

3-29-95 Do Pass

MAR 17 1995  
APPROPRIATIONS

HOUSE FILE 482  
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO HSB 270)

Passed House, Date <sup>(P.1612)</sup> 4-17-95 Passed Senate, Date 4/24/95 (P.1366)  
Vote: Ayes 85 Nays 11 Vote: Ayes 48 Nays 2  
~~Approved~~ 5/19/95  
*[Signature]*

A BILL FOR

1 An Act relating to the funding for the Iowa communications  
2 network and providing an appropriation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 482

1 Section 1. Section 8D.14, Code 1995, is amended to read as  
2 follows:

3 8D.14 IOWA COMMUNICATIONS NETWORK FUND.

4 There is created in the office of the treasurer of state a  
5 fund to be known as the Iowa communications network fund under  
6 the control of the Iowa telecommunications and technology  
7 commission. ~~There is appropriated from the general fund of~~  
8 ~~the state to the Iowa communications network fund for each~~  
9 ~~fiscal year of the fiscal period beginning July 1, 1991, and~~  
10 ~~ending June 30, 1996, the sum of five million dollars.~~ There  
11 shall also be deposited into the Iowa communications network  
12 fund proceeds from bonds issued for purposes of projects  
13 authorized pursuant to section 8D.13, funds received from  
14 leases pursuant to section 8D.11, and other moneys by law  
15 credited to or designated by a person for deposit into the  
16 fund.

17 Sec. 2. There is appropriated from the general fund of the  
18 state to the Iowa communications network fund under control of  
19 the Iowa telecommunications and technology commission for the  
20 fiscal year beginning July 1, 1995, and ending June 30, 1996,  
21 the following amount, or so much thereof as may be necessary,  
22 to be used for the purpose designated:

23 For debt service:  
24 ..... \$ 12,783,000

25 EXPLANATION

26 This bill amends section 8D.14 by striking language which  
27 appropriated \$5,000,000 to the Iowa communications network  
28 fund for each fiscal year of the fiscal period beginning July  
29 1, 1991, and ending June 30, 1996.

30 The bill also appropriates \$12,783,000 to the Iowa  
31 communications network fund for debt service.

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## HOUSE FILE 482

H-3914

1 Amend House File 482 as follows:

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

4 "Section 1. Section 8D.3, subsection 3, paragraph  
5 i, Code 1995, is amended to read as follows:  
6 i. Evaluate existing and projected rates for use  
7 of the system and ensure that rates are sufficient to  
8 pay for the operation of the system ~~except-to-the~~  
9 ~~extent-such-use-is-subsidized-by-general-fund~~  
10 ~~appropriations-as-authorized-by-the-general-assembly~~  
11 excluding the cost of construction and lease costs for  
12 Parts I, II, and III. The commission shall establish  
13 all hourly rates to be charged to all authorized users  
14 for the use of the network. A fee established by the  
15 commission to be charged to a hospital licensed  
16 pursuant to chapter 135B, a physician clinic, or the  
17 federal government shall be at an appropriate rate so  
18 that, at a minimum, there is no state subsidy related  
19 to the costs of the connection or use of the network  
20 related to such user.

21 Sec. \_\_\_\_\_. Section 8D.13, subsection 2, paragraph  
22 c, Code 1995, is amended to read as follows:

23 c. "Part III" means the communications connection  
24 between the secondary switching centers and the  
25 agencies defined in section 8D.2, subsections 4 and 5,  
26 excluding city, regional, and county libraries, state  
27 agencies, institutions under the control of the board  
28 of regents, nonprofit institutions of higher education  
29 eligible for tuition grants, and the judicial  
30 department, judicial district departments of  
31 correctional services, hospitals and physician  
32 clinics, agencies of the federal government, and post  
33 offices.

