

APR 27 1995

APPROPRIATIONS CALENDAR

HOUSE FILE 578

BY COMMITTEE ON APPROPRIATIONS

Passed House, (P.2027) Date 4-27-95 Passed Senate, (P.1531) Date 4/29/95  
 Vote: Ayes 73 Nays 26 Vote: Ayes 31 Nays 19  
 Approved May 31, 1995

A BILL FOR

1 An Act relating to the Iowa communications network by providing  
 2 for the connection and support of certain Part III users,  
 3 directing the commission to develop a request for proposals  
 4 for additional connections, making appropriations, and making  
 5 related statutory changes.

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

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HF 578

1 Section 1. PART III EXPANSION.

2 1. a. There is appropriated from the rebuild Iowa  
3 infrastructure account of the state created in section 8.57,  
4 subsection 5, to the Iowa telecommunications network fund  
5 under the control of the Iowa telecommunications and  
6 technology commission for the fiscal year beginning July 1,  
7 1995, and ending June 30, 1996, the following amount, or so  
8 much thereof as is necessary, to be used for the purpose  
9 designated:

10 For the connection of certain Part III sites as provided in  
11 this subsection:

12 ..... \$ 15,675,000

13 b. The following conditions shall apply to the  
14 appropriation made in this section:

15 That the following sites shall be connected during the  
16 fiscal year for which the appropriations are made:

17 (1) Authorized Part III sites within merged areas II and  
18 VI which are school corporations or accredited nonpublic  
19 schools.

20 (2) All remaining area education agencies which are not  
21 connected to the network.

22 (3) Authorized Part III sites which are school  
23 corporations or accredited nonpublic schools associated with  
24 the low site-by-site bids submitted in response to the request  
25 for proposals for Part III of the network, to the extent that  
26 the funds appropriated in this subsection will permit their  
27 connection after the connection of sites identified in  
28 subparagraphs (1) and (2).

29 c. It is the intent of the general assembly that during  
30 the fiscal year beginning July 1, 1996, and ending June 30,  
31 1997, that authorized Part III sites within merged areas III,  
32 X, XI, and XII, which are school corporations or accredited  
33 nonpublic schools associated with the low site-by-site bids  
34 submitted in response to the request for proposals for Part  
35 III of the network, be connected to the network. In

1 determining which authorized Part III sites to connect, the  
2 commission shall also consider the need of such sites within  
3 each merged area and the readiness of the sites to be  
4 connected and to utilize the network.

5 2. a. The commission shall reject all remaining proposals  
6 submitted in response to the request for proposals associated  
7 with Part III sites which are not connected pursuant to  
8 subsection 1, and shall develop a request for proposals as  
9 follows:

10 For the fiscal period beginning July 1, 1997, and ending  
11 June 30, 1999, for the connection of Part III sites which are  
12 school corporations or accredited nonpublic schools within the  
13 remaining merged areas, and for the connection of four  
14 libraries to be selected by the Iowa telecommunications and  
15 technology commission as a pilot project. The commission  
16 shall determine which merged area sites shall be connected in  
17 each fiscal year of the fiscal period based upon the need of  
18 such sites within each merged area and the readiness of the  
19 sites to be connected to the network. The four libraries  
20 shall be selected based upon the need of the community which  
21 is served by the library for a connection to the network. The  
22 connection provided to three of the libraries shall be for an  
23 interactive video classroom facility. The remaining library  
24 shall be provided a connection with sufficient capacity for  
25 data requirements of the library. The basis for the amount of  
26 funding to be provided to the library to be provided the data  
27 connection shall be based on providing a connection for an  
28 interactive video classroom facility but with any remaining  
29 funding to be used to provide for the computerization of the  
30 library. The request for proposals shall be only for Part III  
31 sites within each merged area which are school corporations or  
32 accredited nonpublic schools and for the four libraries.

33 b. The request for proposals developed pursuant to this  
34 subsection shall provide for all of the following:

35 (1) A lease period of ten years or more for the fiber

1 optic facilities, excluding the optronics and other hardware.

2 (2) Even payments over the term of the lease.

3 (3) Fiber optic cable facilities or facilities with DS-3  
4 capacity for one interactive video classroom facility per  
5 site, except as otherwise provided.

6 (4) Notwithstanding provisions of chapter 8D to the  
7 contrary, flexibility in providing for the connection to the  
8 network through sites other than the county point of presence.

9 These sites may include existing regeneration sites or  
10 connections to existing fiber optic cable routes associated  
11 with the network. It is the intent of the general assembly  
12 that the commission, in determining the sites where a  
13 connection may be made, consider the potential cost reduction  
14 in providing such connections and maintaining the integrity of  
15 the switching.

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

23 For partial funding of the connections of the Iowa braille  
24 and sight saving school established under chapter 269 and the  
25 school for the deaf established under chapter 270:  
26 ..... \$ 225,000

27 Sec. 3. UNIVERSITY OF NORTHERN IOWA. There is  
28 appropriated from the general fund of the state to the state  
29 board of regents for the fiscal year beginning July 1, 1995,  
30 and ending June 30, 1996, the following amount, or so much  
31 thereof as is necessary, to be used for the purpose  
32 designated:

33 For the center for educational technology at the university  
34 of northern Iowa to coordinate staff development for educators  
35 using educational technology in this state for the purpose of

1 providing for distance learning instruction for Iowa teachers:  
2 ..... \$ 200,000

3 Sec. 4. DEPARTMENT OF EDUCATION. There is appropriated  
4 from the general fund of the state to the department of  
5 education for the fiscal year beginning July 1, 1995, and  
6 ending June 30, 1996, the following amounts, or so much  
7 thereof as is necessary, to be used for the purposes desig-  
8 nated:

9 1. For scheduling and training costs incurred in a merged  
10 area related to the use of the network:  
11 ..... \$ 450,000

12 The funds appropriated in this subsection shall be  
13 administered by, and allocated equally to, each of the  
14 regional telecommunications councils established pursuant to  
15 section 8D.5.

