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FILED MAR 18 1997

SENATE FILE 519
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 28)

Passed Senate, Date 3/25/97 (p. 780) Passed House, (P. 1184) Date 4-10-97
Vote: Ayes 35 Nays 13 Vote: Ayes 60 Nays 36
Approved April 24, 1997

A BILL FOR

1 An Act relating to the authorized use and users of the Iowa
2 communications network and providing an effective date.

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

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S.F. 519

RECEIVED

1 Section 1. Section 8D.1, Code 1997, is amended by striking
2 the section and inserting in lieu thereof the following:

3 8D.1 PURPOSE -- CONSTRUCTION -- ADMINISTRATION.

4 The purpose of this chapter is to effectuate the following
5 public policy with respect to the operation of the Iowa
6 communications network and to that end this chapter shall be
7 strictly construed and administered:

8 1. Communications of state government shall be coordinated
9 to effect maximum practical consolidation and joint use of
10 communications and network services.

11 2. The network shall be used for educational purposes,
12 governmental purposes including the delivery of governmental
13 services, lifelong learning through libraries, and telemedical
14 purposes.

15 3. The use of the network for educational applications
16 consistent with authorized uses shall be given the highest
17 priority.

18 4. The commission shall not provide or resell network
19 services to entities other than public and private agencies as
20 defined in section 8D.2.

21 5. The commission shall operate a limited access network
22 which shall support the authorized users defined in this
23 chapter. The commission shall not expand the user base in
24 competition with private enterprise as set forth in chapter
25 23A by allowing unauthorized users to use the network unless
26 specifically authorized by this chapter or by the general
27 assembly.

28 Sec. 2. Section 8D.2, Code 1997, is amended by adding the
29 following new subsections:

30 NEW SUBSECTION. 0A. "Authorized use" means the use of the
31 network by an authorized user or by persons acting on behalf
32 of an authorized user as provided in this chapter and for one
33 or more of the following purposes:

- 34 a. State or federal communications.
- 35 b. Education or educational purposes including lifelong

1 learning opportunities provided by libraries or as otherwise
2 defined in this chapter.

3 c. Training programs provided under state law or developed
4 by authorized users.

5 d. Telemedicine or related health care purposes.

6 e. Official governmental use by a state agency or a
7 federal agency as provided in this chapter.

8 f. Establishing and operating a shared data-only network
9 for law enforcement, emergency management, disaster services,
10 emergency warning, and other emergency information
11 dissemination services to federal, state, and local law
12 enforcement agencies and local emergency management offices.

13 NEW SUBSECTION. 0B. "Authorized user" means a private
14 agency or public agency, except for a public or private agency
15 which was required pursuant to section 8D.9, subsection 1, to
16 certify to the commission no later than July 1, 1994, of the
17 agency's intent to become a part of the network, and which did
18 not provide such certification. The city of Des Moines is
19 deemed to be an authorized user as a result of its preexisting
20 agreements in effect at the time the network was created.

21 NEW SUBSECTION. 2A. "Educational use" means a use that is
22 within the written statement of mission of an accredited
23 nonpublic school, a nonprofit institution of higher education
24 eligible for tuition grants, an institution under the control
25 of the state board of regents, a school corporation, a city
26 library, a regional library as provided in chapter 256, and a
27 county library as provided in chapter 336.

28 NEW SUBSECTION. 2B. "Library" means a city library, a
29 regional library as provided in chapter 256, a county library
30 as provided in chapter 336, or a library that is part of an
31 authorized user's facility.

32 NEW SUBSECTION. 5A. "State agency" means a board,
33 commission, department of the executive, legislative, or
34 judicial branches of the state, or other unit of state
35 government.

1 NEW SUBSECTION. 7. "Telemedicine" means use of a
2 telecommunications system for diagnostic, clinical,
3 consultative, data, or educational services for the delivery
4 of health care services or related health care activities by
5 licensed health care professionals, licensed medical
6 professionals, and staff who function under the direction of a
7 physician or hospital for the purpose of developing a
8 comprehensive, statewide telemedicine network.

9 Sec. 3. Section 8D.2, subsection 5, Code 1997, is amended
10 to read as follows:

11 5. "Public agency" means a state agency, an institution
12 under the control of the board of regents, the judicial
13 department as provided in section 8D.13, subsection 17, a
14 school corporation, a city library, a regional library as
15 provided in chapter 256, a county library as provided in
16 chapter 336, or a judicial district department of correctional
17 services established in section 905.2, to the extent provided
18 in section 8D.13, subsection 15, an agency of the federal
19 government, or ~~a the United States post-office-which-receives~~
20 postal service under a federal grant for pilot and
21 demonstration projects.

22 Sec. 4. Section 8D.9, subsection 2, paragraph a, Code
23 1997, is amended by striking the paragraph and inserting in
24 lieu thereof the following:

25 a. A private or public agency which certified to the
26 commission pursuant to subsection 1 that the agency is a part
27 of or intends to become a part of the network may use the
28 network for video, data, and voice requirements of the agency
29 as determined by the agency.

30 Sec. 5. NEW SECTION. 8D.13A AUTHORIZED USES.

31 1. Full-motion, interactive video services provided by the
32 network may be used by a person if the use meets all of the
33 following conditions:

34 a. The use is within the requesting authorized user's
35 written statement of mission.

1 b. A representative of the authorized user is present and
2 participating in the session, or the authorized user has
3 entered into a written contract with the person accessing the
4 network services.

5 c. The use does not facilitate or enable a private person
6 to use network services for direct pecuniary gain.

7 2. a. This section shall not be construed to authorize
8 dial-up internet access from a remote unauthorized site.

9 b. Dial-up access other than internet access from an
10 unauthorized site to an authorized user's local area network
11 or server for obtaining a governmental service or for
12 conducting official business of an authorized user is
13 authorized as follows:

14 (1) The commission may establish a modem pool to provide
15 for dial-up access to an authorized user's server to obtain or
16 use a service offered by an authorized user or to conduct the
17 official business of an authorized user using TCP/IP protocols
18 or other approved protocols.

19 (2) An authorized user or a person may use a modem to
20 access an authorized user's server to obtain or use a service
21 offered by an authorized user or to conduct the official
22 business of an authorized user using TCP/IP protocols or other
23 approved protocols.

24 (3) An authorized user or person may use or access the
25 network for voice, video, and data teleconferencing services
26 where the use or access is for a service offered by an
27 authorized user or the use or access is to conduct the
28 official business of the authorized user.

29 3. This section is not intended to restrict the authorized
30 user's use of direct connections or dial-up internet
31 connections between authorized sites.

32 4. This section is not intended to restrict the use of
33 dial-up access to the SILO network for libraries.

34 5. A person acting on behalf of an authorized user may use
35 or access the fiber optic network for voice, video, or data

1 services if both of the following apply:

2 a. The authorized user has requested the service from the
3 commission.

4 b. The use is within and restricted to the written
5 statement of mission of the authorized user and the use must
6 fall within the subject of a written contract between the
7 authorized user and person accessing voice, video, or data
8 services offered by the commission.

9 6. Written statements of mission must adhere to the
10 constraints of authorized users and uses as provided in this
11 chapter.

12 Sec. 6. NEW SECTION. 8D.13B PROHIBITED ACTS.

13 The following activities or acts with respect to the
14 network are prohibited:

15 1. The resale of services of the network by the commission
16 to any unauthorized user.

17 2. Unauthorized use of the network through an authorized
18 user including remote dial-up internet access.

19 3. Use of the network, or any network services, to
20 transmit an unauthorized personal or private business
21 communication.

22 Sec. 7. NEW SECTION. 8D.13C UTILITIES BOARD TO RESOLVE
23 DISPUTES.

24 A dispute which arises between the commission and any other
25 person regarding the network, and which the commission and
26 such person are unable to resolve, shall be submitted to the
27 utilities board which shall resolve the dispute. The
28 resolution of the board shall be final.

29 The utilities board shall establish a procedure for
30 receiving and resolving such disputes.

31 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
32 immediate importance, is effective upon enactment.

33 EXPLANATION

34 This bill relates to the authorized uses and users of the
35 Iowa communications network.

1 Code section 8D.1, regarding the purpose and intent of
2 chapter 8D, is amended to provide that the network is to be
3 used for educational purposes, governmental purposes, lifelong
4 learning through libraries, and telemedical purposes.
5 Educational applications consistent with authorized uses of
6 the network are to be given the highest priority. The section
7 is also amended to set forth specific acts and uses which the
8 general assembly intends to be prohibited.

9 Code section 8D.2 is amended to add definitions for the
10 terms "authorized use", "authorized user", "educational use",
11 "library", "state agency", and "telemedicine".

12 The bill strikes a portion of Code section 8D.9, relating
13 to certification of use by certain authorized users and
14 provides that a private or public agency which certified to
15 the commission by July 1, 1994, that the agency is a part of
16 or intends to be a part of the network may use the network for
17 video, data, and voice requirements as determined by the
18 agency. Currently, an agency which certifies itself as part
19 of the network pursuant to this section is required to use the
20 network for all such services unless certain conditions are
21 met.

