

Senate Study Bill 28

Bill Text

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

1 3 8D.1 PURPOSE - LEGISLATIVE INTENT.

1 4 The purpose of this chapter is to effectuate the following
1 5 public policy with respect to the operation of the Iowa
1 6 communications network and to that end this chapter shall be
1 7 strictly construed and administered:

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

1 11 2. The network shall be used for educational and
1 12 telemedicine purposes by authorized users consistent with the
1 13 authorized uses expressly set forth in this chapter.

1 14 3. The use of the network for educational applications
1 15 consistent with authorized uses shall be given the highest
1 16 priority.

1 17 4. The network shall not be used in any way to transmit
1 18 any personal or private business communications.

1 19 5. The use of the network, or any of its services, shall
1 20 not be provided or resold, directly or indirectly, to an
1 21 unauthorized user.

1 22 6. The commission, or an authorized user, shall not
1 23 collect a fee or charge, directly or indirectly, for the use
1 24 of the network or any of its services, except as expressly
1 25 authorized by this chapter.

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

1 31 8. The commission shall not provide access to the network,
1 32 or to any network services, to any person, as defined in
1 33 section 4.1, who is not an authorized user.

1 34 9. The commission shall not provide Part III connections
1 35 to the network using owned, leased, or contracted
2 1 telecommunications facilities to persons, as defined in
2 2 section 4.1, who are not authorized users expressly designated
2 3 by the general assembly to connect to the network.

2 4 10. The authorized use of the network shall take place at
2 5 sites which are located within the facilities of an authorized
2 6 user which is an originating site or a receiving site.

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

2 9 NEW SUBSECTION. 0A. "Authorized use" means the use of the
2 10 network by an authorized user for its own account and for one
2 11 or more of the following purposes:

2 12 a. State communications.

2 13 b. Education.

2 14 c. Telemedicine.

2 15 d. Official governmental use by a state agency or a
2 16 federal agency consistent with the express purposes of this
2 17 chapter.

2 18 NEW SUBSECTION. 0B. "Authorized user" means a private
2 19 agency or public agency, except for a public or private agency
2 20 which was required pursuant to section 8D.9, subsection 1, to
2 21 certify to the commission no later than July 1, 1994, of the

2 22 agency's intent to become a part of the network, and which did
2 23 not provide such certification.

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

2 34 NEW SUBSECTION. 2B. "Federal agency" means each board,
2 35 commission, department, or other unit of the federal
3 1 government with whom the network has an operating agreement.

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

3 7 NEW SUBSECTION. 5A. "School" means an accredited
3 8 nonpublic school, a nonprofit institution of higher education
3 9 eligible for tuition grants, a school corporation, or an
3 10 institution under the control of the state board of regents.

3 11 NEW SUBSECTION. 5B. "State agency" means a board,
3 12 commission, department, or other unit of state government.

3 13 NEW SUBSECTION. 7. "Telemedicine" means use of a
3 14 telecommunications system for diagnostic, clinical,
3 15 consultative, data, or educational services for the purpose of
3 16 developing a comprehensive, statewide telemedicine network for
3 17 use, to the extent provided in section 8D.13, subsection 16,
3 18 by certified or licensed staff members of a hospital licensed
3 19 pursuant to chapter 135B, or by certified or licensed members
3 20 of the medical profession who are members of a physician
3 21 clinic, or who have staff privileges at a hospital licensed
3 22 pursuant to chapter 135B.

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

3 24 The following activities or acts with respect to the
3 25 network are prohibited:

- 3 26 1. Use of the network, or any network services, to
3 27 transmit a personal or private business communication.
- 3 28 2. Use of the network, or any network services, either
3 29 directly or indirectly, by a person as defined in section 4.1,
3 30 subsection 20, who is not an authorized user.
- 3 31 3. Part III connections to the network to persons as
3 32 defined in section 4.1, subsection 20, who are not authorized
3 33 users expressly designated by the general assembly to connect
3 34 to the network.
- 3 35 4. Resale of the use of the network, or any network
4 1 services, either directly or indirectly, to any unauthorized
4 2 user.
- 4 3 5. Charging or collecting of a fee by the commission or an
4 4 authorized user, directly or indirectly, for the use of the
4 5 network, or any network services, except as expressly provided
4 6 in this chapter.
- 4 7 6. Accessing the network, or any network services, from a
4 8 site or facility other than the facilities of an authorized
4 9 user which is an originating site or a receiving site.
- 4 10 7. Remote or dial-up access to the network or any network
4 11 services.
- 4 12 8. Use of the network, or any network services, in
4 13 competition with the sale or provision of services to the
4 14 public which are also offered by or available from private
4 15 enterprise, as defined in section 23A.1.

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

4 18 EXPLANATION

4 19 This bill relates to the authorized uses and users of the
4 20 Iowa communications network.

4 21 Code section 8D.1, regarding the purpose and intent of
4 22 chapter 8D, is amended to provide that the network is to be
4 23 used for educational and telemedicine purposes by authorized
4 24 users as provided in the chapter. Educational applications
4 25 consistent with authorized uses of the network are to be given
4 26 the highest priority. The section is also amended to set
4 27 forth specific acts and uses which the general assembly
4 28 intends to be prohibited.

4 29 Code section 8D.2 is amended to add definitions for the
4 30 terms "authorized use", "authorized user", "education",
4 31 "federal agency", "library", "school", "state agency", and
4 32 "telemedicine".

4 33 New Code section 8D.13A is created and prohibits certain
4 34 acts including use of the network to transmit a personal or
4 35 private business communication; use of the network, or any
5 1 network services, either directly or indirectly, by a person
5 2 who is not an authorized user; resale of use of the network,
5 3 or any network services, either directly or indirectly, to any
5 4 unauthorized user; charging or collecting of a fee by the
5 5 commission or an authorized user, directly or indirectly, for
5 6 the use of the network or any network services, except as
5 7 expressly provided in this chapter; accessing the network, or
5 8 any network services, from a site or facility other than the
5 9 facilities of an authorized user which is an originating site
5 10 or a receiving site; remote or dial-up access to the network
5 11 or any network services; use of the network, or any network
5 12 services, in competition with the sale or provision of
5 13 services to the public which are also offered by or available
5 14 from private enterprise, as defined in section 23A.1.

5 15 The bill would take effect upon enactment.

5 16 LSB 1816SC 77

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