

# House Amendment 5705

## Amendment Text

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1 1 Amend [Senate File 2147](#), as passed by the Senate, as  
1 2 follows:  
1 3 #1. By striking everything after the enacting  
1 4 clause and inserting the following:  
1 5 "Section 1. Section [8D.3](#), subsection 2, Code  
1 6 Supplement 1995, is amended to read as follows:  
1 7 2. MEMBERS. The commission is composed of

~~three~~

1 8 five members, of which four members are appointed by  
1 9 the governor and subject to confirmation by the  
1 10 senate. Members of the commission shall not serve in  
1 11 any manner or be employed by an authorized user of the  
1 12 network or by an entity seeking to do or doing  
1 13 business with the network. Two members of the  
1 14 commission to be appointed by the governor, however,  
1 15 shall be knowledgeable in the area of  
1 16 telecommunications technology. The governor shall  
1 17 appoint a member as the chairperson of the commission  
1 18 from the

~~three~~

- four members appointed by the governor,  
1 19 subject to confirmation by the senate. Members of the  
1 20 commission shall serve six-year staggered terms as  
1 21 designated by the governor and appointments to the  
1 22 commission are subject to the requirements of sections  
1 23 69.16, 69.16A, and 69.19. Vacancies shall be filled  
1 24 by the governor for the duration of the unexpired  
1 25 term. The salary of the four members of the  
1 26 commission appointed by the governor shall be twenty  
1 27 thousand dollars per year, except that the salary of  
1 28 the chairperson shall be twenty-five thousand dollars  
1 29 per year. Members of the commission shall also be  
1 30 reimbursed for all actual and necessary expenses  
1 31 incurred in the performance of duties as members.  
1 32 Meetings of the commission shall be held at the call  
1 33 of the chairperson of the commission. In addition to  
1 34 the four members appointed by the governor, the  
1 35 auditor of state or the auditor's designee shall serve  
1 36 as a

~~nonvoting, ex officio~~

- voting member of the

1 37 commission.  
1 38 The benefits and salary paid to the members of the  
1 39 commission shall be adjusted annually equal to the  
1 40 average of the annual pay adjustments, expense  
1 41 reimbursements, and related benefits provided under  
1 42 collective bargaining agreements negotiated pursuant  
1 43 to chapter 20.  
1 44 Sec. 2. Section [8D.11](#), subsection 1, Code 1995, is  
1 45 amended to read as follows:  
1 46 1. The commission may purchase, lease-purchase,  
1 47 lease, and improve property

~~and~~ equipment

~~and~~

1 48

~~services~~

- for telecommunications for public and private  
1 49 agencies and may dispose of property and equipment  
1 50 when not necessary for its purposes. However, the  
2 1 commission shall not enter into a contract for the  
2 2 purchase, lease-purchase, lease, or improvement of  
2 3 property

~~or~~ equipment

~~or services~~

- for  
2 4 telecommunications pursuant to this subsection in an  
2 5 amount greater than

~~five hundred thousand~~

~~one million~~

2 6 dollars without prior authorization by a  
2 7 constitutional majority of each house of the general  
2 8 assembly, or approval by the legislative council if  
2 9 the general assembly is not in session. The lease-  
2 10 purchase agreement may contain provisions, including  
2 11 interest, term, and obligations to make payments on  
2 12 the lease-purchase agreements, beyond the budget year  
2 13 in which the lease-purchase agreement is entered. For  
2 14 the purpose of funding its obligation to furnish  
2 15 moneys under a lease-purchase agreement entered into  
2 16 pursuant to this section, the treasurer of state, with  
2 17 the assistance of the Iowa telecommunications and  
2 18 technology commission or the treasurer of state's duly  
2 19 authorized agent or representative, may enter into a  
2 20 master lease agreement to borrow moneys to be used to  
2 21 purchase property or equipment for telecommunications  
2 22 services for public or private agencies. The  
2 23 obligations may be in such form, for such term,  
2 24 bearing such interest, and containing such provisions  
2 25 as the Iowa telecommunications and technology  
2 26 commission, in consultation with the treasurer of  
2 27 state, deems necessary or appropriate. The commission  
2 28 shall not issue any bonding or other long-term  
2 29 financing arrangements as defined in section 12.30,  
2 30 subsection 1, paragraph "b".