22 The bill creates new Code section 8D.13A which establishes
23 certain authorized uses of the network. The bill provides
24 that full-motion, interactive video services provided by the
25 network may be used by a person if the use is within the
26 mission statement of the authorized user, a representative of
27 the authorized user is present and participating in the
28 session or a person is accessing the network under a written
29 contract with the authorized user, and the use does not
30 facilitate or enable a private person to use network services
31 for direct pecuniary gain. The bill provides that dial-up
32 internet access from a remote unauthorized site is not
33 authorized, but does provide for dial-up access of an
34 authorized user's local area network or server for certain
35 purposes.

1 The bill establishes new Code section 8D.13B which
2 identifies certain prohibited acts including the resale of
3 services of the network by the commission to any unauthorized
4 user, the unauthorized use of the network through an
5 authorized user including remote dial-up internet access, and
6 the use of the network, or any network services, to transmit
7 an unauthorized personal or private business communication.

8 The bill also requires the Iowa utilities board to
9 establish a procedure for resolving disputes which arise
10 between the Iowa technology and telecommunications commission
11 and any other person regarding the network.

12 The bill would take effect upon enactment.

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SENATE FILE 519
FISCAL NOTE

A fiscal note for Senate File 519, as amended by H-1552, 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.

Amendment H-1552 to Senate File 519 eliminates the change to the Code of Iowa that would have allowed certain authorized users of the Iowa Communications Network (ICN) to elect to utilize only the video services provided by the Iowa Telecommunications and Technology Commission (ITTC).

However, the Amendment retains a requirement that dial-up INTERNET access not be provided by authorized users through the ICN.

ASSUMPTIONS

1. Elimination of the provision of dial-up access will result in lost revenues for the ITTC.
2. Regents Institutions, which provide access to the ICN for faculty and staff through dial-up, will experience an increase in costs.

FISCAL IMPACT

The annual net loss in revenue from Universities and Colleges for INTERNET subscription through the ICN would be \$303,000. The ITTC would need to replace this revenue through increased fees for other services or request an increase in the funding appropriated by the General Assembly.

Costs to the Board of Regents Institutions for FY 1998 would be \$760,000 and \$550,000 annually thereafter. The Regent Institutions would need to add an FTE position and purchase and install new equipment and software. The position would be a permanent position and costs of obtaining an INTERNET subscription and to maintain the hardware and software would be ongoing.

SOURCES

Board of Regents
Iowa Telecommunications and Technology Commission

(LSB 1816sv.3, DPW)

FILED APRIL 10, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 519
REVISED
FISCAL NOTE

A fiscal note for Senate File 519 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.

Senate File 519 relates to the authorized use and users of the Iowa Communications Network (ICN). The Bill specifies that the ICN is to be used for educational purposes, governmental purposes, lifelong learning through libraries, and telemedicine purposes. Educational applications consistent with authorized uses of the ICN are to be given highest priority. The Bill also specifies acts and uses which are prohibited.

The Bill provides definitions for the terms:

1. Authorized Use
2. Authorized Users
3. Educational Use
4. Library
5. State Agency
6. Telemedicine

The Bill repeals a portion of the Code of Iowa relating to certification of use by certain authorized users and provides that a private or public agency which certified to the Iowa Telecommunications and Technology Commission by July 1, 1994, that the agency is a part of, or intends to be a part of the ICN, may use the network for video, data, and voice requirements as determined by the agency.

The Bill further specifies certain authorized uses of the ICN and certain prohibited acts. The Bill also requires the Iowa Utilities Board to establish a procedure for resolving disputes which arise between the Commission and any other person regarding the ICN.

ASSUMPTIONS

1. Current law requires any agency using the ICN to use all services provided by the Network including video, voice, and data transmissions unless certain conditions are met.
2. The change to allow a user to select which services provided through the ICN it will elect to use will result in some agencies shifting to other providers for voice or data transmission services.
3. The customers that would be impacted by this change include colleges, universities, community colleges, and area education agencies.
4. These agencies account for 57.0% of current voice transmission revenues and 11.0% of current data transmission revenues.

FISCAL EFFECT

-2-

If all agencies that could choose to utilize only the video transmission services of the ICN, the annual loss in gross revenues is estimated to be \$3,042,000 in voice transmission revenues and \$835,000 in data transmission revenues for a total loss of \$3,877,000. (NOTE: Net revenue information is not available at this time on users other than Regent Institutions.)

As revenues from voice and data transmissions are currently utilized to subsidize the video rates for these agencies the Commission would be required to review the rates it charges and likely raise the rates to near the unsubsidized rate of \$45.00 per hour or request an appropriation from the General Assembly to replace the lost revenues.

If only the Regent Institutions choose to opt out of utilizing the ICN for voice and data transmission the loss to the Commission of net revenues (revenues after payment to local service providers) would be \$766,382 annually.

Estimates of video usage for the same period show a net loss (subsidization) of \$648,405 at the current hourly rate. This plus a fixed cost of \$217,316 for maintaining the system, would need to be generated through increased video rates or increased rates for voice and data services to other ICN users.

SOURCE

Iowa Telecommunications and Technology Commission

(LSB 1816SV.2, DPW)

FILED MARCH 25, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 519
FISCAL NOTE

A fiscal note for Senate File 519 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.

Senate File 519 relates to the authorized use and users of the Iowa Communications Network (ICN). The Bill specifies that the ICN is to be used for educational purposes, governmental purposes, lifelong learning through libraries, and telemedicine purposes. Educational applications consistent with authorized uses of the ICN are to be given highest priority. The Bill also specifies acts and uses which are prohibited.

The Bill provides definitions for the terms:

1. Authorized Use
2. Authorized Users
3. Educational Use
4. Library
5. State Agency
6. Telemedicine

The Bill repeals a portion of the Code of Iowa relating to certification of use by certain authorized users and provides that a private or public agency which certified to the Iowa Telecommunications and Technology Commission by July 1, 1994, that the agency is a part of, or intends to be a part of the ICN, may use the network for video, data, and voice requirements as determined by the agency.

The Bill further specifies certain authorized uses of the ICN and certain prohibited acts. The Bill also requires the Iowa Utilities Board to establish a procedure for resolving disputes which arise between the Commission and any other person regarding the ICN.

ASSUMPTIONS

1. Current law requires any agency using the ICN to use all services provided by the Network including video, voice, and data transmissions unless certain conditions are met.
2. The change to allow a user to select which services provided through the ICN it will elect to use will result in some agencies shifting to other providers for voice or data transmission services.
3. The customers that would be impacted by this change include colleges, universities, community colleges, and area education agencies.
4. These agencies account for 57.0% of current voice transmission revenues and 11.0% of current data transmission revenues.

FISCAL EFFECT

If all agencies that could choose to utilize only the video transmission services of the ICN, the annual loss in revenues is estimated to be \$3,042,000 in voice transmission revenues and \$835,000 in data transmission revenues for a total loss of \$3,877,000.

As revenues from voice and data transmissions are currently utilized to subsidize the video rates for these agencies the Commission would be required to review the rates it charges and likely raise the rates to near the unsubsidized rate of \$45.00 per hour or request an appropriation from the General Assembly to replace the lost revenues.

SOURCE

Iowa Telecommunications and Technology Commission

(LSB 1816SV, DPW)

FILED MARCH 24, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 519

S-3181

1 Amend Senate File 519 as follows:
2 1. Page 1, by striking line 7, and inserting the
3 following: "construed and administered consistently
4 in accordance with this chapter and all other
5 applicable statutory provisions:"
6 2. Page 3, line 22, by striking the words
7 "paragraph a,".
8 3. Page 3, line 23, by striking the word
9 "paragraph" and inserting the following:
10 "subsection".
11 4. Page 3, by striking lines 25 through 29 and
12 inserting the following:
13 "2. a. A private or public agency which certified
14 to the commission pursuant to subsection 1 that the
15 agency is a part of or intends to become a part of the
16 network shall use the network for all data and voice
17 requirements of the agency and may use the network for
18 the video requirements of the agency, unless the
19 private or public agency petitions the commission for
20 a waiver and one of the following applies:
21 (1) The authorized user is under contract with
22 another provider for such services, provided the
23 contract was entered into prior to April 1, 1994. The
24 agency shall use the network for data and voice
25 requirements which are not provided pursuant to such
26 contract, and may use the network for video
27 requirements.
28 (2) The authorized user has entered into an
29 agreement with the commission to become part of the
30 network prior to June 1, 1994, which does not provide
31 for use of the network for all data and voice
32 requirements of the agency, and video requirements of
33 the agency as determined by the agency. The
34 commission may enter into an agreement described in
35 this subparagraph upon a determination that the use of
36 the network for all video, data, and voice
37 requirements of the agency would not be in the best
38 interests of the agency.
39 b. A private or public agency shall petition the
40 commission for a waiver of the requirement to use the
41 network as provided in paragraph "a", if the agency
42 determines that paragraph "a", subparagraph (1),
43 applies. The commission shall establish by rule a
44 review process for determining, upon application of an
45 authorized user, whether paragraph "a", subparagraph
46 (1), applies. An authorized user found by the
47 commission to have entered into an agreement for such
48 services as provided in paragraph "a", subparagraph
49 (2), shall not enter into another agreement upon the
50 expiration of such agreement, but shall utilize the

S-3181

-1-

S-3181

Page 2

1 network for such services as provided in this section.
2 c. This subsection shall not be construed to
3 affect any waivers which are in effect on the
4 effective date of this Act."

5 5. Page 5, lines 24 and 25, by striking the words
6 "other person" and inserting the following:
7 "telecommunications provider".

8 6. Page 5, line 26, by striking the word "person"
9 and inserting the following: "provider".

By JOHN JENSEN

S-3181 FILED MARCH 19, 1997

w/d 5/24/97 (p. 764)

SENATE FILE 519

S-3203

1 Amend Senate File 519 as follows:

2 1. Page 3, line 16, by inserting after the figure
3 "336," the following: "a city, a county,".

4 2. Page 3, by inserting after line 29 the
5 following:

6 "Sec. ____ . Section 8D.11, subsection 4, Code 1997,
7 is amended to read as follows:

8 4. A political subdivision receiving
9 communications services from the state as of April 1,
10 1986, may continue to do so but communications
11 services shall not be provided or resold to additional
12 political subdivisions other than a city, a county, a
13 school corporation, a city library, a regional library
14 as provided in chapter 256, and a county library as
15 provided in chapter 336. The rates charged to the
16 political subdivision shall be the same as the rates
17 charged to state agencies.

18 Sec. ____ . Section 8D.13, Code 1997, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 20. Access to the network shall
21 be offered to cities and counties. A city or county
22 shall be responsible for all costs associated with
23 becoming a part of the network."

24 3. By renumbering as necessary.

By ROBERT DVORSKY

S-3203 FILED MARCH 24, 1997

LOST (p. 760)

SENATE FILE 519

S-3214

- 1 Amend Senate File 519 as follows:
- 2 1. Page 5, line 28, by inserting after the word
- 3 "final" the following: "agency action".
- 4 2. Page 5, line 30, by inserting after the word
- 5 "disputes." the following: "The board shall have the
- 6 authority to recover the costs associated with
- 7 implementing this section from the Iowa
- 8 telecommunications and technology commission."

By JOHN JENSEN

S-3214 FILED MARCH 24, 1997
WITHDRAWN (p. 764)

SENATE FILE 519

S-3215

- 1 Amend Senate File 519 as follows:
- 2 1. Page 5, lines 24 and 25, by striking the words
- 3 "other person" and inserting the following: "local
- 4 exchange carrier".
- 5 2. Page 5, line 26, by striking the word "person"
- 6 and inserting the following: "carrier".

By JOHN JENSEN

S-3215 FILED MARCH 24, 1997
ADOPTED (p. 760)

SENATE FILE 519

S-3216

- 1 Amend Senate File 519 as follows:
- 2 1. Page 4, line 6, by inserting after the word
- 3 "gain" the following: ", unless the use is an
- 4 authorized use under section 8D.2, subsection 0A,
- 5 paragraph "c" or "d".

By DERRYL McLAREN

S-3216 FILED MARCH 24, 1997
ADOPTED (p. 764)

SENATE FILE 519

S-3218

- 1 Amend Senate File 519 as follows:
- 2 1. Page 5, line 28, by inserting after the word
- 3 "final" the following: "agency action".
- 4 2. Page 5, line 30, by inserting after the word
- 5 "disputes." the following: "The board shall have the
- 6 authority to recover the costs associated with
- 7 implementing this section from the parties to the
- 8 dispute."

By MIKE CONNOLLY
JOHN JENSEN

S-3218 FILED MARCH 24, 1997
ADOPTED (p. 764)

SENATE FILE 519

S-3220

1 Amend Senate File 519 as follows:

2 1. Page 3, line 27, by striking the word "may"
3 and inserting the following: "shall".

By ROBERT DVORSKY
JOHN JENSEN

S-3220 FILED MARCH 25, 1997
WITHDRAWN (p. 780)

1 Section 1. Section 8D.1, Code 1997, is amended by striking
2 the section and inserting in lieu thereof the following:

3 8D.1 PURPOSE -- CONSTRUCTION -- ADMINISTRATION.

4 The purpose of this chapter is to effectuate the following
5 public policy with respect to the operation of the Iowa
6 communications network and to that end this chapter shall be
7 strictly construed and administered:

8 1. Communications of state government shall be coordinated
9 to effect maximum practical consolidation and joint use of
10 communications and network services.

11 2. The network shall be used for educational purposes,
12 governmental purposes including the delivery of governmental
13 services, lifelong learning through libraries, and telemedical
14 purposes.

15 3. The use of the network for educational applications
16 consistent with authorized uses shall be given the highest
17 priority.

18 4. The commission shall not provide or resell network
19 services to entities other than public and private agencies as
20 defined in section 8D.2.

21 5. The commission shall operate a limited access network
22 which shall support the authorized users defined in this
23 chapter. The commission shall not expand the user base in
24 competition with private enterprise as set forth in chapter
25 23A by allowing unauthorized users to use the network unless
26 specifically authorized by this chapter or by the general
27 assembly.

28 Sec. 2. Section 8D.2, Code 1997, is amended by adding the
29 following new subsections:

30 NEW SUBSECTION. 0A. "Authorized use" means the use of the
31 network by an authorized user or by persons acting on behalf
32 of an authorized user as provided in this chapter and for one
33 or more of the following purposes:

- 34 a. State or federal communications.
- 35 b. Education or educational purposes including lifelong

1 learning opportunities provided by libraries or as otherwise
2 defined in this chapter.

3 c. Training programs provided under state law or developed
4 by authorized users.

5 d. Telemedicine or related health care purposes.

6 e. Official governmental use by a state agency or a
7 federal agency as provided in this chapter.

8 f. Establishing and operating a shared data-only network
9 for law enforcement, emergency management, disaster services,
10 emergency warning, and other emergency information
11 dissemination services to federal, state, and local law
12 enforcement agencies and local emergency management offices.

13 NEW SUBSECTION. 0B. "Authorized user" means a private
14 agency or public agency, except for a public or private agency
15 which was required pursuant to section 8D.9, subsection 1, to
16 certify to the commission no later than July 1, 1994, of the
17 agency's intent to become a part of the network, and which did
18 not provide such certification. The city of Des Moines is
19 deemed to be an authorized user as a result of its preexisting
20 agreements in effect at the time the network was created.

21 NEW SUBSECTION. 2A. "Educational use" means a use that is
22 within the written statement of mission of an accredited
23 nonpublic school, a nonprofit institution of higher education
24 eligible for tuition grants, an institution under the control
25 of the state board of regents, a school corporation, a city
26 library, a regional library as provided in chapter 256, and a
27 county library as provided in chapter 336.

28 NEW SUBSECTION. 2B. "Library" means a city library, a
29 regional library as provided in chapter 256, a county library
30 as provided in chapter 336, or a library that is part of an
31 authorized user's facility.

32 NEW SUBSECTION. 5A. "State agency" means a board,
33 commission, department of the executive, legislative, or
34 judicial branches of the state, or other unit of state
35 government.

1 NEW SUBSECTION. 7. "Telemedicine" means use of a
2 telecommunications system for diagnostic, clinical,
3 consultative, data, or educational services for the delivery
4 of health care services or related health care activities by
5 licensed health care professionals, licensed medical
6 professionals, and staff who function under the direction of a
7 physician or hospital for the purpose of developing a
8 comprehensive, statewide telemedicine network.

9 Sec. 3. Section 8D.2, subsection 5, Code 1997, is amended
10 to read as follows:

11 5. "Public agency" means a state agency, an institution
12 under the control of the board of regents, the judicial
13 department as provided in section 8D.13, subsection 17, a
14 school corporation, a city library, a regional library as
15 provided in chapter 256, a county library as provided in
16 chapter 336, or a judicial district department of correctional
17 services established in section 905.2, to the extent provided
18 in section 8D.13, subsection 15, an agency of the federal
19 government, or a the United States ~~post-office-which-receives~~
20 postal service under a federal grant for pilot and
21 demonstration projects.

22 Sec. 4. Section 8D.9, subsection 2, paragraph a, Code
23 1997, is amended by striking the paragraph and inserting in
24 lieu thereof the following:

25 a. A private or public agency which certified to the
26 commission pursuant to subsection 1 that the agency is a part
27 of or intends to become a part of the network may use the
28 network for video, data, and voice requirements of the agency
29 as determined by the agency.

30 Sec. 5. NEW SECTION. 8D.13A AUTHORIZED USES.

31 1. Full-motion, interactive video services provided by the
32 network may be used by a person if the use meets all of the
33 following conditions:

34 a. The use is within the requesting authorized user's
35 written statement of mission.

1 b. A representative of the authorized user is present and
2 participating in the session, or the authorized user has
3 entered into a written contract with the person accessing the
4 network services.