34 Sec. \_\_\_\_\_. Section 8D.13, subsections 3 and 16,  
35 Code 1995, are amended to read as follows:

36 3. The financing for the procurement costs for the  
37 entirety of Part I except for the communications  
38 connections between central switching and institutions  
39 under the control of the board of regents, and  
40 nonprofit institutions of higher education eligible  
41 for tuition grants, and for the video, data, and voice  
42 capacity for state agencies and for Part II and Part  
43 III, shall be provided by the state, except as  
44 provided in subsection 3A. The financing for the  
45 procurement and maintenance costs for Part III shall  
46 be provided by the state. A local school board,  
47 governing authority of a nonpublic school, or an area  
48 education agency board may elect to provide one  
49 hundred percent of the financing for the procurement  
50 and maintenance costs for Part III to become part of

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1 the network. The basis for the amount of state  
2 financing is one hundred percent of a single  
3 interactive audio and interactive video connection for  
4 Part III, and such data and voice capacity as is  
5 necessary. If a school board, governing authority of  
6 a nonpublic school, or area education agency board  
7 elects to provide one hundred percent of the financing  
8 for the leasing costs for Part III, the school  
9 district or area education agency may become part of  
10 the network as soon as the network can reasonably  
11 connect the district or agency. A local school board,  
12 governing authority of a nonpublic school, or an area  
13 education agency board may also elect not to become  
14 part of the network. Construction of Part III,  
15 related to a school board, governing authority of a  
16 nonpublic school, or area education agency board which  
17 provides one hundred percent of the financing for the  
18 leasing costs for Part III, may proceed as determined  
19 by the commission and consistent with the purpose of  
20 this chapter.

21 16. Access shall be offered to hospitals licensed  
22 pursuant to chapter 135B and physician clinics for  
23 diagnostic, clinical, consultative, data, and  
24 educational services for the purpose of developing a  
25 comprehensive, statewide telemedicine network, to an  
26 agency of the federal government, and to a post office  
27 defined as a public agency pursuant to section 8D.2,  
28 subsection 5. A hospital, physician clinic, an agency  
29 of the federal government, or a post office defined as  
30 a public agency pursuant to section 8D.2, subsection  
31 5, shall be responsible for all costs associated with  
32 becoming a part of the network and all operational  
33 costs associated with such entity's use of the  
34 network.

35 Sec. \_\_\_\_\_. Section 8D.13, Code 1995, is amended by  
36 adding the following new subsections:

37 NEW SUBSECTION. 3A. A local school board or  
38 governing authority of a nonpublic school shall  
39 provide one hundred percent of the financing for the  
40 procurement and maintenance costs for a Part III  
41 connection associated with the connection of an  
42 administrative facility or office which is not used  
43 primarily for student instruction in grades  
44 kindergarten through twelve.

45 NEW SUBSECTION. 12A. Access to the network shall  
46 not be permitted by an originating site or any  
47 receiving site associated with an interactive video  
48 application of the network unless at least one of the  
49 entities associated with the interactive video  
50 application is an authorized user of the network. For

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Page 3

1 purposes of this subsection, a public or private  
2 agency authorized to access the network is not deemed  
3 to be an authorized user for purposes of the  
4 interactive video application or use if the agency  
5 only provides its facility for use as the originating  
6 site or as a receiving site.

7 NEW SUBSECTION. 13B. Access to the network shall  
8 not be offered or provided to an unauthorized user  
9 pursuant to an agreement entered into pursuant to  
10 chapter 28E between any public or private agency and  
11 such unauthorized user.

12 Sec. 101. There is appropriated from the general  
13 fund of the state to the Iowa communications network  
14 fund created in section 8D.14 for the fiscal year  
15 beginning July 1, 1994, and ending June 30, 1995, the  
16 following amount, or so much thereof as is necessary:

17 ..... \$ 5,202,234

18 Sec. \_\_\_\_\_. There is appropriated from the general  
19 fund of the state to the Iowa communications network  
20 fund created in section 8D.14 for the fiscal year  
21 beginning July 1, 1995, and ending June 30, 1996, the  
22 following amount, or so much thereof as is necessary,  
23 to be used for the purposes designated:

24 1. OPERATIONS

25 For salaries, support, maintenance, miscellaneous  
26 purposes, and for not more than the following full-  
27 time equivalent positions:

28 ..... \$ 4,658,185

29 ..... FTEs 56.0

30 Of the amount appropriated in this subsection,  
31 \$3,200,000 shall be deposited in a separate temporary  
32 account established for the fiscal year beginning July  
33 1, 1995, and ending June 30, 1996, in the Iowa  
34 communications network fund, to be used for the  
35 subsidization of video rates for authorized users as  
36 determined by the commission and consistent with  
37 chapter 8D.

