

**Senate Study Bill 3174 - Introduced**

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON QUIRMBACH)

**A BILL FOR**

1 An Act expanding Iowa communications network access to include  
2 cities, counties, and city and county governmental units.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8D.2, subsection 5, Code 2009, is amended  
2 to read as follows:

3 5. a. *"Public agency"* means a state agency, an institution  
4 under the control of the board of regents, the judicial  
5 branch as provided in section 8D.13, subsection 17, a school  
6 corporation, a city, a county, a city library, a library  
7 service area as provided in chapter 256, a county library as  
8 provided in chapter 336, or a judicial district department of  
9 correctional services established in section 905.2, to the  
10 extent provided in section 8D.13, subsection 15, an agency of  
11 the federal government, or a United States post office which  
12 receives a federal grant for pilot and demonstration projects.

13 b. For the purposes of this chapter, *"public agency"*  
14 also includes any homeland security or defense facility or  
15 disaster response agency established by the administrator of  
16 the homeland security and emergency management division of the  
17 department of public defense or the governor or any facility  
18 connected with a security or defense system or disaster  
19 response as required by the administrator of the homeland  
20 security and emergency management division of the department of  
21 public defense or the governor.

22 c. For the purposes of this chapter, a "city" or  
23 "county" referred to in paragraph "a" includes departments,  
24 boards, commissions, and other governmental units of the city  
25 or county.

26 Sec. 2. Section 8D.3, subsection 3, paragraph i, Code 2009,  
27 is amended to read as follows:

28 i. Evaluate existing and projected rates for use of the  
29 system and ensure that rates are sufficient to pay for the  
30 operation of the system excluding the cost of construction and  
31 lease costs for Parts I, II, and III. The commission shall  
32 establish all hourly rates to be charged to all authorized  
33 users for the use of the network and shall consider all costs  
34 of the network in establishing the rates. A fee established by  
35 the commission to be charged to a hospital licensed pursuant

1 to chapter 135B, a physician clinic, a city, a county, or the  
2 federal government shall be at an appropriate rate so that, at  
3 a minimum, there is no state subsidy related to the costs of  
4 the connection or use of the network related to such user.

5 Sec. 3. Section 8D.13, subsection 2, paragraph c, Code 2009,  
6 is amended to read as follows:

7 *c.* "Part III" means the communications connection between  
8 the secondary switching centers and the agencies defined in  
9 section 8D.2, subsections 4 and 5, excluding state agencies,  
10 institutions under the control of the board of regents,  
11 nonprofit institutions of higher education eligible for tuition  
12 grants, and the judicial branch, judicial district departments  
13 of correctional services, hospitals and physician clinics,  
14 cities, counties, agencies of the federal government, and post  
15 offices.

16 Sec. 4. Section 8D.13, subsection 16, Code 2009, is amended  
17 to read as follows:

18 16. *a.* Access shall be offered to hospitals licensed  
19 pursuant to chapter 135B and physician clinics for diagnostic,  
20 clinical, consultative, data, and educational services for the  
21 purpose of developing a comprehensive, statewide telemedicine  
22 network; to an agency of the federal government; to a city, a  
23 county, and governmental units thereof as specified in section  
24 8D.2, subsection 5, paragraph "c"; and to a post office defined  
25 as a public agency pursuant to section 8D.2, subsection 5.

26 *b.* A hospital, physician clinic, an agency of the federal  
27 government, a city, a county, or a post office defined as a  
28 public agency pursuant to section 8D.2, subsection 5, shall be  
29 responsible for all costs associated with becoming a part of  
30 the network.

31 *c.* A city or a county accessing the network shall comply  
32 with the provisions of section 8D.13, subsection 12, regarding  
33 direct billing by the video classroom facility for operating  
34 costs relating to the communication, and shall remit a fee  
35 comparable to fees charged to other authorized users who are

1 similarly billed.

2

EXPLANATION

3 This bill expands the definition of a "public agency", which  
4 is authorized to access the Iowa communications network, to  
5 include cities, counties, and their governmental units such  
6 as commissions, departments, and boards. The bill provides  
7 that cities and counties shall be responsible for all costs  
8 associated with becoming a part of the network. The bill  
9 additionally provides that a city or county shall comply with  
10 provisions contained in Code section 8D.13, subsection 12,  
11 regarding direct billing by a video classroom facility for  
12 operating costs relating to a communication.