5 c. The use does not facilitate or enable a private person
6 to use network services for direct pecuniary gain, unless the
7 use is an authorized use under section 8D.2, subsection 0A,
8 paragraph "c" or "d".

9 2. a. This section shall not be construed to authorize
10 dial-up internet access from a remote unauthorized site.

11 b. Dial-up access other than internet access from an
12 unauthorized site to an authorized user's local area network
13 or server for obtaining a governmental service or for
14 conducting official business of an authorized user is
15 authorized as follows:

16 (1) The commission may establish a modem pool to provide
17 for dial-up access to an authorized user's server to obtain or
18 use a service offered by an authorized user or to conduct the
19 official business of an authorized user using TCP/IP protocols
20 or other approved protocols.

21 (2) An authorized user or a person may use a modem to
22 access an authorized user's server to obtain or use a service
23 offered by an authorized user or to conduct the official
24 business of an authorized user using TCP/IP protocols or other
25 approved protocols.

26 (3) An authorized user or person may use or access the
27 network for voice, video, and data teleconferencing services
28 where the use or access is for a service offered by an
29 authorized user or the use or access is to conduct the
30 official business of the authorized user.

31 3. This section is not intended to restrict the authorized
32 user's use of direct connections or dial-up internet
33 connections between authorized sites.

34 4. This section is not intended to restrict the use of
35 dial-up access to the SILO network for libraries.

1 5. A person acting on behalf of an authorized user may use
2 or access the fiber optic network for voice, video, or data
3 services if both of the following apply:

4 a. The authorized user has requested the service from the
5 commission.

6 b. The use is within and restricted to the written
7 statement of mission of the authorized user and the use must
8 fall within the subject of a written contract between the
9 authorized user and person accessing voice, video, or data
10 services offered by the commission.

11 6. Written statements of mission must adhere to the
12 constraints of authorized users and uses as provided in this
13 chapter.

14 Sec. 6. NEW SECTION. 8D.13B PROHIBITED ACTS.

15 The following activities or acts with respect to the
16 network are prohibited:

17 1. The resale of services of the network by the commission
18 to any unauthorized user.

19 2. Unauthorized use of the network through an authorized
20 user including remote dial-up internet access.

21 3. Use of the network, or any network services, to
22 transmit an unauthorized personal or private business
23 communication.

24 Sec. 7. NEW SECTION. 8D.13C UTILITIES BOARD TO RESOLVE
25 DISPUTES.

26 A dispute which arises between the commission and any local
27 exchange carrier regarding the network, and which the
28 commission and such carrier are unable to resolve, shall be
29 submitted to the utilities board which shall resolve the
30 dispute. The resolution of the board shall be final agency
31 action.

32 The utilities board shall establish a procedure for
33 receiving and resolving such disputes. The board shall have
34 the authority to recover the costs associated with
35 implementing this section from the parties to the dispute.

1 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
2 immediate importance, is effective upon enactment.

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SENATE FILE 519

H-1552

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 7, by striking the word
4 "strictly".

5 2. Page 1, line 27, by inserting after the word
6 "assembly." the following: "The commission shall
7 strictly construe and administer this subsection to
8 effectuate the intent of the general assembly to limit
9 the expansion of the user base in a manner which is
10 consistent with this chapter and limited to the
11 authorized users identified and authorized by the
12 general assembly."

13 3. Page 2, line 24, by striking the words
14 "eligible for tuition grants".

15 4. Page 2, by inserting after line 31 the
16 following:

17 "NEW SUBSECTION. 3A. "Nonprofit institution of
18 higher education" means a private educational
19 institution which is accredited by the north central
20 association of colleges and secondary schools
21 accrediting agency based on the agency's
22 requirements."

23 5. Page 3, by inserting after line 8 the
24 following:

25 "Sec. _____. Section 8D.2, subsection 4, Code 1997,
26 is amended to read as follows:

27 4. "Private agency" means an accredited nonpublic
28 school, a nonprofit institution of higher education
29 ~~eligible-for-tuition-grants~~, or a hospital licensed
30 pursuant to chapter 135B or a physician clinic to the
31 extent provided in section 8D.13, subsection 16."

32 6. Page 3, by striking lines 22 through 29 and
33 inserting the following:

34 "Sec. _____. Section 8D.13, subsections 2 and 3,
35 Code 1997, are amended to read as follows:

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

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

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

47 c. "Part III" means the communications connection
48 between the secondary switching centers and the
49 agencies defined in section 8D.2, subsections 4 and 5,
50 excluding state agencies, institutions under the

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1 control of the board of regents, nonprofit
2 institutions of higher education eligible-for-tuition
3 grants, and the judicial department, judicial district
4 departments of correctional services, hospitals and
5 physician clinics, agencies of the federal government,
6 and post offices.

7 3. The financing for the procurement costs for the
8 entirety of Part I except for the communications
9 connections between central switching and institutions
10 under the control of the board of regents, and
11 nonprofit institutions of higher education eligible
12 for-tuition-grants, and for the video, data, and voice
13 capacity for state agencies and for Part II and Part
14 III, shall be provided by the state. The financing
15 for the procurement and maintenance costs for Part III
16 shall be provided by the state. A local school board,
17 governing authority of a nonpublic school, or an area
18 education agency board may elect to provide one
19 hundred percent of the financing for the procurement
20 and maintenance costs for Part III to become part of
21 the network. The basis for the amount of state
22 financing is one hundred percent of a single
23 interactive audio and interactive video connection for
24 Part III, and such data and voice capacity as is
25 necessary. If a school board, governing authority of
26 a nonpublic school, or area education agency board
27 elects to provide one hundred percent of the financing
28 for the leasing costs for Part III, the school
29 district or area education agency may become part of
30 the network as soon as the network can reasonably
31 connect the district or agency. A local school board,
32 governing authority of a nonpublic school, or an area
33 education agency board may also elect not to become
34 part of the network. Construction of Part III,
35 related to a school board, governing authority of a
36 nonpublic school, or area education agency board which
37 provides one hundred percent of the financing for the
38 leasing costs for Part III, may proceed as determined
39 by the commission and consistent with the purpose of
40 this chapter."

41 7. Page 5, line 18, by inserting after the word
42 "user" the following: ", except for the resale of
43 services as permitted by rule of the commission by a
44 nonprofit institution of higher education to students
45 attending the institution and residing at a residence
46 facility maintained and operated by the institution;
47 an institution under the control of the board of
48 regents to students attending the institution and
49 residing at a residence facility maintained and
50 operated by the institution; or an institution under

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1 the control of the board of regents to private
2 businesses which have entered into an agreement with
3 the university for such services and which are
4 receiving assistance of limited duration under a
5 state-funded program directly related to the
6 relationship between the business and the institution,
7 but only during the time the business is qualified to
8 receive such assistance".

9 8. Page 5, by striking lines 21 through 23 and
10 inserting the following:

11 "3. Use of the network, or any network services,
12 to transmit an unauthorized personal or private
13 business communication, except as specifically
14 authorized in this chapter, or an incidental personal
15 or private business communication by an authorized
16 user from an authorized site."

17 9. Page 5, by inserting after line 35 the
18 following:

19 "Sec. ____.

20 1. Notwithstanding the provisions of this Act, an
21 authorized user providing dial-up internet access with
22 the approval of the commission on April 1, 1997, which
23 would be prohibited by this Act, shall be permitted by
24 the commission to continue to provide such access
25 until no later than January 1, 1998. An authorized
26 user providing dial-up internet access pursuant to
27 this section shall discontinue providing such service
28 on or before January 1, 1998.

29 2. Notwithstanding subsection 1, an authorized
30 user providing dial-up internet access with the
31 approval of the commission on April 1, 1997, which
32 would be prohibited by this Act, and which would be
33 required to discontinue providing such service on or
34 before January 1, 1998, may continue to provide such
35 access after January 1, 1998, if nontoll internet
36 service is not available in the local exchange area in
37 which the authorized user is located. The authorized
38 user shall discontinue providing dial-up internet
39 access within sixty days of the availability of
40 nontoll internet service in the local exchange area."

41 10. By renumbering as necessary.

By COMMITTEE ON COMMERCE
AND REGULATION
METCALF of Polk, Chairperson

H-1552 FILED APRIL 3, 1997

Adapted 4-10-97

(R1182)

SENATE FILE 519

H-1557

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, by inserting after line 35 the
4 following:
5 "Sec. ____ . It is the intent of the general
6 assembly that the Iowa telecommunications and
7 technology commission, local exchange carriers in this
8 state, long distance carriers providing
9 telecommunications services in this state, internet
10 service providers, and the Iowa utilities board
11 establish a partnership to develop and establish a
12 plan to provide nontoll dial-up internet access to
13 areas of the state which currently are not served by
14 an internet provider offering such nontoll access.
15 The commission shall initiate and coordinate the
16 establishment of the partnership and provide staffing
17 assistance to the partnership. The commission shall
18 provide a written report, approved by all members of
19 the partnership, to the general assembly no later than
20 January 1, 1998."
21 2. By renumbering as necessary.