16 2. For costs incurred by the public broadcasting division  
17 in providing support for functions related to the network,  
18 including but not limited to the following functions:

19 scheduling for video classrooms; design, preparation, and  
20 support of interactive classrooms; development of a central  
21 information source on the Internet relating to the network;  
22 and coordinating the work of the education telecommunications  
23 council. The division is authorized an additional 4 FTEs for  
24 the purpose of providing such support:

25 ..... \$ 200,000

26 Sec. 5. ADDITIONAL CONDITIONS.

27 1. Notwithstanding section 8D.13, subsection 5, the state  
28 may own and the commission shall provide for the construction  
29 and connection to the network of all of the following:

- 30 a. The heartland area education agency.
- 31 b. Fort Madison high school.
- 32 c. Up to twenty sites identified by the commission which  
33 are Part III authorized users and which can be connected to a  
34 national guard fiber optic cable route, or a spur associated  
35 with such route, used or to be used for connecting a facility,

1 and which are identified by the commission and communicated to  
2 the general assembly. In determining which sites to connect  
3 pursuant to this paragraph, the commission shall consider the  
4 potential savings which may result when compared with other  
5 alternatives for connecting such sites.

6 d. Up to two sites identified by the commission which are  
7 Part III authorized users and which are associated with the  
8 Rock Island-Iowa national guard fiber project.

9 2. The commission shall provide in any agreements entered  
10 into for the purpose of completing connections identified in  
11 this section, that the person with whom such agreement is made  
12 shall not, at the time the spur connection is completed,  
13 include or install any other fiber optic cable facility or  
14 other similar facility which is not owned by the state within  
15 the sheath which contains the fiber optic cable facility which  
16 is to be owned by the state at the time the fiber optic cable  
17 facility related to the connection is installed.

18 Sec. 6. LEGISLATIVE INTENT FOR PHASE III FUNDING.

19 Distance learning programs and activities within a school  
20 district which will enhance the use and effectiveness of the  
21 Iowa communications network shall be considered a  
22 comprehensive school transformation program under section  
23 294A.14.

24 Sec. 7. Section 8D.3, subsection 2, unnumbered paragraph  
25 1, Code 1995, is amended to read as follows:

26 The commission is composed of ~~three~~ four members appointed  
27 by the governor and subject to confirmation by the senate.  
28 ~~Members~~ Three members of the commission shall not serve in any  
29 manner or be employed by an authorized user of the network or  
30 by an entity seeking to do or doing business with the network  
31 and one member shall be a representative of the  
32 telecommunications industry. The governor shall appoint a  
33 member as the chairperson of the commission from the ~~three~~  
34 four members appointed by the governor, subject to  
35 confirmation by the senate. The auditor of state shall also

1 serve as a voting member of the commission. Members of the  
2 commission, other than the auditor of state, shall serve six-  
3 year staggered terms as designated by the governor and  
4 appointments to the commission are subject to the requirements  
5 of sections 69.16, 69.16A, and 69.19. Vacancies shall be  
6 filled by the governor for the duration of the unexpired term.  
7 The salary of the members of the commission, other than the  
8 auditor of state, shall be twenty thousand dollars per year,  
9 except that the salary of the chairperson shall be twenty-five  
10 thousand dollars per year. Members of the commission shall  
11 also be reimbursed for all actual and necessary expenses  
12 incurred in the performance of duties as members. Meetings of  
13 the commission shall be held at the call of the chairperson of  
14 the commission. ~~In-addition-to-the-members-appointed-by-the~~  
15 ~~governor, the auditor of state or the auditor's designee shall~~  
16 ~~serve as a nonvoting, ex-officio member of the commission.~~

17 Sec. 8. Section 8D.13, subsection 2, paragraph c, Code  
18 1995, is amended to read as follows:

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

28 Sec. 9. Section 8D.13, subsections 3 and 16, Code 1995,  
29 are amended to read as follows:

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

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

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

1 entity's use of the network.

2 Sec. 10. Section 8D.13, Code 1995, is amended by adding  
3 the following new subsections:

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

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

21 Sec. 11. EX OFFICIO LEGISLATIVE MEMBERS OF COMMISSION.  
22 Notwithstanding section 8D.3, subsection 2, four members of  
23 the general assembly with not more than one member from each  
24 chamber being from the same political party shall serve as ex  
25 officio, nonvoting members of the commission. The two  
26 senators shall be designated by the president of the senate  
27 after consultation with the majority and minority leaders of  
28 the senate. The two representatives shall be designated by  
29 the speaker of the house of representatives after consultation  
30 with the majority and minority leaders of the house of  
31 representatives. A legislative member is eligible for per  
32 diem and expenses as provided in section 2.10.

33 This section is repealed effective July 1, 1997.

34 EXPLANATION

35 This bill appropriates \$15,675,000 from the rebuild Iowa

1 infrastructure account to the Iowa telecommunications and  
2 technology commission to be used for the connection of certain  
3 Part III sites to the Iowa communications network. This bill  
4 also appropriates an additional \$1,075,000 from the state  
5 general fund for certain other costs associated with the use  
6 and support of the network. The bill identifies sites to be  
7 connected in the 1995-1996 fiscal year. The commission is  
8 required to reject all remaining proposals submitted in  
9 response to the request for proposals for sites which are not  
10 connected during the 1995-1997 fiscal period and develop an  
11 additional request for proposals for the fiscal period  
12 beginning July 1, 1997, and ending June 30, 1999, for  
13 connection of Part III sites which are school corporations or  
14 accredited nonpublic schools within the remaining merged  
15 areas. The bill provides that distance learning programs and  
16 activities within a school district are to be considered a  
17 comprehensive school transformation program under section  
18 294A.14.

19 The bill expands the membership of the commission to five  
20 voting members by adding a member who is to be a  
21 representative of the telecommunications industry and making  
22 the auditor of state a voting member. The bill adds four  
23 members of the general assembly as ex officio members of the  
24 commission for two years.

25 The bill excludes libraries from the definition of Part  
26 III. The bill makes a hospital, physician clinic, agency of  
27 the federal government, or post office responsible for all  
28 operational costs associated with the entity's use of the  
29 network, in addition to the costs associated with becoming a  
30 part of the network. The bill requires a local school board  
31 or governing authority of a nonpublic school to provide 100  
32 percent of the financing for the procurement and maintenance  
33 costs for a Part III connection associated with a connection  
34 of an administrative facility or office which is not used  
35 primarily for student instruction in grades kindergarten

1 through 12. The bill also provides that access to the network  
2 is not to be permitted by an originating site or any receiving  
3 site associated with an interactive video application unless  
4 at least one of the entities participating in the application  
5 is an authorized user.

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HOUSE FILE 578

H-4131

1 Amend House File 578 as follows:

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

4 "Section 1. APPROPRIATIONS.

5 1. PART III AUTHORIZED USERS.