38 2. NETWORK OPERATIONS REVOLVING FUND

39 For a network operations revolving account  
40 established in the Iowa communications network fund:

41 ..... \$ 1,000,000

42 3. STUDY AND DEVELOPMENT OF REQUEST FOR PROPOSALS  
43 FOR SALE.

44 For the coordination and completion of the study  
45 relating to the sale or conversion of the Iowa  
46 communications network pursuant to House File 461, if  
47 enacted by the general assembly during the 1995  
48 regular session, the following amount, or so much  
49 thereof as is necessary:

50 ..... \$ 250,000

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Page 4

1 Sec. \_\_\_\_ . There is appropriated from the general  
2 fund of the state to the public broadcasting division  
3 in the department of education for the fiscal year  
4 beginning July 1, 1995, and ending June 30, 1996, the  
5 following amount, or so much thereof as is necessary,  
6 to be used for the purpose designated:

7 ..... \$ 361,420

8 Sec. \_\_\_\_ . Section 101 of this Act, being deemed of  
9 immediate importance, takes effect upon enactment."

10 2. By renumbering as necessary.

By BRUNKHORST of Bremer

WISE of Lee

CORMACK of Webster

MYERS of Johnson

H-3914 FILED APRIL 12, 1995

*adopted 4-17-95 (p.1611)*

HOUSE FILE 482

H-3952

1 Amend the amendment, H-3914, to House File 482 as  
2 follows:

3 1. Page 1, line 29, by inserting after the word  
4 "grants," the following: "school corporations  
5 established under chapter 273,".

By MEYER of Sac

H-3952 FILED APRIL 17, 1995

*Lost 4-17-95 (p.1611)*

5-4/19/95 Do Pass

HOUSE FILE 482  
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO HSB 270)

(As Amended and Passed by the House April 17, 1995)

Passed House, Date <sup>(p.19/12)</sup> 4/26/95 Passed Senate, Date 4/24/95 (p.1366)  
Vote: Ayes 92 Nays 6 Vote: Ayes 48 Nays 2  
Approved 5/19/95  
*Item returned*

A BILL FOR

1 An Act relating to the funding for the Iowa communications  
2 network and providing an appropriation.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 8D.3, subsection 3, paragraph i, Code  
2 1995, is amended to read as follows:

3 i. Evaluate existing and projected rates for use of the  
4 system and ensure that rates are sufficient to pay for the  
5 operation of the system ~~except to the extent such use is~~  
6 ~~subsidized by general fund appropriations as authorized by the~~  
7 ~~general assembly~~ excluding the cost of construction and lease  
8 costs for Parts I, II, and III. The commission shall  
9 establish all hourly rates to be charged to all authorized  
10 users for the use of the network. A fee established by the  
11 commission to be charged to a hospital licensed pursuant to  
12 chapter 135B, a physician clinic, or the federal government  
13 shall be at an appropriate rate so that, at a minimum, there  
14 is no state subsidy related to the costs of the connection or  
15 use of the network related to such user.

16 Sec. 2. Section 8D.13, subsection 2, paragraph c, Code  
17 1995, is amended to read as follows:

18 c. "Part III" means the communications connection between  
19 the secondary switching centers and the agencies defined in  
20 section 8D.2, subsections 4 and 5, excluding city, regional,  
21 and county libraries, state agencies, institutions under the  
22 control of the board of regents, nonprofit institutions of  
23 higher education eligible for tuition grants, and the judicial  
24 department, judicial district departments of correctional  
25 services, hospitals and physician clinics, agencies of the  
26 federal government, and post offices.

