legally available. Other  
2 public agencies may pay the rental costs and other  
3 amounts due under an agreement or lease from their  
4 annual budgeted funds or other funds legally available  
5 or to become available. This section comprises a  
6 complete and independent authorization and procedure  
7 for a public agency, with the approval of the  
8 department board, to enter into a lease or agreement  
9 and related security enhancement arrangements and this  
10 section is not a qualification of any other powers  
11 which a public agency may possess and the  
12 authorizations and powers granted under this section  
13 are not subject to the terms, requirements, or  
14 limitations of any other provisions of law. All  
15 moneys received by the department board from  
16 agreements and leases entered into pursuant to this  
17 section with private and public agencies shall be  
18 deposited in the state Iowa communications network  
19 fund.

20 ~~it-is-the-intent-of-the-general-assembly-that~~  
21 ~~rental-and-other-costs-due-under-agreements-and-leases~~  
22 ~~entered-into-pursuant-to-this-section-by-state~~  
23 ~~agencies-be-replaced-by-supplemental-appropriations-to~~  
24 ~~the-state-agencies-~~

25 Sec. 9. NEW SECTION. 18.134A DISPOSITION OF  
26 NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

27 Notwithstanding any provision to the contrary, the  
28 Iowa communications network board or the department of  
29 general services shall not sell, lease, or otherwise  
30 dispose of Part I, II, or III without prior  
31 authorization by a constitutional majority of each  
32 house of the general assembly and approval by the  
33 governor. The board shall develop the request or  
34 requests for proposals which are necessary for the  
35 sale of Parts I, II, and III which are owned by the  
36 state. Such request or requests shall be delivered to  
37 the general assembly no later than January 1, 1995,  
38 for review and approval. The request or requests for  
39 proposals developed for the sale of Parts I, II, and  
40 III which are owned by the state shall provide, at a  
41 minimum, the following:

42 1. Guaranteed access and use to all current  
43 authorized users whether such users are currently  
44 connected to or utilizing the network. The access  
45 guaranteed under this subsection shall assure such  
46 capacity for video, data, and voice requirements as  
47 provided in the request for proposals developed by the  
48 department of general services for the installation  
49 and maintenance of Part III connections of the Iowa  
50 communications network, and dated November 3, 1993.

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1 2. Guaranteed access and use for operations  
2 related to an agency of the federal government whose  
3 activities are directly related to the activities at  
4 facilities under the control of the armory board  
5 appointed pursuant to section 29A.57.

6 Sec. 10. Section 18.135, Code 1993, is amended to  
7 read as follows:

8 18.135 RULES.

9 The ~~director~~ board shall adopt rules relating to  
10 state communications in accordance with this chapter.  
11 The ~~director~~ board shall also adopt and provide for  
12 standard communications procedures and policies to be  
13 used by state agencies.

14 Sec. 11. Section 18.136, subsections 1, 2, 3, 4,  
15 6, 7, 8, 9, 10, 12, 13, and 14, Code Supplement 1993,  
16 are amended to read as follows:

17 1. Moneys in the state communications network fund  
18 are appropriated to the ~~iowa-public-broadcasting~~ board  
19 for purposes of providing financing for the  
20 procurement, operation, and maintenance of a state  
21 communications network with sufficient capacity to  
22 serve the video, data, and voice requirements of state  
23 agencies and the educational telecommunications  
24 system. The state Iowa communications network  
25 consists of Part I, Part II, and Part III ~~of-the~~  
26 ~~system~~.

27 2. For purposes of this section, unless the  
28 context otherwise requires:

29 a. "~~Part I of-the-system~~" means the communications  
30 connections between central switching and the regional  
31 switching centers for the remainder of the network.

32 b. "~~Part II of-the-system~~" means the  
33 communications connections between the regional  
34 switching centers and the secondary switching centers.

35 c. "~~Part III of-the-system~~" means the  
36 communications connection between the secondary  
37 switching centers and the agencies defined in section  
38 18.133, subsections 3 2 and 4 3.

39 3. The financing for the procurement costs for the  
40 entirety of Part I ~~of-the-system~~, and the video, data,  
41 and voice capacity for state agencies for Part II and  
42 Part III ~~of-the-system~~, shall be provided by the  
43 state. The financing for the procurement costs for  
44 Part II ~~of-the-system~~ shall be provided from the  
45 state. The financing for the procurement and  
46 maintenance costs for Part III ~~of-the-system~~ shall be  
47 provided ~~eighty-percent-from~~ by the state and ~~twenty~~  
48 ~~percent-from-the-local-school-boards-of-the-areas~~  
49 ~~which-receive-transmissions-from-the-system~~. A local  
50 school board may elect to provide one hundred percent

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

43 4. The department of general services board shall  
44 develop the requests for proposals that are needed for  
45 a state communications network with sufficient  
46 capacity to serve the video, data, and voice  
47 requirements of state agencies and the for educational  
48 telecommunications applications required by the Iowa  
49 public broadcasting board. The department board shall  
50 develop a request for proposals for each of the

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1 systems that will make up the network. The department  
2 board may develop a request for proposals for each  
3 definitive component of Part I, Part II, and Part III  
4 of-the-system or the department board may provide in  
5 the request for proposals for each such system that  
6 separate contracts may be entered into for each  
7 definitive component covered by the request for  
8 proposals. The requests for proposals may be for the  
9 purchase, lease-purchase, or lease of the component  
10 parts of the system, may require maintenance costs to  
11 be identified, and the resulting contract may provide  
12 for maintenance for parts of the system. The master  
13 contract may provide for electronic classrooms,  
14 satellite equipment, receiving equipment, studio and  
15 production equipment, and other associated equipment  
16 as required.

17 6. Prior to the awarding of a contract under this  
18 section, the department board shall notify the  
19 legislative council and the department of management  
20 of the department's board's intent to award a contract  
21 and of the cost to the state. The department of  
22 management and the legislative council shall determine  
23 if the anticipated financial resources of the state  
24 are adequate to fund the expenditure during the fiscal  
25 years covered by the contract, and if so, the  
26 department-of-management legislative council shall  
27 certify the determination to the department board.  
28 Upon certification, the department board may enter  
29 into the contract.

30 7. The department-of-general-services board shall  
31 be responsible for the network system design and shall  
32 be responsible for the implementation of each  
33 component of the network as it is incorporated into  
34 the network system. The final design selected shall  
35 optimize the routing for all users in order to assure  
36 maximum utilization by all agencies of the state.  
37 Efficiencies achieved in the implementation of the  
38 network shall be used to fund further implementation  
39 and enhancement of the network, and shall be  
40 considered part of the operational cost of the  
41 network. The department board shall be responsible  
42 for all management, operations, control switching,  
43 diagnostics, and maintenance functions of Part I and  
44 Part II of-the-system operations, except as designated  
45 in subsection 8. The performance of these duties is  
46 intended to provide optimal utilization of the  
47 facilities, and the assurance that future growth  
48 requirements will be provided for, and that sufficient  
49 network capacity will be available to meet the needs  
50 of all users. The-telecommunications-information

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~~1 management-council, created by executive order of the  
2 governor, shall provide general oversight for these  
3 functions:~~

4 8. The Iowa public broadcasting board retains sole  
5 authority over the educational telecommunications  
6 applications of Part I of the system, Part II, and  
7 Part III, and its authority shall include management  
8 and operational control, programming, budget,  
9 personnel, scheduling, and program switching of  
10 educational material carried by Part I of the system.  
11 ~~The Iowa public broadcasting board, through its  
12 narrowcast-system advisory committee, retains  
13 coordination authority over the educational  
14 telecommunications applications of Part II and Part  
15 III of the system.~~ Community colleges are responsible  
16 for scheduling and switching of educational materials  
17 carried by Part II and Part III of the system within  
18 their respective areas. Such responsibility may be  
19 accomplished by a chapter 28E agreement with the  
20 department of general services board.

21 ~~The narrowcast-system advisory committee shall  
22 review all requests for grants for educational  
23 telecommunications applications, if they are a part of  
24 the state communications network, to ensure that the  
25 educational telecommunications application is  
26 consistent with the telecommunications plan. If the  
27 narrowcast-system advisory committee finds that a  
28 grant request is inconsistent with the  
29 telecommunications plan, the grant request shall not  
30 be allowed.~~

31 9. The procurement and maintenance of electronic  
32 equipment including, but not limited to, master  
33 receiver antenna systems, studio and production  
34 equipment, and broadcast system components shall be  
35 provided for under department of general services' the  
36 board's contracts. The Iowa public broadcasting board  
37 and other educational entities within the state have  
38 the option to use their existing or replacement  
39 resources and agreements in the operation and  
40 maintenance of these systems.

41 10. In addition to the other evaluation criteria  
42 specified in the request for proposals issued pursuant  
43 to this section, the department of general services  
44 board, in evaluating proposals, shall base up to two  
45 percent of the total possible points on the public  
46 benefit that can be derived from a given proposal due  
47 to the increased private telecommunications capacity  
48 available to Iowa citizens located in rural Iowa. For  
49 purposes of this subsection, an area of the state is  
50 considered rural if it is not part of a federally

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1 designated standard metropolitan statistical area.

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

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

14 12A. Notwithstanding any other provision of this  
15 section, all fees and charges assessed by the board  
16 and collected from entities defined as private or  
17 public agencies which are provided access to the  
18 network on or after March 1, 1994, shall be under the  
19 control of the board and shall be used to pay for the  
20 costs of Part III connections, including connections  
21 for public elementary and middle schools.

22 ~~14~~ 13. Notwithstanding chapter 476, the provisions  
23 of chapter 476 shall not apply to a public utility in  
24 furnishing a telecommunications service or facility to  
25 the department of general services board for the state  
26 communications network.

27 Sec. 12. Section 18.136, Code Supplement 1993, is  
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 12A. The auditor of state shall,  
30 no less than annually, examine the financial condition  
31 and transactions of the board as provided in chapter  
32 11. A copy of the auditor's report concerning such  
33 examination shall be provided to the general assembly.

34 Sec. 13. NEW SECTION. 18.136A FINANCING PROPOSAL  
35 SUBMITTED EACH YEAR.

36 The board shall annually prepare and submit to the  
37 general assembly for approval or rejection a proposed  
38 financing program for the network. Such proposal  
39 shall include an estimate of the maximum amount of  
40 financing expected to be necessary for the coming  
41 fiscal year. The proposal and estimate shall be  
42 submitted no later than seven days after the convening  
43 of each regular session of the general assembly. The  
44 program shall contain a list of all facilities or  
45 activities to be funded and the method of financing.  
46 The board shall not provide for the financing proposed  
47 or enter into any contracts related to the facilities  
48 or activities listed in the program until the program  
49 is approved by a constitutional majority of each house  
50 and approved by the governor.

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1 Sec. 14. Section 18.137, Code 1993, is amended to  
2 read as follows:

3 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

4 There is created in the office of the treasurer of  
5 state a temporary fund to be known as the state Iowa  
6 communications network fund. ~~There is appropriated to~~  
7 ~~the state communications network fund for the fiscal~~  
8 ~~year beginning July 1, 1989, and ending June 30, 1990,~~  
9 ~~the sum of two million one hundred forty two thousand~~  
10 ~~six hundred twenty one dollars from the general fund~~  
11 ~~of the state.~~ There is appropriated from the general  
12 fund of the state to the state Iowa communications  
13 network fund for each fiscal year of the fiscal period  
14 beginning July 1, 1991, and ending June 30, 1996, the  
15 sum of five million dollars. ~~Notwithstanding section~~  
16 ~~8-337, unobligated and unencumbered moneys from the~~  
17 ~~appropriation for a fiscal year remaining on June 30~~  
18 ~~of that fiscal year shall not revert to the general~~  
19 ~~fund of the state but shall remain available for~~  
20 ~~expenditure during the next following fiscal year.~~  
21 There shall also be deposited into the state Iowa  
22 communications network fund proceeds from bonds issued  
23 for purposes of projects authorized pursuant to  
24 section 18.136, matching funds received from the  
25 community colleges and the local school boards  
26 corporations, funds received from leases pursuant to  
27 section 18.134, and other moneys by law credited to or  
28 designated by a person for deposit into the fund.  
29 ~~Notwithstanding the requirements of section 18.136,~~  
30 ~~subsection 1, for the fiscal year beginning July 1,~~  
31 ~~1990, and ending June 30, 1991, thirty one thousand~~  
32 ~~dollars of moneys in the state communications network~~  
33 ~~fund may be expended for the state's share of the cost~~  
34 ~~for the design of a disaster recovery facility to be~~  
35 ~~built in conjunction with the Iowa communications~~  
36 ~~network facility and emergency operation center. The~~  
37 ~~department of general services may increase its fees~~  
38 ~~for data processing in order to collect an additional~~  
39 ~~amount not exceeding two hundred thousand dollars~~  
40 ~~during the fiscal year beginning July 1, 1991, to pay~~  
41 ~~for the state's share of the cost of construction of~~  
42 ~~the disaster recovery facility.~~

43 The Iowa public broadcasting board shall use the  
44 net increase in the federal match awarded to the Iowa  
45 public broadcasting board as a result of this  
46 appropriation in order to meet the needs of the  
47 educational telecommunications system. These funds  
48 shall be deposited in a separate account within the  
49 state Iowa communications network fund, and shall be  
50 administered by the Iowa public broadcasting board for

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1 purposes of the fund.

2 Sec. 15. The Iowa communications network board  
3 shall annually, in consultation with the utilities  
4 board, submit a written report to the general assembly  
5 on or before February 1 of each year which shall  
6 evaluate and review the impact of the Iowa  
7 communications network on local exchange companies in  
8 this state and on the services such companies provide.  
9 The utilities board shall cooperate with the network  
10 board in the development of the written report.

11 Sec. 16. EDUCATIONAL PROGRAMMING REVIEW. The  
12 board shall review and assess the impact of  
13 educational programming and courses of instruction  
14 offered on the network by authorized users at  
15 locations other than where such authorized user is  
16 located, at educational institutions located at or  
17 near such locations offering similar or identical  
18 educational programming and courses of instruction.  
19 The board shall provide a written report to the  
20 general assembly annually on or before February 1  
21 concerning such review and assessment, which shall  
22 include any recommendations of the board regarding the  
23 review.

24 Sec. 17. SCHOOL CORPORATION CONNECTIONS. The  
25 state shall provide access to the network and provide  
26 the connection to implement such access for all school  
27 corporations in this state by no later than December  
28 1, 1996.

29 Sec. 18. INITIAL IOWA COMMUNICATIONS NETWORK BOARD  
30 APPOINTMENTS. The initial members of the Iowa  
31 communications network board shall be appointed on or  
32 before July 1, 1994, to the following terms:

33 1. Three members shall be appointed for a term of  
34 four years.

35 2. Two members shall be appointed for a term of  
36 three years.

37 3. Two members shall be appointed for a term of  
38 two years.

39 4. Two members shall be appointed for a term of  
40 one year.

41 Sec. 19. CODE EDITOR TRANSFERS. The Code editor  
42 shall transfer sections 18.132 through 18.137 to be a  
43 new chapter 8D. The Code editor shall correct all  
44 internal citations and references consistent with the  
45 transfer of Code sections as provided in this section.

46 Sec. 20. EFFECTIVE DATE. This Act, being deemed  
47 of immediate importance, is effective upon enactment."

RECEIVED FROM THE HOUSE

S-5144 FILED MARCH 10, 1994

*Senate Concurred*  
*3-31-94*  
*(P.960)*

SENATE FILE 2089

S-5332

1 Amend the House amendment, S-5144, to Senate File  
2 2089, as passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 13,  
4 line 47, and inserting the following:

5 ""Section 1. Section 2.32, Code 1993, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 9. If an appointment subject to  
8 senate confirmation is required by statute to be made  
9 by an appointing authority other than the governor,  
10 the duties assigned under this section to the governor  
11 shall be performed by the appointing authority.

12 Sec. 2. Section 18.3, subsection 5, Code 1993, is  
13 amended by striking the subsection.

14 Sec. 3. Section 18.133, subsections 1, 2, 3, and  
15 4, Code Supplement 1993, are amended to read as  
16 follows:

17 1. "Commission" means the Iowa telecommunications  
18 and technology commission established in section  
19 18.133A.

20 † 1A. "Director" means the executive director of  
21 the department of general services or the director's  
22 designee appointed pursuant to section 18.133B.

23 2. "Private agency" means an accredited nonpublic  
24 schools and school, or a nonprofit institutions  
25 institution of higher education eligible for tuition  
26 grants.

27 3. "Public agency" means a state agency, an  
28 institution under the control of the board of regents,  
29 the judicial department, a school corporation, a city  
30 library, a regional library as provided in chapter  
31 256, and or a county library as provided in chapter  
32 336.

33 4. "State communications" refers to the  
34 transmission of voice, data, video, the written word  
35 or other visual signals by electronic means to serve  
36 the needs of state agencies but does not include  
37 communications activities of the state board of  
38 regents, radio and television facilities and other  
39 educational telecommunications systems and services  
40 including narrowcast and broadcast systems under the  
41 division of public broadcasting division of the  
42 department of education, department of transportation  
43 distributed data processing and mobile radio network,  
44 or law enforcement communications systems.

45 Sec. 4. Section 18.133, Code Supplement 1993, is  
46 amended by adding the following new subsection:

47 NEW SUBSECTION. 1B. "Network" means the Iowa or  
48 state communications network.

49 Sec. 5. NEW SECTION. 18.133A IOWA

50 TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION --

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1 MEMBERS -- DUTIES.

2 1. COMMISSION ESTABLISHED. A telecommunications  
3 and technology commission is established with the sole  
4 authority to supervise the management, development,  
5 and operation of the network and ensure that all  
6 components of the network are technically compatible.  
7 The commission shall ensure that the network operates  
8 in an efficient and responsible manner consistent with  
9 the provisions of this chapter for the purpose of  
10 providing the best economic service attainable to the  
11 network users consistent with the state's financial  
12 capacity. The commission shall ensure that  
13 educational users and educational applications be  
14 given the highest priority concerning use of the  
15 network. The commission shall provide for the  
16 centralized, coordinated use and control of the  
17 network.

18 2. MEMBERS. The commission is composed of five  
19 members appointed by the governor and subject to  
20 confirmation by the senate. Members of the commission  
21 shall not serve in any manner or be employed by an  
22 authorized user of the network. The governor shall  
23 appoint a member as the chairperson of the commission  
24 from the five members appointed by the governor,  
25 subject to confirmation by the senate. Members of the  
26 commission shall serve six-year staggered terms as  
27 designated by the governor and appointments to the  
28 commission are subject to the requirements of sections  
29 69.16, 69.16A, and 69.19. Vacancies shall be filled  
30 by the governor for the duration of the unexpired  
31 term. The salary of the members of the commission  
32 shall be twenty thousand dollars per year, except that  
33 the salary of the chairperson shall be twenty-five  
34 thousand dollars per year. Members of the commission  
35 shall also be reimbursed for all actual and necessary  
36 expenses incurred in the performance of duties as  
37 members. Meetings of the commission shall be held at  
38 the call of the chairperson of the commission. In  
39 addition to the members appointed by the governor, the  
40 auditor of state or the auditor's designee shall serve  
41 as a nonvoting, ex officio member of the commission.

42 The benefits and salary paid to the members of the  
43 commission shall be adjusted annually equal to the  
44 average of the annual pay adjustments, expense  
45 reimbursements, and related benefits provided under  
46 collective bargaining agreements negotiated pursuant  
47 to chapter 20.

48 3. DUTIES. The commission shall do all of the  
49 following:

50 a. Enter into agreements pursuant to chapter 28E

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1 as necessary and appropriate for the purposes of the  
2 commission.

3 b. Adopt rules pursuant to chapter 17A as deemed  
4 appropriate and necessary, and directly related to the  
5 implementation and administration of the duties of the  
6 commission. The commission, in consultation with the  
7 department of general services, shall also adopt and  
8 provide for standard communications procedures and  
9 policies relating to the use of the network by state  
10 agencies which recognize, at a minimum, the need for  
11 reliable communications services.

12 c. Establish an appeal process for review by the  
13 commission of a scheduling conflict decision,  
14 including a scheduling conflict involving an  
15 educational user, or the establishment of a fee  
16 associated with the network upon the request of a  
17 person affected by such decision or fee. A  
18 determination made by the commission pursuant to this  
19 subsection shall be final.

20 d. Review and approve for adoption, rules as  
21 proposed and submitted by an authorized user necessary  
22 for the authorized user's access and use of the  
23 network. The commission may refuse to approve and  
24 adopt a proposed rule, and upon such refusal, shall  
25 return the proposed rule to the respective authorized  
26 user proposing the rule with a statement indicating  
27 the commission's reason for refusing to approve and  
28 adopt the rule.

29 e. (1) Develop and issue for response all  
30 requests for proposals for any construction,  
31 installation, repair, maintenance, or equipment and  
32 parts necessary for the network. In preparing the  
33 request for proposals the commission shall do all of  
34 the following:

35 (a) Review existing requests for proposals related  
36 to the network.

37 (b) Consider and evaluate all competing  
38 technologies which could be used in any construction,  
39 installation, repair, or maintenance project.

40 (c) Allow flexibility for proposals to be  
41 submitted in response to a request for proposals  
42 issued by the commission by permitting proposals to be  
43 submitted for designated geographic areas, including  
44 areas defined by site-to-site or by one or more merged  
45 areas, and by permitting proposals to be submitted for  
46 use of competing or alternative technologies in each  
47 defined area.

48 (d) Ensure that rural communities have access to  
49 comparable services to the services provided in urban  
50 areas resulting from any plans to construct, install,

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1 repair, or maintain any part of the network.

2 (2) In determining which proposal to accept,  
3 consider what is in the long-term best interests of  
4 the citizens of the state and the network, and  
5 utilize, if possible, the provision of services with  
6 existing service providers consistent with those best  
7 interests. In determining what is in the long-term  
8 best interests of the citizens of the state and the  
9 network, the commission, at a minimum, shall consider  
10 the cost to taxpayers of the state.

11 f. Annually prepare a written five-year financial  
12 plan for the network which shall be provided to the  
13 general assembly and the governor no later than  
14 January 15 of each year. The plan shall include  
15 estimates for income and expenses for the network for  
16 the five-year period and the actual income and  
17 expenses for the preceding fiscal year. The plan  
18 shall include the amount of general fund  
19 appropriations to be requested for the payment of  
20 operating expenses and debt service. The plan shall  
21 also include any recommendations of the commission  
22 related to changes in the system and other items as  
23 deemed appropriate by the commission.

24 g. Review existing maintenance contracts and past  
25 contracts to determine vendor capability to perform  
26 the obligations under such contracts. The commission  
27 shall report to the general assembly prior to January  
28 1 of each year as to the performance of all vendors  
29 under each contract and shall make recommendations  
30 concerning continued funding for the contracts.

31 h. Pursue available opportunities to cooperate and  
32 coordinate with the federal government for the use and  
33 potential expansion of the network and for the  
34 financing of any such expansion.

35 i. Evaluate existing and projected rates for use  
36 of the system and ensure that rates are sufficient to  
37 pay for the operation of the system except to the  
38 extent such use is subsidized by general fund  
39 appropriations as authorized by the general assembly.

40 j. Make recommendations to the general assembly,  
41 as deemed appropriate by the commission, concerning  
42 the operation of the network.

43 Sec. 6. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
44 APPOINTED.

45 The commission shall appoint an executive director  
46 of the commission, subject to confirmation by the  
47 senate. Such individual shall not serve as a member  
48 of the commission. The executive director shall serve  
49 at the pleasure of the commission. The executive  
50 director shall be selected primarily for

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1 administrative ability and knowledge in the field,  
2 without regard to political affiliation. The governor  
3 shall establish the salary of the executive director  
4 within range nine as established by the general  
5 assembly. The salary and support of the executive  
6 director shall be paid from funds deposited in the  
7 Iowa communications network fund.

8 Sec. 7. NEW SECTION. 18.133C EDUCATION  
9 TELECOMMUNICATIONS COUNCIL ESTABLISHED -- REGIONAL  
10 COUNCILS ESTABLISHED -- ADVISORY COMMITTEES.

11 1. An education telecommunications council is  
12 established. The council consists of seventeen  
13 members and shall include the following: two persons  
14 appointed by the state board of regents; two persons  
15 appointed by the Iowa association of community college  
16 trustees; two persons appointed by the area education  
17 agency boards; two persons appointed by the Iowa  
18 association of school boards; two persons appointed by  
19 the school administrators of Iowa; two persons  
20 appointed by the Iowa association of independent  
21 colleges and universities; two persons appointed by  
22 the Iowa state education association; two persons  
23 appointed by the director of the department of  
24 education including one person representing libraries;  
25 and one person appointed by the administrator of the  
26 public broadcasting division of the department of  
27 education. The council shall establish scheduling and  
28 site usage policies for educational users of the  
29 network, coordinate the activities of the regional  
30 telecommunications council, and develop proposed rules  
31 and changes to rules for recommendation to the  
32 commission. The council shall also recommend long-  
33 range plans for enhancements needed for educational  
34 applications. Administrative support and staffing for  
35 the council shall be provided by the public  
36 broadcasting division of the department of education.

37 2. A regional telecommunications council is  
38 established in each of the merged areas established  
39 pursuant to chapter 260C consisting of nine members,  
40 including one member each to be appointed by each of  
41 the appointing authorities under subsection 1.  
42 Additional ex officio, nonvoting members may also be  
43 appointed to the regional telecommunications councils.  
44 The regional telecommunications councils shall advise  
45 the educational telecommunications council on the  
46 assessment of local educational needs, and the  
47 coordination of program activities including  
48 scheduling.