2 31 PARAGRAPH DIVIDED. The commission also shall not  
2 32 provide or resell communications services to entities  
2 33 other than public and private agencies. The public or  
2 34 private agency shall not provide communication  
2 35 services of the network to another entity unless  
2 36 otherwise authorized pursuant to this chapter. The  
2 37 commission may arrange for joint use of available  
2 38 services and facilities, and may enter into leases and  
2 39 agreements with private and public agencies with  
2 40 respect to the Iowa communications network, and public  
2 41 agencies are authorized to enter into leases and  
2 42 agreements with respect to the network for their use  
2 43 and operation. Rentals and other amounts due under  
2 44 the agreements or leases entered into pursuant to this  
2 45 section by a state agency are payable from funds  
2 46 annually appropriated by the general assembly or from  
2 47 other funds legally available. Other public agencies

2 48 may pay the rental costs and other amounts due under  
2 49 an agreement or lease from their annual budgeted funds  
2 50 or other funds legally available or to become  
3 1 available. This section comprises a complete and  
3 2 independent authorization and procedure for a public  
3 3 agency, with the approval of the commission, to enter  
3 4 into a lease or agreement and related security  
3 5 enhancement arrangements and this section is not a  
3 6 qualification of any other powers which a public  
3 7 agency may possess and the authorizations and powers  
3 8 granted under this section are not subject to the  
3 9 terms, requirements, or limitations of any other  
3 10 provisions of law. All moneys received by the  
3 11 commission from agreements and leases entered into  
3 12 pursuant to this section with private and public  
3 13 agencies shall be deposited in the Iowa communications  
3 14 network fund.

3 15 Sec. 3. Section [8D.13](#), Code Supplement 1995, is  
3 16 amended by adding the following new subsections:

3 17 NEW SUBSECTION. 12A. Access to the network shall  
3 18 not be permitted by an originating site or any  
3 19 receiving site associated with an interactive video  
3 20 application of the network unless at least one of the  
3 21 entities participating in the interactive video  
3 22 application is an authorized user of the network. For  
3 23 purposes of this subsection, a public or private  
3 24 agency authorized to access the network is not deemed  
3 25 to be an authorized user for purposes of the  
3 26 interactive video application or use if the public or  
3 27 private agency only provides its facility for use as  
3 28 the originating site or as a receiving site.

3 29 NEW SUBSECTION. 17A. Access to the network shall  
3 30 be offered to the department of public safety and the  
3 31 department of public defense for the purpose of  
3 32 establishing and operating a network to be used  
3 33 exclusively for shared data providing law enforcement,  
3 34 emergency management, disaster service, emergency  
3 35 warning, and other emergency information dissemination  
3 36 services to federal, state, and local law enforcement  
3 37 agencies as provided in section 80.9, and local  
3 38 emergency management offices established under the  
3 39 authority of sections 29C.9 and 29C.10.

3 40 Sec. 4. Section [68B.35](#), subsection 2, paragraph e,  
3 41 Code 1995, is amended to read as follows:

3 42 e. Members of the banking board, the ethics and  
3 43 campaign disclosure board, the credit union review  
3 44 board, the economic development board, the employment  
3 45 appeal board, the environmental protection commission,  
3 46 the health facilities council, the Iowa business  
3 47 investment corporation board of directors, the Iowa  
3 48 finance authority, the Iowa seed capital corporation,  
3 49 the Iowa public employees' retirement system  
3 50 investment board, the lottery board, the natural  
4 1 resource commission, the board of parole, the  
4 2 petroleum underground storage tank fund board, the  
4 3 public employment relations board, the state racing  
4 4 and gaming commission, the state board of regents, the  
4 5 tax review board, the transportation commission, the  
4 6 office of consumer advocate, the utilities board, the  
4 7 Iowa telecommunications and technology commission, and  
4 8 any full-time members of other boards and commissions  
4 9 as defined under section 7E.4 who receive an annual  
4 10 salary for their service on the board or commission.

4 11 Sec. 5. INTERIM STUDY. The legislative council is  
4 12 requested to establish an interim study for the  
4 13 purpose of determining the appropriate uses of the  
4 14 Iowa communications network. The committee appointed

4 15 to complete this study shall consult with the  
4 16 commission and other appropriate individuals in  
4 17 conducting this study.  
4 18 Sec. 6. APPOINTMENT OF NEW MEMBER - EFFECT ON  
4 19 EXISTING MEMBERSHIP.  
4 20 1. Notwithstanding section 8D.3, subsection 2, as  
4 21 amended by this Act, which provides for the  
4 22 appointment to the Iowa telecommunications and  
4 23 technology commission of two members who are  
4 24 knowledgeable in the area of telecommunications  
4 25 technology, members serving on the commission on the  
4 26 effective date of this Act shall be permitted to serve  
4 27 their full term. Upon expiration of the first term of  
4 28 a commission member following the effective date of  
4 29 this Act, a person shall be appointed to the  
4 30 commission who is knowledgeable in the area of  
4 31 telecommunications technology.  
4 32 2. One new member to be appointed who is  
4 33 knowledgeable in the area of telecommunications  
4 34 technology shall be appointed for an initial term of  
4 35 three years."  
4 36 #2. Title page, line 2, by inserting after the  
4 37 word "commission" the following: ", and providing for  
4 38 matters related to the authority and duties of the  
4 39 commission".  
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4 41  
4 42 \_\_\_\_\_  
4 43 BRUNKHORST of Bremer  
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4 46 \_\_\_\_\_  
4 47 HARRISON of Scott  
4 48 SF 2147.301 76  
4 49 mj/cf