By OSTERHAUS of Jackson

H-1557 FILED APRIL 3, 1997

Lost 4-10-97
(p.1184)

SENATE FILE 519

H-1578

1 Amend the amendment, H-1552, to Senate File 519, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

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

6 "____. Page 1, by inserting before line 1 the
7 following:

8 "Section 1. NEW SECTION. 8D.0A LEGISLATIVE
9 INTENT -- INTERNET ACCESS.

10 1. LEGISLATIVE INTENT. In addition to the
11 purposes contained in section 8D.1, it is the intent
12 of the general assembly that the commission provide
13 dial-up internet access from a remote site to teachers
14 and administrators at primary and secondary schools,
15 faculty and professional staff at postsecondary
16 institutions, and students enrolled at postsecondary
17 institutions. The general assembly finds that this
18 access is necessary to assure the educational
19 applications of the network, which are to be given the
20 highest priority, are utilized to provide the greatest
21 benefit to students at all levels.

22 2. INTERNET ACCESS. Notwithstanding section
23 8D.13A, the commission, in implementing the intent of
24 the general assembly set forth in subsection 1, shall
25 provide remote or dial-up access to the internet
26 through the use of the network or any network services
27 to all of the following:

28 a. A teacher as defined in section 272.1.

29 b. An administrator as defined in section 272.1.

30 c. A faculty or professional staff member at a
31 nonprofit institution of higher education, an
32 institution under the control of the state board of
33 regents, or a community college.

34 d. A student enrolled at a nonprofit institution
35 of higher education, an institution under the control
36 of the state board of regents, or a community
37 college."

38 2. By renumbering as necessary.

By WISE of Lee

H-1578 FILED APRIL 7, 1997

Host 4-10-97

(p.1181)

SENATE FILE 519

H-1567

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. NEW SECTION. 8D.0A LEGISLATIVE
6 INTENT -- INTERNET ACCESS.

7 1. LEGISLATIVE INTENT. In addition to the
8 purposes contained in section 8D.1, it is the intent
9 of the general assembly that the commission provide
10 dial-up internet access from a remote site to teachers
11 and administrators at primary and secondary schools,
12 faculty and professional staff at postsecondary
13 institutions, and students enrolled at postsecondary
14 institutions. The general assembly finds that this
15 access is necessary to assure that educational
16 applications of the network, which are to be given the
17 highest priority, are utilized to provide the greatest
18 benefit to students at all levels.

19 2. INTERNET ACCESS. Notwithstanding section
20 8D.13A, the commission, in implementing the intent of
21 the general assembly set forth in subsection 1, shall
22 provide remote or dial-up access to the internet
23 through the use of the network or any network services
24 to all of the following:

25 a. A teacher as defined in section 272.1.

26 b. An administrator as defined in section 272.1.

27 c. A faculty or professional staff member at a
28 nonprofit institution of higher education, an
29 institution under the control of the state board of
30 regents, or a community college.

31 d. A student enrolled at a nonprofit institution
32 of higher education, an institution under the control
33 of the state board of regents, or a community
34 college."

35 2. By renumbering as necessary.

By WISE of Lee

H-1567 FILED APRIL 7, 1997

O/ordw 4/10/97 (p.1181)

SENATE FILE 519

H-1561

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 10, by inserting after the word
4 "site" the following: "by a person other than an
5 authorized user who is accessing the internet for
6 purposes directly related to the authorized user's
7 official duties as an authorized user".

By RICHARDSON of Warren

H-1561 FILED APRIL 7, 1997

*Lost 4-10-97
(p.1183)*

SENATE FILE 519

H-1653

1 Amend the amendment, H-1552, to Senate File 519, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by inserting after line 40 the
5 following:
6 "3. A nonprofit institution of higher education or
7 an institution under the control of the board of
8 regents may petition the commission for an extension
9 of the authorization to utilize dial-up access for
10 Iowa communications network services. The commission
11 shall provide a copy of the petition to the
12 telecommunications advisory committee. The committee
13 may advise the commission regarding telecommunications
14 matters related to the petition. The commission may
15 grant the petition if the commission determines that
16 technology is not available to prohibit such dial-up
17 access. The commission and the institution
18 petitioning for continued authorization under this
19 subsection shall devise a plan to assist the
20 institution in obtaining alternate access services in
21 lieu of the dial-up access to the Iowa communications
22 network.""

By BRUNKHORST of Bremer

H-1653 FILED APRIL 9, 1997

Adopted 4-10-97
(P.1182)

SENATE FILE 519

H-1656

1 Amend the amendment, H-1552, to Senate File 519, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 40, by inserting after the word
5 "area." the following: "However, if the authorized
6 user is a public school, the public school is not
7 required to discontinue providing dial-up internet
8 access until the school board determines and certifies
9 to the commission that the newly available nontoll
10 internet service meets the necessary technical quality
11 standards for the service as established by the school
12 board in consultation with the commission."

By MASCHER of Johnson

H-1656 FILED APRIL 9, 1997

Adopted 4-10-97
(P.1181)

SENATE FILE 519

H-1639

1 Amend the amendment, H-1567, to Senate File 519, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 34 the
 5 following:
 6 "3. VALUE OF ACCESS TAXABLE. The commission shall
 7 establish the value of providing remote or dial-up
 8 access to the internet through the use of the network
 9 or any network services to any person enumerated in
 10 subsection 2, paragraphs "a" through "d". The
 11 commission shall provide a statement of that value to
 12 such a person for purposes of income taxation under
 13 federal and state law."

By MILLAGE of Scott

H-1639 FILED APRIL 9, 1997

*O/Order - 4-9-97
(P.1181)*

SENATE FILE 519

H-1640

1 Amend the amendment, H-1561, to Senate File 519, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 7, by inserting after the word
 5 "user" the following: ". The commission shall
 6 establish the value of providing dial-up access to the
 7 internet through the use of the network or any network
 8 services to any individual person accessing the
 9 network through an authorized user. The commission
 10 shall provide a statement of that value to such a
 11 person for purposes of income taxation under federal
 12 and state law".

By MILLAGE of Scott

H-1640 FILED APRIL 9, 1997

*adopted 4-10-97 - Motion to R/C by Millage - Motion adopted
(P.1183) - Now Lost 4-10-97 (P.1183)*

SENATE FILE 519

H-1641

1 Amend the amendment, H-1552, to Senate File 519, as
 2 amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by inserting after line 40 the
 5 following:
 6 "3. The commission shall establish the value of
 7 providing dial-up access to the internet through the
 8 use of the network or any network services to any
 9 individual person accessing the network through an
 10 authorized user. The commission shall provide a
 11 statement of that value to such a person for purposes
 12 of income taxation under federal and state law."

By MILLAGE of Scott

H-1641 FILED APRIL 9, 1997

*Withdrawn
4-10-97
(P.1181)*

SENATE FILE 519

H-1664

1 Amend Senate File 519, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 34, by inserting after the figure
 4 "4." the following: "This section is not intended to
 5 restrict the use of dial-up access to a stand-alone
 6 computer or computers connected into a local area
 7 network or a wide area network controlled exclusively
 8 by the authorized user for students and teachers."

By RANTS of Woodbury

FALCK of Fayette

BRUNKHORST of Bremer

MASCHER of Johnson

H-1664 FILED APRIL 9, 1997

*Adopted 4-10-97**(P. 1184)*

SENATE FILE 519

H-1670

1 Amend Senate File 519, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 3, by inserting before line 30 the
 4 following:
 5 "Sec. ____ . Section 8D.13, Code 1997, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 20. Access to the network shall
 8 be offered to an authorized user, which is an
 9 accredited nonpublic school, public school, or area
 10 education agency, for the provision of dial-up access
 11 to the internet in order to download information from
 12 the internet into a stand-alone computer or computers
 13 connected into a local area network or a wide area
 14 network controlled exclusively by the authorized user.
 15 Students of the authorized user may use the downloaded
 16 information at any time. The authorized user or the
 17 Iowa communications network may also utilize universal
 18 resource locator blockers which may be used by the
 19 authorized user to restrict access to certain
 20 information by students."
 21 2. By renumbering as necessary.

By FALCK of Fayette

FOEGE of Linn

MASCHER of Johnson

WISE of Lee

COHOON of Des Moines

BUKTA of Clinton

H-1670 FILED APRIL 9, 1997

*Adopt 4-10-97**(P. 1182)*

HOUSE AMENDMENT TO
SENATE FILE 519

S-3470

1 Amend Senate File 519, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 7, by striking the word
4 "strictly".
5 2. Page 1, line 27, by inserting after the word
6 "assembly." the following: "The commission shall
7 strictly construe and administer this subsection to
8 effectuate the intent of the general assembly to limit
9 the expansion of the user base in a manner which is
10 consistent with this chapter and limited to the
11 authorized users identified and authorized by the
12 general assembly."
13 3. Page 2, line 24, by striking the words
14 "eligible for tuition grants".
15 4. Page 2, by inserting after line 31 the
16 following:
17 "NEW SUBSECTION. 3A. "Nonprofit institution of
18 higher education" means a private educational
19 institution which is accredited by the north central
20 association of colleges and secondary schools
21 accrediting agency based on the agency's
22 requirements."
23 5. Page 3, by inserting after line 8 the
24 following:
25 "Sec. _____. Section 8D.2, subsection 4, Code 1997,
26 is amended to read as follows:
27 4. "Private agency" means an accredited nonpublic
28 school, a nonprofit institution of higher education
29 ~~eligible-for-tuition-grants~~, or a hospital licensed
30 pursuant to chapter 135B or a physician clinic to the
31 extent provided in section 8D.13, subsection 16."
32 6. Page 3, by striking lines 22 through 29 and
33 inserting the following:
34 "Sec. _____. Section 8D.13, subsections 2 and 3,
35 Code 1997, are amended to read as follows:
36 2. For purposes of this section, unless the
37 context otherwise requires:
38 a. "Part I" means the communications connections
39 between central switching and institutions under the
40 control of the board of regents, nonprofit
41 institutions of higher education ~~eligible-for-tuition~~
42 ~~grants~~, and the regional switching centers for the
43 remainder of the network.
44 b. "Part II" means the communications connections
45 between the regional switching centers and the
46 secondary switching centers.
47 c. "Part III" means the communications connection
48 between the secondary switching centers and the
49 agencies defined in section 8D.2, subsections 4 and 5,
50 excluding state agencies, institutions under the

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1 control of the board of regents, nonprofit
2 institutions of higher education ~~eligible-for-tuition~~
3 ~~grants~~, and the judicial department, judicial district
4 departments of correctional services, hospitals and
5 physician clinics, agencies of the federal government,
6 and post offices.

7 3. The financing for the procurement costs for the
8 entirety of Part I except for the communications
9 connections between central switching and institutions
10 under the control of the board of regents, and
11 nonprofit institutions of higher education ~~eligible~~
12 ~~for-tuition-grants~~, and for the video, data, and voice
13 capacity for state agencies and for Part II and Part
14 III, shall be provided by the state. The financing
15 for the procurement and maintenance costs for Part III
16 shall be provided by the state. A local school board,
17 governing authority of a nonpublic school, or an area
18 education agency board may elect to provide one
19 hundred percent of the financing for the procurement
20 and maintenance costs for Part III to become part of
21 the network. The basis for the amount of state
22 financing is one hundred percent of a single
23 interactive audio and interactive video connection for
24 Part III, and such data and voice capacity as is
25 necessary. If a school board, governing authority of
26 a nonpublic school, or area education agency board
27 elects to provide one hundred percent of the financing
28 for the leasing costs for Part III, the school
29 district or area education agency may become part of
30 the network as soon as the network can reasonably
31 connect the district or agency. A local school board,
32 governing authority of a nonpublic school, or an area
33 education agency board may also elect not to become
34 part of the network. Construction of Part III,
35 related to a school board, governing authority of a
36 nonpublic school, or area education agency board which
37 provides one hundred percent of the financing for the
38 leasing costs for Part III, may proceed as determined
39 by the commission and consistent with the purpose of
40 this chapter."

41 7. Page 4, line 34, by inserting after the figure
42 "4." the following: "This section is not intended to
43 restrict the use of dial-up access to a stand-alone
44 computer or computers connected into a local area
45 network or a wide area network controlled exclusively
46 by the authorized user for students and teachers."

47 8. Page 5, line 18, by inserting after the word
48 "user" the following: ", except for the resale of
49 services as permitted by rule of the commission by a
50 nonprofit institution of higher education to students

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1 attending the institution and residing at a residence
2 facility maintained and operated by the institution;
3 an institution under the control of the board of
4 regents to students attending the institution and
5 residing at a residence facility maintained and
6 operated by the institution; or an institution under
7 the control of the board of regents to private
8 businesses which have entered into an agreement with
9 the university for such services and which are
10 receiving assistance of limited duration under a
11 state-funded program directly related to the
12 relationship between the business and the institution,
13 but only during the time the business is qualified to
14 receive such assistance".

15 9. Page 5, by striking lines 21 through 23 and
16 inserting the following:

17 "3. Use of the network, or any network services,
18 to transmit an unauthorized personal or private
19 business communication, except as specifically
20 authorized in this chapter, or an incidental personal
21 or private business communication by an authorized
22 user from an authorized site."

23 10. Page 5, by inserting after line 35 the
24 following:

25 "Sec. ____.

26 1. Notwithstanding the provisions of this Act, an
27 authorized user providing dial-up internet access with
28 the approval of the commission on April 1, 1997, which
29 would be prohibited by this Act, shall be permitted by
30 the commission to continue to provide such access
31 until no later than January 1, 1998. An authorized
32 user providing dial-up internet access pursuant to
33 this section shall discontinue providing such service
34 on or before January 1, 1998.

35 2. Notwithstanding subsection 1, an authorized
36 user providing dial-up internet access with the
37 approval of the commission on April 1, 1997, which
38 would be prohibited by this Act, and which would be
39 required to discontinue providing such service on or
40 before January 1, 1998, may continue to provide such
41 access after January 1, 1998, if nontoll internet
42 service is not available in the local exchange area in
43 which the authorized user is located. The authorized
44 user shall discontinue providing dial-up internet
45 access within sixty days of the availability of
46 nontoll internet service in the local exchange area.
47 However, if the authorized user is a public school,
48 the public school is not required to discontinue
49 providing dial-up internet access until the school
50 board determines and certifies to the commission that

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1 the newly available nontoll internet service meets the
2 necessary technical quality standards for the service
3 as established by the school board in consultation
4 with the commission.

5 3. A nonprofit institution of higher education or
6 an institution under the control of the board of
7 regents may petition the commission for an extension
8 of the authorization to utilize dial-up access for
9 Iowa communications network services. The commission
10 shall provide a copy of the petition to the
11 telecommunications advisory committee. The committee
12 may advise the commission regarding telecommunications
13 matters related to the petition. The commission may
14 grant the petition if the commission determines that
15 technology is not available to prohibit such dial-up
16 access. The commission and the institution
17 petitioning for continued authorization under this
18 subsection shall devise a plan to assist the
19 institution in obtaining alternate access services in
20 lieu of the dial-up access to the Iowa communications
21 network."

22 11. By renumbering, relettering, or redesignating
23 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3470 FILED APRIL 10, 1997

Senate Concurred
4-15-97
(p. 1183)

SENATE FILE 519

S-3525

1 Amend the House amendment, S-3470, to Senate File
2 519, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 4, by striking line 21 and inserting the
5 following: "network.

6 Sec. ____ . ADDITIONAL CONNECTIONS. The general
7 assembly finds that multidisciplinary cultural
8 institutions, including museums and cultural
9 organizations, offer an opportunity to provide unique
10 educational programming to students and residents
11 throughout the state. Access to the network shall be
12 provided pursuant to this section to twelve
13 multidisciplinary cultural institutions, and a
14 classroom for each institution shall be provided,
15 including any equipment necessary for providing such
16 connection.

17 Two sites per year shall be selected by the
18 department of cultural affairs. The selection of
19 sites shall be made by the department based on the
20 relative scoring of 1997 grants submitted by those
21 institutions for the cultural enrichment grant program
22 which is based on independent review of the following
23 criteria: programming, fiscal and managerial
24 practices, community outreach, long-range and
25 cooperative planning, fundraising efforts, and
26 cultural impact.

27 Sites eligible for selection include living history
28 farms in Urbandale; Blank park zoo in Des Moines; the
29 state historical society of Iowa in Des Moines;
30 Dubuque county historical society in Dubuque; Grout
31 museum of history and science in Waterloo; Vesterheim,
32 Norwegian-American museum in Decorah; Des Moines
33 botanical center in Des Moines; Waterloo recreation
34 and arts commission in Waterloo; civic center of
35 greater Des Moines in Des Moines; Putnam museum of
36 history and natural science in Davenport; family
37 museum of arts and science in Bettendorf; and Sioux
38 City public museum in Sioux City.

39 No more than one institution per year shall be
40 selected from a metropolitan area. The state
41 historical society of Iowa shall be included in the
42 first year as one of the sites selected."

By MIKE CONNOLLY

TOM FLYNN

S-3525 FILED APRIL 15, 1997
RULED OUT OF ORDER

(P. 1183)



Rife, Chair
Redfern
Gronstal

SSB 28

Commerce
Succeeded By
SF/HF 519

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON JENSEN)

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

A BILL FOR

1 An Act relating to the authorized use and users of the Iowa
2 communications network and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8D.1, Code 1997, is amended by striking
2 the section and inserting in lieu thereof the following:

3 8D.1 PURPOSE -- LEGISLATIVE INTENT.

4 The purpose of this chapter is to effectuate the following
5 public policy with respect to the operation of the Iowa
6 communications network and to that end this chapter shall be
7 strictly construed and administered:

8 1. Communications of state government shall be coordinated
9 to effect maximum practical consolidation and joint use of
10 communications services.

11 2. The network shall be used for educational and
12 telemedicine purposes by authorized users consistent with the
13 authorized uses expressly set forth in this chapter.

14 3. The use of the network for educational applications
15 consistent with authorized uses shall be given the highest
16 priority.

17 4. The network shall not be used in any way to transmit
18 any personal or private business communications.

19 5. The use of the network, or any of its services, shall
20 not be provided or resold, directly or indirectly, to an
21 unauthorized user.

22 6. The commission, or an authorized user, shall not
23 collect a fee or charge, directly or indirectly, for the use
24 of the network or any of its services, except as expressly
25 authorized by this chapter.

26 7. The network, or any network services, shall not be used
27 in competition with the sale or provision of services to the
28 public which are also offered by private enterprise as defined
29 in section 23A.1, subsection 2, except as expressly authorized
30 by this chapter.

31 8. The commission shall not provide access to the network,
32 or to any network services, to any person, as defined in
33 section 4.1, who is not an authorized user.

34 9. The commission shall not provide Part III connections
35 to the network using owned, leased, or contracted

1 telecommunications facilities to persons, as defined in
2 section 4.1, who are not authorized users expressly designated
3 by the general assembly to connect to the network.

4 10. The authorized use of the network shall take place at
5 sites which are located within the facilities of an authorized
6 user which is an originating site or a receiving site.

7 Sec. 2. Section 8D.2, Code 1997, is amended by adding the
8 following new subsections:

9 NEW SUBSECTION. 0A. "Authorized use" means the use of the
10 network by an authorized user for its own account and for one
11 or more of the following purposes:

- 12 a. State communications.
- 13 b. Education.
- 14 c. Telemedicine.
- 15 d. Official governmental use by a state agency or a
16 federal agency consistent with the express purposes of this
17 chapter.

18 NEW SUBSECTION. 0B. "Authorized user" means a private
19 agency or public agency, except for a public or private agency
20 which was required pursuant to section 8D.9, subsection 1, to
21 certify to the commission no later than July 1, 1994, of the
22 agency's intent to become a part of the network, and which did
23 not provide such certification.

24 NEW SUBSECTION. 2A. "Education" means formal academic or
25 vocational programs sponsored by accredited nonpublic schools,
26 nonprofit institutions of higher education eligible for
27 tuition grants, institutions under the control of the state
28 board of regents, school corporations, or libraries, for the
29 purpose of instructing, teaching, or training students or
30 patrons regarding a course or subject, facilitating the
31 educational mission of the school, institution, or library, or
32 for other official school, institution, or library use
33 consistent with the express purposes of this chapter.

34 NEW SUBSECTION. 2B. "Federal agency" means each board,
35 commission, department, or other unit of the federal

1 government with whom the network has an operating agreement.

2 NEW SUBSECTION. 2C. "Library" means a city library, a
3 regional library as provided in chapter 256, or a county
4 library as provided in chapter 336, in which literary,
5 musical, artistic, or reference materials are kept for use by
6 library patrons, but which are not for sale.

7 NEW SUBSECTION. 5A. "School" means an accredited
8 nonpublic school, a nonprofit institution of higher education
9 eligible for tuition grants, a school corporation, or an
10 institution under the control of the state board of regents.

11 NEW SUBSECTION. 5B. "State agency" means a board,
12 commission, department, or other unit of state government.

13 NEW SUBSECTION. 7. "Telemedicine" means use of a
14 telecommunications system for diagnostic, clinical,
15 consultative, data, or educational services for the purpose of
16 developing a comprehensive, statewide telemedicine network for
17 use, to the extent provided in section 8D.13, subsection 16,
18 by certified or licensed staff members of a hospital licensed
19 pursuant to chapter 135B, or by certified or licensed members
20 of the medical profession who are members of a physician
21 clinic, or who have staff privileges at a hospital licensed
22 pursuant to chapter 135B.

23 Sec. 3. NEW SECTION. 8D.13A PROHIBITED ACTS.

24 The following activities or acts with respect to the
25 network are prohibited:

26 1. Use of the network, or any network services, to
27 transmit a personal or private business communication.

28 2. Use of the network, or any network services, either
29 directly or indirectly, by a person as defined in section 4.1,
30 subsection 20, who is not an authorized user.

31 3. Part III connections to the network to persons as
32 defined in section 4.1, subsection 20, who are not authorized
33 users expressly designated by the general assembly to connect
34 to the network.

35 4. Resale of the use of the network, or any network

1 services, either directly or indirectly, to any unauthorized
2 user.

3 5. Charging or collecting of a fee by the commission or an
4 authorized user, directly or indirectly, for the use of the
5 network, or any network services, except as expressly provided
6 in this chapter.

7 6. Accessing the network, or any network services, from a
8 site or facility other than the facilities of an authorized
9 user which is an originating site or a receiving site.

10 7. Remote or dial-up access to the network or any network
11 services.

12 8. Use of the network, or any network services, in
13 competition with the sale or provision of services to the
14 public which are also offered by or available from private
15 enterprise, as defined in section 23A.1.

16 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
17 immediate importance, is effective upon enactment.

18 EXPLANATION

19 This bill relates to the authorized uses and users of the
20 Iowa communications network.

21 Code section 8D.1, regarding the purpose and intent of
22 chapter 8D, is amended to provide that the network is to be
23 used for educational and telemedicine purposes by authorized
24 users as provided in the chapter. Educational applications
25 consistent with authorized uses of the network are to be given
26 the highest priority. The section is also amended to set
27 forth specific acts and uses which the general assembly
28 intends to be prohibited.

29 Code section 8D.2 is amended to add definitions for the
30 terms "authorized use", "authorized user", "education",
31 "federal agency", "library", "school", "state agency", and
32 "telemedicine".

33 New Code section 8D.13A is created and prohibits certain
34 acts including use of the network to transmit a personal or
35 private business communication; use of the network, or any

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1 network services, either directly or indirectly, by a person
2 who is not an authorized user; resale of use of the network,
3 or any network services, either directly or indirectly, to any
4 unauthorized user; charging or collecting of a fee by the
5 commission or an authorized user, directly or indirectly, for
6 the use of the network or any network services, except as
7 expressly provided in this chapter; accessing the network, or
8 any network services, from a site or facility other than the
9 facilities of an authorized user which is an originating site
10 or a receiving site; remote or dial-up access to the network
11 or any network services; use of the network, or any network
12 services, in competition with the sale or provision of
13 services to the public which are also offered by or available
14 from private enterprise, as defined in section 23A.1.

15 The bill would take effect upon enactment.

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OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

APR 24 1997

April 24, 1997

The Honorable Mary Kramer
President of the Senate
State Capitol Building
LOCAL

Dear Madam President:

Senate File 519, an act relating to the authorized use and users of the Iowa communications network and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 519 attempts to define more specifically than current code the appropriate uses and users of the Iowa Communications Network (ICN). The Bill adds definitions to Code section 8D.2 for "authorized use", "authorized user", "educational use", "library", "state agency", and "telemedicine". The bill authorizes certain uses of the network. It prohibits dial-up access to the internet by an authorized user from a remote site.

Last year, the Legislature authorized an Authorized User and Use Task Force. The Task Force succeeded in defining "Authorized User" and the Iowa Telecommunication and Technology Commission is currently promulgating new rules that implement the consensus developed by the Task Force on this issue. The Task Force failed to reach a consensus on remote dial-up access to the ICN for Internet services.

The overriding mission of the network is to foster educational opportunities to all areas of the state. Closely scrutinizing actions that significantly impact the network ensures that the network's mission is not impaired. Unfortunately, Senate File 519 unduly restricts dial-up access to the network to the detriment of important users of the network.

The Honorable Mary Kramer

April 24, 1997

Page 2

For example, Senate File 519 would require our higher education institutions to dramatically change the educational services offered to the students or face significant additional financial burdens. Our Regent institutions have offered student dial-up access to the Internet since 1987; Senate File 519 requires a change to that policy. More study is needed to ensure that the limitations placed on dial-up access do not unnecessarily restrict the quality of education in Iowa.

For the above reasons, I hereby respectfully disapprove Senate File 519.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad". The signature is written in a cursive style with a prominent "E" and "B".

Terry E. Branstad
Governor

TEB/ps

cc Secretary of State
Secretary of the Senate
Chief Clerk of the House

SENATE FILE 519

AN ACT
RELATING TO THE AUTHORIZED USE AND USERS OF THE IOWA
COMMUNICATIONS NETWORK AND PROVIDING AN EFFECTIVE
DATE.

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

Section 1. Section 8D.1, Code 1997, is amended by striking the section and inserting in lieu thereof the following:

8D.1 PURPOSE -- CONSTRUCTION -- ADMINISTRATION.

The purpose of this chapter is to effectuate the following public policy with respect to the operation of the Iowa communications network and to that end this chapter shall be construed and administered:

1. Communications of state government shall be coordinated to effect maximum practical consolidation and joint use of communications and network services.
2. The network shall be used for educational purposes, governmental purposes including the delivery of governmental services, lifelong learning through libraries, and telemedical purposes.
3. The use of the network for educational applications consistent with authorized uses shall be given the highest priority.
4. The commission shall not provide or resell network services to entities other than public and private agencies as defined in section 8D.2.
5. The commission shall operate a limited access network which shall support the authorized users defined in this chapter. The commission shall not expand the user base in competition with private enterprise as set forth in chapter 23A by allowing unauthorized users to use the network unless specifically authorized by this chapter or by the general assembly. The commission shall strictly construe and administer this subsection to effectuate the intent of the

general assembly to limit the expansion of the user base in a manner which is consistent with this chapter and limited to the authorized users identified and authorized by the general assembly.

Sec. 2. Section 8D.2, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. "Authorized use" means the use of the network by an authorized user or by persons acting on behalf of an authorized user as provided in this chapter and for one or more of the following purposes:

- a. State or federal communications.
- b. Education or educational purposes including lifelong learning opportunities provided by libraries or as otherwise defined in this chapter.
- c. Training programs provided under state law or developed by authorized users.
- d. Telemedicine or related health care purposes.
- e. Official governmental use by a state agency or a federal agency as provided in this chapter.
- f. Establishing and operating a shared data-only network for law enforcement, emergency management, disaster services, emergency warning, and other emergency information dissemination services to federal, state, and local law enforcement agencies and local emergency management offices.

NEW SUBSECTION. 0B. "Authorized user" means a private agency or public agency, except for a public or private agency which was required pursuant to section 8D.9, subsection 1, to certify to the commission no later than July 1, 1994, of the agency's intent to become a part of the network, and which did not provide such certification. The city of Des Moines is deemed to be an authorized user as a result of its preexisting agreements in effect at the time the network was created.

NEW SUBSECTION. 2A. "Educational use" means a use that is within the written statement of mission of an accredited nonpublic school, a nonprofit institution of higher education, an institution under the control of the state board of regents, a school corporation, a city library, a regional

library as provided in chapter 256, and a county library as provided in chapter 336.

NEW SUBSECTION. 2B. "Library" means a city library, a regional library as provided in chapter 256, a county library as provided in chapter 336, or a library that is part of an authorized user's facility.

NEW SUBSECTION. 3A. "Nonprofit institution of higher education" means a private educational institution which is accredited by the north central association of colleges and secondary schools accrediting agency based on the agency's requirements.

NEW SUBSECTION. 5A. "State agency" means a board, commission, department of the executive, legislative, or judicial branches of the state, or other unit of state government.

NEW SUBSECTION. 7. "Telemedicine" means use of a telecommunications system for diagnostic, clinical, consultative, data, or educational services for the delivery of health care services or related health care activities by licensed health care professionals, licensed medical professionals, and staff who function under the direction of a physician or hospital for the purpose of developing a comprehensive, statewide telemedicine network.

Sec. 3. Section 8D.2, subsection 4, Code 1997, is amended to read as follows:

4. "Private agency" means an accredited nonpublic school, a nonprofit 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 8D.13, subsection 16.

Sec. 4. Section 8D.2, subsection 5, Code 1997, is amended to read as follows:

5. "Public agency" means a state agency, an institution under the control of the board of regents, the judicial department as provided in section 8D.13, subsection 17, a school corporation, a city library, a regional library as provided in chapter 256, 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 8D.13, subsection 15, an agency of the federal government, or a the United States post-office-which-receives postal service under a federal grant for pilot and demonstration projects.

Sec. 5. Section 8D.13, subsections 2 and 3, Code 1997, are amended to read as follows:

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

a. "Part I" 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" means the communications connections between the regional switching centers and the secondary switching centers.

c. "Part III" means the communications connection between the secondary switching centers and the agencies defined in section 8D.2, subsections 4 and 5, 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 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, shall be provided by the state. The financing for the procurement and maintenance costs for Part III shall be provided by the state. 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 network. The basis for the amount of state financing is one hundred percent of a single interactive audio and interactive video connection for Part III, and such data and voice capacity as is necessary. 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 network. Construction of Part III, 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 as determined by the commission and consistent with the purpose of this chapter.

Sec. 6. NEW SECTION. 80.13A AUTHORIZED USES.

1. Full-motion, interactive video services provided by the network may be used by a person if the use meets all of the following conditions:

- a. The use is within the requesting authorized user's written statement of mission.
- b. A representative of the authorized user is present and participating in the session, or the authorized user has entered into a written contract with the person accessing the network services.
- c. The use does not facilitate or enable a private person to use network services for direct pecuniary gain, unless the use is an authorized use under section 80.2, subsection 0A, paragraph "c" or "d".

2. a. This section shall not be construed to authorize dial-up internet access from a remote unauthorized site.

b. Dial-up access other than internet access from an unauthorized site to an authorized user's local area network

or server for obtaining a governmental service or for conducting official business of an authorized user is authorized as follows:

(1) The commission may establish a modem pool to provide for dial-up access to an authorized user's server to obtain or use a service offered by an authorized user or to conduct the official business of an authorized user using TCP/IP protocols or other approved protocols.

(2) An authorized user or a person may use a modem to access an authorized user's server to obtain or use a service offered by an authorized user or to conduct the official business of an authorized user using TCP/IP protocols or other approved protocols.

(3) An authorized user or person may use or access the network for voice, video, and data teleconferencing services where the use or access is for a service offered by an authorized user or the use or access is to conduct the official business of the authorized user.

3. This section is not intended to restrict the authorized user's use of direct connections or dial-up internet connections between authorized sites.

4. This section is not intended to restrict the use of dial-up access to a stand-alone computer or computers connected into a local area network or a wide area network controlled exclusively by the authorized user for students and teachers. This section is not intended to restrict the use of dial-up access to the SINO network for libraries.

5. A person acting on behalf of an authorized user may use or access the fiber optic network for voice, video, or data services if both of the following apply:

a. The authorized user has requested the service from the commission.

b. The use is within and restricted to the written statement of mission of the authorized user and the use must fall within the subject of a written contract between the authorized user and person accessing voice, video, or data services offered by the commission.

6. Written statements of mission must adhere to the constraints of authorized users and uses as provided in this chapter.

Sec. 7. NEW SECTION. 8D.13B PROHIBITED ACTS.

The following activities or acts with respect to the network are prohibited:

1. The resale of services of the network by the commission to any unauthorized user, except for the resale of services as permitted by rule of the commission by a nonprofit institution of higher education to students attending the institution and residing at a residence facility maintained and operated by the institution; an institution under the control of the board of regents to students attending the institution and residing at a residence facility maintained and operated by the institution; or an institution under the control of the board of regents to private businesses which have entered into an agreement with the university for such services and which are receiving assistance of limited duration under a state-funded program directly related to the relationship between the business and the institution, but only during the time the business is qualified to receive such assistance.

2. Unauthorized use of the network through an authorized user including remote dial-up internet access.

3. Use of the network, or any network services, to transmit an unauthorized personal or private business communication, except as specifically authorized in this chapter, or an incidental personal or private business communication by an authorized user from an authorized site.

Sec. 8. NEW SECTION. 8D.13C UTILITIES BOARD TO RESOLVE DISPUTES.

A dispute which arises between the commission and any local exchange carrier regarding the network, and which the commission and such carrier are unable to resolve, shall be submitted to the utilities board which shall resolve the dispute. The resolution of the board shall be final agency action.

The utilities board shall establish a procedure for receiving and resolving such disputes. The board shall have the authority to recover the costs associated with implementing this section from the parties to the dispute.

Sec. 9.

1. Notwithstanding the provisions of this Act, an authorized user providing dial-up internet access with the approval of the commission on April 1, 1997, which would be prohibited by this Act, shall be permitted by the commission to continue to provide such access until no later than January 1, 1998. An authorized user providing dial-up internet access pursuant to this section shall discontinue providing such service on or before January 1, 1998.

2. Notwithstanding subsection 1, an authorized user providing dial-up internet access with the approval of the commission on April 1, 1997, which would be prohibited by this Act, and which would be required to discontinue providing such service on or before January 1, 1998, may continue to provide such access after January 1, 1998, if nontoll internet service is not available in the local exchange area in which the authorized user is located. The authorized user shall discontinue providing dial-up internet access within sixty days of the availability of nontoll internet service in the local exchange area. However, if the authorized user is a public school, the public school is not required to discontinue providing dial-up internet access until the school board determines and certifies to the commission that the newly available nontoll internet service meets the necessary technical quality standards for the service as established by the school board in consultation with the commission.

3. A nonprofit institution of higher education or an institution under the control of the board of regents may petition the commission for an extension of the authorization to utilize dial-up access for Iowa communications network services. The commission shall provide a copy of the petition to the telecommunications advisory committee. The committee may advise the commission regarding telecommunications matters

related to the petition. The commission may grant the petition if the commission determines that technology is not available to prohibit such dial-up access. The commission and the institution petitioning for continued authorization under this subsection shall devise a plan to assist the institution in obtaining alternate access services in lieu of the dial-up access to the Iowa communications network.

Sec. 10. EFFECTIVE DATE. This Act, being deemed of immediate importance, is effective upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 519, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved *H. H. H. H.* 4/24, 1997

TERRY E. BRANSTAD
Governor

SF 519