49 3. The commission shall establish an advisory  
50 group to examine the use of the network for

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1 telemedicine applications. The advisory group shall  
2 consist of representatives of hospitals and other  
3 health care facilities as determined by the  
4 commission.

5 4. The commission may establish other advisory  
6 committees as necessary representing authorized users  
7 of the network.

8 Sec. 8. NEW SECTION. 18.133D TELECOMMUNICATIONS  
9 ADVISORY COMMITTEE.

10 A telecommunications advisory committee is  
11 established to advise the commission on  
12 telecommunications matters. The commission shall  
13 appoint five members to the advisory committee who  
14 shall represent specific telecommunications industries  
15 or persons with technical expertise related to the  
16 network.

17 Sec. 9. NEW SECTION. 18.133E SCHEDULING FOR  
18 AUTHORIZED USERS.

19 Except as provided in section 18.133C, an  
20 authorized user is responsible for all scheduling of  
21 the use of the authorized user's facility. A person  
22 who disputes a scheduling decision of such user may  
23 petition the commission for a review of such decision  
24 pursuant to section 18.133A.

25 Sec. 10. NEW SECTION. 18.133F CERTIFICATION OF  
26 USE -- NETWORK USE BY CERTAIN AUTHORIZED USERS.

27 1. A private or public agency, other than a state  
28 agency, local school district or nonpublic school,  
29 city library, regional library, or county library,  
30 authorized to be offered access pursuant to this  
31 chapter as of the effective date of this Act, shall  
32 certify to the commission no later than July 1, 1994,  
33 that the agency is a part of or intends to become a  
34 part of the network. Upon receiving such  
35 certification from an agency not a part of the network  
36 on the effective date of this Act, the commission  
37 shall provide for the connection of such agency as  
38 soon as practical. An agency which does not certify  
39 to the commission that the agency is a part of or  
40 intends to become a part of the network as required by  
41 this subsection shall be prohibited from using the  
42 network.

43 2. a. A private or public agency which certifies  
44 to the commission that the agency is a part of or  
45 intends to become a part of the network shall use the  
46 network for all video, data, and voice requirements of  
47 the agency unless the private or public agency  
48 petitions the commission for a waiver and one of the  
49 following applies:

50 (1) The cost to the authorized user for services

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1 provided on the network are not competitive with the  
2 same services provided by another provider.

3 (2) The authorized user is under contract with  
4 another provider for such services, provided the  
5 contract was entered into prior to April 1, 1994. The  
6 agency shall use the network for video, data, and  
7 voice requirements which are not provided pursuant to  
8 such contract.

9 (3) The authorized user has entered into an  
10 agreement with the commission to become part of the  
11 network prior to June 1, 1994, which does not provide  
12 for use of the network for all video, data, and voice  
13 requirements of the agency. The commission may enter  
14 into an agreement described in this subparagraph upon  
15 a determination that the use of the network for all  
16 video, data, and voice requirements of the agency  
17 would not be in the best interests of the agency.

18 b. A private or public agency shall petition the  
19 commission for a waiver of the requirement to use the  
20 network as provided in paragraph "a", if the agency  
21 determines that paragraph "a", subparagraph (1) or (2)  
22 applies. The commission shall establish by rule a  
23 review process for determining, upon application of an  
24 authorized user, whether paragraph "a", subparagraph  
25 (1) or (2), applies. An authorized user found by the  
26 commission to be under contract for such services as  
27 provided in paragraph "a", subparagraph (2), shall not  
28 enter into another contract upon the expiration of  
29 such contract, but shall utilize the network for such  
30 services as provided in this section unless paragraph  
31 "a", subparagraph (1), applies.

32 Sec. 11. NEW SECTION. 18.133G REPORT OF SAVINGS  
33 BY STATE AGENCIES.

34 A state agency which is a part of the network shall  
35 annually provide a written report to the general  
36 assembly certifying the identified savings associated  
37 with the state agency's use of the network. The  
38 report shall be delivered on or before January 15 for  
39 the previous fiscal year of the state agency.

40 Sec. 12. Section 18.134, subsection 1, Code  
41 Supplement 1993, is amended to read as follows:

42 1. ~~The department-of-general-services commission~~  
43 may purchase, lease-purchase, lease, and improve  
44 property, equipment, and services for  
45 telecommunications for public and private agencies,  
46 ~~including-the-broadcast-and-narrowcast-systems,~~ and  
47 may dispose of property and equipment when not  
48 necessary for its purposes. However, the ~~department~~  
49 ~~of-general-services commission~~ shall not provide or  
50 resell communications services to entities other than

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1 public and private agencies. The public or private  
2 agency shall not provide communication services of the  
3 network to another entity at a cost greater than that  
4 charged to the agency pursuant to section 18.136,  
5 subsections 11 and 12. The department commission may  
6 arrange for joint use of available services and  
7 facilities, and may enter into leases and agreements  
8 with private and public agencies with respect to a  
9 state the Iowa communications system network, and  
10 public agencies are authorized to enter into leases  
11 and agreements with respect to the system network for  
12 their use and operation. Rentals and other amounts  
13 due under the agreements or leases entered into  
14 pursuant to this section by a state agency are payable  
15 from funds annually appropriated by the general  
16 assembly or from other funds legally available. Other  
17 public agencies may pay the rental costs and other  
18 amounts due under an agreement or lease from their  
19 annual budgeted funds or other funds legally available  
20 or to become available. This section comprises a  
21 complete and independent authorization and procedure  
22 for a public agency, with the approval of the  
23 department commission, to enter into a lease or  
24 agreement and related security enhancement  
25 arrangements and this section is not a qualification  
26 of any other powers which a public agency may possess  
27 and the authorizations and powers granted under this  
28 section are not subject to the terms, requirements, or  
29 limitations of any other provisions of law. All  
30 moneys received by the department commission from  
31 agreements and leases entered into pursuant to this  
32 section with private and public agencies shall be  
33 deposited in the state Iowa communications network  
34 fund.

35 ~~It is the intent of the general assembly that~~  
36 ~~rental and other costs due under agreements and leases~~  
37 ~~entered into pursuant to this section by state~~  
38 ~~agencies be replaced by supplemental appropriations to~~  
39 ~~the state agencies.~~

40 Sec. 13. Section 18.136, subsections 1, 2, 3, 4,  
41 6, 7, 8, 9, 10, 12, and 14, Code Supplement 1993, are  
42 amended to read as follows:

43 1. Moneys in the state Iowa communications network  
44 fund are appropriated to the Iowa public broadcasting  
45 board Iowa telecommunications and technology  
46 commission for purposes of providing financing for the  
47 procurement, operation, and maintenance of a state the  
48 Iowa communications network with sufficient capacity  
49 to serve the video, data, and voice requirements of  
50 ~~state agencies and~~ the educational telecommunications

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1 system consisting of Part I, Part II, and Part III,  
2 and other public and private agencies. The-state  
3 communications-network-consists-of-Part-i,-Part-ii,  
4 and-Part-iii-of-the-system:

5 2. For purposes of this section, unless the  
6 context otherwise requires:

7 a. "Part I of-the-system" means the communications  
8 connections between central switching and institutions  
9 under the control of the board of regents, nonprofit  
10 institutions of higher education eligible for tuition  
11 grants, and the regional switching centers for the  
12 remainder of the network.

13 b. "Part II of-the-system" means the  
14 communications connections between the regional  
15 switching centers and the secondary switching centers.

16 c. "Part III of-the-system" means the  
17 communications connection between the secondary  
18 switching centers and the agencies defined in section  
19 18.133, subsections 3 2 and 4 3, excluding state  
20 agencies, institutions under the control of the board  
21 of regents, nonprofit institutions of higher education  
22 eligible for tuition grants, and the judicial  
23 department.

24 3. The financing for the procurement costs for the  
25 entirety of Part I of-the-system, and the video, data,  
26 and voice capacity for state agencies and for Part II  
27 and Part III of-the-system, shall be provided by the  
28 state. The financing for the procurement costs for  
29 Part II of-the-system shall be provided from the  
30 state. The financing for the procurement and  
31 maintenance costs for Part III of-the-system shall be  
32 provided eighty percent from the state and twenty  
33 percent from the local school boards of the areas  
34 which receive transmissions from the system network.  
35 A local school board may elect to provide one hundred  
36 percent of the financing for the procurement and  
37 maintenance costs for Part III to become part of the  
38 system. The local school boards may meet all or part  
39 of the match requirements of Part III of-the-system  
40 through a cooperative arrangement with community  
41 colleges. The basis for the state match is eighty  
42 percent of a single interactive audio and one-way  
43 video for Part III of-the-system, and such data and  
44 voice capacity as is necessary. The local school  
45 boards and community colleges may meet the match  
46 requirements for Part III of-the-system from funds  
47 they have already spent for their systems, from funds  
48 available in the school budget, or from funds received  
49 from other nonstate sources. In the case of existing  
50 systems, in order to upgrade facilities to the

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1 specifications of the state Iowa communications  
2 network, the local school boards and community  
3 colleges, in lieu of a cash match, may meet the match  
4 requirements from funds they have already spent for  
5 their systems provided that the state match does not  
6 exceed the lesser of eighty percent of the total cost  
7 of the upgraded system or eighty percent of the  
8 replacement cost of the system. The communications  
9 equipment funds used as a match by a community college  
10 shall be calculated based on verified expenditures for  
11 capital, equipment, hardware, and software for long-  
12 distance learning technologies, including both audio  
13 and visual transmission. The communications equipment  
14 used as a match shall not subsequently be used as a  
15 match by another educational entity or for another  
16 ~~part of the system.~~ A local school board may request  
17 the school budget review committee to adjust the  
18 allowable growth for the school district so that the  
19 resulting increase in budget could be used for the  
20 match. A local school board may also elect not to  
21 become part of the system network. Such election  
22 shall be made on an annual basis. ~~State-matching~~  
23 ~~funds shall not be provided for Part III of the system~~  
24 ~~until Part I and Part II of the system have been~~  
25 ~~completed.--Construction of Part III of the system may~~  
26 ~~proceed before Part I and Part II of the system have~~  
27 ~~been completed.~~

28 4. The department of general services commission  
29 shall develop the requests for proposals that are  
30 needed for ~~a state~~ the Iowa communications network  
31 with sufficient capacity to serve the video, data, and  
32 voice requirements of state agencies and ~~the for~~  
33 educational telecommunications applications required  
34 ~~by the Iowa public broadcasting board.~~ The department  
35 commission shall develop a request for proposals for  
36 each of the systems that will make up the network.  
37 The department commission may develop a request for  
38 proposals for each definitive component of Part I,  
39 Part II, and Part III ~~of the system~~ or the department  
40 commission may provide in the request for proposals  
41 for each such system that separate contracts may be  
42 entered into for each definitive component covered by  
43 the request for proposals. The requests for proposals  
44 may be for the purchase, lease-purchase, or lease of  
45 the component parts of the system network, may require  
46 maintenance costs to be identified, and the resulting  
47 contract may provide for maintenance for parts of the  
48 system network. The master contract may provide for  
49 electronic classrooms, satellite equipment, receiving  
50 equipment, studio and production equipment, and other

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1 associated equipment as required.  
2 6. Prior to the awarding of a contract under this  
3 section, the department commission shall notify the  
4 legislative council and the department of management  
5 of the department's commission's intent to award a  
6 contract and of the cost to the state. The department  
7 of management and the legislative council shall  
8 determine if the anticipated financial resources of  
9 the state are adequate to fund the expenditure during  
10 the fiscal years covered by the contract, and if so,  
11 the department of management shall certify the  
12 determination to the department commission. Upon  
13 certification, the department commission may enter  
14 into the contract.

15 7. The ~~department-of-general-services~~ commission  
16 shall be responsible for the network system design and  
17 shall be responsible for the implementation of each  
18 component of the network as it is incorporated into  
19 the network system. The final design selected shall  
20 optimize the routing for all users in order to assure  
21 maximum utilization by all agencies of the state.  
22 Efficiencies achieved in the implementation of the  
23 network shall be used to fund further implementation  
24 and enhancement of the network, and shall be  
25 considered part of the operational cost of the  
26 network. The department commission shall be  
27 responsible for all management, operations, control  
28 switching, diagnostics, and maintenance functions of  
29 Part I and Part II of the system operations, except as  
30 designated in subsection 8. The performance of these  
31 duties is intended to provide optimal utilization of  
32 the facilities, and the assurance that future growth  
33 requirements will be provided for, and that sufficient  
34 network capacity will be available to meet the needs  
35 of all users. ~~The telecommunications information~~  
36 ~~management council, created by executive order of the~~  
37 ~~governor, shall provide general oversight for these~~  
38 ~~functions:~~

39 8. ~~The Iowa public broadcasting board retains sole~~  
40 ~~authority over the educational telecommunications~~  
41 ~~applications of Part I of the system, and its~~  
42 ~~authority shall include management and operational~~  
43 ~~control, programming, budget, personnel, scheduling,~~  
44 ~~and program switching of educational material carried~~  
45 ~~by Part I of the system. The Iowa public broadcasting~~  
46 ~~board, through its narrowcast system advisory~~  
47 ~~committee, retains coordination authority over the~~  
48 ~~educational telecommunications applications of Part II~~  
49 ~~and Part III of the system. Community colleges are~~  
50 ~~responsible for scheduling and switching of~~

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~~1 educational materials carried by Part II and Part III~~  
~~2 of the system within their respective areas. -- Such~~  
~~3 responsibility may be accomplished by a chapter 28E~~  
~~4 agreement with the department of general services.~~

5 The narrowcast system advisory committee education  
6 telecommunications council shall review all requests  
7 for grants for educational telecommunications  
8 applications, if they are a part of the state  
9 communications network, to ensure that the educational  
10 telecommunications application is consistent with the  
11 telecommunications plan. ~~If the narrowcast system~~  
~~12 advisory committee finds that a grant request is~~  
~~13 inconsistent with the telecommunications plan, the~~  
~~14 grant request shall not be allowed.~~ All other grant  
15 requests shall be reviewed as determined by the  
16 commission.

17 9. The procurement and maintenance of electronic  
18 equipment including, but not limited to, master  
19 receiver antenna systems, studio and production  
20 equipment, and broadcast system components shall be  
21 provided for under department of general services' the  
22 commission's contracts. The Iowa public broadcasting  
23 board and other educational entities within the state  
24 have the option to use their existing or replacement  
25 resources and agreements in the operation and  
26 maintenance of these systems.

27 10. In addition to the other evaluation criteria  
28 specified in the request for proposals issued pursuant  
29 to this section, the department of general services  
30 commission, in evaluating proposals, shall base up to  
31 two percent of the total possible points on the public  
32 benefit that can be derived from a given proposal due  
33 to the increased private telecommunications capacity  
34 available to Iowa citizens located in rural Iowa. For  
35 purposes of this subsection, an area of the state is  
36 considered rural if it is not part of a federally  
37 designated standard metropolitan statistical area.

38 12. ~~The Iowa public broadcasting board, in~~  
39 ~~consultation with its narrowcast system advisory~~  
40 ~~committee, shall determine the fee to be charged per~~  
41 ~~course or credit hour by the originating institution,~~  
42 ~~and the fees shall be substantially the same for~~  
43 ~~comparable courses.~~ The commission, on its own or as  
44 recommended by an advisory committee of the commission  
45 and approved by the commission, may permit a fee to be  
46 charged by a receiving site to the originating site.  
47 The fee charged shall be for the purpose of recovering  
48 the operating costs of a receiving site. The fee  
49 charged shall be reduced by an amount received by the  
50 receiving site pursuant to a state appropriation for

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1 such costs, or federal assistance received for such  
 2 costs. Fees established under this subsection shall  
 3 be paid by the originating site directly to the  
 4 receiving site. For purposes of this section,  
 5 "operating costs" include the costs associated with  
 6 the management or coordination, operations, utilities,  
 7 classroom, equipment, maintenance, and other costs  
 8 directly related to providing the receiving site.  
 9 "Operating costs" do not include the cost of providing  
 10 staff or personnel at the receiving site.

11 14. Notwithstanding chapter 476, the provisions of  
 12 chapter 476 shall not apply to a public utility in  
 13 furnishing a telecommunications service or facility to  
 14 the department-of-general-services commission for the  
 15 state Iowa communications network.

16 Sec. 14. Section 18.137, Code 1993, is amended to  
 17 read as follows:

18 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

19 There is created in the office of the treasurer of  
 20 state a temporary fund to be known as the state Iowa  
 21 communications network fund under the control of the  
 22 Iowa telecommunications and technology commission.  
 23 ~~There is appropriated to the state communications~~  
 24 ~~network fund for the fiscal year beginning July 1,~~  
 25 ~~1989, and ending June 30, 1990, the sum of two million~~  
 26 ~~one hundred forty two thousand six hundred twenty one~~  
 27 ~~dollars from the general fund of the state. There is~~  
 28 appropriated from the general fund of the state to the  
 29 state Iowa communications network fund for each fiscal  
 30 year of the fiscal period beginning July 1, 1991, and  
 31 ending June 30, 1996, the sum of five million dollars.  
 32 ~~Notwithstanding section 8.33, unobligated and~~  
 33 ~~unencumbered moneys from the appropriation for a~~  
 34 ~~fiscal year remaining on June 30 of that fiscal year~~  
 35 ~~shall not revert to the general fund of the state but~~  
 36 ~~shall remain available for expenditure during the next~~  
 37 ~~following fiscal year. There shall also be deposited~~  
 38 into the state Iowa communications network fund  
 39 proceeds from bonds issued for purposes of projects  
 40 authorized pursuant to section 18.136, matching funds  
 41 received from the community colleges and the local  
 42 school boards, funds received from leases pursuant to  
 43 section 18.134, and other moneys by law credited to or  
 44 designated by a person for deposit into the fund.  
 45 ~~Notwithstanding the requirements of section 18.136,~~  
 46 ~~subsection 1, for the fiscal year beginning July 1,~~  
 47 ~~1990, and ending June 30, 1991, thirty one thousand~~  
 48 ~~dollars of moneys in the state communications network~~  
 49 ~~fund may be expended for the state's share of the cost~~  
 50 ~~for the design of a disaster recovery facility to be~~

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~~1 built-in-conjunction-with-the-Iowa-communications  
2 network-facility-and-emergency-operation-center--The  
3 department-of-general-services-may-increase-its-fees  
4 for-data-processing-in-order-to-collect-an-additional  
5 amount-not-exceeding-two-hundred-thousand-dollars  
6 during-the-fiscal-year-beginning-July-17-1991,-to-pay  
7 for-the-state's-share-of-the-cost-of-construction-of  
8 the-disaster-recovery-facility-~~

~~9 The-Iowa-public-broadcasting-board-shall-use-the  
10 net-increase-in-the-federal-match-awarded-to-the-Iowa  
11 public-broadcasting-board-as-a-result-of-this  
12 appropriation-in-order-to-meet-the-needs-of-the  
13 educational-telecommunications-system--These-funds  
14 shall-be-deposited-in-a-separate-account-within-the  
15 state-communications-network-fund,-and-shall-be  
16 administered-by-the-Iowa-public-broadcasting-board-for  
17 purposes-of-the-fund-~~

18 Sec. 15. Section 256.82, subsection 3, Code  
19 Supplement 1993, is amended by striking the subsection  
20 and inserting in lieu thereof the following:

21 3. The board shall appoint an advisory committee  
22 on journalistic and editorial integrity which has no  
23 more than a simple majority of members of the same  
24 gender. The division shall be governed by the  
25 national principles of editorial integrity developed  
26 by the editorial integrity project.

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

31 Members of advisory committees shall receive actual  
32 expenses incurred in performing their official duties.

33 Sec. 16. Notwithstanding any other provision to  
34 the contrary, the Iowa telecommunications and  
35 technology commission shall develop a written proposal  
36 to be submitted to the governor for the governor's  
37 approval relating to the structure and organization of  
38 the commission. The commission shall identify  
39 existing positions which exist in state departments or  
40 agencies directly related to the duties and mission of  
41 the commission and shall request in the proposal that  
42 those positions be transferred to, and be under the  
43 control of, the commission. The request shall be  
44 submitted to the governor no later than January 1,  
45 1995, with a copy to be submitted to the house of  
46 representatives and the senate at the same time.

47 Upon approval by the governor, the department of  
48 management shall provide for the transfer of funds  
49 appropriated for those positions to the commission  
50 from the department or agency in which the position

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1 was located prior to the transfer. If persons are  
2 transferred from employment with a department or  
3 agency to employment with the commission, the persons  
4 shall not be required to forfeit any accrued seniority  
5 or other benefits.

6 Sec. 17. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE  
7 OFFICER. All duties and responsibilities of the Iowa  
8 telecommunications and technology commission shall be  
9 performed by the ICN chief executive officer appointed  
10 by the governor pursuant to executive order number 46  
11 signed on January 5, 1993, until such time as the  
12 initial appointments to the commission have been made  
13 and the commission has organized itself.

14 Sec. 18. INITIAL IOWA TELECOMMUNICATIONS AND  
15 TECHNOLOGY COMMISSION APPOINTMENTS. The initial  
16 members of the Iowa telecommunications and technology  
17 commission shall be appointed on or before July 1,  
18 1994, to the following terms:

19 1. One member shall be appointed for a term of six  
20 years.

21 2. Two members shall be appointed for a term of  
22 four years.

23 3. Two members shall be appointed for a term of  
24 two years.

25 Sec. 19. CODE EDITOR TRANSFERS. The Code editor  
26 shall transfer sections 18.132 through 18.137 to be a  
27 new chapter 8D. The Code editor shall correct all  
28 internal citations and references consistent with the  
29 transfer of Code sections as provided in this section.

30 Sec. 20. CONTINUATION OF APPLICABILITY OF EXISTING  
31 RULES. Rules applicable to the Iowa communications  
32 network in effect on the effective date of this Act  
33 shall remain effective until the Iowa  
34 telecommunications and technology commission modifies  
35 or repeals such rules.

36 Sec. 21. REPEAL. Section 18.135, Code 1993, is  
37 repealed.

38 Sec. 22. EFFECTIVE DATE. This Act, being deemed  
39 of immediate importance, is effective upon  
40 enactment.""

By JOE WELSH

S-5332 FILED MARCH 29, 1994  
DEFERRED

*Adopted*  
*3-31-94 (p. 960)*

## SENATE FILE 2089

S-5338

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 5, line 48, by inserting after the word  
5 "scheduling." the following: "The community college  
6 located in the merged area of a regional  
7 telecommunications council shall staff and facilitate  
8 the activities of the council. The community college  
9 and the council may enter into a chapter 28E agreement  
10 for such arrangement."

By JOE J. WELSH

S-5338 FILED MARCH 29, 1994

*Adopted 3/31/94 (P. 949)*

SENATE FILE 2089

S-5339

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 5, line 12, by striking the word  
5 "seventeen" and inserting the following: "eighteen".  
6 2. Page 5, line 22, by striking the word "two"  
7 and inserting the following: "three".  
8 3. Page 5, line 24, by inserting after the word  
9 "libraries" the following: "and one person  
10 representing the Iowa association of nonpublic school  
11 administrators".

By WILLIAM W. DIELEMAN  
LARRY MURPHY

S-5339 FILED MARCH 29, 1994

*Adopted 3/30/94  
P. 938*

## SENATE FILE 2089

S-5334

- 1 Amend the amendment, S-5332, to the House
- 2 amendment, S-5144, to Senate File 2089, as passed by
- 3 the Senate, as follows:
- 4 1. Page 5, line 24, by inserting after the word
- 5 "libraries" the following: "and one person
- 6 representing the Iowa association of nonpublic school
- 7 administrators".

By WILLIAM W. DIELEMAN  
LARRY MURPHY

WITHDRAWN 3/30/94

S-5334 FILED MARCH 29, 1994

## SENATE FILE 2089

S-5336

- 1 Amend the amendment, S-5332, to the House
- 2 amendment, S-5144, to Senate File 2089, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 12, line 45, by striking the word "may"
- 5 and inserting the following: "shall".
- 6 2. Page 13, by striking lines 9 and 10.

By JOE J. WELSH  
JAMES R. RIORDAN

S-5336 FILED MARCH 29, 1994

*Adopted 3/31/94 (p. 950)*

SENATE FILE 2089

S-5337

- 1 Amend the amendment, S-5332, to the House
- 2 amendment, S-5144, to Senate File 2089, as passed by
- 3 the Senate, as follows:
- 4 1. Page 5, line 12, by striking the word
- 5 "seventeen" and inserting the following: "eighteen".
- 6 2. Page 5, line 24, by inserting after the word
- 7 "libraries" the following: "and one person
- 8 representing the Iowa association of nonpublic school
- 9 administrators".

By WILLIAM W. DIELEMAN  
LARRY MURPHY

S-5337 FILED MARCH 29, 1994

WITHDRAWN  
3/30/94

SENATE FILE 2089

S-5346

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. By striking page 1, line 5 through page 15,  
5 line 40, and inserting the following:

6 "Section 1. Section 2.32, Code 1993, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 9. If an appointment subject to  
9 senate confirmation is required by statute to be made  
10 by an appointing authority other than the governor,  
11 the duties assigned under this section to the governor  
12 shall be performed by the appointing authority.

13 Sec. 2. Section 18.133, subsection 1, Code  
14 Supplement 1993, is amended to read as follows:

15 1. "Director" means the executive director of the  
16 department-of-general-services-or-the-director's  
17 designee appointed pursuant to section 18.133B.

18 Sec. 3. Section 18.133, Code Supplement 1993, is  
19 amended by adding the following new subsection:

20 NEW SUBSECTION. 1A. "Network" means the Iowa or  
21 state communications network.

22 Sec. 4. NEW SECTION. 18.133A IOWA COMMUNICATIONS  
23 NETWORK BOARD.

24 1. NETWORK BOARD ESTABLISHED.

