

Senate Amendment 5792

Amendment Text

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1 1 Amend the House amendment, [S-5615](#), to [Senate File](#)
1 2 2147, as passed by the Senate, as follows:
1 3 #1. By striking page 1, line 5, through page 5,
1 4 line 42, 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~~

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1 8 five members appointed by the governor and subject to
1 9 confirmation by the senate. Members of the commission
1 10 shall not serve in any manner or be employed by an
1 11 authorized user of the network or by an entity seeking
1 12 to do or doing business with the network. The
1 13 governor shall appoint a member as the chairperson of
1 14 the commission from the

~~three~~

- five members appointed
1 15 by the governor, subject to confirmation by the
1 16 senate. Members of the commission shall serve six-
1 17 year staggered terms as designated by the governor and
1 18 appointments to the commission are subject to the
1 19 requirements of sections 69.16, 69.16A, and 69.19.
1 20 Vacancies shall be filled by the governor for the
1 21 duration of the unexpired term. The salary of the
1 22 members of the commission shall be twenty thousand
1 23 dollars per year, except that the salary of the
1 24 chairperson shall be twenty-five thousand dollars per
1 25 year. Members of the commission shall also be
1 26 reimbursed for all actual and necessary expenses
1 27 incurred in the performance of duties as members.
1 28 Meetings of the commission shall be held at the call
1 29 of the chairperson of the commission. In addition to
1 30 the members appointed by the governor, the auditor of
1 31 state or the auditor's designee shall serve as a
1 32 nonvoting, ex officio member of the commission.
1 33 The benefits and salary paid to the members of the
1 34 commission shall be adjusted annually equal to the
1 35 average of the annual pay adjustments, expense
1 36 reimbursements, and related benefits provided under
1 37 collective bargaining agreements negotiated pursuant
1 38 to chapter 20.
1 39 Sec. 2. Section [8D.11](#), subsection 1, Code 1995, is
1 40 amended to read as follows:
1 41 1. The commission may purchase, lease-purchase,
1 42 lease, and improve property

~~and equipment~~

~~, and~~

-
1 43

~~services~~

- for telecommunications for public and private
1 44 agencies and may dispose of property and equipment
1 45 when not necessary for its purposes. However, the
1 46 commission shall not enter into a contract for the
1 47 purchase, lease-purchase, lease, or improvement of
1 48 property

- or equipment

~~, or services~~

- for

1 49 telecommunications pursuant to this subsection in an
1 50 amount greater than

~~five hundred thousand~~

- one million

2 1 dollars without prior authorization by a
2 2 constitutional majority of each house of the general
2 3 assembly, or approval by the legislative council if
2 4 the general assembly is not in session. The lease-
2 5 purchase agreement may contain provisions, including
2 6 interest, term, and obligations to make payments on
2 7 the lease-purchase agreements, beyond the budget year
2 8 in which the lease-purchase agreement is entered. For
2 9 the purpose of funding its obligation to furnish
2 10 moneys under a lease-purchase agreement entered into
2 11 pursuant to this section, the treasurer of state, with
2 12 the assistance of the Iowa telecommunications and
2 13 technology commission or the treasurer of state's duly
2 14 authorized agent or representative, may enter into a
2 15 master lease agreement to borrow moneys to be used to
2 16 purchase property or equipment for telecommunications
2 17 services for public or private agencies. The
2 18 obligations may be in such form, for such term,
2 19 bearing such interest, and containing such provisions
2 20 as the Iowa telecommunications and technology
2 21 commission, in consultation with the treasurer of
2 22 state, deems necessary or appropriate. The commission
2 23 shall not issue any bonding or other long-term
2 24 financing arrangements as defined in section 12.30,
2 25 subsection 1, paragraph "b".