27 Sec. 3. Section 8D.13, subsections 3 and 16, Code 1995,  
28 are amended to read as follows:

29 3. The financing for the procurement costs for the  
30 entirety of Part I except for the communications connections  
31 between central switching and institutions under the control  
32 of the board of regents, and nonprofit institutions of higher  
33 education eligible for tuition grants, and for the video,  
34 data, and voice capacity for state agencies and for Part II  
35 and Part III, shall be provided by the state, except as

1 provided in subsection 3A. The financing for the procurement  
2 and maintenance costs for Part III shall be provided by the  
3 state. A local school board, governing authority of a  
4 nonpublic school, or an area education agency board may elect  
5 to provide one hundred percent of the financing for the  
6 procurement and maintenance costs for Part III to become part  
7 of the network. The basis for the amount of state financing  
8 is one hundred percent of a single interactive audio and  
9 interactive video connection for Part III, and such data and  
10 voice capacity as is necessary. If a school board, governing  
11 authority of a nonpublic school, or area education agency  
12 board elects to provide one hundred percent of the financing  
13 for the leasing costs for Part III, the school district or  
14 area education agency may become part of the network as soon  
15 as the network can reasonably connect the district or agency.  
16 A local school board, governing authority of a nonpublic  
17 school, or an area education agency board may also elect not  
18 to become part of the network. Construction of Part III,  
19 related to a school board, governing authority of a nonpublic  
20 school, or area education agency board which provides one  
21 hundred percent of the financing for the leasing costs for  
22 Part III, may proceed as determined by the commission and  
23 consistent with the purpose of this chapter.

24 16. Access shall be offered to hospitals licensed pursuant  
25 to chapter 135B and physician clinics for diagnostic,  
26 clinical, consultative, data, and educational services for the  
27 purpose of developing a comprehensive, statewide telemedicine  
28 network, to an agency of the federal government, and to a post  
29 office defined as a public agency pursuant to section 8D.2,  
30 subsection 5. A hospital, physician clinic, an agency of the  
31 federal government, or a post office defined as a public  
32 agency pursuant to section 8D.2, subsection 5, shall be  
33 responsible for all costs associated with becoming a part of  
34 the network and all operational costs associated with such  
35 entity's use of the network.

1 Sec. 4. Section 8D.13, Code 1995, is amended by adding the  
2 following new subsections:

3 NEW SUBSECTION. 3A. A local school board or governing  
4 authority of a nonpublic school shall provide one hundred  
5 percent of the financing for the procurement and maintenance  
6 costs for a Part III connection associated with the connection  
7 of an administrative facility or office which is not used  
8 primarily for student instruction in grades kindergarten  
9 through twelve.

10 NEW SUBSECTION. 12A. Access to the network shall not be  
11 permitted by an originating site or any receiving site  
12 associated with an interactive video application of the  
13 network unless at least one of the entities associated with  
14 the interactive video application is an authorized user of the  
15 network. For purposes of this subsection, a public or private  
16 agency authorized to access the network is not deemed to be an  
17 authorized user for purposes of the interactive video  
18 application or use if the agency only provides its facility  
19 for use as the originating site or as a receiving site.

20 NEW SUBSECTION. 13B. Access to the network shall not be  
21 offered or provided to an unauthorized user pursuant to an  
22 agreement entered into pursuant to chapter 28E between any  
23 public or private agency and such unauthorized user.

24 Sec. 5. There is appropriated from the general fund of the  
25 state to the Iowa communications network fund created in  
26 section 8D.14 for the fiscal year beginning July 1, 1994, and  
27 ending June 30, 1995, the following amount, or so much thereof  
28 as is necessary:

29 ..... \$ 5,202,234

30 Sec. 6. There is appropriated from the general fund of the  
31 state to the Iowa communications network fund created in  
32 section 8D.14 for the fiscal year beginning July 1, 1995, and  
33 ending June 30, 1996, the following amount, or so much thereof  
34 as is necessary, to be used for the purposes designated:

35 1. OPERATIONS

1 For salaries, support, maintenance, miscellaneous purposes,  
2 and for not more than the following full-time equivalent  
3 positions:

4 ..... \$ 4,658,185  
5 ..... FTEs 56.0

6 Of the amount appropriated in this subsection, \$3,200,000  
7 shall be deposited in a separate temporary account established  
8 for the fiscal year beginning July 1, 1995, and ending June  
9 30, 1996, in the Iowa communications network fund, to be used  
10 for the subsidization of video rates for authorized users as  
11 determined by the commission and consistent with chapter 8D.

12 2. NETWORK OPERATIONS REVOLVING FUND

13 For a network operations revolving account established in  
14 the Iowa communications network fund:

15 ..... \$ 1,000,000

16 3. STUDY AND DEVELOPMENT OF REQUEST FOR PROPOSALS FOR  
17 SALE.