25 a. An Iowa communications network board is  
26 established, as an agency of the state exercising  
27 public and essential governmental functions, with the  
28 authority to supervise the development, management,  
29 and operation of the Iowa communications network. The  
30 board shall ensure that educational users and  
31 educational applications of the network be given the  
32 highest priority in supervising the management and  
33 operation of the network. The board shall ensure that  
34 the network operates in an efficient and responsible  
35 manner consistent with the provisions of this chapter  
36 for the purpose of providing the best economic service  
37 attainable to network users consistent with the  
38 state's financial capacity. The board shall provide  
39 for the centralized, coordinated use and control of  
40 the network.

41 b. The board shall do all of the following:

42 (1) Provide the requests for proposals for all  
43 component parts for Part III for an authorized user on  
44 a site-by-site basis or for a consortium of authorized  
45 users to solicit bids from, and enter into contracts  
46 with, qualified bidders for the purpose of completing  
47 the necessary work to connect the authorized user or  
48 consortium of authorized users to the network,  
49 consistent with the minimum standards established for  
50 Part III connections. A consortium of authorized

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1 users may petition the board to release a request for  
2 proposals for each site which is a part of a  
3 consortium. The board shall permit proposals to be  
4 submitted for the use of competing or alternative  
5 technologies.

6 (2) Establish a comprehensive financing plan for  
7 Part III to be delivered to the general assembly for  
8 review and approval, including projections for future  
9 revenue and operating expenditures, the cost of  
10 completing Part III, and sources of additional revenue  
11 necessary to complete Part III including state general  
12 fund appropriations.

13 (3) Develop a long-term network plan and make  
14 recommendations to the general assembly for the  
15 implementation of Part III, and for authorizing  
16 additional users of the network.

17 (4) Deliver a written report to the general  
18 assembly no later than January 1, 1995, concerning the  
19 necessity for and structure of any additional  
20 committees, councils, or other entities associated  
21 with the management and operation of the network. The  
22 board shall not establish such a structure without  
23 prior authorization by a constitutional majority of  
24 each house of the general assembly and approval by the  
25 governor.

26 (5) Deliver a written report and all proposals  
27 submitted in response to the request for proposals  
28 issued under subparagraph (1) to the general assembly  
29 no later than January 1, 1995. The board shall not  
30 enter into any agreement related to such proposals  
31 without prior authorization by a constitutional  
32 majority of each house of the general assembly and  
33 approval by the governor.

34 c. The board shall adopt rules pursuant to chapter  
35 17A as deemed appropriate and directly related to the  
36 operations of the board.

37 d. The recommendations of the board to the general  
38 assembly contained in the long-term network plan shall  
39 include a detailed plan for the connection of all  
40 public schools to the network, including a discussion  
41 and evaluation of all potential financing options, an  
42 estimate of all costs incurred in providing such  
43 connections, and a schedule for completing such  
44 connections, including the anticipated final  
45 completion date for such connections.

46 2. MEMBERSHIP.

47 a. The board consists of nine voting members, who  
48 shall be citizens of this state, appointed by the  
49 governor, subject to senate confirmation.

50 Additionally, four ex officio nonvoting members shall

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1 be appointed who shall be members of the general  
2 assembly, with two members appointed from the senate,  
3 one to be appointed by the majority leader of the  
4 senate and one to be appointed by the minority leader  
5 of the senate, and two members appointed from the  
6 house of representatives, one to be appointed by the  
7 speaker of the house and one to be appointed by the  
8 minority leader of the house. Members of the board  
9 shall not serve in any manner or be employed by an  
10 authorized user of the network. Members of the board  
11 appointed by the governor shall serve four-year  
12 staggered terms as designated by the governor and  
13 appointments to the board are subject to the  
14 requirements of sections 69.16, 69.16A, and 69.19.  
15 Vacancies shall be filled by the governor for the  
16 duration of the unexpired term.

17 b. Members of the board shall be reimbursed for  
18 all actual and necessary expenses incurred in the  
19 performance of duties as members.

20 c. Meetings of the board shall be held at the call  
21 of the chairperson of the board or on written request  
22 of two members.

23 d. Members shall elect a chairperson and vice  
24 chairperson annually and other officers as they  
25 determine. The executive director shall serve as  
26 secretary to the board.

27 Sec. 5. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
28 APPOINTED.

29 The board shall appoint an executive director of  
30 the board, subject to confirmation by the senate.  
31 Such individual shall not serve as a member of the  
32 board. The executive director shall serve at the  
33 pleasure of the board, but shall be subject to  
34 reconfirmation by the senate every four years. The  
35 executive director shall be selected primarily for  
36 administrative ability and knowledge in the field,  
37 without regard to political affiliation. The salary  
38 and support of the executive director shall be paid  
39 from funds deposited in the Iowa communications  
40 network fund.

41 Sec. 6. Section 18.134, subsection 1, Code  
42 Supplement 1993, is amended to read as follows:

43 1. The ~~department-of-general-services~~ board may  
44 purchase, lease-purchase, lease, and improve property,  
45 equipment, and services for telecommunications for  
46 public and private agencies, including the broadcast  
47 and narrowcast systems, and may dispose of property  
48 and equipment when not necessary for its purposes.  
49 However, the ~~department-of-general-services~~ board  
50 shall not provide or resell communications services to

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1 entities other than public and private agencies. The  
2 public or private agency shall not provide  
3 communication services of the network to another  
4 entity at a cost greater than that charged to the  
5 agency pursuant to section 18.136, subsections 11 and  
6 12. The department board may arrange for joint use of  
7 available services and facilities, and may enter into  
8 leases and agreements with private and public agencies  
9 with respect to a-state the Iowa communications system  
10 network, and public agencies are authorized to enter  
11 into leases and agreements with respect to the system  
12 network for their use and operation. Rentals and  
13 other amounts due under the agreements or leases  
14 entered into pursuant to this section by a state  
15 agency are payable from funds annually appropriated by  
16 the general assembly or from other funds legally  
17 available. Other public agencies may pay the rental  
18 costs and other amounts due under an agreement or  
19 lease from their annual budgeted funds or other funds  
20 legally available or to become available. This  
21 section comprises a complete and independent  
22 authorization and procedure for a public agency, with  
23 the approval of the department board, to enter into a  
24 lease or agreement and related security enhancement  
25 arrangements and this section is not a qualification  
26 of any other powers which a public agency may possess  
27 and the authorizations and powers granted under this  
28 section are not subject to the terms, requirements, or  
29 limitations of any other provisions of law. All  
30 moneys received by the department board from  
31 agreements and leases entered into pursuant to this  
32 section with private and public agencies shall be  
33 deposited in the state Iowa communications network  
34 fund.

35 It is the intent of the general assembly that  
36 rental and other costs due under agreements and leases  
37 entered into pursuant to this section by state  
38 agencies be replaced by supplemental appropriations to  
39 the state agencies.

40 Sec. 7. NEW SECTION. 18.134A DISPOSITION OF  
41 NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

42 Notwithstanding any provision to the contrary, the  
43 Iowa communications network board or the department of  
44 general services shall not sell, lease, or otherwise  
45 dispose of Part I, II, or III without prior  
46 authorization by a constitutional majority of each  
47 house of the general assembly and approval by the  
48 governor. The board shall develop the request or  
49 requests for proposals which are necessary for the  
50 sale of Parts I, II, and III which are owned by the

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1 state. Such request or requests shall be delivered to  
2 the general assembly no later than January 1, 1995,  
3 for review and approval. The request or requests for  
4 proposals developed for the sale of Parts I, II, and  
5 III which are owned by the state shall provide, at a  
6 minimum, the following:

7 1. Guaranteed access and use to all current  
8 authorized users whether such users are currently  
9 connected to or utilizing the network. The access  
10 guaranteed under this subsection shall assure such  
11 capacity for video, data, and voice requirements as  
12 provided in the request for proposals developed by the  
13 department of general services for the installation  
14 and maintenance of Part III connections of the Iowa  
15 communications network, and dated November 3, 1993.

16 2. Guaranteed access and use for operations  
17 related to an agency of the federal government whose  
18 activities are directly related to the activities at  
19 facilities under the control of the armory board  
20 appointed pursuant to section 29A.57.

21 Sec. 8. Section 18.136, subsections 1, 2, 3, 4, 6,  
22 7, 8, 9, 10, and 14, Code Supplement 1993, are amended  
23 to read as follows:

24 1. Moneys in the state Iowa communications network  
25 fund are appropriated to the ~~Iowa-public-broadcasting~~  
26 board for purposes of providing financing for the  
27 procurement, operation, and maintenance of ~~a-state the~~  
28 Iowa communications network with sufficient capacity  
29 to serve the video, data, and voice requirements of  
30 state agencies and the educational telecommunications  
31 system. The state Iowa communications network  
32 consists of Part I, Part II, and Part III ~~of-the~~  
33 system.

34 2. For purposes of this section, unless the  
35 context otherwise requires:

36 a. "~~Part I of-the-system~~" means the communications  
37 connections between central switching and the regional  
38 switching centers for the remainder of the network.

39 b. "~~Part II of-the-system~~" means the  
40 communications connections between the regional  
41 switching centers and the secondary switching centers.

42 c. "~~Part III of-the-system~~" means the  
43 communications connection between the secondary  
44 switching centers and the agencies defined in section  
45 18.133, subsections 3 2 and 4 3.

46 3. The financing for the procurement costs for the  
47 entirety of Part I ~~of-the-system~~, and the video, data,  
48 and voice capacity for state agencies for Part II and  
49 Part III ~~of-the-system~~, shall be provided by the  
50 state. The financing for the procurement costs for

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1 Part II of the system shall also be provided from by  
2 the state. The financing for the procurement and  
3 maintenance lease costs for Part III of the system for  
4 connecting school districts and area education  
5 agencies shall be provided eighty-percent from by the  
6 state and twenty-percent from the local school boards  
7 of the areas which receive transmissions from the  
8 system. A local school board or area education agency  
9 board may elect to provide one hundred percent of the  
10 financing for the procurement and maintenance costs  
11 for Part III to become part of the system. The local  
12 school boards may meet all or part of the match  
13 requirements of Part III of the system through a  
14 cooperative arrangement with community colleges. The  
15 basis for the amount of state match financing is  
16 eighty one hundred percent of a single interactive  
17 audio and one-way interactive video connection for  
18 Part III of the system, and such data and voice  
19 capacity as is necessary. The local school boards and  
20 community colleges may meet the match requirements for  
21 Part III of the system from funds they have already  
22 spent for their systems, from funds available in the  
23 school budget, or from funds received from other  
24 nonstate sources. In the case of existing systems, in  
25 order to upgrade facilities to the specifications of  
26 the state communications network, the local school  
27 boards and community colleges, in lieu of a cash  
28 match, may meet the match requirements from funds they  
29 have already spent for their systems provided that the  
30 state match does not exceed the lesser of eighty  
31 percent of the total cost of the upgraded system or  
32 eighty percent of the replacement cost of the system.  
33 The communications equipment funds used as a match by  
34 a community college shall be calculated based on  
35 verified expenditures for capital, equipment,  
36 hardware, and software for long distance learning  
37 technologies, including both audio and visual  
38 transmission. The communications equipment used as a  
39 match shall not subsequently be used as a match by  
40 another educational entity or for another part of the  
41 system. A local school board may request the school  
42 budget review committee to adjust the allowable growth  
43 for the school district so that the resulting increase  
44 in budget could be used for the match. If a school  
45 board or area education agency board elects to provide  
46 one hundred percent of the financing for the leasing  
47 costs for Part III, the school district or area  
48 education agency may become part of the network as  
49 soon as the network can reasonably connect the  
50 district or agency. A local school board or area

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1 education agency board may also elect that the school  
2 district or agency not to become part of the system  
3 network. Such election shall be made on an annual  
4 basis.--State matching funds shall not be provided for  
5 Part III of the system until Part I and Part II of the  
6 system have been completed.--Construction of Part III  
7 of the system may proceed before Part I and Part II of  
8 the system have been completed.

9 Until otherwise provided by the general assembly, a  
10 public or private agency authorized to use the  
11 network, other than a school district or area  
12 education agency, shall pay one hundred percent of the  
13 costs related to the Part III connection.

14 4. The department of general services board shall  
15 develop the requests for proposals that are needed for  
16 a state the Iowa communications network with  
17 sufficient capacity to serve the video, data, and  
18 voice requirements of state agencies and the for  
19 educational telecommunications applications required  
20 by the Iowa public broadcasting board. The department  
21 board shall develop a request for proposals for each  
22 of the systems that will make up the network. The  
23 department board may develop a request for proposals  
24 for each definitive component of Part I, Part II, and  
25 Part III of the system or the department board may  
26 provide in the request for proposals for each such  
27 system that separate contracts may be entered into for  
28 each definitive component covered by the request for  
29 proposals. The requests for proposals for components  
30 of Parts I and II may be for the purchase, lease-  
31 purchase, or lease of the component parts of the  
32 system network, may require maintenance costs to be  
33 identified, and the resulting contract may provide for  
34 maintenance for parts of the system network. The  
35 master contract may provide for electronic classrooms,  
36 satellite equipment, receiving equipment, studio and  
37 production equipment, and other associated equipment  
38 as required.

39 6. Prior to the awarding of a contract under this  
40 section, the department board shall notify the  
41 legislative council and the department of management  
42 of the department's board's intent to award a contract  
43 and of the cost to the state. The department of  
44 management and the legislative council shall determine  
45 if the anticipated financial resources of the state  
46 are adequate to fund the expenditure during the fiscal  
47 years covered by the contract, and if so, the  
48 department of management legislative council shall  
49 certify the determination to the department board.  
50 Upon certification, the department board may enter

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1 into the contract.

2 7. The ~~department-of-general-services~~ board shall  
3 be responsible for the network system design and shall  
4 be responsible for the implementation of each  
5 component of the network as it is incorporated into  
6 the network system. The final design selected shall  
7 optimize the routing for all users in order to assure  
8 maximum utilization by all agencies of the state.  
9 Efficiencies achieved in the implementation of the  
10 network shall be used to fund further implementation  
11 and enhancement of the network, and shall be  
12 considered part of the operational cost of the  
13 network. The department board shall be responsible  
14 for all management, operations, control switching,  
15 diagnostics, and maintenance functions of Part I and  
16 Part II ~~of-the-system~~ operations, except as designated  
17 in subsection 8. The performance of these duties is  
18 intended to provide optimal utilization of the  
19 facilities, and the assurance that future growth  
20 requirements will be provided for, and that sufficient  
21 network capacity will be available to meet the needs  
22 of all users. ~~The-telecommunications-information~~  
23 ~~management-council,-created-by-executive-order-of-the~~  
24 ~~governor,-shall-provide-general-oversight-for-these~~  
25 ~~functions-~~

26 8. The Iowa public broadcasting board retains sole  
27 authority over the educational telecommunications  
28 applications of Part I ~~of-the-system~~, Part II, and  
29 Part III, and its authority shall include management  
30 and operational control, programming, budget,  
31 personnel, scheduling, and program switching of  
32 educational material carried by Part I ~~of-the-system~~.  
33 The Iowa public broadcasting board, through its  
34 narrowcast system advisory committee, retains  
35 coordination authority over the educational  
36 telecommunications applications of Part II and Part  
37 III ~~of-the-system~~. Community colleges are responsible  
38 for scheduling and switching of educational materials  
39 carried by Part II and Part III ~~of-the-system~~ within  
40 their respective areas. Such responsibility may be  
41 accomplished by a chapter 28E agreement with the  
42 department-of-general-services network board.

43 The narrowcast system advisory committee shall  
44 review all requests for grants for educational  
45 telecommunications applications, if they are a part of  
46 the state Iowa communications network, to ensure that  
47 the educational telecommunications application is  
48 consistent with the telecommunications plan. If the  
49 narrowcast system advisory committee finds that a  
50 grant request is inconsistent with the

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1 telecommunications plan, the grant request shall not  
2 be allowed.

3 9. The procurement and maintenance of electronic  
4 equipment including, but not limited to, master  
5 receiver antenna systems, studio and production  
6 equipment, and broadcast system components shall be  
7 provided for under ~~department-of-general-services~~ the  
8 network board's contracts. The Iowa public  
9 broadcasting board and other educational entities  
10 within the state have the option to use their existing  
11 or replacement resources and agreements in the  
12 operation and maintenance of these systems.

13 10. In addition to the other evaluation criteria  
14 specified in the request for proposals issued pursuant  
15 to this section, the ~~department-of-general-services~~  
16 network board, in evaluating proposals, shall base up  
17 to two percent of the total possible points on the  
18 public benefit that can be derived from a given  
19 proposal due to the increased private  
20 telecommunications capacity available to Iowa citizens  
21 located in rural Iowa. For purposes of this  
22 subsection, an area of the state is considered rural  
23 if it is not part of a federally designated standard  
24 metropolitan statistical area.

25 14. Notwithstanding chapter 476, the provisions of  
26 chapter 476 shall not apply to a public utility in  
27 furnishing a telecommunications service or facility to  
28 the ~~department-of-general-services~~ network board for  
29 the state Iowa communications network.

30 Sec. 9. Section 18.136, Code Supplement 1993, is  
31 amended by adding the following new subsections:

32 NEW SUBSECTION. 4A. The state shall lease all  
33 component parts for Part III connections from  
34 qualified providers and the state shall not own a  
35 component part of Part III, except for those component  
36 parts owned by the state as of January 1, 1994, or  
37 those component parts related to a facility under the  
38 control of the armory board appointed pursuant to  
39 section 29A.57.

40 NEW SUBSECTION. 13A. Access shall not be provided  
41 to any other entity pursuant to a chapter 28E or other  
42 agreement except as expressly provided for by this  
43 section.

44 Sec. 10. NEW SECTION. 18.136A FINANCING PROPOSAL  
45 SUBMITTED EACH YEAR.

46 The board shall annually prepare and submit to the  
47 general assembly for approval or rejection a proposed  
48 financing program for the network. Such proposal  
49 shall include an estimate of the maximum amount of  
50 financing expected to be necessary for the coming

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1 fiscal year. The proposal and estimate shall be  
2 submitted no later than seven days after the convening  
3 of each regular session of the general assembly. The  
4 program shall contain a list of all facilities or  
5 activities to be funded and the method of financing.  
6 The board shall not provide for the financing proposed  
7 or enter into any contracts related to the facilities  
8 or activities listed in the program until the program  
9 is approved by a constitutional majority of each house  
10 and approved by the governor.

11 Sec. 11. Section 18.137, Code 1993, is amended to  
12 read as follows:

13 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

14 There is created in the office of the treasurer of  
15 state a temporary fund to be known as the state Iowa  
16 communications network fund under the control of the  
17 Iowa communications network board. There is  
18 appropriated to the state communications network fund  
19 for the fiscal year beginning July 1, 1989, and ending  
20 June 30, 1990, the sum of two million one hundred  
21 forty-two thousand six hundred twenty-one dollars from  
22 the general fund of the state. There is appropriated  
23 from the general fund of the state to the state Iowa  
24 communications network fund for each fiscal year of  
25 the fiscal period beginning July 1, 1991, and ending  
26 June 30, 1996, the sum of five million dollars.

27 Notwithstanding section 8.337, unobligated and  
28 unencumbered moneys from the appropriation for a  
29 fiscal year remaining on June 30 of that fiscal year  
30 shall not revert to the general fund of the state but  
31 shall remain available for expenditure during the next  
32 following fiscal year. There shall also be deposited  
33 into the state Iowa communications network fund  
34 proceeds from bonds issued for purposes of projects  
35 authorized pursuant to section 18.136, matching funds  
36 received from the community colleges and the local  
37 school boards, funds received from leases pursuant to  
38 section 18.134, and other moneys by law credited to or  
39 designated by a person for deposit into the fund.

40 Notwithstanding the requirements of section 18.136,  
41 subsection 17 for the fiscal year beginning July 1,  
42 1990, and ending June 30, 1991, thirty-one thousand  
43 dollars of moneys in the state communications network  
44 fund may be expended for the state's share of the cost  
45 for the design of a disaster recovery facility to be  
46 built in conjunction with the Iowa communications  
47 network facility and emergency operation center. The  
48 department of general services may increase its fees  
49 for data processing in order to collect an additional  
50 amount not exceeding two hundred thousand dollars

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Page 11

1 during-the-fiscal-year-beginning-july-17-1991,-to-pay  
2 for-the-state's-share-of-the-cost-of-construction-of  
3 the-disaster-recovery-facility-

4 The Iowa public broadcasting board shall use the  
5 net increase in the federal match awarded to the Iowa  
6 public broadcasting board as a result of this  
7 appropriation in order to meet the needs of the  
8 educational telecommunications system. These funds  
9 shall be deposited in a separate account within the  
10 state Iowa communications network fund, and shall be  
11 administered by the Iowa public broadcasting board for  
12 purposes of the fund.

13 Sec. 12. INITIAL BOARD APPOINTMENTS.

14 Notwithstanding the provisions of section 2.32  
15 relating to the time within which an appointment must  
16 be made, the initial members of the Iowa  
17 communications network board shall be appointed no  
18 later than fifteen days after the effective date of  
19 this Act. The senate shall confirm such appointments  
20 during the 1994 regular session if the senate has not  
21 adjourned. If the senate has adjourned the 1994  
22 regular session, the appointments shall be confirmed  
23 during the 1995 regular session.

24 Sec. 13. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE  
25 OFFICER. All duties and responsibilities of the Iowa  
26 communications network board shall be performed by the  
27 ICN chief executive officer appointed by the governor  
28 pursuant to executive order number 46 signed on  
29 January 5, 1993, until June 1, 1994, or until such  
30 time as the initial appointments to the board have  
31 been made and the board, has organized itself whichever  
32 occurs first.

33 Sec. 14. CODE EDITOR TRANSFERS. The Code editor  
34 shall transfer sections 18.132 through 18.137 to be a  
35 new chapter 8D. The Code editor shall correct all  
36 internal citations and references consistent with the  
37 transfer of Code sections as provided in this section.

38 Sec. 15. CONTINUATION OF APPLICABILITY OF EXISTING  
39 RULES. Rules applicable to the Iowa communications  
40 network in effect on the effective date of this Act  
41 shall remain effective until the Iowa communications  
42 network board modifies or repeals such rules.

43 Sec. 16. REPEAL. Section 18.135, Code 1993, is  
44 repealed.

45 Sec. 17. EFFECTIVE DATE. This Act, being deemed  
46 of immediate importance, is effective upon  
47 enactment.""

By DERRYL McLAREN

S-5346 FILED MARCH 30, 1994

LOST

## SENATE FILE 2089

S-5347

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:
- 4 1. Page 2, line 18, by striking the word "five"  
5 and inserting the following: "three".
  - 6 2. Page 2, line 24, by striking the word "five"  
7 and inserting the following: "three".
  - 8 3. Page 15, line 21, by striking the words "Two  
9 members" and inserting the following: "One member".
  - 10 4. Page 15, line 23, by striking the words "Two  
11 members" and inserting the following: "One member".

By JIM RIORDAN

S-5347 FILED MARCH 30, 1994

DEFERRED

*Adopted 3/31/94 (P 952)*

SENATE FILE 2089

S-5348

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:
- 4 1. Page 3, by striking lines 43 through 45 and  
5 inserting the following: "submitted for designated  
6 geographic areas defined as site-by-site and  
7 permitting proposals to be submitted for".

By DERRYL McLAREN

S-5348 FILED MARCH 30, 1994

LOST

## SENATE FILE 2089

S-5350

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:
- 4 1. Page 5, lines 35 and 36, by striking the words  
5 "the public broadcasting division of".

By JIM LIND

S-5350 FILED MARCH 30, 1994

ADOPTED

## SENATE FILE 2089

S-5351

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. Page 3, line 30, by striking the word  
5 "construction,".

6 2. Page 3, line 38, by striking the word  
7 "construction,".

8 3. Page 3, line 50, by striking the word  
9 "construct,".

10 4. By striking page 8, line 50 through page 9,  
11 line 4, and inserting the following: "state agencies  
12 and the educational telecommunications system. The  
13 state Iowa communications network consists of Part I,  
14 Part II, and Part III of-the-system."

15 5. Page 9, by striking lines 8 through 11 and  
16 inserting the following: "connections between central  
17 switching and the regional switching centers for the".

18 6. Page 9, by striking lines 19 through 23 and  
19 inserting the following: "18.133, subsections-3  
20 subsections 2 and 4 3."

21 7. Page 13, by inserting after line 15 the  
22 following:

23 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
24 is amended by adding the following new subsection:

25 NEW SUBSECTION. 4A. The state shall lease all  
26 component parts for Part III connections for which  
27 state funding is provided from qualified providers and  
28 the state shall not own a component part of Part III,  
29 except for those component parts owned by the state as  
30 of January 1, 1994, or those component parts related  
31 to a facility under the control of the armory board  
32 appointed pursuant to section 29A.57."

33 8. Renumber as necessary.

By DERRYL McLAREN

S-5351 FILED MARCH 30, 1994  
LOST

## SENATE FILE 2089

S-5362

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 4, by inserting after line 10 the  
5 following:  
6 "(3) Notwithstanding any other provisions of this  
7 chapter, the commission shall not enter into any  
8 agreement related to proposals received in response to  
9 the request for proposals developed and issued  
10 pursuant to this lettered paragraph without prior  
11 authorization by a constitutional majority of each  
12 house of the general assembly and approval of the  
13 governor."