2 26 PARAGRAPH DIVIDED. The commission also shall not
2 27 provide or resell communications services to entities
2 28 other than public and private agencies. The public or
2 29 private agency shall not provide communication
2 30 services of the network to another entity unless
2 31 otherwise authorized pursuant to this chapter. The
2 32 commission may arrange for joint use of available
2 33 services and facilities, and may enter into leases and
2 34 agreements with private and public agencies with
2 35 respect to the Iowa communications network, and public
2 36 agencies are authorized to enter into leases and
2 37 agreements with respect to the network for their use
2 38 and operation. Rentals and other amounts due under
2 39 the agreements or leases entered into pursuant to this
2 40 section by a state agency are payable from funds
2 41 annually appropriated by the general assembly or from
2 42 other funds legally available. Other public agencies
2 43 may pay the rental costs and other amounts due under
2 44 an agreement or lease from their annual budgeted funds
2 45 or other funds legally available or to become
2 46 available. This section comprises a complete and
2 47 independent authorization and procedure for a public
2 48 agency, with the approval of the commission, to enter
2 49 into a lease or agreement and related security
2 50 enhancement arrangements and this section is not a

3 1 qualification of any other powers which a public
3 2 agency may possess and the authorizations and powers
3 3 granted under this section are not subject to the
3 4 terms, requirements, or limitations of any other
3 5 provisions of law. All moneys received by the
3 6 commission from agreements and leases entered into
3 7 pursuant to this section with private and public
3 8 agencies shall be deposited in the Iowa communications
3 9 network fund.

3 10 Sec. 3. Section [68B.35](#), subsection 2, paragraph e,
3 11 Code 1995, is amended to read as follows:

3 12 e. Members of the banking board, the ethics and
3 13 campaign disclosure board, the credit union review
3 14 board, the economic development board, the employment
3 15 appeal board, the environmental protection commission,
3 16 the health facilities council, the Iowa business
3 17 investment corporation board of directors, the Iowa
3 18 finance authority, the Iowa seed capital corporation,
3 19 the Iowa public employees' retirement system
3 20 investment board, the lottery board, the natural
3 21 resource commission, the board of parole, the
3 22 petroleum underground storage tank fund board, the
3 23 public employment relations board, the state racing
3 24 and gaming commission, the state board of regents, the
3 25 tax review board, the transportation commission, the
3 26 office of consumer advocate, the utilities board, the
3 27 Iowa telecommunications and technology commission, and
3 28 any full-time members of other boards and commissions
3 29 as defined under section 7E.4 who receive an annual
3 30 salary for their service on the board or commission.

3 31 Sec. 4. TASK FORCE ESTABLISHED.

3 32 1. The Iowa telecommunications and technology
3 33 commission established in section 8D.3 shall
3 34 coordinate and assist in the completion of a task
3 35 force study concerning the provision of access to the
3 36 network to authorized users, including access to the
3 37 Internet. The study shall include a review of any
3 38 legal and practical issues which are identified by the
3 39 commission or the individual members of the task force
3 40 created to conduct the study.

3 41 2. a. The Iowa telecommunications and technology
3 42 commission shall establish a task force to conduct the
3 43 study under subsection 1 composed of public members as
3 44 deemed appropriate by the commission.

3 45 b. In addition to the public members appointed by
3 46 the commission under paragraph "a", the majority and
3 47 minority leaders in the senate and the speaker and the
3 48 minority leader in the house of representatives shall
3 49 appoint one member each to serve on the task force.
3 50 The legislative appointees are eligible for per diem
4 1 and actual expenses in the fulfillment of their duties
4 2 as members of the task force.

4 3 3. The Iowa telecommunications and technology
4 4 commission shall utilize funds from the appropriation
4 5 for the study relating to the sale or conversion of
4 6 the network contained in 1995 Iowa Acts, chapter 210,
4 7 section 4, subsection 3, that remain unencumbered and
4 8 unobligated on the effective date of this section, for
4 9 the completion of the study to be conducted pursuant
4 10 to this section.

4 11 4. This section, being deemed of immediate
4 12 importance, takes effect upon enactment.

4 13 Sec. 5. INITIAL APPOINTMENTS OF NEW COMMISSION

4 14 MEMBERS. The two new members of the Iowa
4 15 telecommunications and technology commission provided
4 16 for in section 1 of this Act shall be appointed on or
4 17 before July 1, 1996, to the following terms:

4 18 1. One member shall be appointed for a term of
4 19 five years.

4 20 2. One member shall be appointed for a term of
4 21 three years."

4 22 #2. Title page, line 2, by inserting after the
4 23 word "commission" the following: ", providing for
4 24 matters relating to the authority and duties of the
4 25 commission, and providing an effective date".

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4 28 _____

4 29 ROBERT [DVORSKY](#)

4 30 [SF 2147.204](#) 76

4 31 mj/jj