18 For the coordination and completion of the study relating  
19 to the sale or conversion of the Iowa communications network  
20 pursuant to House File 461, if enacted by the general assembly  
21 during the 1995 regular session, the following amount, or so  
22 much thereof as is necessary:

23 ..... \$ 250,000

24 Sec. 7. There is appropriated from the general fund of the  
25 state to the public broadcasting division in the department of  
26 education for the fiscal year beginning July 1, 1995, and  
27 ending June 30, 1996, the following amount, or so much thereof  
28 as is necessary, to be used for the purpose designated:

29 ..... \$ 361,420

30 Sec. 8. Section 5 of this Act, being deemed of immediate  
31 importance, takes effect upon enactment.

32 Sec. 9. Section 8D.14, Code 1995, is amended to read as  
33 follows:

34 8D.14 IOWA COMMUNICATIONS NETWORK FUND.

35 There is created in the office of the treasurer of state a

1 fund to be known as the Iowa communications network fund under  
2 the control of the Iowa telecommunications and technology  
3 commission. ~~There is appropriated from the general fund of~~  
4 ~~the state to the Iowa communications network fund for each~~  
5 ~~fiscal year of the fiscal period beginning July 1, 1991, and~~  
6 ~~ending June 30, 1996, the sum of five million dollars.~~ There  
7 shall also be deposited into the Iowa communications network  
8 fund proceeds from bonds issued for purposes of projects  
9 authorized pursuant to section 8D.13, funds received from  
10 leases pursuant to section 8D.11, and other moneys by law  
11 credited to or designated by a person for deposit into the  
12 fund.

13 Sec. 10. There is appropriated from the general fund of  
14 the state to the Iowa communications network fund under  
15 control of the Iowa telecommunications and technology  
16 commission for the fiscal year beginning July 1, 1995, and  
17 ending June 30, 1996, the following amount, or so much thereof  
18 as may be necessary, to be used for the purpose designated:

19 For debt service:  
20 ..... \$ 12,783,000

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HOUSE FILE 482

S-3495

1 Amend House File 482, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, line 18, by striking the words  
4 "coordination and".

5 2. Page 4, by inserting after line 23 the  
6 following:

7 "4. STUDY COORDINATOR.

8 For the annual salary rate to be paid to the  
9 coordinator of the study relating to the sale or  
10 conversion of the Iowa communications network pursuant  
11 to House File 461, if enacted by the general assembly  
12 during the 1995 regular session:

13 ..... \$ 102,000

14 The Iowa telecommunications and technology  
15 commission shall employ an individual to coordinate  
16 and oversee the completion of the study relating to  
17 the sale or conversion of the Iowa communications  
18 network pursuant to House File 461, if enacted by the  
19 general assembly during the 1995 regular session. The  
20 individual shall work with the commission and the  
21 general assembly in fulfilling the individual's  
22 duties. Upon completion of the study, the individual  
23 shall work with the general assembly and the governor  
24 in coordinating the implementation of the  
25 recommendations of the study, as appropriate. The  
26 individual shall also work with the general assembly  
27 and the governor in developing a long-term plan  
28 related to the network consistent with the  
29 recommendations of the study."

By STEVEN D. HANSEN

S-3495 FILED APRIL 19, 1995

WITHDRAWN 4/25/95 (p. 1359)

HOUSE FILE 482

S-3499

1 Amend House File 482, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 16, through page 3, A  
4 line 23.

5 2. Page 4, by striking lines 16 and 17 and  
6 inserting the following:

7 "3. STUDY RELATING TO SALE OR CONVERSION OF  
8 NETWORK."

9 3. Page 5, by inserting after line 20 the  
10 following:

11 "Upon the appropriation of the funds in this  
12 section to the Iowa communications network fund, the  
13 Iowa telecommunications and technology commission  
14 shall immediately transfer \$12,783,000 of the  
15 appropriated amount to a separate fund established in B  
16 the office of the treasurer of state, to be used  
17 solely for debt service for the Iowa communications  
18 network. The commission shall certify to the  
19 treasurer of state when a debt service payment is due,  
20 and upon receipt of the certification the treasurer  
21 shall make the payment. The commission shall pay any  
22 additional amount due from funds deposited in the Iowa  
23 communications network fund."