By JIM RIORDAN

S-5362 FILED MARCH 30, 1994  
WITHDRAWN

## SENATE FILE 2089

S-5369

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 2, line 22, by inserting after the word  
5 "network" the following: "or by an entity seeking to  
6 do or doing business with the network".  
By JOE WELSH

S-5369 FILED MARCH 30, 1994  
ADOPTED

## SENATE FILE 2089

S-5373

- 1 Amend the amendment, S-5332, to the House  
 2 amendment, S-5144, to Senate File 2089, as passed by  
 3 the Senate, as follows:
- 4 1. Page 9, line 33, by striking the words "local  
 5 school boards" and inserting the following: "~~local~~  
 6 school boards and corporations".
- 7 2. Page 9, line 35, by striking the words "local  
 8 school board" and inserting the following: "~~local~~  
 9 school board or corporation board".
- 10 3. Page 9, line 38, by striking the words "local  
 11 school boards" and inserting the following: "~~local~~  
 12 school boards and corporations".
- 13 4. Page 9, lines 44 and 45, by striking the words  
 14 "local school boards" and inserting the following:  
 15 "~~local~~ school boards and corporations".
- 16 5. Page 10, line 2, by striking the words "local  
 17 school boards" and inserting the following: "~~local~~  
 18 school boards and corporations".
- 19 6. Page 10, line 16, by striking the words "local  
 20 school board" and inserting the following: "~~local~~  
 21 school board".
- 22 7. Page 10, line 20, by striking the words "local  
 23 school board" and inserting the following: "~~local~~  
 24 school board or corporation board".

By LARRY MURPHY

JIM KERSTEN

WITHDRAWN

3-31-94

S-5373 FILED MARCH 30, 1994

## SENATE FILE 2089

S-5376

- 1 Amend the amendment, S-5332, to the House amendment  
 2 S-5144, to Senate File 2089, as passed by the Senate,  
 3 as follows:
- 4 1. Page 2, by striking lines 22 through 25 and  
 5 inserting the following: "authorized user of the  
 6 network. Members of the".
- 7 2. Page 2, line 41, by inserting after the word  
 8 "commission" the following: ", who shall serve as the  
 9 chairperson of the commission".

By BERL E. PRIEBE

JOE J. WELSH

S-5376 FILED MARCH 30, 1994  
 LOST

## SENATE FILE 2089

S-5372

1 Amend the amendment, S-5332, to the House amendment  
2 S-5144, to Senate File 2089, as passed by the Senate,  
3 as follows:

4 1. Page 13, by inserting after line 15 the  
5 following:

6 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
7 is amended by adding the following new subsection:  
8 NEW SUBSECTION. 4A. The state shall lease all  
9 fiber optic cable facilities or facilities with DS-3  
10 capacity for Part III connections for which state  
11 funding is provided. The state shall lease all fiber  
12 optic cable facilities or facilities with DS-3 or DS-1  
13 capacity for the judicial department connections for  
14 which state funding is provided. The facilities shall  
15 be leased from qualified providers of such facilities.  
16 The state shall not own such facilities, except for  
17 those facilities owned by the state as of January 1,  
18 1994.

19 The lease provisions of this subsection do not  
20 apply to a school district which elects to provide one  
21 hundred percent of the financing for the district's  
22 connection."

23 2. Renumber as necessary.

By JOE WELSH

TOM VILSACK  
EUGENE S. FRAISE  
EMIL J. HUSAK  
JOHN W. JENSEN  
JIM KERSTEN  
JOHN P. KIBBIE  
WALLY E. HORN  
ROBERT E. DVORSKY  
WILLIAM D. PALMER  
BERL E. PRIEBE  
MICHAEL E. GRONSTAL  
TONY BISIGNANO  
DON GETTINGS  
ALBERT G. SORENSEN

MIKE CONNOLLY  
JEAN LLOYD-JONES  
BILL FINK  
WILLIAM W. DIELEMAN  
LEONARD BOSWELL  
RALPH ROSENBERG  
JIM RIORDAN  
RANDAL J. GIANNETTO  
AL STURGEON  
ELAINE SZYMONIAK  
LARRY MURPHY  
PATTY JUDGE  
PAUL D. PATE  
FLORENCE D. BUHR  
PATRICK J. DELUHERY

S-5372 FILED MARCH 30, 1994

WITHDRAWN

3-31-94

(P. 950)

## SENATE FILE 2089

S-5378

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. By striking page 9, line 24 through page 10,  
5 line 27, and inserting the following:  
6 "3. The financing for the procurement costs for  
7 the entirety of Part I of the system, and the video,  
8 data, and voice capacity for state agencies for Part  
9 II and Part III of the system, shall be provided by  
10 the state. The financing for the procurement costs  
11 for Part II of the system shall also be provided from  
12 by the state. The financing for the procurement and  
13 maintenance costs for Part III of the system for  
14 connecting school districts and area education  
15 agencies shall be provided eighty-percent from by the  
16 state and twenty-percent from the local school boards  
17 of the areas which receive transmissions from the  
18 system. A local school board or area education agency  
19 board may elect to provide one hundred percent of the  
20 financing for the procurement and maintenance costs  
21 for Part III to become part of the system. The local  
22 school boards may meet all or part of the match  
23 requirements of Part III of the system through a  
24 cooperative arrangement with community colleges. The  
25 basis for the amount of state match financing is  
26 eighty one hundred percent of a single interactive  
27 audio and one-way interactive video connection for  
28 Part III of the system, and such data and voice  
29 capacity as is necessary. The local school boards and  
30 community colleges may meet the match requirements for  
31 Part III of the system from funds they have already  
32 spent for their systems, from funds available in the  
33 school budget, or from funds received from other  
34 nonstate sources. In the case of existing systems, in  
35 order to upgrade facilities to the specifications of  
36 the state communications network, the local school  
37 boards and community colleges, in lieu of a cash  
38 match, may meet the match requirements from funds they  
39 have already spent for their systems provided that the  
40 state match does not exceed the lesser of eighty  
41 percent of the total cost of the upgraded system or  
42 eighty percent of the replacement cost of the system.  
43 The communications equipment funds used as a match by  
44 a community college shall be calculated based on  
45 verified expenditures for capital equipment,  
46 hardware, and software for long distance learning  
47 technologies, including both audio and visual  
48 transmission. The communications equipment used as a  
49 match shall not subsequently be used as a match by  
50 another educational entity or for another part of the

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Page 2

1 system.--A-local-school-board-may-request-the-school  
2 budget-review-committee-to-adjust-the-allowable-growth  
3 for-the-school-district-so-that-the-resulting-increase  
4 in-budget-could-be-used-for-the-match. If a school  
5 board or area education agency board elects to provide  
6 one hundred percent of the financing for the leasing  
7 costs for Part III, the school district or area  
8 education agency may become part of the network as  
9 soon as the network can reasonably connect the  
10 district or agency. A local school board or area  
11 education agency board may also elect that the school  
12 district or agency not to become part of the system  
13 network. Such-election-shall-be-made-on-an-annual  
14 basis.--State-matching-funds-shall-not-be-provided-for  
15 Part-III-of-the-system-until-Part-I-and-Part-II-of-the  
16 system-have-been-completed.--Construction-of-Part-III  
17 of-the-system-may-proceed-before-Part-I-and-Part-II-of  
18 the-system-have-been-completed.  
19 Until otherwise provided by the general assembly, a  
20 public or private agency authorized to use the  
21 network, other than a school district or area  
22 education agency, shall pay one hundred percent of the  
23 costs related to the Part III connection."

By BRAD BANKS

S-5378 FILED MARCH 30, 1994

*Adopted 3/31/94 (P. 950)*

SENATE FILE 2089

S-5379

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 4, by inserting after line 10 the  
5 following:  
6 "(3) Deliver a written report and all proposals  
7 submitted in response to the request for proposals for  
8 Part III to the general assembly no later than January  
9 1, 1995. The commission shall not enter into any  
10 agreement related to such proposals without prior  
11 authorization by a constitutional majority of each  
12 house of the general assembly and approval by the  
13 governor."

By DONALD B. REDFERN

S-5379 FILED MARCH 30, 1994

DEFERRED

*Adopted 3/31/94 (P. 952)*

## SENATE FILE 2089

S-5380

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 1, by striking lines 17 through 20 and  
5 inserting the following:  
6 "1. "Director" means the executive director of".  
7 2. Page 1, by striking line 50 and inserting the  
8 following: "COMMUNICATIONS NETWORK BOARD --".  
9 3. Page 2, by striking lines 2 and 3 and  
10 inserting the following:  
11 "1. BOARD ESTABLISHED. An Iowa communications  
12 network board is established with the sole".  
13 4. Page 2, line 7, by striking the word  
14 "commission" and inserting the following: "board".  
15 5. Page 2, line 12, by striking the word  
16 "commission" and inserting the following: "board".  
17 6. Page 2, line 15, by striking the word  
18 "commission" and inserting the following: "board".  
19 7. Page 2, line 18, by striking the  
20 words "commission is composed of five" and inserting  
21 the following: "board is composed of nine".  
22 8. Page 2, line 20, by striking the word  
23 "commission" and inserting the following: "board".  
24 9. Page 2, line 23, by striking the word  
25 "commission" and inserting the following: "board".  
26 10. Page 2, line 24, by striking the word "five"  
27 and inserting the following: "nine".  
28 11. Page 2, line 26, by striking the word  
29 "commission" and inserting the following: "board".  
30 12. Page 2, line 28, by striking the word  
31 "commission" and inserting the following: "board".  
32 13. Page 2, by striking lines 31 through 34 and  
33 inserting the following: "term. Members of the  
34 board".  
35 14. Page 2, line 37, by striking the word  
36 "commission" and inserting the following: "board".  
37 15. Page 2, line 38, by striking the word  
38 "commission" and inserting the following: "board".  
39 16. Page 2, line 41, by striking the word  
40 "commission" and inserting the following: "board".  
41 17. Page 2, by striking lines 42 through 47.  
42 18. Page 2, line 48, by striking the word  
43 "commission" and inserting the following: "board".  
44 19. By striking page 2, line 50, through page 3,  
45 line 2.  
46 20. Page 3, line 6, by striking the words  
47 "commission. The commission" and inserting the  
48 following: "board. The board".  
49 21. Page 3, line 13, by striking the word  
50 "commission" and inserting the following: "board".

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Page 2

1 22. Page 3, line 18, by striking the word  
2 "commission" and inserting the following: "board".  
3 23. Page 3, line 23, by striking the word  
4 "commission" and inserting the following: "board".  
5 24. Page 3, line 27, by striking the word  
6 "commission's" and inserting the following:  
7 "board's".  
8 25. Page 3, line 33, by striking the word  
9 "commission" and inserting the following: "board".  
10 26. Page 3, line 42, by striking the word  
11 "commission" and inserting the following: "board".  
12 27. Page 4, line 9, by striking the word  
13 "commission" and inserting the following: "board".  
14 28. Page 4, line 21, by striking the word  
15 "commission" and inserting the following: "board".  
16 29. Page 4, line 23, by striking the word  
17 "commission" and inserting the following: "board".  
18 30. Page 4, line 26, by striking the word  
19 "commission" and inserting the following: "board".  
20 31. Page 4, line 41, by striking the word  
21 "commission" and inserting the following: "board".  
22 32. Page 4, line 45, by striking the word  
23 "commission" and inserting the following: "board".  
24 33. Page 4, line 46, by striking the word  
25 "commission" and inserting the following: "board".  
26 34. Page 4, line 48, by striking the word  
27 "commission" and inserting the following: "board".  
28 35. Page 4, line 49, by striking the word  
29 "commission" and inserting the following: "board".  
30 36. Page 5, line 32, by striking the word  
31 "commission" and inserting the following: "board".  
32 37. Page 5, line 49, by striking the word  
33 "commission" and inserting the following: "board".  
34 38. Page 6, line 4, by striking the word  
35 "commission" and inserting the following: "board".  
36 39. Page 6, line 5, by striking the word  
37 "commission" and inserting the following: "board".  
38 40. Page 6, line 11, by striking the word  
39 "commission" and inserting the following: "board".  
40 41. Page 6, line 12, by striking the word  
41 "commission" and inserting the following: "board".  
42 42. Page 6, line 23, by striking the word  
43 "commission" and inserting the following: "board".  
44 43. Page 6, line 32, by striking the word  
45 "commission" and inserting the following: "board".  
46 44. Page 6, line 36, by striking the word  
47 "commission" and inserting the following: "board".  
48 45. Page 6, line 39, by striking the word  
49 "commission" and inserting the following: "board".  
50 46. Page 6, line 44, by striking the word

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Page 3

- 1 "commission" and inserting the following: "board".
- 2 47. Page 6, line 48, by striking the word
- 3 "commission" and inserting the following: "board".
- 4 48. Page 7, line 10, by striking the word
- 5 "commission" and inserting the following: "board".
- 6 49. Page 7, line 13, by striking the word
- 7 "commission" and inserting the following: "board".
- 8 50. Page 7, line 19, by striking the word
- 9 "commission" and inserting the following: "board".
- 10 51. Page 7, line 22, by striking the word
- 11 "commission" and inserting the following: "board".
- 12 52. Page 7, line 26, by striking the word
- 13 "commission" and inserting the following: "board".
- 14 53. Page 7, line 42, by striking the word
- 15 "commission" and inserting the following: "board".
- 16 54. Page 7, line 49, by striking the word
- 17 "commission" and inserting the following: "board".
- 18 55. Page 8, line 5, by striking the word
- 19 "commission" and inserting the following: "board".
- 20 56. Page 8, line 23, by striking the word
- 21 "commission" and inserting the following: "board".
- 22 57. Page 8, line 30, by striking the word
- 23 "commission" and inserting the following: "board".
- 24 58. Page 8, lines 45 and 46, by striking the
- 25 words "telecommunications and technology commission"
- 26 and inserting the following: "communications network
- 27 board".
- 28 59. Page 10, line 28, by striking the word
- 29 "commission" and inserting the following: "board".
- 30 60. Page 10, line 35, by striking the word
- 31 "commission" and inserting the following: "board".
- 32 61. Page 10, line 37, by striking the word
- 33 "commission" and inserting the following: "board".
- 34 62. Page 10, line 40, by striking the word
- 35 "commission" and inserting the following: "board".
- 36 63. Page 11, line 3, by striking the word
- 37 "commission" and inserting the following: "board".
- 38 64. Page 11, line 5, by striking the word
- 39 "commission's" and inserting the following:
- 40 "board's".
- 41 65. Page 11, line 12, by striking the word
- 42 "commission" and inserting the following: "board".
- 43 66. Page 11, line 13, by striking the word
- 44 "commission" and inserting the following: "board".
- 45 67. Page 11, line 15, by striking the word
- 46 "commission" and inserting the following: "board".
- 47 68. Page 11, line 26, by striking the word
- 48 "commission" and inserting the following: "board".
- 49 69. Page 12, line 16, by striking the word
- 50 "commission" and inserting the following: "board".

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Page 4

- 1 70. Page 12, line 22, by striking the word  
2 "commission's" and inserting the following:  
3 "board's".
- 4 71. Page 12, line 30, by striking the word  
5 "commission" and inserting the following: "board".
- 6 72. Page 12, line 43, by striking the word  
7 "commission" and inserting the following: "board".
- 8 73. Page 12, line 44, by striking the word  
9 "commission" and inserting the following: "board".
- 10 74. Page 12, line 45, by striking the word  
11 "commission" and inserting the following: "board".
- 12 75. Page 13, line 14, by striking the word  
13 "commission" and inserting the following: "board".
- 14 76. Page 13, by striking line 22 and inserting  
15 the following: "Iowa communications network board."
- 16 77. Page 14, lines 34 and 35, by striking the  
17 words "telecommunications and technology commission"  
18 and inserting the following: "communications network  
19 board".
- 20 78. Page 14, line 38, by striking the words  
21 "commission. The commission" and inserting the  
22 following: "board. The board".
- 23 79. Page 14, line 41, by striking the word  
24 "commission" and inserting the following: "board".
- 25 80. Page 14, line 43, by striking the word  
26 "commission" and inserting the following: "board".
- 27 81. Page 14, line 49, by striking the word  
28 "commission" and inserting the following: "board".
- 29 82. Page 15, line 3, by striking the word  
30 "commission" and inserting the following: "board".
- 31 83. Page 15, line 8, by striking the words  
32 "telecommunications and technology commission" and  
33 inserting the following: "communications network  
34 board".
- 35 84. Page 15, line 12, by striking the word  
36 "commission" and inserting the following: "board".
- 37 85. Page 15, line 13, by striking the word  
38 "commission" and inserting the following: "board".
- 39 86. Page 15, lines 14 and 15, by striking the  
40 words "TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION"  
41 and inserting the following: "COMMUNICATIONS NETWORK  
42 BOARD".
- 43 87. Page 15, lines 16 and 17, by striking the  
44 words "telecommunications and technology commission"  
45 and inserting the following: "communications network  
46 board".
- 47 88. Page 15, line 19, by striking the words "One  
48 member" and inserting the following: "Three members".
- 49 89. Page 15, line 21, by striking the word "Two"  
50 and inserting the following: "Three".

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Page 5

- 1 90. Page 15, line 23, by striking the word "Two"
- 2 and inserting the following: "Three".
- 3 91. Page 15, line 34, by striking the words
- 4 "telecommunications and technology commission" and
- 5 inserting the following: "communications network
- 6 board".

By RICHARD F. DRAKE

S-5380 FILED MARCH 30, 1994

*Lost 3/31/94 (P. 95-1)*

## SENATE FILE 2089

S-5382

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:
- 4 1. Page 1, line 31, by striking the word "or".  
5 2. Page 1, line 32, by inserting after the figure  
6 "336" the following: ", or a judicial district  
7 department of correctional services established in  
8 section 905.2, to the extent provided in section  
9 18.136, subsection 13A."
- 10 3. Page 3, line 21, by inserting after the word  
11 "user" the following: "group".  
12 4. Page 3, line 22, by striking the word "user's"  
13 and inserting the following: "user group's".  
14 5. Page 3, line 26, by inserting after the word  
15 "user" the following: "group".  
16 6. Page 5, line 10, by striking the words "--  
17 ADVISORY COMMITTEES".  
18 7. Page 5, by inserting after line 48 the  
19 following:  
20 "\_\_\_\_. The community college in each of the merged  
21 areas shall be responsible for switching of Parts II  
22 and III of the network and for facilitating the  
23 organization and meetings of the regional  
24 telecommunications council.  
25 Sec. \_\_\_\_ . NEW SECTION. 18.133X ADVISORY GROUPS  
26 ESTABLISHED."  
27 8. Page 5, line 49, by striking the figure "3."  
28 and inserting the following: "1."  
29 9. Page 6, line 5, by striking the figure "4."  
30 and inserting the following: "2."  
31 10. Page 9, line 42, by striking the word "one-  
32 way" and inserting the following: "one-way".  
33 11. Page 12, line 16, by inserting after the word  
34 "commission." the following: "If the education  
35 telecommunications council finds that a grant request  
36 is inconsistent with the telecommunications plan, the  
37 grant request shall not be allowed."  
38 12. Page 13, by inserting after line 15 the  
39 following:  
40 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
41 is amended by adding the following new subsection:  
42 NEW SUBSECTION. 13A. Access to the network shall  
43 be offered to the judicial district departments of  
44 correctional services established in section 905.2,  
45 provided that such departments contribute an amount  
46 consistent with their share of use for the part of the  
47 system in which the departments participate, as  
48 determined by the commission."  
49 13. By renumbering, relettering, or redesignating  
50 and correcting internal references as necessary.

By ROBERT E. DVORSKY

S-5382 FILED MARCH 30, 1994

*adopted 3/31/94 (P 951)*

## SENATE FILE 2089

S-5383

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate as follows:  
4 1. Page 1, line 24, by striking the word "or".  
5 2. Page 1, line 26, by inserting after the word  
6 "grants" the following: ", or a hospital licensed  
7 pursuant to chapter 135B or a physician clinic to the  
8 extent provided in section 18.136, subsection 13A".  
9 3. Page 13, by inserting after line 15 the  
10 following:  
11 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
12 is amended by adding the following new subsection:  
13 NEW SUBSECTION. 13A. Access shall be offered to  
14 hospitals licensed pursuant to chapter 135B and  
15 physician clinics. A hospital or physician clinic  
16 shall be responsible for all costs associated with  
17 becoming a part of the network."  
18 4. By renumbering as necessary.

WITHDRAWN

By MARY E. KRAMER

3-31-94

S-5383 FILED MARCH 30, 1994

## SENATE FILE 2089

S-5384

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate as follows:  
4 1. Page 8, by inserting after line 39 the  
5 following:  
6 "Sec. \_\_\_\_ . NEW SECTION. 18.134A DISPOSITION OF  
7 NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.  
8 Notwithstanding any provision to the contrary, the  
9 Iowa telecommunications and technology commission  
10 shall not sell, lease, or otherwise dispose of the  
11 Iowa communications network or a portion of the  
12 network without prior authorization by a  
13 constitutional majority of each house of the general  
14 assembly and approval by the governor.  
15 2. By renumbering as necessary.

By JACK RIFE

S-5384 FILED MARCH 30, 1994

WITHDRAWN 3-31-94

## SENATE FILE 2089

S-5385

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:  
4 1. Page 4, by inserting after line 42 the  
5 following:  
6 "4. PROHIBITED ACT. The commission shall not  
7 enter into an agreement with an entity pursuant to  
8 chapter 28E for the purpose of providing such entity  
9 access to the network."

WITHDRAWN

By DERRYL McLAREN

3-31-94

S-5385 FILED MARCH 30, 1994

## SENATE FILE 2089

S-5377

1 Amend the amendment, S-5332, to the House amendment  
2 S-5144, to Senate File 2089, as passed by the Senate,  
3 as follows:

4 1. Page 13, by inserting after line 15 the  
5 following:

6 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
7 is amended by adding the following new subsection:

8 NEW SUBSECTION. 4A. The state shall lease all  
9 fiber optic cable facilities or facilities with DS-3  
10 capacity for Part III connections for which state  
11 funding is provided. The state shall lease all fiber  
12 optic cable facilities or facilities with DS-3 or DS-1  
13 capacity for the judicial department and state agency  
14 connections for which state funding is provided. Such  
15 facilities shall be leased from qualified providers.  
16 The state shall not own such facilities, except for  
17 those facilities owned by the state as of January 1,  
18 1994.

19 The lease provisions of this subsection do not  
20 apply to a school district which elects to provide one  
21 hundred percent of the financing for the district's  
22 connection."

23 2. Renumber as necessary.

By JOE WELSH

S-5377 FILED MARCH 30, 1994

*Adapted 3/31/94 (P. 950)*

## SENATE FILE 2089

S-5394

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. Page 15, by inserting after line 5 the  
5 following:

6 "Sec. \_\_\_\_\_. Notwithstanding the provisions of this  
7 Act, a local school district or nonpublic school or an  
8 area education agency authorized to be offered access  
9 pursuant to this chapter which certifies to the  
10 commission that such school or agency has an existing  
11 facility or has entered into an agreement with a  
12 provider for providing such facility which is  
13 compatible with the network shall be permitted access  
14 to the network as soon as practical. The commission  
15 shall review the agreement of the school or agency,  
16 and the costs related to the facility, if determined  
17 to be competitive by the commission, shall be paid in  
18 the same manner as provided for all other local school  
19 districts or nonpublic schools or area education  
20 agencies. This section applies to a local school  
21 district or nonpublic school or an area education  
22 agency which provides the certification to the  
23 commission as provided in this section on or before  
24 the date on which the commission issues a request for  
25 proposals related to such connections."

26 2. By renumbering as necessary.

By JOHN P. KIBBIE  
EUGENE FRAISE

JOHN W. JENSEN  
EMIL J. HUSAK

S-5394 FILED MARCH 31, 1994  
WITHDRAWN

## SENATE FILE 2089

S-5400

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:

4 1. Page 15, by inserting after line 5 the  
5 following:

6 "Sec. \_\_\_\_\_. Notwithstanding any contrary provisions  
7 of this Act, a K-12 school district, on or before May  
8 1, 1994, may certify to the commission in writing that  
9 the K-12 school district has a full motion interactive  
10 video system which is fully compatible with the  
11 network. Upon receipt of such certification and a  
12 determination by the commission that the district's  
13 system is fully compatible with the network, access to  
14 the network shall be permitted as soon as practical.  
15 A K-12 school district which provides the  
16 certification to the commission as provided in this  
17 section may petition the commission for reimbursement  
18 of the costs associated with providing the connection  
19 incurred by the district."

20 2. By renumbering as necessary.

By JOE WELSH  
JOHN P. KIBBIE  
PATTY JUDGE

EUGENE S. FRAISE  
EMIL J. HUSAK

S-5400 FILED MARCH 31, 1994  
ADOPTED

## SENATE FILE 2089

S-5391

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate as follows:
- 4 1. Page 9, line 33, by inserting after the word  
5 "boards" the following: "and area education agency  
6 boards".
- 7 2. Page 9, line 35, by inserting after the word  
8 "board" the following: "or area education agency  
9 board".
- 10 3. Page 9, line 38, by inserting after the word  
11 "boards" the following: "and area education agency  
12 boards".
- 13 4. Page 9, line 45, by inserting after the word  
14 "boards" the following: ", area education agency  
15 boards, or".
- 16 5. Page 10, line 2, by inserting after the word  
17 "boards" the following: ", area education agency  
18 boards,".
- 19 6. Page 10, line 20, by inserting after the word  
20 "match." the following: "An area education agency  
21 board may request the school budget review committee  
22 to increase the budget of the area education agency  
23 pursuant to section 257.32 for funding to be used for  
24 the match."
- 25 7. Page 10, line 20, by inserting after the word  
26 "board" the following: "or area education agency  
27 board".