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

13 For the connection of a minimum of 100 Part III  
14 authorized users as determined by the commission and  
15 communicated to the general assembly:

16 ..... \$ 18,540,000

17 It is the intent of the general assembly that the  
18 contracts for the connection of such authorized user  
19 sites be awarded based on the low site-by-site,  
20 defined geographical area, or merged area bids as  
21 determined by the commission and communicated to the  
22 general assembly. It is also the intent of the  
23 general assembly that all area education agencies  
24 which are not connected to the network be connected to  
25 the network during the fiscal year which begins on  
26 July 1, 1995. It is also the intent of the general  
27 assembly that the contracts awarded for the  
28 connections funded pursuant to this subsection include  
29 a lease period of seven years with the option for an  
30 extension of three additional years.

31 b. It is the intent of the general assembly that  
32 the appropriation provided for in this section and the  
33 connections to be made with that appropriation  
34 represent the first phase of a plan the total cost of  
35 which is anticipated to be approximately \$94,690,000.  
36 It is intended that the first four years of the plan  
37 include the connection of a minimum of 474 Part III  
38 authorized users. It is anticipated that the total  
39 cost of connections to be completed in the first four  
40 years of the plan which are to be funded by the  
41 general assembly through general fund appropriations  
42 is to be approximately \$80,880,000 with additional  
43 lease costs to be incurred in years five through eight  
44 of approximately \$13,810,000. The costs identified in  
45 this paragraph include all maintenance costs  
46 associated with state-owned hardware, and a three  
47 percent increase for inflation in fiscal year 1997-  
48 1998 and a six percent increase for inflation in  
49 fiscal year 1998-1999.

50 2. SUPPORT SERVICES. There is appropriated from

H-4131

H-4131

Page 2

1 the general fund of the state to the Iowa  
2 telecommunications network fund under the control of  
3 the Iowa telecommunications and technology commission  
4 for the fiscal year beginning July 1, 1995, and ending  
5 June 30, 1996, the following amount, or so much  
6 thereof as is necessary, to be used for the purposes  
7 designated:

8 For purposes designated in paragraphs "a" through  
9 "c":

10 ..... \$ 2,387,117

11 a. As a condition of the appropriation in this  
12 subsection, \$314,117 of the amount appropriated shall  
13 be expended by the public broadcasting division of the  
14 department of education to provide support for  
15 functions related to the network, including but not  
16 limited to the following functions: scheduling for  
17 video classrooms; design, preparation, and support of  
18 interactive classrooms; development of a central  
19 information source on Internet relating to the  
20 network; and coordinating the work of the education  
21 telecommunications council. The division is  
22 authorized an additional 7 FTEs for the purpose of  
23 providing such support.

24 b. As a further condition of the appropriation in  
25 this subsection, \$1,573,000 of the amount appropriated  
26 shall be allocated by the public broadcasting division  
27 of the department of education to the regional  
28 telecommunications councils established in section  
29 8D.5. The regional telecommunications councils, with  
30 assistance from the department of education, shall use  
31 the funds to provide direct staff development for  
32 educators, staff development for educational uses of  
33 Internet and other on-line services, technical  
34 assistance for network classrooms, and other related  
35 activities.

36 c. As a further condition of the appropriation in  
37 this subsection, \$500,000 of the amount appropriated  
38 shall be expended by the university of northern Iowa  
39 to coordinate staff development for educators using  
40 educational technology in this state.

41 3. BRAILLE AND DEAF SCHOOLS. There is  
42 appropriated from the general fund of the state to the  
43 Iowa telecommunications network fund under the control  
44 of the Iowa telecommunications and technology  
45 commission for the fiscal year beginning July 1, 1995,  
46 and ending June 30, 1996, the following amount, or so  
47 much thereof as is necessary, to be used for the  
48 purpose designated:

49 For the connection of the Iowa braille and sight  
50 saving school established under chapter 269 and the

H-4131

H-4131

Page 3

1 school for the deaf established under chapter 270:	
2 .....	\$ 286,000

3 4. STARC ARMORY. There is appropriated from the  
 4 general fund of the state to the department of public  
 5 defense for the fiscal year beginning July 1, 1995,  
 6 and ending June 30, 1996, the following amount, or so  
 7 much thereof as is necessary, to be used for the  
 8 purpose designated:

9 For salaries, support, maintenance, miscellaneous	
10 purposes, and for not more than the following full-	
11 time equivalent positions, for providing technical	
12 assistance in the operation of the Iowa communications	
13 network interactive classroom located at the STARC	
14 armory national guard facility:	
15 .....	\$ 100,000
16 .....	FTEs 2.0

17 Sec. 2. ADDITIONAL CONNECTIONS. Notwithstanding  
 18 section 8D.13, subsection 5, the state may own and the  
 19 commission shall provide for the construction and  
 20 connection to the network of all of the following:

- 21 1. The heartland area education agency.
- 22 2. Fort Madison high school.
- 23 3. Seventeen sites identified by the commission
- 24 which are Part III authorized users and which are
- 25 located within one and one-half miles from a national
- 26 guard fiber optic cable route used or to be used for
- 27 connecting a facility, identified by the commission
- 28 and communicated to the general assembly.
- 29 4. Two sites identified by the commission which
- 30 are Part III authorized users and which are associated
- 31 with the Rock Island-Iowa national guard fiber
- 32 project.

33 Sec. 3. METRO CONNECTIONS. Notwithstanding the  
 34 provisions of chapter 8D, the commission shall provide  
 35 for the connection and normalization to the network of  
 36 the following:

- 37 1. The Dubuque, Iowa, metronet, which includes
- 38 three Part III schools on a leased network.
- 39 2. The Des Moines, Iowa, metronet, which includes
- 40 12 Part III schools on a leased network."

By HARRISON of Scott	NELSON of Marshall
JACOBS of Polk	MYERS of Johnson
WISE of Lee	JOCHUM of Dubuque
DINKLA of Guthrie	BRAND of Benton
MASCHER of Johnson	

H-4131 FILED APRIL 27, 1995

*Adopted*  
*H. 27-95*  
*(R 2027)*

HOUSE FILE 578

H-4134

1 Amend House File 578 as follows:

2 1. Page 1, line 18, by striking the words "school  
3 corporations" and inserting the following: "public  
4 school districts".

5 2. Page 1, by striking lines 20 and 21 and  
6 inserting the following:

7 "(2) Area education agencies located in merged  
8 areas II and VI."

9 3. Page 1, lines 22 and 23, by striking the words  
10 "school corporations" and inserting the following:  
11 "public school districts".

12 4. Page 1, line 32, by striking the words "school  
13 corporations" and inserting the following: "public  
14 school districts".

