

# House Study Bill 743

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA TELECOMMUNICATIONS  
AND TECHNOLOGY COMMISSION BILL)

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

## A BILL FOR

1 An Act relating to long-distance and shared learning efficiencies  
2 and operation, providing for technical and substantive changes  
3 relating to the Iowa communications network, and providing for  
4 supplementary weighting for shared classes taught via the  
5 network.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 5345DP 81  
8 rn/gg/14

PAG LIN

1 1 Section 1. Section 8D.3, subsection 3, paragraph d, Code  
1 2 Supplement 2005, is amended to read as follows:  
1 3 d. Review and approve for adoption, rules as proposed and  
1 4 submitted by an authorized user ~~group~~ necessary for the  
1 5 authorized ~~user group's~~ user's access and use of the network.  
1 6 The commission may refuse to approve and adopt a proposed  
1 7 rule, and upon such refusal, shall return the proposed rule to  
1 8 the respective authorized user ~~group~~ proposing the rule with a  
1 9 statement indicating the commission's reason for refusing to  
1 10 approve and adopt the rule.  
1 11 Sec. 2. Section 8D.3, subsection 3, paragraph f, Code  
1 12 Supplement 2005, is amended by striking the paragraph.  
1 13 Sec. 3. Section 8D.6, subsection 1, Code 2005, is amended  
1 14 by striking the subsection.  
1 15 Sec. 4. Section 8D.6, subsection 2, Code 2005, is amended  
1 16 to read as follows:  
1 17 ~~2-~~ The commission may establish ~~other~~ and ~~abolish~~ advisory  
1 18 committees as necessary representing authorized users of the  
1 19 network and providing other expertise needed to assist the  
1 20 commission in performing its duties.  
1 21 Sec. 5. Section 8D.13, subsection 5, unnumbered paragraph  
1 22 1, Code Supplement 2005, is amended to read as follows:  
1 23 The state shall lease all fiberoptic cable facilities or  
1 24 facilities with DS=3 capacity for Part III connections for  
1 25 which state funding is provided. The state shall lease all  
1 26 fiberoptic cable facilities or facilities with DS=3 or DS=1  
1 27 capacity for the judicial branch, judicial district department  
1 28 of correctional services, and state agency connections for  
1 29 which state funding is provided. Such facilities shall be  
1 30 leased from qualified providers. The state shall not own such  
1 31 facilities, except for those facilities owned by the state as  
1 32 of January 1, 1994. Notwithstanding any contrary provision of  
1 33 this section, the state may acquire a Part III connection  
1 34 following the termination of a lease with a qualified provider  
1 35 if offered by the vendor for such a Part III connection, and  
2 1 if the commission determines it to be in the best interest of  
2 2 the network.  
2 3 Sec. 6. Section 8D.14, Code 2005, is amended to read as  
2 4 follows:  
2 5 8D.14 IOWA COMMUNICATIONS NETWORK FUND.  
2 6 There is created in the office of the treasurer of state a  
2 7 fund to be known as the Iowa communications network fund under  
2 8 the control of the Iowa telecommunications and technology  
2 9 commission. There shall be deposited into the Iowa  
2 10 communications network fund proceeds from bonds issued for  
2 11 purposes of projects authorized pursuant to section 8D.13,  
2 12 funds received from leases pursuant to section 8D.11, and  
2 13 other moneys by law credited to or designated by a person for  
2 14 deposit into the fund. Amounts deposited into the fund are  
2 15 appropriated to and for the use of the commission.

2 16 Notwithstanding section 12C.7, interest earned on amounts  
2 17 deposited in the fund shall be credited to the fund.  
2 18 Notwithstanding section 8.33, moneys deposited into and  
2 19 appropriated from the fund that remain unencumbered or  
2 20 unobligated at the close of the fiscal year shall not revert  
2 21 but shall remain available for expenditure for the purposes  
2 22 designated until the close of the succeeding fiscal year.

2 23 Sec. 7. Section 257.11, subsection 6, Code Supplement  
2 24 2005, is amended to read as follows:

2 25 6. SHARED CLASSES DELIVERED OVER THE IOWA COMMUNICATIONS  
2 26 NETWORK. A pupil attending a class in which students from one  
2 27 or more other school districts are enrolled and which is  
2 28 taught via the Iowa communications network is ~~not~~ deemed to be  
2 29 attending a class in another school district or in a community  
2 30 college for the purposes of this section and the school  
2 31 district is ~~not~~ eligible for supplementary weighting for that  
2 32 class under this section.

2 33 Sec. 8. Section 8D.7, Code 2005, is repealed.

2 34 EXPLANATION

2 35 This bill makes several technical and substantive changes  
3 1 regarding the operation of the Iowa communications network,  
3 2 and also the extent to which supplementary weighting for  
3 3 student enrollment is available for shared classes over the  
3 4 network.

3 5 The bill makes a change in terminology relating to the  
3 6 statutory duty of the Iowa telecommunications and technology  
3 7 commission to review and approve rules submitted by authorized  
3 8 user groups relating to their access to and use of the  
3 9 network. The bill deletes the word "group", resulting in  
3 10 references simply to "authorized user". The bill also deletes  
3 11 the duty that the commission annually prepare a written five=  
3 12 year financial plan for the network, to be provided to the  
3 13 general assembly and the governor by January 15 annually.

3 14 The bill modifies provisions relating to the appointment of  
3 15 advisory committees to assist the commission. The bill  
3 16 deletes a provision establishing an advisory group to examine  
3 17 the use of the network for telemedicine applications, and adds  
3 18 commission authority to abolish, in addition to the existing  
3 19 authority to establish, as necessary, other advisory  
3 20 committees representing authorized users of the network. The  
3 21 bill deletes a provision establishing a telecommunications  
3 22 advisory committee, which consists of five members appointed  
3 23 by the commission representing specific telecommunications  
3 24 industries or persons with technical expertise related to the  
3 25 network.

3 26 The bill authorizes the state to acquire a Part III network  
3 27 connection following the termination of a lease with a  
3 28 qualified provider if offered by a vendor, if the commission  
3 29 determines it to be in the best interest of the network.  
3 30 Currently, the state may lease, but is prohibited from  
3 31 purchasing or owning, such connections.

3 32 The bill provides that interest earned on the existing Iowa  
3 33 communications network fund be retained by the fund, rather  
3 34 than going to the state general fund, and also provides that  
3 35 amounts deposited into the fund are appropriated to and for  
4 1 the use of the fund, and shall not revert at the close of the  
4 2 fiscal year.

4 3 The bill provides that pupils attending classes taught via  
4 4 the Iowa communications network qualify for supplementary  
4 5 weighting pursuant to Code section 257.11. Currently, pupils  
4 6 attending a class in which students from one or more other  
4 7 school districts are enrolled which is taught via the Iowa  
4 8 communications network are not regarded as attending a class  
4 9 in another school district or in a community college for  
4 10 supplementary weighting purposes. The bill provides that  
4 11 pupils attending classes via the Iowa communications network  
4 12 qualify for supplementary weighting to the same extent and on  
4 13 the same basis as a pupil qualifying pursuant to Code section  
4 14 257.11, subsection 2, regarding district-to-district sharing  
4 15 programs, and Code section 257.11, subsection 3, regarding  
4 16 district-to-community college sharing programs.

4 17 LSB 5345DP 81  
4 18 rn:rj/gg/14.1