By LARRY MURPHY  
JIM KERSTEN

S-5391 FILED MARCH 31, 1994

ADOPTED, MOTION TO RECONSIDER-ADOPTED, RULED OUT OF ORDER

## SENATE FILE 2089

S-5393

- 1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate, as follows:
- 4 1. Page 3, by striking lines 42 through 45 and  
5 inserting the following: "issued by the commission  
6 such that any qualified provider may submit a bid on a  
7 site-by-site basis, or on a merged area or defined  
8 geographic area basis, or both, and by permitting  
9 proposals to be submitted for".

By JOHN P. KIBBIE  
JOE WELSH

S-5393 FILED MARCH 31, 1994

ADOPTED

## SENATE FILE 2089

S-5396

1 Amend the amendment, S-5332, to the House  
2 amendment, S-5144, to Senate File 2089, as passed by  
3 the Senate as follows:

A 4 1. Page 1, line 24, by striking the word "or".  
5 2. Page 1, line 26, by inserting after the word  
6 "grants" the following: ", or a hospital licensed  
7 pursuant to chapter 135B or a physician clinic to the  
8 extent provided in section 18.136, subsection 13A".

B 9 3. Page 1, line 31, by striking the word "or".

A 10 4. Page 1, line 32, by inserting after the figure  
11 "336" the following: ", or an agency of the federal  
12 government to the extent provided in section 18.136,  
13 subsection 13A".

14 5. Page 13, by inserting after line 15 the  
15 following:

16 "Sec. \_\_\_\_ . Section 18.136, Code Supplement 1993,  
17 is amended by adding the following new subsection:

18 NEW SUBSECTION. 13A. Access shall be offered to  
19 hospitals licensed pursuant to chapter 135B and  
20 physician clinics and to an agency of the federal  
21 government. A hospital, physician clinic, or an  
22 agency of the federal government shall be responsible  
23 for all costs associated with becoming a part of the  
24 network."

25 6. By renumbering as necessary.

By MARY E. KRAMER  
ROBERT E. DVORSKY  
TOM VILSACK  
JOHN W. JENSEN

RAY TAYLOR  
MARY LOU FREEMAN  
MAGGIE TINSMAN

S-5396 FILED MARCH 31, 1994  
DIVISION A-ADOPTED, DIVISION B-WITHDRAWN

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2089  
H-5931

1 Amend the House amendment, S-5144, to Senate File  
2 2089, as passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 13,  
4 line 47, and inserting the following:

5 "Section 1. Section 2.32, Code 1993, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 9. If an appointment subject to  
8 senate confirmation is required by statute to be made  
9 by an appointing authority other than the governor,  
10 the duties assigned under this section to the governor  
11 shall be performed by the appointing authority.

12 Sec. 2. Section 18.3, subsection 5, Code 1993, is  
13 amended by striking the subsection.

14 Sec. 3. Section 18.133, subsections 1, 2, 3, and  
15 4, Code Supplement 1993, are amended to read as  
16 follows:

17 1. "Commission" means the Iowa telecommunications  
18 and technology commission established in section  
19 18.133A.

20 † 1A. "Director" means the executive director of  
21 the department of general services or the director's  
22 designee appointed pursuant to section 18.133B.

23 2. "Private agency" means an accredited nonpublic  
24 schools and school, a nonprofit institutions  
25 institution of higher education eligible for tuition  
26 grants, or a hospital licensed pursuant to chapter  
27 135B or a physician clinic to the extent provided in  
28 section 18.136, subsection 13B.

29 3. "Public agency" means a state agency, an  
30 institution under the control of the board of regents,  
31 the judicial department, a school corporation, a city  
32 library, a regional library as provided in chapter  
33 256, and a county library as provided in chapter 336,  
34 or a judicial district department of correctional  
35 services established in section 905.2, to the extent  
36 provided in section 18.136, subsection 13A, or an  
37 agency of the federal government to the extent  
38 provided in section 18.136, subsection 13B.

39 4. "State communications" refers to the  
40 transmission of voice, data, video, the written word  
41 or other visual signals by electronic means to serve  
42 the needs of state agencies but does not include  
43 communications activities of the state board of  
44 regents, radio and television facilities and other  
45 educational telecommunications systems and services  
46 including narrowcast and broadcast systems under the  
47 division of public broadcasting division of the  
48 department of education, department of transportation  
49 distributed data processing and mobile radio network,  
50 or law enforcement communications systems.

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1 Sec. 4. Section 18.133, Code Supplement 1993, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 1B. "Network" means the Iowa or  
4 state communications network.

5 Sec. 5. NEW SECTION. 18.133A IOWA  
6 TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION --MEMBERS  
7 -- DUTIES.

8 1. COMMISSION ESTABLISHED. A telecommunications  
9 and technology commission is established with the sole  
10 authority to supervise the management, development,  
11 and operation of the network and ensure that all  
12 components of the network are technically compatible.  
13 The commission shall ensure that the network operates  
14 in an efficient and responsible manner consistent with  
15 the provisions of this chapter for the purpose of  
16 providing the best economic service attainable to the  
17 network users consistent with the state's financial  
18 capacity. The commission shall ensure that  
19 educational users and educational applications be  
20 given the highest priority concerning use of the  
21 network. The commission shall provide for the  
22 centralized, coordinated use and control of the  
23 network.

24 2. MEMBERS. The commission is composed of three  
25 members appointed by the governor and subject to  
26 confirmation by the senate. Members of the commission  
27 shall not serve in any manner or be employed by an  
28 authorized user of the network or by an entity seeking  
29 to do or doing business with the network. The  
30 governor shall appoint a member as the chairperson of  
31 the commission from the three members appointed by the  
32 governor, subject to confirmation by the senate.  
33 Members of the commission shall serve six-year  
34 staggered terms as designated by the governor and  
35 appointments to the commission are subject to the  
36 requirements of sections 69.16, 69.16A, and 69.19.  
37 Vacancies shall be filled by the governor for the  
38 duration of the unexpired term. The salary of the  
39 members of the commission shall be twenty thousand  
40 dollars per year, except that the salary of the  
41 chairperson shall be twenty-five thousand dollars per  
42 year. Members of the commission shall also be  
43 reimbursed for all actual and necessary expenses  
44 incurred in the performance of duties as members.  
45 Meetings of the commission shall be held at the call  
46 of the chairperson of the commission. In addition to  
47 the members appointed by the governor, the auditor of  
48 state or the auditor's designee shall serve as a  
49 nonvoting, ex officio member of the commission.

50 The benefits and salary paid to the members of the

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

6 3. DUTIES. The commission shall do all of the  
7 following:

8 a. Enter into agreements pursuant to chapter 28E  
9 as necessary and appropriate for the purposes of the  
10 commission.

11 b. Adopt rules pursuant to chapter 17A as deemed  
12 appropriate and necessary, and directly related to the  
13 implementation and administration of the duties of the  
14 commission. The commission, in consultation with the  
15 department of general services, shall also adopt and  
16 provide for standard communications procedures and  
17 policies relating to the use of the network by state  
18 agencies which recognize, at a minimum, the need for  
19 reliable communications services.

20 c. Establish an appeal process for review by the  
21 commission of a scheduling conflict decision,  
22 including a scheduling conflict involving an  
23 educational user, or the establishment of a fee  
24 associated with the network upon the request of a  
25 person affected by such decision or fee. A  
26 determination made by the commission pursuant to this  
27 subsection shall be final.

28 d. Review and approve for adoption, rules as  
29 proposed and submitted by an authorized user group  
30 necessary for the authorized user group's access and  
31 use of the network. The commission may refuse to  
32 approve and adopt a proposed rule, and upon such  
33 refusal, shall return the proposed rule to the  
34 respective authorized user group proposing the rule  
35 with a statement indicating the commission's reason  
36 for refusing to approve and adopt the rule.

37 e. (1) Develop and issue for response all  
38 requests for proposals for any construction,  
39 installation, repair, maintenance, or equipment and  
40 parts necessary for the network. In preparing the  
41 request for proposals the commission shall do all of  
42 the following:

43 (a) Review existing requests for proposals related  
44 to the network.

45 (b) Consider and evaluate all competing  
46 technologies which could be used in any construction,  
47 installation, repair, or maintenance project.

48 (c) Allow flexibility for proposals to be  
49 submitted in response to a request for proposals  
50 issued by the commission such that any qualified

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1 provider may submit a bid on a site-by-site basis, or  
2 on a merged area or defined geographic area basis, or  
3 both, and by permitting proposals to be submitted for  
4 use of competing or alternative technologies in each  
5 defined area.

6 (d) Ensure that rural communities have access to  
7 comparable services to the services provided in urban  
8 areas resulting from any plans to construct, install,  
9 repair, or maintain any part of the network.

10 (2) In determining which proposal to accept,  
11 consider what is in the long-term best interests of  
12 the citizens of the state and the network, and  
13 utilize, if possible, the provision of services with  
14 existing service providers consistent with those best  
15 interests. In determining what is in the long-term  
16 best interests of the citizens of the state and the  
17 network, the commission, at a minimum, shall consider  
18 the cost to taxpayers of the state.

19 (3) Deliver a written report and all proposals  
20 submitted in response to the request for proposals for  
21 Part III to the general assembly no later than January  
22 1, 1995. The commission shall not enter into any  
23 agreement related to such proposals without prior  
24 authorization by a constitutional majority of each  
25 house of the general assembly and approval by the  
26 governor.

27 f. Annually prepare a written five-year financial  
28 plan for the network which shall be provided to the  
29 general assembly and the governor no later than  
30 January 15 of each year. The plan shall include  
31 estimates for income and expenses for the network for  
32 the five-year period and the actual income and  
33 expenses for the preceding fiscal year. The plan  
34 shall include the amount of general fund  
35 appropriations to be requested for the payment of  
36 operating expenses and debt service. The plan shall  
37 also include any recommendations of the commission  
38 related to changes in the system and other items as  
39 deemed appropriate by the commission.

40 g. Review existing maintenance contracts and past  
41 contracts to determine vendor capability to perform  
42 the obligations under such contracts. The commission  
43 shall report to the general assembly prior to January  
44 1 of each year as to the performance of all vendors  
45 under each contract and shall make recommendations  
46 concerning continued funding for the contracts.

47 h. Pursue available opportunities to cooperate and  
48 coordinate with the federal government for the use and  
49 potential expansion of the network and for the  
50 financing of any such expansion.

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1 i. Evaluate existing and projected rates for use  
2 of the system and ensure that rates are sufficient to  
3 pay for the operation of the system except to the  
4 extent such use is subsidized by general fund  
5 appropriations as authorized by the general assembly.

6 j. Make recommendations to the general assembly,  
7 as deemed appropriate by the commission, concerning  
8 the operation of the network.

9 Sec. 6. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
10 APPOINTED.

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

24 Sec. 7. NEW SECTION. 18.133C EDUCATION  
25 TELECOMMUNICATIONS COUNCIL ESTABLISHED -- REGIONAL  
26 COUNCILS ESTABLISHED.

27 1. An education telecommunications council is  
28 established. The council consists of eighteen members  
29 and shall include the following: two persons  
30 appointed by the state board of regents; two persons  
31 appointed by the Iowa association of community college  
32 trustees; two persons appointed by the area education  
33 agency boards; two persons appointed by the Iowa  
34 association of school boards; two persons appointed by  
35 the school administrators of Iowa; two persons  
36 appointed by the Iowa association of independent  
37 colleges and universities; two persons appointed by  
38 the Iowa state education association; three persons  
39 appointed by the director of the department of  
40 education including one person representing libraries  
41 and one person representing the Iowa association of  
42 nonpublic school administrators; and one person  
43 appointed by the administrator of the public  
44 broadcasting division of the department of education.  
45 The council shall establish scheduling and site usage  
46 policies for educational users of the network,  
47 coordinate the activities of the regional  
48 telecommunications council, and develop proposed rules  
49 and changes to rules for recommendation to the  
50 commission. The council shall also recommend long-

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1 range plans for enhancements needed for educational  
2 applications. Administrative support and staffing for  
3 the council shall be provided by the department of  
4 education.

5 2. A regional telecommunications council is  
6 established in each of the merged areas established  
7 pursuant to chapter 260C consisting of nine members,  
8 including one member each to be appointed by each of  
9 the appointing authorities under subsection 1.  
10 Additional ex officio, nonvoting members may also be  
11 appointed to the regional telecommunications councils.  
12 The regional telecommunications councils shall advise  
13 the educational telecommunications council on the  
14 assessment of local educational needs, and the  
15 coordination of program activities including  
16 scheduling. The community college located in the  
17 merged area of a regional telecommunications council  
18 shall staff and facilitate the activities of the  
19 council. The community college and the council may  
20 enter into a chapter 28E agreement for such  
21 arrangement.

22 3. The community college in each of the merged  
23 areas shall be responsible for switching of Parts II  
24 and III of the network and for facilitating the  
25 organization and meetings of the regional  
26 telecommunications council.

27 Sec. 8. NEW SECTION. 18.133D ADVISORY GROUPS  
28 ESTABLISHED.

29 1. The commission shall establish an advisory  
30 group to examine the use of the network for  
31 telemedicine applications. The advisory group shall  
32 consist of representatives of hospitals and other  
33 health care facilities as determined by the  
34 commission.

35 2. The commission may establish other advisory  
36 committees as necessary representing authorized users  
37 of the network.

38 Sec. 9. NEW SECTION. 18.133E TELECOMMUNICATIONS  
39 ADVISORY COMMITTEE.

40 A telecommunications advisory committee is  
41 established to advise the commission on  
42 telecommunications matters. The commission shall  
43 appoint five members to the advisory committee who  
44 shall represent specific telecommunications industries  
45 or persons with technical expertise related to the  
46 network.

47 Sec. 10. NEW SECTION. 18.133F SCHEDULING FOR  
48 AUTHORIZED USERS.

49 Except as provided in section 18.133C, an  
50 authorized user is responsible for all scheduling of

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1 the use of the authorized user's facility. A person  
2 who disputes a scheduling decision of such user may  
3 petition the commission for a review of such decision  
4 pursuant to section 18.133A.

5 Sec. 11. NEW SECTION. 18.133G CERTIFICATION OF  
6 USE -- NETWORK USE BY CERTAIN AUTHORIZED USERS.

7 1. A private or public agency, other than a state  
8 agency, local school district or nonpublic school,  
9 city library, regional library, or county library,  
10 authorized to be offered access pursuant to this  
11 chapter as of the effective date of this Act, shall  
12 certify to the commission no later than July 1, 1994,  
13 that the agency is a part of or intends to become a  
14 part of the network. Upon receiving such  
15 certification from an agency not a part of the network  
16 on the effective date of this Act, the commission  
17 shall provide for the connection of such agency as  
18 soon as practical. An agency which does not certify  
19 to the commission that the agency is a part of or  
20 intends to become a part of the network as required by  
21 this subsection shall be prohibited from using the  
22 network.

23 2. a. A private or public agency which certifies  
24 to the commission that the agency is a part of or  
25 intends to become a part of the network shall use the  
26 network for all video, data, and voice requirements of  
27 the agency unless the private or public agency  
28 petitions the commission for a waiver and one of the  
29 following applies:

30 (1) The cost to the authorized user for services  
31 provided on the network are not competitive with the  
32 same services provided by another provider.

33 (2) The authorized user is under contract with  
34 another provider for such services, provided the  
35 contract was entered into prior to April 1, 1994. The  
36 agency shall use the network for video, data, and  
37 voice requirements which are not provided pursuant to  
38 such contract.

39 (3) The authorized user has entered into an  
40 agreement with the commission to become part of the  
41 network prior to June 1, 1994, which does not provide  
42 for use of the network for all video, data, and voice  
43 requirements of the agency. The commission may enter  
44 into an agreement described in this subparagraph upon  
45 a determination that the use of the network for all  
46 video, data, and voice requirements of the agency  
47 would not be in the best interests of the agency.

48 b. A private or public agency shall petition the  
49 commission for a waiver of the requirement to use the  
50 network as provided in paragraph "a", if the agency

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1 determines that paragraph "a", subparagraph (1) or (2)  
2 applies. The commission shall establish by rule a  
3 review process for determining, upon application of an  
4 authorized user, whether paragraph "a", subparagraph  
5 (1) or (2), applies. An authorized user found by the  
6 commission to be under contract for such services as  
7 provided in paragraph "a", subparagraph (2), shall not  
8 enter into another contract upon the expiration of  
9 such contract, but shall utilize the network for such  
10 services as provided in this section unless paragraph  
11 "a", subparagraph (1), applies.

12 Sec. 12. NEW SECTION. 18.133H REPORT OF SAVINGS  
13 BY STATE AGENCIES.

14 A state agency which is a part of the network shall  
15 annually provide a written report to the general  
16 assembly certifying the identified savings associated  
17 with the state agency's use of the network. The  
18 report shall be delivered on or before January 15 for  
19 the previous fiscal year of the state agency.

20 Sec. 13. Section 18.134, subsection 1, Code  
21 Supplement 1993, is amended to read as follows:

22 1. ~~The department of general services~~ commission  
23 may purchase, lease-purchase, lease, and improve  
24 property, equipment, and services for  
25 telecommunications for public and private agencies,  
26 ~~including the broadcast and narrowcast systems,~~ and  
27 may dispose of property and equipment when not  
28 necessary for its purposes. However, the ~~department~~  
29 ~~of general services~~ commission shall not provide or  
30 resell communications services to entities other than  
31 public and private agencies. The public or private  
32 agency shall not provide communication services of the  
33 network to another entity at a cost greater than that  
34 charged to the agency pursuant to section 18.136,  
35 subsections 11 and 12. The ~~department~~ commission may  
36 arrange for joint use of available services and  
37 facilities, and may enter into leases and agreements  
38 with private and public agencies with respect to a  
39 ~~state the Iowa~~ communications system network, and  
40 public agencies are authorized to enter into leases  
41 and agreements with respect to the system network for  
42 their use and operation. Rentals and other amounts  
43 due under the agreements or leases entered into  
44 pursuant to this section by a state agency are payable  
45 from funds annually appropriated by the general  
46 assembly or from other funds legally available. Other  
47 public agencies may pay the rental costs and other  
48 amounts due under an agreement or lease from their  
49 annual budgeted funds or other funds legally available  
50 or to become available. This section comprises a

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1 complete and independent authorization and procedure  
2 for a public agency, with the approval of the  
3 department commission, to enter into a lease or  
4 agreement and related security enhancement  
5 arrangements and this section is not a qualification  
6 of any other powers which a public agency may possess  
7 and the authorizations and powers granted under this  
8 section are not subject to the terms, requirements, or  
9 limitations of any other provisions of law. All  
10 moneys received by the department commission from  
11 agreements and leases entered into pursuant to this  
12 section with private and public agencies shall be  
13 deposited in the state Iowa communications network  
14 fund.

15 ~~It is the intent of the general assembly that~~  
16 ~~rental and other costs due under agreements and leases~~  
17 ~~entered into pursuant to this section by state~~  
18 ~~agencies be replaced by supplemental appropriations to~~  
19 ~~the state agencies.~~

20 Sec. 14. Section 18.136, subsections 1, 2, 3, 4,  
21 6, 7, 8, 9, 10, 12, and 14, Code Supplement 1993, are  
22 amended to read as follows:

23 1. Moneys in the state Iowa communications network  
24 fund are appropriated to the ~~Iowa public broadcasting~~  
25 board Iowa telecommunications and technology  
26 commission for purposes of providing financing for the  
27 procurement, operation, and maintenance of ~~a state the~~  
28 Iowa communications network with sufficient capacity  
29 to serve the video, data, and voice requirements of  
30 ~~state agencies and~~ the educational telecommunications  
31 system consisting of Part I, Part II, and Part III,  
32 and other public and private agencies. The state  
33 ~~communications network consists of Part I, Part II,~~  
34 ~~and Part III of the system.~~

35 2. For purposes of this section, unless the  
36 context otherwise requires:

37 a. "Part I of the system" means the communications  
38 connections between central switching and institutions  
39 under the control of the board of regents, nonprofit  
40 institutions of higher education eligible for tuition  
41 grants, and the regional switching centers for the  
42 remainder of the network.

43 b. "Part II of the system" means the  
44 communications connections between the regional  
45 switching centers and the secondary switching centers.

46 c. "Part III of the system" means the  
47 communications connection between the secondary  
48 switching centers and the agencies defined in section  
49 18.133, subsections 3 2 and 4 3, excluding state  
50 agencies, institutions under the control of the board

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1 of regents, nonprofit institutions of higher education  
2 eligible for tuition grants, and the judicial  
3 department.

4 3. The financing for the procurement costs for the  
5 entirety of Part I of the system, and the video, data,  
6 and voice capacity for state agencies for Part II and  
7 Part III of the system, shall be provided by the  
8 state. The financing for the procurement costs for  
9 Part II of the system shall also be provided from by  
10 the state. The financing for the procurement and  
11 maintenance costs for Part III of the system for  
12 connecting school districts and area education  
13 agencies shall be provided eighty-percent from by the  
14 state and twenty-percent from the local school boards  
15 of the areas which receive transmissions from the  
16 system. A local school board or area education agency  
17 board may elect to provide one hundred percent of the  
18 financing for the procurement and maintenance costs  
19 for Part III to become part of the system. The local  
20 school boards may meet all or part of the match  
21 requirements of Part III of the system through a  
22 cooperative arrangement with community colleges. The  
23 basis for the amount of state match financing is  
24 eighty one hundred percent of a single interactive  
25 audio and one-way interactive video connection for  
26 Part III of the system, and such data and voice  
27 capacity as is necessary. The local school boards and  
28 community colleges may meet the match requirements for  
29 Part III of the system from funds they have already  
30 spent for their systems, from funds available in the  
31 school budget, or from funds received from other  
32 nonstate sources. In the case of existing systems, in  
33 order to upgrade facilities to the specifications of  
34 the state communications network, the local school  
35 boards and community colleges, in lieu of a cash  
36 match, may meet the match requirements from funds they  
37 have already spent for their systems provided that the  
38 state match does not exceed the lesser of eighty  
39 percent of the total cost of the upgraded system or  
40 eighty percent of the replacement cost of the system.  
41 The communications equipment funds used as a match by  
42 a community college shall be calculated based on  
43 verified expenditures for capital, equipment,  
44 hardware, and software for long distance learning  
45 technologies, including both audio and visual  
46 transmission. The communications equipment used as a  
47 match shall not subsequently be used as a match by  
48 another educational entity or for another part of the  
49 system. A local school board may request the school  
50 budget review committee to adjust the allowable growth

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~~1 for the school district so that the resulting increase  
2 in budget could be used for the match. If a school  
3 board or area education agency board elects to provide  
4 one hundred percent of the financing for the leasing  
5 costs for Part III, the school district or area  
6 education agency may become part of the network as  
7 soon as the network can reasonably connect the  
8 district or agency. A local school board or area  
9 education agency board may also elect that the school  
10 district or agency not to become part of the system  
11 network. Such election shall be made on an annual  
12 basis. State matching funds shall not be provided for  
13 Part III of the system until Part I and Part II of the  
14 system have been completed. Construction of Part III  
15 of the system may proceed before Part I and Part II of  
16 the system have been completed.~~

17 Until otherwise provided by the general assembly, a  
18 public or private agency authorized to use the  
19 network, other than a school district or area  
20 education agency, shall pay one hundred percent of the  
21 costs related to the Part III connection.

22 4. The department of general services commission  
23 shall develop the requests for proposals that are  
24 needed for a state the Iowa communications network  
25 with sufficient capacity to serve the video, data, and  
26 voice requirements of state agencies and the for  
27 educational telecommunications applications required  
28 by the Iowa public broadcasting board. The department  
29 commission shall develop a request for proposals for  
30 each of the systems that will make up the network.  
31 The department commission may develop a request for  
32 proposals for each definitive component of Part I,  
33 Part II, and Part III of the system or the department  
34 commission may provide in the request for proposals  
35 for each such system that separate contracts may be  
36 entered into for each definitive component covered by  
37 the request for proposals. The requests for proposals  
38 may be for the purchase, lease-purchase, or lease of  
39 the component parts of the system network, may require  
40 maintenance costs to be identified, and the resulting  
41 contract may provide for maintenance for parts of the  
42 system network. The master contract may provide for  
43 electronic classrooms, satellite equipment, receiving  
44 equipment, studio and production equipment, and other  
45 associated equipment as required.

46 6. Prior to the awarding of a contract under this  
47 section, the department commission shall notify the  
48 legislative council and the department of management  
49 of the department's commission's intent to award a  
50 contract and of the cost to the state. The department

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1 of management and the legislative council shall  
2 determine if the anticipated financial resources of  
3 the state are adequate to fund the expenditure during  
4 the fiscal years covered by the contract, and if so,  
5 the department of management shall certify the  
6 determination to the department commission. Upon  
7 certification, the department commission may enter  
8 into the contract.