15 5. Page 4, by striking line 30.

16 6. By renumbering and relettering as necessary.

By MEYER of Sac

H-4134 FILED APRIL 27, 1995

*Out of Order*  
*4-27-95 (P. 2027)*

HOUSE FILE 578

H-4135

1 Amend the amendment, H-4131, to House File 578 as  
2 follows:

3 1. Page 1, by striking lines 23 and 24 and  
4 inserting the following: "general assembly that no  
5 additional area education agencies be connected to".

6 2. Page 3, by striking line 21.

7 3. By renumbering as necessary.

By MEYER of Sac

H-4135 FILED APRIL 27, 1995

*Lost 4-27-95*

*(P. 2025)*

HOUSE FILE 578

H-4136

1 Amend the amendment, H-4131, to House File 578 as  
2 follows:

3 1. Page 1, lines 6 and 7, by striking the words  
4 "general fund of the state" and inserting the  
5 following: "rebuild Iowa infrastructure account of  
6 the state created in section 8.57, subsection 5,".

7 2. Page 2, line 10, by striking the figure  
8 "2,387,117" and inserting the following: "1,700,000".

9 3. Page 2, line 12, by striking the figure  
10 "314,117" and inserting the following: "250,000".

11 4. Page 2, line 22, by striking the figure "7"  
12 and inserting the following: "5".

13 5. Page 2, line 25, by striking the figure  
14 "1,573,000" and inserting the following: "1,200,000".

15 6. Page 2, line 37, by striking the figure  
16 "500,000" and inserting the following: "250,000".

17 7. Page 2, line 42, by striking the words  
18 "general fund of the state" and inserting the  
19 following: "rebuild Iowa infrastructure account of  
20 the state created in section 8.57, subsection 5,".

21 8. Page 3, line 2, by striking the figure  
22 "286,000" and inserting the following: "250,000".

By HARRISON of Scott

H-4136 FILED APRIL 27, 1995

*adopted 4-27-95*  
*(P. 2026)*

HOUSE FILE 578

H-4130

1 Amend House File 578 as follows:

2 1. Page 1, line 33, by inserting after the word  
3 "bids" the following: "and low merged area bids".

By BRUNKHORST of Bremer

H-4130 FILED APRIL 27, 1995

*out of order*  
*4-27-95*  
*(P. 2027)*

4/29/95 Do Pass

HOUSE FILE 578  
BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House April 27, 1995)

Passed House, Date <sup>(P.2027)</sup> 4/27/95 Passed Senate, Date <sup>(P.1531)</sup> 4/29/95  
Vote: Ayes 73 Nays 26 Vote: Ayes 31 Nays 19  
Approved May 31, 1995

A BILL FOR

1 An Act relating to the Iowa communications network by providing  
2 for the connection and support of certain Part III users,  
3 directing the commission to develop a request for proposals  
4 for additional connections, making appropriations, and making  
5 related statutory changes.

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

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ALL NEW LANGUAGE BY THE HOUSE

1 Section 1. APPROPRIATIONS.

2 1. PART III AUTHORIZED USERS.

3 a. There is appropriated from the rebuild Iowa  
4 infrastructure account of the state created in section 8.57,  
5 subsection 5, to the Iowa telecommunications network fund  
6 under the control of the Iowa telecommunications and  
7 technology commission for the fiscal year beginning July 1,  
8 1995, and ending June 30, 1996, the following amount, or so  
9 much thereof as is necessary, to be used for the purpose  
10 designated:

11 For the connection of a minimum of 100 Part III authorized  
12 users as determined by the commission and communicated to the  
13 general assembly:

14 ..... \$ 18,540,000

15 It is the intent of the general assembly that the contracts  
16 for the connection of such authorized user sites be awarded  
17 based on the low site-by-site, defined geographical area, or  
18 merged area bids as determined by the commission and  
19 communicated to the general assembly. It is also the intent  
20 of the general assembly that all area education agencies which  
21 are not connected to the network be connected to the network  
22 during the fiscal year which begins on July 1, 1995. It is  
23 also the intent of the general assembly that the contracts  
24 awarded for the connections funded pursuant to this subsection  
25 include a lease period of seven years with the option for an  
26 extension of three additional years.

27 b. It is the intent of the general assembly that the  
28 appropriation provided for in this section and the connections  
29 to be made with that appropriation represent the first phase  
30 of a plan the total cost of which is anticipated to be  
31 approximately \$94,690,000. It is intended that the first four  
32 years of the plan include the connection of a minimum of 474  
33 Part III authorized users. It is anticipated that the total  
34 cost of connections to be completed in the first four years of  
35 the plan which are to be funded by the general assembly

1 through general fund appropriations is to be approximately  
2 \$80,880,000 with additional lease costs to be incurred in  
3 years five through eight of approximately \$13,810,000. The  
4 costs identified in this paragraph include all maintenance  
5 costs associated with state-owned hardware, and a three  
6 percent increase for inflation in fiscal year 1997-1998 and a  
7 six percent increase for inflation in fiscal year 1998-1999.

8 2. SUPPORT SERVICES. There is appropriated from the  
9 general fund of the state to the Iowa telecommunications  
10 network fund under the control of the Iowa telecommunications  
11 and technology commission for the fiscal year beginning July  
12 1, 1995, and ending June 30, 1996, the following amount, or so  
13 much thereof as is necessary, to be used for the purposes  
14 designated:

15 For purposes designated in paragraphs "a" through "c":  
16 ..... \$ 1,700,000

17 a. As a condition of the appropriation in this subsection,  
18 \$250,000 of the amount appropriated shall be expended by the  
19 public broadcasting division of the department of education to  
20 provide support for functions related to the network,  
21 including but not limited to the following functions:  
22 scheduling for video classrooms; design, preparation, and  
23 support of interactive classrooms; development of a central  
24 information source on Internet relating to the network; and  
25 coordinating the work of the education telecommunications  
26 council. The division is authorized an additional 5 FTEs for  
27 the purpose of providing such support.

28 b. As a further condition of the appropriation in this  
29 subsection, \$1,200,000 of the amount appropriated shall be  
30 allocated by the public broadcasting division of the  
31 department of education to the regional telecommunications  
32 councils established in section 8D.5. The regional  
33 telecommunications councils, with assistance from the  
34 department of education, shall use the funds to provide direct  
35 staff development for educators, staff development for

1 educational uses of Internet and other on-line services,  
2 technical assistance for network classrooms, and other related  
3 activities.

4 c. As a further condition of the appropriation in this  
5 subsection, \$250,000 of the amount appropriated shall be  
6 expended by the university of northern Iowa to coordinate  
7 staff development for educators using educational technology  
8 in this state.

9 3. BRAILLE AND DEAF SCHOOLS. There is appropriated from  
10 the rebuild Iowa infrastructure account of the state created  
11 in section 8.57, subsection 5, to the Iowa telecommunications  
12 network fund under the control of the Iowa telecommunications  
13 and technology commission for the fiscal year beginning July  
14 1, 1995, and ending June 30, 1996, the following amount, or so  
15 much thereof as is necessary, to be used for the purpose  
16 designated:

17 For the connection of the Iowa braille and sight saving  
18 school established under chapter 269 and the school for the  
19 deaf established under chapter 270:

20 ..... \$ 250,000

21 4. STARC ARMORY. There is appropriated from the general  
22 fund of the state to the department of public defense for the  
23 fiscal year beginning July 1, 1995, and ending June 30, 1996,  
24 the following amount, or so much thereof as is necessary, to  
25 be used for the purpose designated:

26 For salaries, support, maintenance, miscellaneous purposes,  
27 and for not more than the following full-time equivalent  
28 positions, for providing technical assistance in the operation  
29 of the Iowa communications network interactive classroom  
30 located at the STARC armory national guard facility:

31 ..... \$ 100,000

32 ..... FTEs 2.0

33 Sec. 2. ADDITIONAL CONNECTIONS. Notwithstanding section  
34 8D.13, subsection 5, the state may own and the commission  
35 shall provide for the construction and connection to the

1 network of all of the following:

2 1. The heartland area education agency.

3 2. Fort Madison high school.

4 3. Seventeen sites identified by the commission which are  
5 Part III authorized users and which are located within one and  
6 one-half miles from a national guard fiber optic cable route  
7 used or to be used for connecting a facility, identified by  
8 the commission and communicated to the general assembly.

9 4. Two sites identified by the commission which are Part  
10 III authorized users and which are associated with the Rock  
11 Island-Iowa national guard fiber project.

12 Sec. 3. METRO CONNECTIONS. Notwithstanding the provisions  
13 of chapter 8D, the commission shall provide for the connection  
14 and normalization to the network of the following:

15 1. The Dubuque, Iowa, metronet, which includes three Part  
16 III schools on a leased network.

17 2. The Des Moines, Iowa, metronet, which includes 12 Part  
18 III schools on a leased network.

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## HOUSE FILE 578

S-3639

1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 5 through 7 and  
4 inserting the following: "subsection 5, to the  
5 department of corrections for the fiscal year  
6 beginning July 1,".

7 2. Page 1, line 9, by inserting after the word  
8 "used" the following: ", in consultation with the  
9 Iowa telecommunications and technology commission,".

10 3. Page 1, line 12, by inserting after the word  
11 "users" the following: "that are public school  
12 districts and accredited nonpublic schools".

13 4. By striking page 1, line 19, through page 2,  
14 line 7, and inserting the following: "communicated to  
15 the general assembly. Notwithstanding chapter 8D, the  
16 commission shall provide that the connections be  
17 completed as follows:

18 (1) That a fiber optic cable facility be connected  
19 to each school within a school district and each  
20 accredited nonpublic school, including each high  
21 school, junior high school or middle school, and grade  
22 school, to the extent permitted by the funds  
23 appropriated in this subsection.

24 (2) That the connection to each high school  
25 facility include the necessary optronics.

26 b. The commission shall reject all remaining  
27 proposals submitted in response to the request for  
28 proposals associated with Part III sites that are not  
29 connected pursuant to paragraph "a", and shall develop  
30 a new request for proposals for the completion of Part  
31 III during the fiscal years 1996-1997, 1997-1998, and  
32 1998-1999. The request for proposals shall be for the  
33 connection of all remaining public school districts  
34 and accredited nonpublic schools in the same manner as  
35 provided in paragraph "a".

36 5. Page 4, by inserting after line 18 the  
37 following:

38 "Sec. \_\_\_\_\_. It is the intent of the general  
39 assembly that rules adopted by the department of  
40 corrections pursuant to section 904.701 and relating  
41 to inmate employment programs for inmates performing  
42 hard labor pursuant to section 904.701 shall provide  
43 for the use of inmate labor in connecting the Iowa  
44 communications network to schools. Employment by  
45 inmates in connecting the Iowa communications network  
46 is permissible, notwithstanding any requirements  
47 concerning displacement of employed workers, the  
48 existence of a local surplus of non-inmate labor, or  
49 the impairment of existing contracts for employment or  
50 services, as provided in section 904.701, subsection

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1 1, and any contrary requirements provided in chapter  
2 23A. The department shall also adopt rules providing  
3 that an inmate performing hard labor on a chain gang  
4 involved in the connecting of schools to the Iowa  
5 communications network is eligible for one day of good  
6 conduct time for each mile of cable laid by the chain  
7 gang and one day of good conduct time for each school  
8 connected to the network by the chain gang, consistent  
9 with the requirements of section 903A.2.

10 Sec. 101. Section 903A.2, unnumbered paragraph 1,  
11 Code 1995, as amended by 1995 Iowa Acts, House File  
12 471, is amended to read as follows:

13 Unless an inmate is sentenced pursuant to section  
14 902.12, subsection 2, an inmate of an institution  
15 under the Iowa department of corrections, is eligible  
16 for a reduction of sentence of one day for each day of  
17 good conduct of the inmate while committed to one of  
18 the department's institutions. Unless an inmate is  
19 sentenced pursuant to section 902.12, subsection 2, in  
20 addition to the sentence reduction of one day for each  
21 day of good conduct, each inmate is eligible for an  
22 additional reduction of sentence of up to five days a  
23 month if the inmate participates satisfactorily in  
24 employment in the institution, in Iowa state  
25 industries, in an inmate employment program  
26 established by the director, in a treatment program  
27 established by the director, or in an inmate  
28 educational program approved by the director, and for  
29 additional good conduct time for work performed on  
30 chain gangs concerning the Iowa communications network  
31 in the manner and amount provided for under rules  
32 adopted by the department. Inmates who are sentenced  
33 pursuant to section 902.12, subsection 2, are eligible  
34 for a reduction of sentence of up to one day a month  
35 for good conduct while committed to one of the  
36 department's institutions. However, inmates who are  
37 sentenced pursuant to section 902.12, subsection 2,  
38 who perform work on chain gangs concerning the Iowa  
39 communications network are eligible for an additional  
40 reduction of sentence of up to one day a month for  
41 good conduct as provided for under rules adopted by  
42 the department. Reduction of sentence pursuant to  
43 this section may be subject to forfeiture pursuant to  
44 section 903A.3. Computation of good conduct time is  
45 subject to the following conditions:

46 Sec. 102. Section 903A.2, unnumbered paragraph 1,  
47 Code 1995, is amended to read as follows:

48 Each inmate of an institution under the Iowa  
49 department of corrections, is eligible for a reduction  
50 of sentence of one day for each day of good conduct of

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Page 3

1 the inmate while committed to one of the department's  
2 institutions. In addition to the sentence reduction  
3 of one day for each day of good conduct, each inmate  
4 is eligible for an additional reduction of sentence of  
5 up to five days a month if the inmate participates  
6 satisfactorily in employment in the institution, in  
7 Iowa state industries, in an inmate employment program  
8 established by the director, in a treatment program  
9 established by the director, or in an inmate  
10 educational program approved by the director, and for  
11 additional good conduct time for work performed on  
12 chain gangs concerning the Iowa communications network  
13 in the manner and amount provided for under rules  
14 adopted by the department. Reduction of sentence  
15 pursuant to this section may be subject to forfeiture  
16 pursuant to section 903A.3. Computation of good  
17 conduct time is subject to the following conditions:  
18 Sec. \_\_\_\_ . CONTINGENT EFFECTIVE DATE. If House  
19 File 471 is enacted into law, section 102 shall not  
20 take effect and shall be void. If House File 471 is  
21 not enacted into law, section 101 shall not take  
22 effect and shall be void."  
23 6. By renumbering as necessary.

By RANDAL J. GIANNETTO  
TONY BISIGNANO

S-3639 FILED APRIL 28, 1995

LOST

(P. 1525)

## HOUSE FILE 578

S-3642

1 Amend House File 578, as amended, passed, and  
2 reprinted by the House as follows:  
3 1. By striking page 1, line 30, through page 2,  
4 line 7, and inserting the following: "of a plan.  
5 c. The commission shall reject all remaining  
6 proposals submitted in response to the request for  
7 proposals associated with Part III sites which are not  
8 connected pursuant to subsection 1, and shall develop  
9 a new request for proposals for completion of Part III  
10 during the fiscal years 1996-1997, 1997-1998, and  
11 1998-1999. The commission shall make recommendations  
12 to the general assembly for proceeding with Part III  
13 based upon the bids submitted in response to the  
14 request for proposals. The commission shall provide a  
15 written report to the general assembly including any  
16 recommendations by no later than January 15, 1996.  
17 The request for proposals developed pursuant to  
18 this subsection shall provide for all of the  
19 following:  
20 (1) A lease period of ten years or more for the  
21 fiber optic facilities, excluding the optronics and  
22 other hardware.  
23 (2) Even payments over the term of the lease.  
24 (3) Fiber optic cable facilities or facilities  
25 with DS-3 capacity for one interactive video classroom  
26 facility per site, except as otherwise provided.  
27 (4) Notwithstanding provisions of chapter 8D to  
28 the contrary, flexibility in providing for the  
29 connection to the network through sites other than the  
30 county point of presence. These sites may include  
31 existing regeneration sites or connections to existing  
32 fiber optic cable routes associated with the network.  
33 It is the intent of the general assembly that the  
34 commission, in determining the sites where a  
35 connection may be made, consider the potential cost  
36 reduction in providing such connections and  
37 maintaining the integrity of the switching."

By DERRYL McLAREN

DONALD B. REDFERN

RANDAL J. GIANNETTO

EMIL J. HUSAK

S-3642 FILED APRIL 28, 1995

LOST

(P. 1526)

HOUSE FILE 578

S-3643

1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 11, by striking the words and  
4 figure "a minimum of 100".

5 2. Page 1, line 14, by striking the figure  
6 "18,540,000" and inserting the following:  
7 "13,540,000".

8 3. Page 1, by striking lines 15 through 22 and  
9 inserting the following:

10 "The commission shall use the funds appropriated in  
11 this subsection for the purpose of providing  
12 connections to the network for the lowest site-by-site  
13 bids received in response to the request for proposals  
14 for Part III of the Iowa communications network issued  
15 August 19, 1994. It is".

16 4. By striking page 1, line 30, through page 2,  
17 line 7, and inserting the following: "of a plan.

18 c. The commission shall reject all remaining  
19 proposals submitted in response to the request for  
20 proposals associated with Part III sites which are not  
21 connected pursuant to subsection 1, and shall develop  
22 a new request for proposals for completion of Part III  
23 during the fiscal years 1996-1997, 1997-1998, and  
24 1998-1999. The commission shall make recommendations  
25 to the general assembly for proceeding with Part III  
26 based upon the bids submitted in response to the  
27 request for proposals. The commission shall provide a  
28 written report to the general assembly including any  
29 recommendations by no later than January 15, 1996."

30 5. Page 2, by inserting before line 8 the  
31 following:

32 "     . EDUCATION TECHNOLOGY FUND. An education  
33 technology fund is created in the office of the  
34 treasurer of state under the control of the department  
35 of education. There is appropriated from the rebuild  
36 Iowa infrastructure account of the state created in  
37 section 8.57, subsection 5, to the education  
38 technology fund under the control of the department of  
39 education for the fiscal year beginning July 1, 1995,  
40 and ending June 30, 1996, the following amount, or so  
41 much thereof as is necessary, to be used for the  
42 purpose designated:

43 For the purchase or lease of computers, computer  
44 networks, computer programs, computer software,  
45 computer systems, and computer services:

46 ..... \$ 5,000,000"

47 6. By renumbering as necessary.

By JOHN W. JENSEN  
DERRYL McLAREN

S-3643 FILED APRIL 28, 1995  
RULED OUT OF ORDER

(P. 1525)

## HOUSE FILE 578

S-3644

1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by inserting after line 26 the  
4 following:  
5 "All authorized users which are public school  
6 districts or accredited nonpublic schools and which  
7 are connected to the network or which intend to be  
8 connected to the network prior to January 1, 1998,  
9 shall submit to the commission a plan which contains,  
10 at a minimum, all of the following:  
11 (1) Anticipated date of connection.  
12 (2) Anticipated hours of instructional and other  
13 use of the network during the twelve-month period  
14 immediately following connection.  
15 (3) Anticipated number of individuals who will  
16 benefit from the utilization of the network.  
17 (4) A minimum of two examples of programs or  
18 curriculum that will utilize the network.  
19 (5) Costs which may be incurred by a political  
20 subdivision, including the Part III site, as a result  
21 of the connection and its use.  
22 The plan shall be submitted to the commission by no  
23 later than October 1, 1995. The commission shall file  
24 a written report with the general assembly concerning  
25 the plans submitted by no later than January 15,  
26 1996."

By MARY E. KRAMER  
O. GENE MADDOX  
NANCY BOETTGER

JOANN DOUGLAS  
SHELDON RITTMER

S-3644 FILED APRIL 28, 1995

LOST

(P. 1526)

## HOUSE FILE 578

S-3645

- 1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 18 the  
4 following:  
5 "Sec. \_\_\_\_ . 1995 Iowa Acts, House File 461, section  
6 1, is amended to read as follows:  
7 SECTION 1. STUDIES.  
8 1. a. The legislative council, in consultation  
9 with the Iowa telecommunications and technology  
10 commission established in section 8D.3, shall initiate  
11 and complete a study concerning the possible sale of  
12 the network. The legislative council shall enter into  
13 an agreement with a disinterested third party who has  
14 no interest in or connection to the network or state  
15 government to conduct the study. The study shall  
16 include a review of legal and practical issues which  
17 may affect whether the sale of the network should be  
18 approved or rejected, or which may affect the terms  
19 under which a sale should be completed. The study  
20 shall include a review of issues including all of the  
21 following:
- 22 (1) The effect of the sale on the tax-exempt bonds  
23 which were issued for purposes of financing certain  
24 parts of the network.  
25 (2) The impact on existing telecommunications  
26 providers.  
27 (3) The protection of state interests including  
28 the assurance of affordable access to the network for  
29 public entities, including Part III users which are  
30 not yet connected to the network.  
31 (4) The necessity of compliance with other  
32 applicable state law.  
33 (5) Issues relating to the use of public rights-  
34 of-way by any potential buyer of the network.  
35 (6) Benefits to Iowa businesses and citizens.  
36 (7) Providing for a long-term lease of capacity  
37 sufficient to meet the needs of existing and future  
38 educational users of the network identified in chapter  
39 8D.  
40 (8) A review of whether a sale of the network  
41 should be completed pursuant to a request for  
42 proposals or by auction.  
43 (9) A review of the impact of federal  
44 communications commission policy and regulations on  
45 the potential sale of the network in its entirety or  
46 in parts, and a recommendation as to the manner in  
47 which the network should be sold as a result of this  
48 review.  
49 (10) Other relevant issues as identified by the  
50 commission.

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Page 2

1 b. ~~The commission shall consult with other state~~  
 2 ~~agencies, appropriate federal agencies, and private~~  
 3 ~~associations and vendors in completing this study.~~  
 4 2. ~~The commission, in consultation with the~~  
 5 ~~utilities division of the department of commerce,~~  
 6 shall study shall include the possible conversion of  
 7 the Iowa communications network into a public utility.  
 8 The study shall include a review of legal and  
 9 practical issues identified by the Iowa  
 10 telecommunications and technology commission and the  
 11 utilities division of the department of commerce which  
 12 may affect such conversion.  
 13 2. Notwithstanding the provisions of section 2.12,  
 14 the legislative council may expend additional funds  
 15 pursuant to that section if funds appropriated for the  
 16 study required under this section are insufficient.  
 17 3. ~~The commission, prior to November 17, 1995,~~  
 18 ~~shall complete the studies required by this Act and~~  
 19 ~~deliver a written report including any recommendations~~  
 20 ~~related to each study to the members of the house of~~  
 21 ~~representatives committee on technology and the senate~~  
 22 ~~committee on communications and information policy,~~  
 23 ~~the chief clerk of the house, and the secretary of the~~  
 24 ~~senate."~~

By ANDY MCKEAN

BRAD BANKS

RANDAL J. GIANNETTO

DONALD B. REDFERN

S-3645 FILED APRIL 28, 1995

LOST (p. 1527)

## HOUSE FILE 578

S-3646

1 Amend House File 578, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, by striking lines 4 through 8 and  
 4 inserting the following:  
 5 "3. Up to twenty sites identified by the  
 6 commission which are Part III authorized users and  
 7 which are located within one and one-half miles from a  
 8 national guard fiber optic cable route used or to be  
 9 used for connecting a facility. In determining which  
 10 sites to connect pursuant to this subsection, the  
 11 commission shall consider the potential savings which  
 12 may result when compared with other alternatives for  
 13 connecting such sites."

By DONALD B. REDFERN

S-3646 FILED APRIL 28, 1995

LOST

(p. 1527)

## HOUSE FILE 578

S-3656

- 1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, by inserting after line 18 the  
4 following:  
5 "Sec. \_\_\_\_\_. Notwithstanding the provisions of  
6 chapter 8D, upon a determination by the commission to  
7 connect any denominational administrative or  
8 educational site, the commission shall provide for the  
9 connection of any other denominational administrative  
10 or educational site upon the request of the governing  
11 authority of such denomination."  
12 2. By renumbering as necessary.

By JIM LIND

S-3656 FILED APRIL 28, 1995

LOST (P. 1529)

## HOUSE FILE 578

S-3657

- 1 Amend House File 578, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking page 1, line 27 through page 2,  
4 line 7, and inserting the following:  
5 "b. Notwithstanding contrary provisions of chapter  
6 8D, upon completion of the study established in 1995  
7 Iowa Acts, House File 461, enacted during the 1995  
8 regular session, and upon a determination under the  
9 study that the sale of the network is practicable, the  
10 commission shall develop a request for proposals for  
11 the sale of the Iowa communications network. The  
12 request for proposals shall provide for the assurance  
13 of affordable access to the network for public  
14 entities, including Part III users, which are not yet  
15 connected to the network. The request for proposals  
16 shall also provide that all remaining Part III sites  
17 which are not connected to the network by June 30,  
18 1996, shall be connected by July 1, 1999. The  
19 commission shall not enter into an agreement related  
20 to a proposal submitted in response to the request for  
21 proposals without the prior authorization by a  
22 constitutional majority of each house of the general  
23 assembly and approval by the governor. The commission  
24 shall deliver a written report on or before March 15,  
25 1996, to the general assembly which shall include all  
26 proposals submitted in response to the request for  
27 proposals and the recommendations of the commission  
28 regarding the proposals."