24 4. By renumbering as necessary.

By TOM FLYNN  
ROBERT DVORSKY

S-3499 FILED APRIL 19, 1995

A- Adopted as amended (p. 1365) B- Adopted 4/25/95 (p. 1359)

HOUSE FILE 482

S-3511

1 Amend House File 482, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 4, line 1, by inserting after the word  
4 "purposes," the following: "for the subsidization of  
5 video rates for authorized users as determined by the  
6 commission and consistent with chapter 8D,".

7 2. Page 4, by striking lines 6 through 11.

By DERRYL McLAREN

S-3511 FILED APRIL 20, 1995

*Adopted 4/25/95 (p. 1359)*

HOUSE FILE 482

S-3550

1 Amend House File 482, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 23 the  
4 following:

5 "Sec. \_\_\_\_ . Section 8D.13, Code 1995, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 5A. Notwithstanding subsection 5,  
8 the state may own fiber optic cable facilities or  
9 facilities with DS-3 capacity for a part III

10 connection which is a spur connection. For purposes  
11 of this subsection, "spur connection" means a  
12 connection which is associated with a part III  
13 authorized user which is a school district, a library,  
14 or an area education agency and which is located no  
15 more than one and one-half miles from a fiber optic  
16 cable route used or to be used for connecting a  
17 facility, identified in the Iowa national guard  
18 request for proposals dated October 10, 1994, and any  
19 subsequent addendum, to the network, or no more than  
20 one and one-half miles from an Iowa national guard  
21 facility which is or is to be connected to the  
22 network. The spur connection shall be for a single  
23 site within the school district, library, or area  
24 education agency as determined by the local school  
25 board, governing authority of the library, or area  
26 education agency board, and approved by the  
27 commission. The spur connection shall be no more than  
28 one and one-half miles long and shall be connected to  
29 such fiber optic cable route or national guard  
30 facility.

31 Sec. \_\_\_\_ . There is appropriated from the general  
32 fund of the state to the Iowa telecommunications  
33 network fund under the control of the Iowa  
34 telecommunications and technology commission for the  
35 fiscal year beginning July 1, 1995, and ending June  
36 30, 1996, the following amount, or so much thereof as  
37 may be necessary, to be deposited in a separate  
38 account and to be used, notwithstanding section 8D.13,  
39 for costs associated with spur connections to the  
40 network as defined in section 8D.13, subsection 5A,  
41 which extend from a connection to an Iowa national  
42 guard facility:

43 ..... \$ 1,000,000"

44 2. By renumbering as necessary.

By ROD HALVORSON

S-3550 FILED APRIL 24, 1995

LOST (p.1359)

## HOUSE FILE 482

S-3554

1 Amend the amendment, S-3499, to House File 482, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 3 and 4 and  
5 inserting the following:

6 "\_\_\_\_\_. By striking page 1, line 16, through page  
7 3, line 19, and inserting the following:

8 "Sec. \_\_\_\_\_. Section 8D.13, Code 1995, is amended by  
9 adding the following new subsection:""

By TOM FLYNN

ROBERT DVORSKY

DERRYL McLAREN

S-3554 FILED APRIL 24, 1995

ADOPTED (p. 1365)

## HOUSE FILE 482

H-4073

- 1 Amend the Senate amendment, H-4059, to House File  
 2 482, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 3 through 11 and  
 5 inserting the following:  
 6 "\_\_\_\_\_. Page 4, line 6, by striking the figure  
 7 "\$3,200,000" and inserting the following:  
 8 "\$2,000,000".  
 9 \_\_\_\_\_. Page 4, by striking lines 10 and 11 and  
 10 inserting the following: "for the subsidization of  
 11 video rates for authorized users that are public  
 12 school districts or accredited nonpublic schools."  
 13 2. Renumber as necessary.