9 7. The ~~department-of-general-services~~ commission  
10 shall be responsible for the network system design and  
11 shall be responsible for the implementation of each  
12 component of the network as it is incorporated into  
13 the network system. The final design selected shall  
14 optimize the routing for all users in order to assure  
15 maximum utilization by all agencies of the state.  
16 Efficiencies achieved in the implementation of the  
17 network shall be used to fund further implementation  
18 and enhancement of the network, and shall be  
19 considered part of the operational cost of the  
20 network. The department commission shall be  
21 responsible for all management, operations, control  
22 switching, diagnostics, and maintenance functions of  
23 Part I and Part II of the system operations, except as  
24 designated in subsection 8. The performance of these  
25 duties is intended to provide optimal utilization of  
26 the facilities, and the assurance that future growth  
27 requirements will be provided for, and that sufficient  
28 network capacity will be available to meet the needs  
29 of all users. ~~The-telecommunications-information~~  
30 ~~management-council,-created-by-executive-order-of-the~~  
31 ~~governor,-shall-provide-general-oversight-for-these~~  
32 ~~functions-~~

33 8. ~~The-iowa-public-broadcasting-board-retains-sole~~  
34 ~~authority-over-the-educational-telecommunications~~  
35 ~~applications-of-Part-I-of-the-system,-and-its~~  
36 ~~authority-shall-include-management-and-operational~~  
37 ~~control,-programming,-budget,-personnel,-scheduling,~~  
38 ~~and-program-switching-of-educational-material-carried~~  
39 ~~by-Part-I-of-the-system.--The-iowa-public-broadcasting~~  
40 ~~board,-through-its-narrowcast-system-advisory~~  
41 ~~committee,-retains-coordination-authority-over-the~~  
42 ~~educational-telecommunications-applications-of-Part-II~~  
43 ~~and-Part-III-of-the-system.--Community-colleges-are~~  
44 ~~responsible-for-scheduling-and-switching-of~~  
45 ~~educational-materials-carried-by-Part-II-and-Part-III~~  
46 ~~of-the-system-within-their-respective-areas.--Such~~  
47 ~~responsibility-may-be-accomplished-by-a-chapter-28E~~  
48 ~~agreement-with-the-department-of-general-services-~~

49 The narrowcast-system-advisory-committee education  
50 telecommunications council shall review all requests

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1 for grants for educational telecommunications  
2 applications, if they are a part of the state  
3 communications network, to ensure that the educational  
4 telecommunications application is consistent with the  
5 telecommunications plan. ~~If the narrowcast system~~  
6 ~~advisory committee finds that a grant request is~~  
7 ~~inconsistent with the telecommunications plan, the~~  
8 ~~grant request shall not be allowed.~~ All other grant  
9 requests shall be reviewed as determined by the  
10 commission. If the education telecommunications  
11 council finds that a grant request is inconsistent  
12 with the telecommunications plan, the grant request  
13 shall not be allowed.

14 9. The procurement and maintenance of electronic  
15 equipment including, but not limited to, master  
16 receiver antenna systems, studio and production  
17 equipment, and broadcast system components shall be  
18 provided for under ~~department of general services~~ the  
19 commission's contracts. The Iowa public broadcasting  
20 board and other educational entities within the state  
21 have the option to use their existing or replacement  
22 resources and agreements in the operation and  
23 maintenance of these systems.

24 10. In addition to the other evaluation criteria  
25 specified in the request for proposals issued pursuant  
26 to this section, the ~~department of general services~~  
27 commission, in evaluating proposals, shall base up to  
28 two percent of the total possible points on the public  
29 benefit that can be derived from a given proposal due  
30 to the increased private telecommunications capacity  
31 available to Iowa citizens located in rural Iowa. For  
32 purposes of this subsection, an area of the state is  
33 considered rural if it is not part of a federally  
34 designated standard metropolitan statistical area.

35 12. ~~The Iowa public broadcasting board, in~~  
36 ~~consultation with its narrowcast system advisory~~  
37 ~~committee, shall determine the fee to be charged per~~  
38 ~~course or credit hour by the originating institution,~~  
39 ~~and the fees shall be substantially the same for~~  
40 ~~comparable courses.~~ The commission, on its own or as  
41 recommended by an advisory committee of the commission  
42 and approved by the commission, shall permit a fee to  
43 be charged by a receiving site to the originating  
44 site. The fee charged shall be for the purpose of  
45 recovering the operating costs of a receiving site.  
46 The fee charged shall be reduced by an amount received  
47 by the receiving site pursuant to a state  
48 appropriation for such costs, or federal assistance  
49 received for such costs. Fees established under this  
50 subsection shall be paid by the originating site

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1 directly to the receiving site. For purposes of this  
2 section, "operating costs" include the costs  
3 associated with the management or coordination,  
4 operations, utilities, classroom, equipment,  
5 maintenance, and other costs directly related to  
6 providing the receiving site.

7 14. Notwithstanding chapter 476, the provisions of  
8 chapter 476 shall not apply to a public utility in  
9 furnishing a telecommunications service or facility to  
10 the ~~department-of-general-services~~ commission for the  
11 state Iowa communications network.

12 Sec. 15. Section 18.136, Code Supplement 1993, is  
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 4A. The state shall lease all  
15 fiber optic cable facilities or facilities with DS-3  
16 capacity for Part III connections for which state  
17 funding is provided. The state shall lease all fiber  
18 optic cable facilities or facilities with DS-3 or DS-1  
19 capacity for the judicial department and state agency  
20 connections for which state funding is provided. Such  
21 facilities shall be leased from qualified providers.  
22 The state shall not own such facilities, except for  
23 those facilities owned by the state as of January 1,  
24 1994.

25 The lease provisions of this subsection do not  
26 apply to a school district which elects to provide one  
27 hundred percent of the financing for the district's  
28 connection.

29 Sec. 16. Section 18.136, Code Supplement 1993, is  
30 amended by adding the following new subsection:

31 NEW SUBSECTION. 13A. Access to the network shall  
32 be offered to the judicial district departments of  
33 correctional services established in section 905.2,  
34 provided that such departments contribute an amount  
35 consistent with their share of use for the part of the  
36 system in which the departments participate, as  
37 determined by the commission.

38 Sec. 17. Section 18.136, Code Supplement 1993, is  
39 amended by adding the following new subsection:

40 NEW SUBSECTION. 13B. Access shall be offered to  
41 hospitals licensed pursuant to chapter 135B and  
42 physician clinics and to an agency of the federal  
43 government. A hospital, physician clinic, or an  
44 agency of the federal government shall be responsible  
45 for all costs associated with becoming a part of the  
46 network.

47 Sec. 18. Section 18.137, Code 1993, is amended to  
48 read as follows:

49 18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

50 There is created in the office of the treasurer of

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1 state a temporary fund to be known as the state Iowa  
2 communications network fund under the control of the  
3 Iowa telecommunications and technology commission.  
4 ~~There is appropriated to the state communications~~  
5 ~~network fund for the fiscal year beginning July 1,~~  
6 ~~1989, and ending June 30, 1990, the sum of two million~~  
7 ~~one hundred forty two thousand six hundred twenty one~~  
8 ~~dollars from the general fund of the state. There is~~  
9 ~~appropriated from the general fund of the state to the~~  
10 ~~state Iowa communications network fund for each fiscal~~  
11 ~~year of the fiscal period beginning July 1, 1991, and~~  
12 ~~ending June 30, 1996, the sum of five million dollars.~~  
13 ~~Notwithstanding section 8.33, unobligated and~~  
14 ~~unencumbered moneys from the appropriation for a~~  
15 ~~fiscal year remaining on June 30 of that fiscal year~~  
16 ~~shall not revert to the general fund of the state but~~  
17 ~~shall remain available for expenditure during the next~~  
18 ~~following fiscal year. There shall also be deposited~~  
19 ~~into the state Iowa communications network fund~~  
20 ~~proceeds from bonds issued for purposes of projects~~  
21 ~~authorized pursuant to section 18.136, matching funds~~  
22 ~~received from the community colleges and the local~~  
23 ~~school boards, funds received from leases pursuant to~~  
24 ~~section 18.134, and other moneys by law credited to or~~  
25 ~~designated by a person for deposit into the fund.~~  
26 ~~Notwithstanding the requirements of section 18.136,~~  
27 ~~subsection 17, for the fiscal year beginning July 1,~~  
28 ~~1990, and ending June 30, 1991, thirty one thousand~~  
29 ~~dollars of moneys in the state communications network~~  
30 ~~fund may be expended for the state's share of the cost~~  
31 ~~for the design of a disaster recovery facility to be~~  
32 ~~built in conjunction with the Iowa communications~~  
33 ~~network facility and emergency operation center. The~~  
34 ~~department of general services may increase its fees~~  
35 ~~for data processing in order to collect an additional~~  
36 ~~amount not exceeding two hundred thousand dollars~~  
37 ~~during the fiscal year beginning July 1, 1991, to pay~~  
38 ~~for the state's share of the cost of construction of~~  
39 ~~the disaster recovery facility.~~  
40 ~~The Iowa public broadcasting board shall use the~~  
41 ~~net increase in the federal match awarded to the Iowa~~  
42 ~~public broadcasting board as a result of this~~  
43 ~~appropriation in order to meet the needs of the~~  
44 ~~educational telecommunications system. These funds~~  
45 ~~shall be deposited in a separate account within the~~  
46 ~~state communications network fund, and shall be~~  
47 ~~administered by the Iowa public broadcasting board for~~  
48 ~~purposes of the fund.~~

49 Sec. 19. Section 256.82, subsection 3, Code  
50 Supplement 1993, is amended by striking the subsection  
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1 and inserting in lieu thereof the following:

2 3. The board shall appoint an advisory committee  
3 on journalistic and editorial integrity which has no  
4 more than a simple majority of members of the same  
5 gender. The division shall be governed by the  
6 national principles of editorial integrity developed  
7 by the editorial integrity project.

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

12 Members of advisory committees shall receive actual  
13 expenses incurred in performing their official duties.

14 Sec. 20. Notwithstanding any other provision to  
15 the contrary, the Iowa telecommunications and  
16 technology commission shall develop a written proposal  
17 to be submitted to the governor for the governor's  
18 approval relating to the structure and organization of  
19 the commission. The commission shall identify  
20 existing positions which exist in state departments or  
21 agencies directly related to the duties and mission of  
22 the commission and shall request in the proposal that  
23 those positions be transferred to, and be under the  
24 control of, the commission. The request shall be  
25 submitted to the governor no later than January 1,  
26 1995, with a copy to be submitted to the house of  
27 representatives and the senate at the same time.

28 Upon approval by the governor, the department of  
29 management shall provide for the transfer of funds  
30 appropriated for those positions to the commission  
31 from the department or agency in which the position  
32 was located prior to the transfer. If persons are  
33 transferred from employment with a department or  
34 agency to employment with the commission, the persons  
35 shall not be required to forfeit any accrued seniority  
36 or other benefits.

37 Sec. 21. Notwithstanding any contrary provisions  
38 of this Act, a K-12 school district, on or before May  
39 1, 1994, may certify to the commission in writing that  
40 the K-12 school district has a full motion interactive  
41 video system which is fully compatible with the  
42 network. Upon receipt of such certification and a  
43 determination by the commission that the district's  
44 system is fully compatible with the network, access to  
45 the network shall be permitted as soon as practical.  
46 A K-12 school district which provides the  
47 certification to the commission as provided in this  
48 section may petition the commission for reimbursement  
49 of the costs associated with providing the connection  
50 incurred by the district.

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1 Sec. 22. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE  
 2 OFFICER. All duties and responsibilities of the Iowa  
 3 telecommunications and technology commission shall be  
 4 performed by the ICN chief executive officer appointed  
 5 by the governor pursuant to executive order number 46  
 6 signed on January 5, 1993, until such time as the  
 7 initial appointments to the commission have been made  
 8 and the commission has organized itself.

9 Sec. 23. INITIAL IOWA TELECOMMUNICATIONS AND  
 10 TECHNOLOGY COMMISSION APPOINTMENTS. The initial  
 11 members of the Iowa telecommunications and technology  
 12 commission shall be appointed on or before July 1,  
 13 1994, to the following terms:

14 1. One member shall be appointed for a term of six  
 15 years.

16 2. One member shall be appointed for a term of  
 17 four years.

18 3. One member shall be appointed for a term of two  
 19 years.

20 Sec. 24. CODE EDITOR TRANSFERS. The Code editor  
 21 shall transfer sections 18.132 through 18.137 to be a  
 22 new chapter 8D. The Code editor shall correct all  
 23 internal citations and references consistent with the  
 24 transfer of Code sections as provided in this section.

25 Sec. 25. CONTINUATION OF APPLICABILITY OF EXISTING  
 26 RULES. Rules applicable to the Iowa communications  
 27 network in effect on the effective date of this Act  
 28 shall remain effective until the Iowa  
 29 telecommunications and technology commission modifies  
 30 or repeals such rules.

31 Sec. 26. REPEAL. Section 18.135, Code 1993, is  
 32 repealed.

33 Sec. 27. EFFECTIVE DATE. This Act, being deemed  
 34 of immediate importance, is effective upon  
 35 enactment.""

RECEIVED FROM THE SENATE

H-5931 FILED APRIL 4, 1994

*House Refused to Concur*  
 4-7-94 (P. 1236)

*Senate Insists*  
 4-8-94

*(P. 1104)*

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 2089

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2089, a bill for an Act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment, H-5931.

2. That the House amendment, S-5144, to Senate File 2089, as passed by the Senate, is amended as follows:

1. By striking page 1, line 5, through page 13, line 47, and inserting the following:

"Section 1. Section 2.32, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 9. If an appointment subject to senate confirmation is required by statute to be made by an appointing authority other than the governor, the duties assigned under this section to the governor shall be performed by the appointing authority.

Sec. 2. Section 18.3, subsection 5, Code 1993, is amended by striking the subsection.

Sec. 3. Section 18.133, subsections 1, 2, 3, and 4, Code Supplement 1993, are amended to read as follows:

1. "Commission" means the Iowa telecommunications and technology commission established in section 18.133A.

† 1A. "Director" means the executive director of the department-of-general-services-or-the-director's-designee appointed pursuant to section 18.133B.

2. "Private agency" means an accredited nonpublic schools and school, a nonprofit institutions institution of higher education eligible for tuition grants, or a hospital licensed pursuant to chapter 135B or a physician clinic to the extent

CCS-2089.5

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provided in section 18.136, subsection 13B.

3. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial department as provided in section 18.136, subsection 13C, a school corporation, a city library, a regional library as provided in chapter 256, and a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 18.136, subsection 13A, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

4. "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 division of the department of education, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

Sec. 4. Section 18.133, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 1B. "Network" means the Iowa or state communications network.

Sec. 5. NEW SECTION. 18.133A IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION -- MEMBERS -- DUTIES.

1. COMMISSION ESTABLISHED. A telecommunications and technology commission is established with the sole authority to supervise the management, development, and operation of the network and ensure that all components of the network are technically compatible. The commission shall ensure that the network operates in an efficient and responsible manner consistent with the provisions of this chapter for the purpose of providing the best economic service attainable to the network users consistent with the state's financial capacity.

CCS-2089.5

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The commission shall ensure that educational users and the use, design, and implementation for educational applications be given the highest priority concerning use of the network. The commission shall provide for the centralized, coordinated use and control of the network.

2. MEMBERS. The commission is composed of three members appointed by the governor and subject to confirmation by the senate. Members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network. The governor shall appoint a member as the chairperson of the commission from the three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term. The salary of the members of the commission shall be twenty thousand dollars per year, except that the salary of the chairperson shall be twenty-five thousand dollars per year. Members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. Meetings of the commission shall be held at the call of the chairperson of the commission. In addition to the members appointed by the governor, the auditor of state or the auditor's designee shall serve as a nonvoting, ex officio member of the commission.

The benefits and salary paid to the members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

3. DUTIES. The commission shall do all of the following:

- a. Enter into agreements pursuant to chapter 28E as necessary and appropriate for the purposes of the commission. However, the commission shall not enter into an agreement with an unauthorized user or any other person pursuant to chapter

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28E for the purpose of providing such user or person access to the network.

b. Adopt rules pursuant to chapter 17A as deemed appropriate and necessary, and directly related to the implementation and administration of the duties of the commission. The commission, in consultation with the department of general services, shall also adopt and provide for standard communications procedures and policies relating to the use of the network which recognize, at a minimum, the need for reliable communications services.

c. Establish an appeal process for review by the commission of a scheduling conflict decision, including a scheduling conflict involving an educational user, or the establishment of a fee associated with the network upon the request of a person affected by such decision or fee. A determination made by the commission pursuant to this paragraph shall be final.

d. Review and approve for adoption, rules as proposed and submitted by an authorized user group necessary for the authorized user group's access and use of the network. The commission may refuse to approve and adopt a proposed rule, and upon such refusal, shall return the proposed rule to the respective authorized user group proposing the rule with a statement indicating the commission's reason for refusing to approve and adopt the rule.

e. (1) Develop and issue for response all requests for proposals for any construction, installation, repair, maintenance, or equipment and parts necessary for the network. In preparing the request for proposals, the commission shall do all of the following:

(a) Review existing requests for proposals related to the network.

(b) Consider and evaluate all competing technologies which could be used in any construction, installation, repair, or maintenance project.

(c) Allow flexibility for proposals to be submitted in response to a request for proposals issued by the commission

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such that any qualified provider may submit a bid on a site-by-site basis, or on a merged area or defined geographic area basis, or both, and by permitting proposals to be submitted for use of competing or alternative technologies in each defined area.

(d) Ensure that rural communities have access to comparable services to the services provided in urban areas resulting from any plans to construct, install, repair, or maintain any part of the network.

(2) In determining which proposal to recommend to the general assembly to accept, consider what is in the long-term best interests of the citizens of the state and the network, and utilize, if possible, the provision of services with existing service providers consistent with those best interests. In determining what is in the long-term best interests of the citizens of the state and the network, the commission, at a minimum, shall consider the cost to taxpayers of the state.

(3) Deliver a written report and all proposals submitted in response to the request for proposals for Part III to the general assembly no later than January 1, 1995. The commission shall not enter into any agreement related to such proposals without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

f. Annually prepare a written five-year financial plan for the network which shall be provided to the general assembly and the governor no later than January 15 of each year. The plan shall include estimates for income and expenses for the network for the five-year period and the actual income and expenses for the preceding fiscal year. The plan shall include the amount of general fund appropriations to be requested for the payment of operating expenses and debt service. The plan shall also include any recommendations of the commission related to changes in the system and other items as deemed appropriate by the commission. The recommendations of the commission contained in the plan shall

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include a detailed plan for the connection of all public schools to the network, including a discussion and evaluation of all potential financing options, an estimate of all costs incurred in providing such connections, and a schedule for completing such connections, including the anticipated final completion date for such connections.

g. Review existing maintenance contracts and past contracts to determine vendor capability to perform the obligations under such contracts. The commission shall report to the general assembly prior to January 1 of each year as to the performance of all vendors under each contract and shall make recommendations concerning continued funding for the contracts.

h. Pursue available opportunities to cooperate and coordinate with the federal government for the use and potential expansion of the network and for the financing of any such expansion.

i. Evaluate existing and projected rates for use of the system and ensure that rates are sufficient to pay for the operation of the system except to the extent such use is subsidized by general fund appropriations as authorized by the general assembly. The commission shall establish all hourly rates to be charged to all authorized users for the use of the network. A fee established by the commission to be charged to a hospital licensed pursuant to chapter 135B, a physician clinic, or the federal government shall be at an appropriate rate so that, at a minimum, there is no state subsidy related to the costs of the connection or use of the network related to such user.

j. Make recommendations to the general assembly, as deemed appropriate by the commission, concerning the operation of the network.

Sec. 6. NEW SECTION. 18.133B EXECUTIVE DIRECTOR APPOINTED.

The commission shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The

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executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly. The salary and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

Sec. 7. NEW SECTION. 18.133C EDUCATION  
TELECOMMUNICATIONS COUNCIL ESTABLISHED -- REGIONAL COUNCILS  
ESTABLISHED.

1. An education telecommunications council is established. The council consists of eighteen members and shall include the following: two persons appointed by the state board of regents; two persons appointed by the Iowa association of community college trustees; two persons appointed by the area education agency boards; two persons appointed by the Iowa association of school boards; two persons appointed by the school administrators of Iowa; two persons appointed by the Iowa association of independent colleges and universities; two persons appointed by the Iowa state education association; three persons appointed by the director of the department of education including one person representing libraries and one person representing the Iowa association of nonpublic school administrators; and one person appointed by the administrator of the public broadcasting division of the department of education. The council shall establish scheduling and site usage policies for educational users of the network, coordinate the activities of the regional telecommunications councils, and develop proposed rules and changes to rules for recommendation to the commission. The council shall also recommend long-range plans for enhancements needed for educational applications. Administrative support and staffing for the council shall be provided by the department of education.

2. A regional telecommunications council is established in each of the merged areas established pursuant to chapter 260C

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consisting of nine members, including one member each to be appointed by each of the appointing authorities under subsection 1. Additional ex officio, nonvoting members may also be appointed to the regional telecommunications councils. The regional telecommunications councils shall advise the education telecommunications council on the assessment of local educational needs, and the coordination of program activities including scheduling. The community college located in the merged area of a regional telecommunications council shall staff and facilitate the activities of the council. The community college and the council may enter into a chapter 28E agreement for such arrangement.

3. The community college in each of the merged areas shall be responsible for switching of Parts II and III of the network and for facilitating the organization and meetings of the regional telecommunications council.

Sec. 8. NEW SECTION. 18.133D ADVISORY GROUPS ESTABLISHED.

1. The commission shall establish an advisory group to examine the use of the network for telemedicine applications. The advisory group shall consist of representatives of hospitals and other health care facilities as determined by the commission.

2. The commission may establish other advisory committees as necessary representing authorized users of the network.

Sec. 9. NEW SECTION. 18.133E TELECOMMUNICATIONS ADVISORY COMMITTEE.

A telecommunications advisory committee is established to advise the commission on telecommunications matters. The commission shall appoint five members to the advisory committee who shall represent specific telecommunications industries or persons with technical expertise related to the network.

Sec. 10. NEW SECTION. 18.133F SCHEDULING FOR AUTHORIZED USERS.

Except as provided in section 18.133C, an authorized user is responsible for all scheduling of the use of the authorized

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user's facility. A person who disputes a scheduling decision of such user may petition the commission for a review of such decision pursuant to section 18.133A, subsection 3, paragraph "c".

Sec. 11. NEW SECTION. 18.133G CERTIFICATION OF USE -- NETWORK USE BY CERTAIN AUTHORIZED USERS.

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, regional library, county library, judicial department, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of the effective date of this Act, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on the effective date of this Act, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

2. a. A private or public agency which certifies to the commission pursuant to subsection 1 that the agency is a part of or intends to become a part of the network shall use the network for all video, data, and voice requirements of the agency unless the private or public agency petitions the commission for a waiver and one of the following applies:

(1) The cost to the authorized user for services provided on the network are not competitive with the same services provided by another provider.

(2) The authorized user is under contract with another provider for such services, provided the contract was entered into prior to April 1, 1994. The agency shall use the network for video, data, and voice requirements which are not provided pursuant to such contract.

(3) The authorized user has entered into an agreement with

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the commission to become part of the network prior to June 1, 1994, which does not provide for use of the network for all video, data, and voice requirements of the agency. The commission may enter into an agreement described in this subparagraph upon a determination that the use of the network for all video, data, and voice requirements of the agency would not be in the best interests of the agency.

b. A private or public agency shall petition the commission for a waiver of the requirement to use the network as provided in paragraph "a", if the agency determines that paragraph "a", subparagraph (1) or (2) applies. The commission shall establish by rule a review process for determining, upon application of an authorized user, whether paragraph "a", subparagraph (1) or (2), applies. An authorized user found by the commission to be under contract for such services as provided in paragraph "a", subparagraph (2), shall not enter into another contract upon the expiration of such contract, but shall utilize the network for such services as provided in this section unless paragraph "a", subparagraph (1), applies.

Sec. 12. NEW SECTION. 18.133H REPORT OF SAVINGS BY STATE AGENCIES.

A state agency which is a part of the network shall annually provide a written report to the general assembly certifying the identified savings associated with the state agency's use of the network. The report shall be delivered on or before January 15 for the previous fiscal year of the state agency.

Sec. 13. Section 18.134, subsection 1, Code Supplement 1993, is amended to read as follows:

1. ~~The department-of-general-services~~ commission may purchase, lease-purchase, lease, and improve property, equipment, and services for telecommunications for public and private agencies, ~~including-the-broadcast-and-narrowcast systems,~~ and may dispose of property and equipment when not necessary for its purposes. However, ~~the department-of-general-services~~ commission shall not enter into a contract

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for the purchase, lease-purchase, lease, or improvement of property, equipment, or services for telecommunications pursuant to this subsection in an amount greater than five hundred thousand dollars without prior authorization by a constitutional majority of each house of the general assembly, or approval by the legislative council if the general assembly is not in session. The commission shall not issue any bonding or other long-term financing arrangements as defined in section 12.30, subsection 1, paragraph "b". The commission also shall not provide or resell communications services to entities other than public and private agencies. The public or private agency shall not provide communication services of the network to another entity at-a-cost-greater-than-that charged-to-the-agency-pursuant-to-section-18-1367-subsections 11-and-12 unless otherwise authorized pursuant to this chapter. The department commission may arrange for joint use of available services and facilities, and may enter into leases and agreements with private and public agencies with respect to a-state the Iowa communications system network, and public agencies are authorized to enter into leases and agreements with respect to the system network for their use and operation. Rentals and other amounts due under the agreements or leases entered into pursuant to this section by a state agency are payable from funds annually appropriated by the general assembly or from other funds legally available. Other public agencies may pay the rental costs and other amounts due under an agreement or lease from their annual budgeted funds or other funds legally available or to become available. This section comprises a complete and independent authorization and procedure for a public agency, with the approval of the department commission, to enter into a lease or agreement and related security enhancement arrangements and this section is not a qualification of any other powers which a public agency may possess and the authorizations and powers granted under this section are not subject to the terms, requirements, or limitations of any other provisions of law. All moneys received by the department commission from

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agreements and leases entered into pursuant to this section with private and public agencies shall be deposited in the state Iowa communications network fund.

~~It is the intent of the general assembly that rental and other costs due under agreements and leases entered into pursuant to this section by state agencies be replaced by supplemental appropriations to the state agencies.~~

Sec. 14. NEW SECTION. 18.134A DISPOSITION OF NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

Notwithstanding any provision to the contrary, the commission or the department of general services shall not sell, lease, or otherwise dispose of the network without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

Sec. 15. Section 18.136, subsections 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, and 14, Code Supplement 1993, are amended to read as follows:

1. Moneys in the state Iowa communications network fund are appropriated to the ~~Iowa public broadcasting board~~ Iowa telecommunications and technology commission for purposes of providing financing for the procurement, operation, and maintenance of ~~a state~~ the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of ~~state agencies and~~ the educational telecommunications system consisting of Part I, Part II, and Part III, and other public and private agencies. ~~The state communications network consists of Part I, Part II, and Part III of the system.~~

2. For purposes of this section, unless the context otherwise requires:

a. "Part I ~~of the system~~" means the communications connections between central switching and institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the regional switching centers for the remainder of the network.

b. "Part II ~~of the system~~" means the communications connections between the regional switching centers and the

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secondary switching centers.

c. "Part III of-the-system" means the communications connection between the secondary switching centers and the agencies defined in section 18.133, subsections 3 2 and 4 3, excluding state agencies, institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the judicial department, judicial district departments of correctional services, hospitals and physician clinics, agencies of the federal government, and post offices.

3. The financing for the procurement costs for the entirety of Part I of-the-system except for the communications connections between central switching and institutions under the control of the board of regents, and nonprofit institutions of higher education eligible for tuition grants, and for the video, data, and voice capacity for state agencies and for Part II and Part III of-the-system, shall be provided by the state. ~~The financing for the procurement costs for Part II of-the-system shall be provided from the state.~~ The financing for the procurement and maintenance costs for Part III of-the-system shall be provided eighty-percent-from by the state and twenty-percent-from the local school boards of the areas which receive transmissions from the system. A local school board, governing authority of a nonpublic school, or an area education agency board may elect to provide one hundred percent of the financing for the procurement and maintenance costs for Part III to become part of the system network. ~~The local school boards may meet all or part of the match requirements of Part III of-the-system through a cooperative arrangement with community colleges.~~ The basis for the amount of state match financing is eighty one hundred percent of a single interactive audio and one-way interactive video connection for Part III of-the-system, and such data and voice capacity as is necessary. ~~The local school boards and community colleges may meet the match requirements for Part III of-the-system from funds they have already spent for their systems, from funds available in the school budget, or from~~

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funds received from other nonstate sources; in the case of existing systems, in order to upgrade facilities to the specifications of the state communications network, the local school boards and community colleges, in lieu of a cash match, may meet the match requirements from funds they have already spent for their systems provided that the state match does not exceed the lesser of eighty percent of the total cost of the upgraded system or eighty percent of the replacement cost of the system. The communications equipment funds used as a match by a community college shall be calculated based on verified expenditures for capital, equipment, hardware, and software for long distance learning technologies, including both audio and visual transmission. The communications equipment used as a match shall not subsequently be used as a match by another educational entity or for another part of the system. A local school board may request the school budget review committee to adjust the allowable growth for the school district so that the resulting increase in budget could be used for the match. If a school board, governing authority of a nonpublic school, or area education agency board elects to provide one hundred percent of the financing for the leasing costs for Part III, the school district or area education agency may become part of the network as soon as the network can reasonably connect the district or agency. A local school board, governing authority of a nonpublic school, or an area education agency board may also elect not to become part of the system network. Such election shall be made on an annual basis. State matching funds shall not be provided for Part III of the system until Part I and Part II of the system have been completed. Construction of Part III of the system, related to a school board, governing authority of a nonpublic school, or area education agency board which provides one hundred percent of the financing for the leasing costs for Part III, may proceed before Part I and Part II of the system have been completed as determined by the commission and consistent with the purpose of this chapter.

4. The department of general services commission shall

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develop the requests for proposals that are needed for a-state the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the for educational telecommunications applications ~~required-by-the-Iowa-public-broadcasting-board~~. The department commission shall develop a request for proposals for each of the systems that will make up the network. The department commission may develop a request for proposals for each definitive component of ~~Part-I, Part-II, and Part-III-of-the-system~~ the network or the department commission may provide in the request for proposals for each such system that separate contracts may be entered into for each definitive component covered by the request for proposals. The requests for proposals may be for the purchase, lease-purchase, or lease of the component parts of the system network consistent with the provisions of this chapter, may require maintenance costs to be identified, and the resulting contract may provide for maintenance for parts of the system network. The master contract may provide for electronic classrooms, satellite equipment, receiving equipment, studio and production equipment, and other associated equipment as required.

~~6.--Prior-to-the-awarding-of-a-contract-under-this-section, the-department-shall-notify-the-legislative-council-and-the department-of-management-of-the-department's-intent-to-award-a contract-and-of-the-cost-to-the-state.--The-department-of management-and-the-legislative-council-shall-determine-if-the anticipated-financial-resources-of-the-state-are-adequate-to fund-the-expenditure-during-the-fiscal-years-covered-by-the contract, and-if-so, the-department-of-management-shall certify-the-determination-to-the-department.--Upon certification, the-department-may-enter-into-the-contract.~~

7. The department-of-general-services commission shall be responsible for the network system design and shall be responsible for the implementation of each component of the network as it is incorporated into the network system. The final design selected shall optimize the routing for all users

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in order to assure maximum utilization by all agencies of the state. Efficiencies achieved in the implementation of the network shall be used to fund further implementation and enhancement of the network, and shall be considered part of the operational cost of the network. The department commission shall be responsible for all management, operations, control switching, diagnostics, and maintenance functions of ~~Part-I-and-Part-II-of-the-system~~ network operations, except as designated in subsection 8 as provided in this chapter. The performance of these duties is intended to provide optimal utilization of the facilities, and the assurance that future growth requirements will be provided for, and that sufficient network capacity will be available to meet the needs of all users. ~~The telecommunications information management council, created by executive order of the governor, shall provide general oversight for these functions.~~

8. ~~The Iowa public broadcasting board retains sole authority over the educational telecommunications applications of Part I of the system, and its authority shall include management and operational control, programming, budget, personnel, scheduling, and program switching of educational material carried by Part I of the system. The Iowa public broadcasting board, through its narrowcast system advisory committee, retains coordination authority over the educational telecommunications applications of Part II and Part III of the system. Community colleges are responsible for scheduling and switching of educational materials carried by Part II and Part III of the system within their respective areas. Such responsibility may be accomplished by a chapter 28E agreement with the department of general services.~~

The narrowcast system advisory committee education telecommunications council shall review all requests for grants for educational telecommunications applications, if they are a part of the state Iowa communications network, to ensure that the educational telecommunications application is consistent with the telecommunications plan. ~~if the~~

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~~narrowcast-system-advisory-committee-finds-that-a-grant request-is-inconsistent-with-the-telecommunications-plan,-the grant-request-shall-not-be-allowed-~~ All other grant requests shall be reviewed as determined by the commission. If the education telecommunications council finds that a grant request is inconsistent with the telecommunications plan, the grant request shall not be allowed.

9. The procurement and maintenance of electronic equipment including, but not limited to, master receiver antenna systems, studio and production equipment, and broadcast system components shall be provided for under ~~department-of-general services~~ the commission's contracts. The Iowa public broadcasting board and other educational entities within the state have the option to use their existing or replacement resources and agreements in the operation and maintenance of these systems.

10. In addition to the other evaluation criteria specified in the request for proposals issued pursuant to this section, the ~~department-of-general-services~~ commission, in evaluating proposals, shall base up to two percent of the total possible points on the public benefit that can be derived from a given proposal due to the increased private telecommunications capacity available to Iowa citizens located in rural Iowa. For purposes of this subsection, an area of the state is considered rural if it is not part of a federally designated standard metropolitan statistical area.

12. ~~The-Iowa-public-broadcasting-board,-in-consultation with-its-narrowcast-system-advisory-committee,-shall-determine the-fee-to-be-charged-per-course-or-credit-hour-by-the originating-institution,-and-the-fees-shall-be-substantially the-same-for-comparable-courses-~~ The commission, on its own or as recommended by an advisory committee of the commission and approved by the commission, shall permit a fee to be charged by a receiving site to the originating site. The fee charged shall be for the purpose of recovering the operating costs of a receiving site. The fee charged shall be reduced by an amount received by the receiving site pursuant to a

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state appropriation for such costs, or federal assistance received for such costs. Fees established under this subsection shall be paid by the originating site directly to the receiving site. For purposes of this section, "operating costs" include the costs associated with the management or coordination, operations, utilities, classroom, equipment, maintenance, and other costs directly related to providing the receiving site.

14. Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the ~~department-of general-services~~ commission for the state Iowa communications network or to any authorized user of the Iowa communications network for such authorized user's connection to the network.

Sec. 16. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The state shall lease all fiber optic cable facilities or facilities with DS-3 capacity for Part III connections for which state funding is provided. The state shall lease all fiber optic cable facilities or facilities with DS-3 or DS-1 capacity for the judicial department, judicial district department of correctional services, and state agency connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

The lease provisions of this subsection do not apply to a school district which elects to provide one hundred percent of the financing for the district's connection.

Sec. 17. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. The auditor of state shall, no less than annually, examine the financial condition and transactions of the commission as provided in chapter 11. A copy of the auditor's report concerning such examination shall be provided to the general assembly.

Sec. 18. Section 18.136, Code Supplement 1993, is amended

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by adding the following new subsection:

NEW SUBSECTION. 13A. Access to the network shall be offered to the judicial district departments of correctional services established in section 905.2, provided that such departments contribute an amount consistent with their share of use for the part of the system in which the departments participate, as determined by the commission.

Sec. 19. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13B. Access shall be offered to hospitals licensed pursuant to chapter 135B and physician clinics for diagnostic, clinical, consultative, data, and educational services for the purpose of developing a comprehensive, statewide telemedicine network, to an agency of the federal government, and to a post office defined as a public agency pursuant to section 18.133, subsection 3. A hospital, physician clinic, an agency of the federal government, or a post office defined as a public agency pursuant to section 18.133, subsection 3, shall be responsible for all costs associated with becoming a part of the network.

Sec. 20. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13C. Access shall be offered to the judicial department provided that the department contributes an amount consistent with the department's share of use for the part of the network in which the department participates, as determined by the commission.

Sec. 21. Section 18.137, Code 1993, is amended to read as follows:

18.137 STATE IOWA COMMUNICATIONS NETWORK FUND.

There is created in the office of the treasurer of state a temporary fund to be known as the state Iowa communications network fund under the control of the Iowa telecommunications and technology commission. ~~There is appropriated to the state communications network fund for the fiscal year beginning July 17, 1989, and ending June 30, 1990, the sum of two million one hundred forty-two thousand six hundred twenty-one dollars from~~

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~~the-general-fund-of-the-state. There is appropriated from the general fund of the state to the state Iowa communications network fund for each fiscal year of the fiscal period beginning July 1, 1991, and ending June 30, 1996, the sum of five million dollars. Notwithstanding-section-8-33, unobligated-and-unencumbered-moneys-from-the-appropriation-for a-fiscal-year-remaining-on-June-30-of-that-fiscal-year-shall not-revert-to-the-general-fund-of-the-state-but-shall-remain available-for-expenditure-during-the-next-following-fiscal year. There shall also be deposited into the state Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136, matching-funds-received-from-the-community-colleges-and-the local-school-boards, funds received from leases pursuant to section 18.134, and other moneys by law credited to or designated by a person for deposit into the fund.~~

~~Notwithstanding-the-requirements-of-section-18-136, subsection 1, for-the-fiscal-year-beginning-July-1, 1990, and ending-June 30, 1991, thirty-one-thousand-dollars-of-moneys-in-the-state communications-network-fund-may-be-expended-for-the-state's share-of-the-cost-for-the-design-of-a-disaster-recovery facility-to-be-built-in-conjunction-with-the-Iowa communications-network-facility-and-emergency-operation center.--The-department-of-general-services-may-increase-its fees-for-data-processing-in-order-to-collect-an-additional amount-not-exceeding-two-hundred-thousand-dollars-during-the fiscal-year-beginning-July-1, 1991, to-pay-for-the-state's share-of-the-cost-of-construction-of-the-disaster-recovery facility.~~

~~The-Iowa-public-broadcasting-board-shall-use-the-net increase-in-the-federal-match-awarded-to-the-Iowa-public broadcasting-board-as-a-result-of-this-appropriation-in-order to-meet-the-needs-of-the-educational-telecommunications system.--These-funds-shall-be-deposited-in-a-separate-account within-the-state-communications-network-fund, and-shall-be administered-by-the-Iowa-public-broadcasting-board-for purposes-of-the-fund.~~

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Sec. 22. Section 256.82, subsection 3, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

3. The board shall appoint an advisory committee on journalistic and editorial integrity which has no more than a simple majority of members of the same gender. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

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

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

Sec. 23. ORGANIZATION OF COMMISSION. Notwithstanding any other provision to the contrary, the Iowa telecommunications and technology commission shall develop a written proposal to be submitted to the governor for the governor's approval relating to the structure and organization of the commission. The commission shall identify existing positions which exist in state departments or agencies directly related to the duties and mission of the commission and shall request in the proposal that those positions be transferred to, and be under the control of, the commission. The request shall be submitted to the governor no later than January 1, 1995, with a copy to be submitted to the house of representatives and the senate at the same time.

Upon approval by the governor, the department of management shall provide for the transfer of funds appropriated for those positions to the commission from the department or agency in which the position was located prior to the transfer. If persons are transferred from employment with a department or agency to employment with the commission, the persons shall not be required to forfeit any accrued seniority or other benefits.

Sec. 24. COMPATIBLE SCHOOL DISTRICT SYSTEMS. Notwithstanding any contrary provisions of this Act, a K-12

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school district, on or before July 1, 1994, may certify to the commission in writing that the K-12 school district has a full motion interactive video system which is fully compatible with the network. Upon receipt of such certification and a determination by the commission that the district's system is fully compatible with the network, access to the network shall be permitted as soon as practical. A K-12 school district which provides the certification to the commission as provided in this section may petition the commission for reimbursement of the costs associated with providing the connection incurred by the district.

Sec. 25. COMMISSION EVALUATION. The commission shall evaluate and complete a cost-benefit analysis concerning the use of video conferencing by the area education agencies. The commission shall provide a written report and any recommendations concerning this evaluation to the general assembly by no later than March 15, 1995.

Sec. 26. IOWA UTILITIES BOARD STUDY. The Iowa utilities board shall conduct a study to determine the overall impact of the Iowa communications network on the private telecommunications industry in Iowa. The board shall provide a written report to the general assembly by no later than January 15, 1996, detailing the results of the study.

Sec. 27. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE OFFICER. All duties and responsibilities of the Iowa telecommunications and technology commission shall be performed by the ICN chief executive officer appointed by the governor pursuant to executive order number 46 signed on January 5, 1993, until such time as the initial appointments to the commission have been made and the commission has organized itself.

Sec. 28. INITIAL IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION APPOINTMENTS. The initial members of the Iowa telecommunications and technology commission shall be appointed on or before July 1, 1994, to the following terms:

1. One member shall be appointed for a term of six years.
2. One member shall be appointed for a term of four years.
3. One member shall be appointed for a term of two years.

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Sec. 29. CODE EDITOR TRANSFERS. The Code editor shall transfer sections 18.132 through 18.137 to be a new chapter 8D. The Code editor shall correct all internal citations and references consistent with the transfer of Code sections as provided in this section.

Sec. 30. CONTINUATION OF APPLICABILITY OF EXISTING RULES. Rules applicable to the Iowa communications network in effect on the effective date of this Act shall remain effective until the Iowa telecommunications and technology commission modifies or repeals such rules.

Sec. 31. REPEAL. Section 18.135, Code 1993, is repealed.

Sec. 32. EFFECTIVE DATE. This Act, being deemed of immediate importance, is effective upon enactment."

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

JOE WELSH, Chairperson  
PATRICK J. DELUHERY  
EMIL HUSAK  
DERRYL McLAREN  
DONALD REDFERN

RON CORBETT, Chairperson  
BILL BRAND  
CHUCK GIPP

*adopted*  
*4-18-94*  
*(P. 1854)*

CCS-2089.5 FILED APRIL 15, 1994

ADOPTED

*4-15-94*

Welsh - chair  
Jensen  
Delaney

SS 2 20(9A)  
Communications +  
Information Policy

SENATE FILE 2089  
BY (PROPOSED COMMITTEE ON  
COMMUNICATIONS AND  
INFORMATION POLICY BILL  
BY CHAIRPERSON WELSH)

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

A BILL FOR

1 An Act relating to the Iowa communications network by  
2 establishing a board, an executive director of the board, and  
3 an educational telecommunications advisory council and  
4 providing an effective date.

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

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1 Section 1. Section 18.133, subsection 1, Code Supplement  
2 1993, is amended to read as follows:

3 1. "Director" means the executive director of the  
4 department-of-general-services-or-the-director's-designee  
5 appointed pursuant to section 18.133B.

6 Sec. 2. Section 18.133, Code Supplement 1993, is amended  
7 by adding the following new subsection:

8 NEW SUBSECTION. 1A. "Network" means the Iowa com-  
9 munications network or the state communications network.

10 Sec. 3. NEW SECTION. 18.133A IOWA COMMUNICATIONS NETWORK  
11 BOARD.

12 1. NETWORK BOARD ESTABLISHED. An Iowa communications  
13 network board is established, as an agency of the state  
14 exercising public and essential governmental functions, with  
15 the sole authority to supervise the management and operation  
16 of the Iowa communications network. The board shall ensure  
17 that the network operates in an efficient and responsible  
18 manner consistent with the provisions of this chapter for the  
19 purpose of providing the best economic service attainable to  
20 network users consistent with the state's financial capacity.  
21 The board shall review and approve the use of the network.  
22 Such review and approval by the board shall provide for the  
23 centralized, coordinated use and control of the network. The  
24 board may contract with appropriate vendors for the  
25 maintenance, operation, management, and development of the  
26 technical aspects and uses of Part I, Part II, and Part III in  
27 a manner consistent with this chapter for the purpose of  
28 providing the best economic service attainable to network  
29 users consistent with the state's financial capacity.

30 2. MEMBERSHIP.

31 a. The board consists of eight members, who shall be  
32 citizens of this state, appointed by the governor, subject to  
33 senate confirmation. Members of the board shall not have any  
34 interest, financially or otherwise, in any entity related to  
35 or associated with any activity concerning the planning,

1 development, operation, or maintenance of the network.  
2 Members of the board shall not serve in any manner or be  
3 employed by an authorized user of the network. Members of the  
4 board shall serve four-year staggered terms as designated by  
5 the governor and appointments to the board are subject to the  
6 requirements of sections 69.16, 69.16A, and 69.19. Vacancies  
7 shall be filled by the governor for the duration of the  
8 unexpired term.

9 b. Members of the board are entitled to receive a per diem  
10 as specified in section 7E.6 for each day spent in performance  
11 of duties as members and shall be reimbursed for all actual  
12 and necessary expenses incurred in the performance of duties  
13 as members. However, a member who is also a state employee  
14 shall only receive the member's actual and necessary expenses.

15 c. Meetings of the board shall be held at the call of the  
16 chairperson of the board or on written request of two members.

17 d. Members shall elect a chairperson and vice chairperson  
18 annually and other officers as they determine. The executive  
19 director shall serve as secretary to the board.

20 Sec. 4. NEW SECTION. 18.133B EXECUTIVE DIRECTOR  
21 APPOINTED.

22 The board shall submit the name of an individual to the  
23 governor for appointment as the executive director of the  
24 board. Such individual shall not serve as a member of the  
25 board. Upon approval by the governor, the individual shall be  
26 appointed to the position of executive director of the board,  
27 subject to confirmation by the senate. The executive director  
28 shall serve at the pleasure of the board. The executive  
29 director shall be selected primarily for administrative  
30 ability and knowledge in the field, without regard to  
31 political affiliation.

32 Sec. 5. NEW SECTION. 18.133C EDUCATIONAL  
33 TELECOMMUNICATIONS ADVISORY COUNCIL ESTABLISHED -- ADVISORY  
34 COMMITTEES.

35 1. a. An educational telecommunications council is

1 established to advise the Iowa communications network board  
2 concerning the educational telecommunication applications of  
3 the network and other matters as assigned by the board. The  
4 council consists of eleven members to be appointed by the  
5 board. The eleven members shall include one person  
6 representing the state board of regents, one person  
7 representing the department of education, one person  
8 representing the community colleges, one person representing  
9 public libraries, one person representing school districts,  
10 one person representing the area education agencies, one  
11 person representing nonpublic school administrators, one  
12 person representing private colleges, one person who is  
13 engaged in the training of personnel who use the network, and  
14 two persons who use or provide teaching instruction on the  
15 system. The council shall recommend long-range plans for  
16 enhancements needed for educational applications.

17 Administrative support and staffing for the council shall be  
18 provided by the department of education.

19 b. In addition to the eleven members appointed pursuant to  
20 paragraph "a", the board shall appoint five nonvoting members  
21 to the council representing the telecommunications industry.  
22 Members appointed pursuant to this paragraph shall be  
23 representatives of specific telecommunications industries or  
24 persons with technical expertise related to the network.

25 2. The board may establish other advisory committees as  
26 necessary representing authorized users of the network.

27 Sec. 6. INITIAL BOARD APPOINTMENTS. Notwithstanding the  
28 provisions of section 2.32 relating to the time within which  
29 an appointment must be made, the initial members of the Iowa  
30 communications network board shall be appointed no later than  
31 twenty-one days after the effective date of this Act.

32 Sec. 7. EFFECTIVE DATE. This Act, being deemed of  
33 immediate importance, is effective upon enactment.

34 EXPLANATION

35 This bill amends provisions related to the state

1 communications network.

2 Section 18.133 is amended to define the director as the  
3 executive director created in the bill.

4 New section 18.133A establishes an Iowa communications  
5 network board consisting of eight members and granted sole  
6 authority to supervise the management and operations of the  
7 network.

8 New section 18.133B creates the position of executive  
9 director of the network board. The board is to submit the  
10 name of an individual to the governor for appointment as the  
11 executive director. Upon approval by the governor, the  
12 individual is to be appointed to the position, subject to  
13 senate confirmation.

14 New section 18.133C establishes an educational  
15 telecommunications advisory council to advise the network  
16 board concerning the educational telecommunication  
17 applications of the network and other matters as assigned by  
18 the board. The network board is granted authority to  
19 establish other advisory committees as necessary.

20 The bill provides that the initial members of the Iowa  
21 communications network board are to be appointed no later than  
22 21 days after the bill's effective date. The bill also  
23 provides that the bill is effective upon enactment.

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SENATE FILE 2089

AN ACT

RELATING TO THE IOWA COMMUNICATIONS NETWORK BY ESTABLISHING A BOARD, AN EXECUTIVE DIRECTOR OF THE BOARD, AND AN EDUCATIONAL TELECOMMUNICATIONS ADVISORY COUNCIL AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 2.32, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 9. If an appointment subject to senate confirmation is required by statute to be made by an appointing authority other than the governor, the duties assigned under this section to the governor shall be performed by the appointing authority.

Sec. 2. Section 18.3, subsection 5, Code 1993, is amended by striking the subsection.

Sec. 3. Section 18.133, subsections 1, 2, 3, and 4, Code Supplement 1993, are amended to read as follows:

1. "Commission" means the Iowa telecommunications and technology commission established in section 18.133A.

1A. "Director" means the executive director of the department of general services or the director's designee appointed pursuant to section 18.133B.

2. "Private agency" means an accredited nonpublic schools and school, a nonprofit institutions institution of higher education eligible for tuition grants, or a hospital licensed pursuant to chapter 135B or a physician clinic to the extent provided in section 18.136, subsection 13B.

3. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial department as provided in section 18.136, subsection 13C, a school corporation, a city library, a regional library as

provided in chapter 256, and a county library as provided in chapter 336, or a judicial district department of correctional services established in section 905.2, to the extent provided in section 18.136, subsection 13A, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

4. "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 division of the department of education, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

Sec. 4. Section 18.133, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 1B. "Network" means the Iowa or state communications network.

Sec. 5. NEW SECTION. 18.133A IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION -- MEMBERS -- DUTIES.

1. COMMISSION ESTABLISHED. A telecommunications and technology commission is established with the sole authority to supervise the management, development, and operation of the network and ensure that all components of the network are technically compatible. The commission shall ensure that the network operates in an efficient and responsible manner consistent with the provisions of this chapter for the purpose of providing the best economic service attainable to the network users consistent with the state's financial capacity. The commission shall ensure that educational users and the use, design, and implementation for educational applications be given the highest priority concerning use of the network. The commission shall provide for the centralized, coordinated use and control of the network.

2. MEMBERS. The commission is composed of three members appointed by the governor and subject to confirmation by the senate. Members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network. The governor shall appoint a member as the chairperson of the commission from the three members appointed by the governor, subject to confirmation by the senate. Members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 69.16, 69.16A, and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term. The salary of the members of the commission shall be twenty thousand dollars per year, except that the salary of the chairperson shall be twenty-five thousand dollars per year. Members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. Meetings of the commission shall be held at the call of the chairperson of the commission. In addition to the members appointed by the governor, the auditor of state or the auditor's designee shall serve as a nonvoting, ex officio member of the commission.

The benefits and salary paid to the members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

3. DUTIES. The commission shall do all of the following:

a. Enter into agreements pursuant to chapter 28E as necessary and appropriate for the purposes of the commission. However, the commission shall not enter into an agreement with an unauthorized user or any other person pursuant to chapter 28E for the purpose of providing such user or person access to the network.

b. Adopt rules pursuant to chapter 17A as deemed appropriate and necessary, and directly related to the implementation and administration of the duties of the

commission. The commission, in consultation with the department of general services, shall also adopt and provide for standard communications procedures and policies relating to the use of the network which recognize, at a minimum, the need for reliable communications services.

c. Establish an appeal process for review by the commission of a scheduling conflict decision, including a scheduling conflict involving an educational user, or the establishment of a fee associated with the network upon the request of a person affected by such decision or fee. A determination made by the commission pursuant to this paragraph shall be final.

d. Review and approve for adoption, rules as proposed and submitted by an authorized user group necessary for the authorized user group's access and use of the network. The commission may refuse to approve and adopt a proposed rule, and upon such refusal, shall return the proposed rule to the respective authorized user group proposing the rule with a statement indicating the commission's reason for refusing to approve and adopt the rule.

e. (1) Develop and issue for response all requests for proposals for any construction, installation, repair, maintenance, or equipment and parts necessary for the network. In preparing the request for proposals, the commission shall do all of the following:

(a) Review existing requests for proposals related to the network.

(b) Consider and evaluate all competing technologies which could be used in any construction, installation, repair, or maintenance project.

(c) Allow flexibility for proposals to be submitted in response to a request for proposals issued by the commission such that any qualified provider may submit a bid on a site-by-site basis, or on a merged area or defined geographic area basis, or both, and by permitting proposals to be submitted for use of competing or alternative technologies in each defined area.

(d) Ensure that rural communities have access to comparable services to the services provided in urban areas resulting from any plans to construct, install, repair, or maintain any part of the network.

(2) In determining which proposal to recommend to the general assembly to accept, consider what is in the long-term best interests of the citizens of the state and the network, and utilize, if possible, the provision of services with existing service providers consistent with those best interests. In determining what is in the long-term best interests of the citizens of the state and the network, the commission, at a minimum, shall consider the cost to taxpayers of the state.

(3) Deliver a written report and all proposals submitted in response to the request for proposals for Part III to the general assembly no later than January 1, 1995. The commission shall not enter into any agreement related to such proposals without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

f. Annually prepare a written five-year financial plan for the network which shall be provided to the general assembly and the governor no later than January 15 of each year. The plan shall include estimates for income and expenses for the network for the five-year period and the actual income and expenses for the preceding fiscal year. The plan shall include the amount of general fund appropriations to be requested for the payment of operating expenses and debt service. The plan shall also include any recommendations of the commission related to changes in the system and other items as deemed appropriate by the commission. The recommendations of the commission contained in the plan shall include a detailed plan for the connection of all public schools to the network, including a discussion and evaluation of all potential financing options, an estimate of all costs incurred in providing such connections, and a schedule for completing such connections, including the anticipated final completion date for such connections.

g. Review existing maintenance contracts and past contracts to determine vendor capability to perform the obligations under such contracts. The commission shall report to the general assembly prior to January 1 of each year as to the performance of all vendors under each contract and shall make recommendations concerning continued funding for the contracts.

h. Pursue available opportunities to cooperate and coordinate with the federal government for the use and potential expansion of the network and for the financing of any such expansion.

i. Evaluate existing and projected rates for use of the system and ensure that rates are sufficient to pay for the operation of the system except to the extent such use is subsidized by general fund appropriations as authorized by the general assembly. The commission shall establish all hourly rates to be charged to all authorized users for the use of the network. A fee established by the commission to be charged to a hospital licensed pursuant to chapter 135B, a physician clinic, or the federal government shall be at an appropriate rate so that, at a minimum, there is no state subsidy related to the costs of the connection or use of the network related to such user.

j. Make recommendations to the general assembly, as deemed appropriate by the commission, concerning the operation of the network.

Sec. 6. NEW SECTION. 18.133B EXECUTIVE DIRECTOR APPOINTED.

The commission shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the commission. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within range nine as established by the general assembly. The salary

and support of the executive director shall be paid from funds deposited in the Iowa communications network fund.

Sec. 7. NEW SECTION. 18.133C EDUCATION TELECOMMUNICATIONS COUNCIL ESTABLISHED -- REGIONAL COUNCILS ESTABLISHED.

1. An education telecommunications council is established. The council consists of eighteen members and shall include the following: two persons appointed by the state board of regents; two persons appointed by the Iowa association of community college trustees; two persons appointed by the area education agency boards; two persons appointed by the Iowa association of school boards; two persons appointed by the Iowa association of school administrators of Iowa; two persons appointed by the Iowa association of independent colleges and universities; two persons appointed by the Iowa state education association; three persons appointed by the director of the department of education including one person representing libraries and one person representing the Iowa association of nonpublic school administrators; and one person appointed by the administrator of the public broadcasting division of the department of education. The council shall establish scheduling and site usage policies for educational users of the network, coordinate the activities of the regional telecommunications councils, and develop proposed rules and changes to rules for recommendation to the commission. The council shall also recommend long-range plans for enhancements needed for educational applications. Administrative support and staffing for the council shall be provided by the department of education.

2. A regional telecommunications council is established in each of the merged areas established pursuant to chapter 260C consisting of nine members, including one member each to be appointed by each of the appointing authorities under subsection 1. Additional ex officio, nonvoting members may also be appointed to the regional telecommunications councils. The regional telecommunications councils shall advise the education telecommunications council on the assessment of

local educational needs, and the coordination of program activities including scheduling. The community college located in the merged area of a regional telecommunications council shall staff and facilitate the activities of the council. The community college and the council may enter into a chapter 28E agreement for such arrangement.

3. The community college in each of the merged areas shall be responsible for switching of Parts II and III of the network and for facilitating the organization and meetings of the regional telecommunications council.

Sec. 8. NEW SECTION. 18.133D ADVISORY GROUPS ESTABLISHED.

1. The commission shall establish an advisory group to examine the use of the network for telemedicine applications. The advisory group shall consist of representatives of hospitals and other health care facilities as determined by the commission.

2. The commission may establish other advisory committees as necessary representing authorized users of the network.

Sec. 9. NEW SECTION. 18.133E TELECOMMUNICATIONS ADVISORY COMMITTEE.

A telecommunications advisory committee is established to advise the commission on telecommunications matters. The commission shall appoint five members to the advisory committee who shall represent specific telecommunications industries or persons with technical expertise related to the network.

Sec. 10. NEW SECTION. 18.133F SCHEDULING FOR AUTHORIZED USERS.

Except as provided in section 18.133C, an authorized user is responsible for all scheduling of the use of the authorized user's facility. A person who disputes a scheduling decision of such user may petition the commission for a review of such decision pursuant to section 18.133A, subsection 3, paragraph "c".

Sec. 11. NEW SECTION. 18.133G CERTIFICATION OF USE -- NETWORK USE BY CERTAIN AUTHORIZED USERS.

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, regional library, county library, judicial department, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of the effective date of this Act, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become a part of the network. Upon receiving such certification from an agency not a part of the network on the effective date of this Act, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

2. a. A private or public agency which certifies to the commission pursuant to subsection 1 that the agency is a part of or intends to become a part of the network shall use the network for all video, data, and voice requirements of the agency unless the private or public agency petitions the commission for a waiver and one of the following applies:

- (1) The cost to the authorized user for services provided on the network are not competitive with the same services provided by another provider.
- (2) The authorized user is under contract with another provider for such services, provided the contract was entered into prior to April 1, 1994. The agency shall use the network for video, data, and voice requirements which are not provided pursuant to such contract.
- (3) The authorized user has entered into an agreement with the commission to become part of the network prior to June 1, 1994, which does not provide for use of the network for all video, data, and voice requirements of the agency. The commission may enter into an agreement described in this subparagraph upon a determination that the use of the network for all video, data, and voice requirements of the agency would not be in the best interests of the agency.

b. A private or public agency shall petition the commission for a waiver of the requirement to use the network as provided in paragraph "a", if the agency determines that paragraph "a", subparagraph (1) or (2) applies. The commission shall establish by rule a review process for determining, upon application of an authorized user, whether paragraph "a", subparagraph (1) or (2), applies. An authorized user found by the commission to be under contract for such services as provided in paragraph "a", subparagraph (2), shall not enter into another contract upon the expiration of such contract, but shall utilize the network for such services as provided in this section unless paragraph "a", subparagraph (1), applies.

Sec. 12. NEW SECTION. 18.133H REPORT OF SAVINGS BY STATE AGENCIES.

A state agency which is a part of the network shall annually provide a written report to the general assembly certifying the identified savings associated with the state agency's use of the network. The report shall be delivered on or before January 15 for the previous fiscal year of the state agency.

Sec. 13. Section 18.134, subsection 1, Code Supplement 1993, is amended to read as follows:

1. The department-of-general-services commission may purchase, lease-purchase, lease, and improve property, equipment, and services for telecommunications for public and private agencies; including the broadcast and narrowcast systems; and may dispose of property and equipment when not necessary for its purposes. However, the department-of-general-services commission shall not enter into a contract for the purchase, lease-purchase, lease, or improvement of property, equipment, or services for telecommunications pursuant to this subsection in an amount greater than five hundred thousand dollars without prior authorization by a constitutional majority of each house of the general assembly, or approval by the legislative council if the general assembly is not in session. The commission shall not issue any bonding

or other long-term financing arrangements as defined in section 12.30, subsection 1, paragraph "b". The commission also shall not provide or resell communications services to entities other than public and private agencies. The public or private agency shall not provide communication services of the network to another entity at a cost greater than that charged to the agency pursuant to section 18.136, subsections 11 and 12 unless otherwise authorized pursuant to this chapter. The department commission may arrange for joint use of available services and facilities, and may enter into leases and agreements with private and public agencies with respect to a state the Iowa communications system network, and public agencies are authorized to enter into leases and agreements with respect to the system network for their use and operation. Rentals and other amounts due under the agreements or leases entered into pursuant to this section by a state agency are payable from funds annually appropriated by the general assembly or from other funds legally available. Other public agencies may pay the rental costs and other amounts due under an agreement or lease from their annual budgeted funds or other funds legally available or to become available. This section comprises a complete and independent authorization and procedure for a public agency, with the approval of the department commission, to enter into a lease or agreement and related security enhancement arrangements and this section is not a qualification of any other powers which a public agency may possess and the authorizations and powers granted under this section are not subject to the terms, requirements, or limitations of any other provisions of law. All moneys received by the department commission from agreements and leases entered into pursuant to this section with private and public agencies shall be deposited in the state Iowa communications network fund.

~~It is the intent of the general assembly that rental and other costs due under agreements and leases entered into pursuant to this section by state agencies be replaced by supplemental appropriations to the state agencies.~~

Sec. 14. NEW SECTION. 18.134A DISPOSITION OF NETWORK -- APPROVAL OF GENERAL ASSEMBLY AND GOVERNOR.

Notwithstanding any provision to the contrary, the commission or the department of general services shall not sell, lease, or otherwise dispose of the network without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

Sec. 15. Section 18.136, subsections 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, and 14, Code Supplement 1993, are amended to read as follows:

1. Moneys in the state Iowa communications network fund are appropriated to the Iowa public broadcasting board Iowa telecommunications and technology commission for purposes of providing financing for the procurement, operation, and maintenance of a state the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the educational telecommunications system consisting of Part I, Part II, and Part III, and other public and private agencies. ~~The state communications network consists of Part I, Part II, and Part III of the system.~~

2. For purposes of this section, unless the context otherwise requires:

a. "Part I of the system" means the communications connections between central switching and institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the regional switching centers for the remainder of the network.

b. "Part II of the system" means the communications connections between the regional switching centers and the secondary switching centers.

c. "Part III of the system" means the communications connection between the secondary switching centers and the agencies defined in section 18.133, subsections 3 2 and 4 3, excluding state agencies, institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the judicial

department, judicial district departments of correctional services, hospitals and physician clinics, agencies of the federal government, and post offices.

3. The financing for the procurement costs for the entirety of Part I of the system except for the communications connections between central switching and institutions under the control of the board of regents, and nonprofit institutions of higher education eligible for tuition grants, and for the video, data, and voice capacity for state agencies and for Part II and Part III of the system, shall be provided by the state. The financing for the procurement costs for Part II of the system shall be provided from the state. The financing for the procurement and maintenance costs for Part III of the system shall be provided eighty percent from by the state and twenty percent from the local school boards of the areas which receive transmissions from the system. A local school board, governing authority of a nonpublic school, or an area education agency board may elect to provide one hundred percent of the financing for the procurement and maintenance costs for Part III to become part of the system network. The local school boards may meet all or part of the match requirements of Part III of the system through a cooperative arrangement with community colleges. The basis for the amount of state match financing is eighty one hundred percent of a single interactive audio and one-way interactive video connection for Part III of the system, and such data and voice capacity as is necessary. The local school boards and community colleges may meet the match requirements for Part III of the system from funds they have already spent for their systems, from funds available in the school budget, or from funds received from other nonstate sources,--in the case of existing systems, in order to upgrade facilities to the specifications of the state communications network, the local school boards and community colleges, in lieu of a cash match, may meet the match requirements from funds they have already spent for their systems provided that the state match does not exceed the lesser of eighty percent of the total cost of the

upgraded system or eighty percent of the replacement cost of the system.--The communications equipment funds used as a match by a community college shall be calculated based on verified expenditures for capital, equipment, hardware, and software for long distance learning technologies, including both audio and visual transmission.--The communications equipment used as a match shall not subsequently be used as a match by another educational entity or for another part of the system.--A local school board may request the school budget review committee to adjust the allowable growth for the school district so that the resulting increase in budget could be used for the match. If a school board, governing authority of a nonpublic school, or area education agency board elects to provide one hundred percent of the financing for the leasing costs for Part III, the school district or area education agency may become part of the network as soon as the network can reasonably connect the district or agency. A local school board, governing authority of a nonpublic school, or an area education agency board may also elect not to become part of the system network. Such election shall be made on an annual basis.--State matching funds shall not be provided for Part III of the system until Part I and Part II of the system have been completed. Construction of Part III of the system, related to a school board, governing authority of a nonpublic school, or area education agency board which provides one hundred percent of the financing for the leasing costs for Part III, may proceed before Part I and Part II of the system have been completed as determined by the commission and consistent with the purpose of this chapter.

4. The department of general services commission shall develop the requests for proposals that are needed for a state the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and the for educational telecommunications applications required by the Iowa public broadcasting board. The department commission shall develop a request for proposals for each of the systems that will make up the

network. The department commission may develop a request for proposals for each definitive component of Part-i,-Part-ii, and-Part-iii-of-the-system the network or the department commission may provide in the request for proposals for each such system that separate contracts may be entered into for each definitive component covered by the request for proposals. The requests for proposals may be for the purchase, lease-purchase, or lease of the component parts of the system network consistent with the provisions of this chapter, may require maintenance costs to be identified, and the resulting contract may provide for maintenance for parts of the system network. The master contract may provide for electronic classrooms, satellite equipment, receiving equipment, studio and production equipment, and other associated equipment as required.

~~6. Prior to the awarding of a contract under this section, the department shall notify the legislative council and the department of management of the department's intent to award a contract and of the cost to the state. The department of management and the legislative council shall determine if the anticipated financial resources of the state are adequate to fund the expenditure during the fiscal years covered by the contract, and if so, the department of management shall certify the determination to the department. Upon certification, the department may enter into the contract.~~

7. The department of general services commission shall be responsible for the network system design and shall be responsible for the implementation of each component of the network as it is incorporated into the network system. The final design selected shall optimize the routing for all users in order to assure maximum utilization by all agencies of the state. Efficiencies achieved in the implementation of the network shall be used to fund further implementation and enhancement of the network, and shall be considered part of the operational cost of the network. The department commission shall be responsible for all management, operations, control switching, diagnostics, and maintenance

functions of Part-i-and-Part-ii-of-the-system network operations, except as designated in subsection 8 as provided in this chapter. The performance of these duties is intended to provide optimal utilization of the facilities, and the assurance that future growth requirements will be provided for, and that sufficient network capacity will be available to meet the needs of all users. ~~The telecommunications information management council, created by executive order of the governor, shall provide general oversight for these functions.~~

8. ~~The Iowa public broadcasting board retains sole authority over the educational telecommunications applications of Part-i-of-the-system, and its authority shall include management and operational control, programming, budget, personnel, scheduling, and program switching of educational material carried by Part-i-of-the-system. The Iowa public broadcasting board, through its narrowcast system advisory committee, retains coordination authority over the educational telecommunications applications of Part-ii-and-Part-iii-of-the-system. Community colleges are responsible for scheduling and switching of educational materials carried by Part-ii-and-Part-iii-of-the-system within their respective areas. Such responsibility may be accomplished by a chapter 28E agreement with the department of general services.~~

The narrowcast system advisory committee education telecommunications council shall review all requests for grants for educational telecommunications applications, if they are a part of the state Iowa communications network, to ensure that the educational telecommunications application is consistent with the telecommunications plan. ~~If the narrowcast system advisory committee finds that a grant request is inconsistent with the telecommunications plan, the grant request shall not be allowed. All other grant requests shall be reviewed as determined by the commission. If the education telecommunications council finds that a grant request is inconsistent with the telecommunications plan, the grant request shall not be allowed.~~

9. The procurement and maintenance of electronic equipment including, but not limited to, master receiver antenna systems, studio and production equipment, and broadcast system components shall be provided for under ~~department-of-general services'~~ the commission's contracts. The Iowa public broadcasting board and other educational entities within the state have the option to use their existing or replacement resources and agreements in the operation and maintenance of these systems.

10. In addition to the other evaluation criteria specified in the request for proposals issued pursuant to this section, the ~~department-of-general-services~~ commission, in evaluating proposals, shall base up to two percent of the total possible points on the public benefit that can be derived from a given proposal due to the increased private telecommunications capacity available to Iowa citizens located in rural Iowa. For purposes of this subsection, an area of the state is considered rural if it is not part of a federally designated standard metropolitan statistical area.

12. ~~The-Iowa-public-broadcasting-board, in consultation with its narrowcast system advisory committee, shall determine the fee to be charged per course or credit hour by the originating institution, and the fees shall be substantially the same for comparable courses. The commission, on its own or as recommended by an advisory committee of the commission and approved by the commission, shall permit a fee to be charged by a receiving site to the originating site. The fee charged shall be for the purpose of recovering the operating costs of a receiving site. The fee charged shall be reduced by an amount received by the receiving site pursuant to a state appropriation for such costs, or federal assistance received for such costs. Fees established under this subsection shall be paid by the originating site directly to the receiving site. For purposes of this section, "operating costs" include the costs associated with the management or coordination, operations, utilities, classroom, equipment, maintenance, and other costs directly related to providing the receiving site.~~

14. Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the ~~department-of-general-services~~ commission for the state Iowa communications network or to any authorized user of the Iowa communications network for such authorized user's connection to the network.

Sec. 16. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. The state shall lease all fiber optic cable facilities or facilities with DS-3 capacity for Part III connections for which state funding is provided. The state shall lease all fiber optic cable facilities or facilities with DS-3 or OS-1 capacity for the judicial department, judicial district department of correctional services, and state agency connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

The lease provisions of this subsection do not apply to a school district which elects to provide one hundred percent of the financing for the district's connection.

Sec. 17. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. The auditor of state shall, no less than annually, examine the financial condition and transactions of the commission as provided in chapter 11. A copy of the auditor's report concerning such examination shall be provided to the general assembly.

Sec. 18. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. Access to the network shall be offered to the judicial district departments of correctional services established in section 905.2, provided that such departments contribute an amount consistent with their share of use for the part of the system in which the departments participate, as determined by the commission.

Sec. 19. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 13B.** Access shall be offered to hospitals licensed pursuant to chapter 135B and physician clinics for diagnostic, clinical, consultative, data, and educational services for the purpose of developing a comprehensive, statewide telemedicine network, to an agency of the federal government, and to a post office defined as a public agency pursuant to section 18.133, subsection 3. A hospital, physician clinic, an agency of the federal government, or a post office defined as a public agency pursuant to section 18.133, subsection 3, shall be responsible for all costs associated with becoming a part of the network.

Sec. 20. Section 18.136, Code Supplement 1993, is amended by adding the following new subsection:

**NEW SUBSECTION. 13C.** Access shall be offered to the judicial department provided that the department contributes an amount consistent with the department's share of use for the part of the network in which the department participates, as determined by the commission.

Sec. 21. Section 18.137, Code 1993, is amended to read as follows:

18.137 **STATE IOWA COMMUNICATIONS NETWORK FUND.**

There is created in the office of the treasurer of state a temporary fund to be known as the state Iowa communications network fund under the control of the Iowa telecommunications and technology commission. ~~There is appropriated to the state communications network fund for the fiscal year beginning July 1, 1989, and ending June 30, 1990, the sum of two million one hundred forty-two thousand six hundred twenty-one dollars from the general fund of the state. There is appropriated from the general fund of the state to the state Iowa communications network fund for each fiscal year of the fiscal period beginning July 1, 1991, and ending June 30, 1996, the sum of five million dollars. ~~Notwithstanding section 8.33, unobligated and unencumbered moneys from the appropriation for a fiscal year remaining on June 30 of that fiscal year shall~~~~

~~not revert to the general fund of the state but shall remain available for expenditure during the next following fiscal year. There shall also be deposited into the state Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 18.136, matching funds received from the community colleges and the local school boards, funds received from leases pursuant to section 18.134, and other moneys by law credited to or designated by a person for deposit into the fund. Notwithstanding the requirements of section 18.136, subsection 1, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, thirty-one thousand dollars of moneys in the state communications network fund may be expended for the state's share of the cost for the design of a disaster recovery facility to be built in conjunction with the Iowa communications network facility and emergency operation center. The department of general services may increase its fees for data processing in order to collect an additional amount not exceeding two hundred thousand dollars during the fiscal year beginning July 1, 1991, to pay for the state's share of the cost of construction of the disaster recovery facility.~~

~~The Iowa public broadcasting board shall use the net increase in the federal match awarded to the Iowa public broadcasting board as a result of this appropriation in order to meet the needs of the educational telecommunications system. These funds shall be deposited in a separate account within the state communications network fund, and shall be administered by the Iowa public broadcasting board for purposes of the fund.~~

Sec. 22. Section 256.82, subsection 3, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

3. The board shall appoint an advisory committee on journalistic and editorial integrity which has no more than a simple majority of members of the same gender. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

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

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

Sec. 23. ORGANIZATION OF COMMISSION. Notwithstanding any other provision to the contrary, the Iowa telecommunications and technology commission shall develop a written proposal to be submitted to the governor for the governor's approval relating to the structure and organization of the commission. The commission shall identify existing positions which exist in state departments or agencies directly related to the duties and mission of the commission and shall request in the proposal that those positions be transferred to, and be under the control of, the commission. The request shall be submitted to the governor no later than January 1, 1995, with a copy to be submitted to the house of representatives and the senate at the same time.

Upon approval by the governor, the department of management shall provide for the transfer of funds appropriated for those positions to the commission from the department or agency in which the position was located prior to the transfer. If persons are transferred from employment with a department or agency to employment with the commission, the persons shall not be required to forfeit any accrued seniority or other benefits.

Sec. 24. COMPATIBLE SCHOOL DISTRICT SYSTEMS. Notwithstanding any contrary provisions of this Act, a K-12 school district, on or before July 1, 1994, may certify to the commission in writing that the K-12 school district has a full motion interactive video system which is fully compatible with the network. Upon receipt of such certification and a determination by the commission that the district's system is fully compatible with the network, access to the network shall be permitted as soon as practical. A K-12 school district which provides the certification to the commission as provided

in this section may petition the commission for reimbursement of the costs associated with providing the connection incurred by the district.

Sec. 25. COMMISSION EVALUATION. The commission shall evaluate and complete a cost-benefit analysis concerning the use of video conferencing by the area education agencies. The commission shall provide a written report and any recommendations concerning this evaluation to the general assembly by no later than March 15, 1995.

Sec. 26. IOWA UTILITIES BOARD STUDY. The Iowa utilities board shall conduct a study to determine the overall impact of the Iowa communications network on the private telecommunications industry in Iowa. The board shall provide a written report to the general assembly by no later than January 15, 1996, detailing the results of the study.

Sec. 27. TEMPORARY AUTHORITY OF CHIEF EXECUTIVE OFFICER. All duties and responsibilities of the Iowa telecommunications and technology commission shall be performed by the ICN chief executive officer appointed by the governor pursuant to executive order number 46 signed on January 5, 1993, until such time as the initial appointments to the commission have been made and the commission has organized itself.

Sec. 28. INITIAL IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION APPOINTMENTS. The initial members of the Iowa telecommunications and technology commission shall be appointed on or before July 1, 1994, to the following terms:

1. One member shall be appointed for a term of six years.
2. One member shall be appointed for a term of four years.
3. One member shall be appointed for a term of two years.

Sec. 29. CODE EDITOR TRANSFERS. The Code editor shall transfer sections 18.132 through 18.137 to be a new chapter 80. The Code editor shall correct all internal citations and references consistent with the transfer of Code sections as provided in this section.

Sec. 30. CONTINUATION OF APPLICABILITY OF EXISTING RULES. Rules applicable to the Iowa communications network in effect on the effective date of this Act shall remain effective until

the Iowa telecommunications and technology commission modifies or repeals such rules.

Sec. 31. REPEAL. Section 18.135, Code 1993, is repealed.

Sec. 32. EFFECTIVE DATE. This Act, being deemed of immediate importance, is effective upon enactment.

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LEONARD L. BOSWELL  
President of the Senate

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HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2089, Seventy-fifth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 18<sup>th</sup>, 1994

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TERRY E. BRANSTAD  
Governor