By ANDY MCKEAN  
RANDAL J. GIANNETTOEMIL J. HUSAK  
NANCY BOETTGER

S-3657 FILED APRIL 28, 1995

LOST

(P. 1530)

HOUSE FILE 578

S-3647

1 Amend House File 578, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, by inserting after line 18 the  
 4 following:  
 5 "Sec. \_\_\_\_ . DEVELOPMENT OF REQUEST FOR PROPOSALS  
 6 FOR SALE OF NETWORK.  
 7 1. The legislative council shall coordinate and  
 8 oversee the development of a request for proposals  
 9 related to the sale of the network. The council shall  
 10 work with the Iowa telecommunications and technology  
 11 commission and other appropriate state agencies in  
 12 developing the request for proposals. The council may  
 13 contract with any other appropriate entity in  
 14 developing the request for proposals as deemed  
 15 necessary by the council.  
 16 2. There is appropriated from the general fund of  
 17 the state for the use of the Iowa legislative council  
 18 for the fiscal year beginning July 1, 1995, and ending  
 19 June 30, 1996, for the purpose of coordinating and  
 20 overseeing the development of a request for proposals  
 21 related to the sale of the network pursuant to  
 22 subsection 1, the following amount, or so much thereof  
 23 as is necessary:  
 24 ..... \$ 250,000"  
 25 2. By renumbering as necessary.

By DERRYL McLAREN  
ANDY McKEAN

S-3647 FILED APRIL 28, 1995  
LOST (p. 1528)

HOUSE FILE 578

S-3654

1 Amend House File 578, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 27, through page 2,  
 4 line 7.  
 5 2. By renumbering as necessary.

By EMIL J. HUSAK

S-3654 FILED APRIL 28, 1995  
LOST (p. 1529)

HOUSE FILE 578

AN ACT

RELATING TO THE IOWA COMMUNICATIONS NETWORK BY PROVIDING FOR THE CONNECTION AND SUPPORT OF CERTAIN PART III USERS, DIRECTING THE COMMISSION TO DEVELOP A REQUEST FOR PROPOSALS FOR ADDITIONAL CONNECTIONS, MAKING APPROPRIATIONS, AND MAKING RELATED STATUTORY CHANGES.

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

Section 1. APPROPRIATIONS.

1. PART III AUTHORIZED USERS.

a. There is appropriated from the rebuild Iowa infrastructure account of the state created in section 8.57, subsection 5, to the Iowa telecommunications network fund under the 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 is necessary, to be used for the purpose designated:

For the connection of a minimum of 100 Part III authorized users as determined by the commission and communicated to the general assembly:  
..... \$ 18,540,000

It is the intent of the general assembly that the contracts for the connection of such authorized user sites be awarded based on the low site-by-site, defined geographical area, or merged area bids as determined by the commission and communicated to the general assembly. It is also the intent of the general assembly that all area education agencies which are not connected to the network be connected to the network during the fiscal year which begins on July 1, 1995. It is also the intent of the general assembly that the contracts awarded for the connections funded pursuant to this subsection include a lease period of seven years with the option for an extension of three additional years.

b. It is the intent of the general assembly that the appropriation provided for in this section and the connections to be made with that appropriation represent the first phase of a plan the total cost of which is anticipated to be approximately \$94,690,000. It is intended that the first four years of the plan include the connection of a minimum of 474 Part III authorized users. It is anticipated that the total cost of connections to be completed in the first four years of the plan which are to be funded by the general assembly through general fund appropriations is to be approximately \$80,880,000 with additional lease costs to be incurred in years five through eight of approximately \$13,810,000. The costs identified in this paragraph include all maintenance costs associated with state-owned hardware, and a three percent increase for inflation in fiscal year 1997-1998 and a six percent increase for inflation in fiscal year 1998-1999.

2. SUPPORT SERVICES. There is appropriated from the general fund of the state to the Iowa telecommunications network fund under the 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 is necessary, to be used for the purposes designated:

For purposes designated in paragraphs "a" through "c":

..... \$ 1,700,000

a. As a condition of the appropriation in this subsection, \$250,000 of the amount appropriated shall be expended by the public broadcasting division of the department of education to provide support for functions related to the network, including but not limited to the following functions: scheduling for video classrooms; design, preparation, and support of interactive classrooms; development of a central information source on Internet relating to the network; and coordinating the work of the education telecommunications council. The division is authorized an additional 5 FTEs for the purpose of providing such support.

b. As a further condition of the appropriation in this subsection, \$1,200,000 of the amount appropriated shall be allocated by the public broadcasting division of the department of education to the regional telecommunications councils established in section 8D.5. The regional telecommunications councils, with assistance from the department of education, shall use the funds to provide direct staff development for educators, staff development for educational uses of Internet and other on-line services, technical assistance for network classrooms, and other related activities.

c. As a further condition of the appropriation in this subsection, \$250,000 of the amount appropriated shall be expended by the university of northern Iowa to coordinate staff development for educators using educational technology in this state.

3. BRAILLE AND DEAF SCHOOLS. There is appropriated from the rebuild Iowa infrastructure account of the state created in section 8.57, subsection 5, to the Iowa telecommunications network fund under the 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 is necessary, to be used for the purpose designated:

For the connection of the Iowa braille and sight saving school established under chapter 269 and the school for the deaf established under chapter 270:

..... \$ 250,000

4. STARC ARMORY. There is appropriated from the general fund of the state to the department of public defense 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:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions, for providing technical assistance in the operation of the Iowa communications network interactive classroom located at the STARC armory national guard facility:  
..... \$ 100,000  
..... FTEs 2.0

Sec. 2. ADDITIONAL CONNECTIONS. Notwithstanding section 8D.13, subsection 5, the state may own and the commission shall provide for the construction and connection to the network of all of the following:

- 1. The heartland area education agency.
- 2. Fort Madison high school.
- 3. Seventeen sites identified by the commission which are Part III authorized users and which are located within one and one-half miles from a national guard fiber optic cable route used or to be used for connecting a facility, identified by the commission and communicated to the general assembly.
- 4. Two sites identified by the commission which are Part III authorized users and which are associated with the Rock Island-Iowa national guard fiber project.

Sec. 3. METRO CONNECTIONS. Notwithstanding the provisions of chapter 8D, the commission shall provide for the connection and normalization to the network of the following:

- 1. The Dubuque, Iowa, metronet, which includes three Part III schools on a leased network.

2. The Des Moines, Iowa, metronet, which includes 12 Part III schools on a leased network.

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RON J. CORBETT  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 578, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 31, 1995

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TERRY E. BRANSTAD  
Governor