By BRUNKHORST of Bremer

V H-4073 FILED APRIL 25, 1995

4-26-95

(P. 1912)

## SENATE AMENDMENT TO HOUSE FILE 482

H-4059

- 1 Amend House File 482, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 16, through page 3,  
 4 line 19, and inserting the following:  
 5 "Sec. \_\_\_\_\_. Section 8D.13, Code 1995, is amended by  
 6 adding the following new subsection:"  
 7 2. Page 4, line 1, by inserting after the word  
 8 "purposes," the following: "for the subsidization of  
 9 video rates for authorized users as determined by the  
 10 commission and consistent with chapter 8D,".  
 11 3. Page 4, by striking lines 6 through 11.  
 12 4. Page 4, by striking lines 16 and 17 and  
 13 inserting the following:  
 14 "3. STUDY RELATING TO SALE OR CONVERSION OF  
 15 NETWORK."  
 16 5. Page 5, by inserting after line 20 the  
 17 following:  
 18 "Upon the appropriation of the funds in this  
 19 section to the Iowa communications network fund, the  
 20 Iowa telecommunications and technology commission  
 21 shall immediately transfer \$12,783,000 of the  
 22 appropriated amount to a separate fund established in  
 23 the office of the treasurer of state, to be used  
 24 solely for debt service for the Iowa communications  
 25 network. The commission shall certify to the  
 26 treasurer of state when a debt service payment is due,  
 27 and upon receipt of the certification the treasurer  
 28 shall make the payment. The commission shall pay any  
 29 additional amount due from funds deposited in the Iowa  
 30 communications network fund."  
 31 6. By renumbering, relettering, or redesignating  
 32 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4059 FILED APRIL 25, 1995

House Concurred  
 4/26/95  
 (P. 1912)

HSB 270

→ CORINAK, Chair

TECHNOLOGY

→ FRIE

Succeeded

→ BRAND

HOUSE FILE 482

BY (PROPOSED COMMITTEE ON  
TECHNOLOGY BILL BY CHAIR-  
PERSON BRUNKHORST)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the funding for the Iowa communications  
2 network and providing an appropriation.

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

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1 Section 1. Section 8D.14, Code 1995, is amended to read as  
2 follows:

3 8D.14 IOWA COMMUNICATIONS NETWORK FUND.

4 There is created in the office of the treasurer of state a  
5 fund to be known as the Iowa communications network fund under  
6 the control of the Iowa telecommunications and technology  
7 commission. ~~There is appropriated from the general fund of~~  
8 ~~the state to the Iowa communications network fund for each~~  
9 ~~fiscal year of the fiscal period beginning July 1, 1991, and~~  
10 ~~ending June 30, 1996, the sum of five million dollars.~~ There  
11 shall also be deposited into the Iowa communications network  
12 fund proceeds from bonds issued for purposes of projects  
13 authorized pursuant to section 8D.13, funds received from  
14 leases pursuant to section 8D.11, and other moneys by law  
15 credited to or designated by a person for deposit into the  
16 fund.

17 Sec. 2. There is appropriated from the general fund of the  
18 state to the Iowa communications network fund under control of  
19 the Iowa telecommunications and technology commission for the  
20 fiscal year beginning July 1, 1995, and ending June 30, 1996,  
21 the following amount, or so much thereof as may be necessary,  
22 to be used for the purpose designated:

23 For debt service:

24 ..... \$ 12,783,000

25 EXPLANATION

26 This bill amends section 8D.14 by striking language which  
27 appropriated \$5,000,000 to the Iowa communications network  
28 fund for each fiscal year of the fiscal period beginning July  
29 1, 1991, and ending June 30, 1996.

30 The bill also appropriates \$12,783,000 to the Iowa  
31 communications network fund for debt service.

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OFFICE OF THE GOVERNOR

STATE CAPITOL  
DES MOINES, IOWA 50319  
515 281-5211

TERRY E. BRANSTAD  
GOVERNOR

May 19, 1995

RECEIVED

MAY 19 1995

LEGISLATIVE SERVICE  
BUREAU

The Honorable Paul Pate  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 482, an act relating to the funding for the Iowa Communications Network and providing an appropriation.

House File 482 is, therefore, approved on this date with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 2, in its entirety. This item imposes new restrictions on Iowans' use of the Iowa Communications Network (ICN). The network should be accessible to the greatest extent possible so that Iowans can benefit from this new technology, particularly in the areas of education and medicine. This provision would unnecessarily restrict that access.

Further, the Iowa Telecommunications and Technology Commission currently has authority to set policy relating to the ICN, including establishing reasonable limits on use of the network. I have confidence that the Commission will do so appropriately.

For the above reason, I hereby respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in House File 482 are hereby approved as of this date.

Sincerely,

Terry E. Branstad  
Governor

TEB/ps

cc: Secretary of the Senate  
Chief Clerk of the House

*Item Utland*

HOUSE FILE 482

AN ACT

RELATING TO THE FUNDING FOR THE IOWA COMMUNICATIONS NETWORK AND PROVIDING AN APPROPRIATION.

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

Section 1. Section 8D.3, subsection 3, paragraph i, Code 1995, is amended to read as follows:

i. Evaluate existing and projected rates for use of the system and ensure that rates are sufficient to pay for the operation of the system ~~except to the extent such use is subsidized by general fund appropriations as authorized by the general assembly~~ excluding the cost of construction and lease costs for Parts I, II, and III. The commission shall establish all hourly rates to be charged to all authorized users for the use of the network. A fee established by the commission to be charged to a hospital licensed pursuant to chapter 135B, a physician clinic, or the federal government shall be at an appropriate rate so that, at a minimum, there is no state subsidy related to the costs of the connection or use of the network related to such user.

Sec. 2. Section 8D.13, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 13B. Access to the network shall not be offered or provided to an unauthorized user pursuant to an agreement entered into pursuant to chapter 28E between any public or private agency and such unauthorized user.

*Utland*

Sec. 3. There is appropriated from the general fund of the state to the Iowa communications network fund created in section 8D.14 for the fiscal year beginning July 1, 1994, and

ending June 30, 1995, the following amount, or so much thereof as is necessary:

..... \$ 5,202,234

Sec. 4. There is appropriated from the general fund of the state to the Iowa communications network fund created in section 8D.14 for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. OPERATIONS

For salaries, support, maintenance, miscellaneous purposes, for the subsidization of video rates for authorized users as determined by the commission and consistent with chapter 8D, and for not more than the following full-time equivalent positions:

..... \$ 4,658,185  
..... FTEs 56.0

2. NETWORK OPERATIONS REVOLVING FUND

For a network operations revolving account established in the Iowa communications network fund:

..... \$ 1,000,000

3. STUDY RELATING TO SALE OR CONVERSION OF NETWORK.

For the coordination and completion of the study relating to the sale or conversion of the Iowa communications network pursuant to House File 461, if enacted by the general assembly during the 1995 regular session, the following amount, or so much thereof as is necessary:

..... \$ 250,000

Sec. 5. There is appropriated from the general fund of the state to the public broadcasting division in the department of education for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

..... \$ 361,420

Sec. 6. Section 3 of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. Section 8D.14, Code 1995, is amended to read as follows:

8D.14 IOWA COMMUNICATIONS NETWORK FUND.

There is created in the office of the treasurer of state a fund to be known as the Iowa communications network fund under the control of the Iowa telecommunications and technology commission. ~~There is appropriated from the general fund of the state to the Iowa communications network fund for each fiscal year of the fiscal period beginning July 1, 1991, and ending June 30, 1996, the sum of five million dollars.~~ There shall also be deposited into the Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 8D.13, funds received from leases pursuant to section 8D.11, and other moneys by law credited to or designated by a person for deposit into the fund.

Sec. 8. There is appropriated from the general fund of the state to the Iowa communications network fund under control of the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 1995, and ending June 30, 1996, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

For debt service:

..... \$ 12,783,000

Upon the appropriation of the funds in this section to the Iowa communications network fund, the Iowa telecommunications and technology commission shall immediately transfer \$12,783,000 of the appropriated amount to a separate fund established in the office of the treasurer of state, to be used solely for debt service for the Iowa communications network. The commission shall certify to the treasurer of state when a debt service payment is due, and upon receipt of the certification the treasurer shall make the payment. The commission shall pay any

additional amount due from funds deposited in the Iowa communications network fund.

\_\_\_\_\_  
RON J. CORBETT  
Speaker of the House

\_\_\_\_\_  
LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 482, Seventy-sixth General Assembly.

*Item Vetoed*  
*Day 19*  
Approved \_\_\_\_\_, 1995

\_\_\_\_\_  
ELIZABETH ISAACSON  
Chief Clerk of the House

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor