

**Senate Study Bill 1145 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON DANDEKAR)

**A BILL FOR**

1 An Act modifying provisions relating to utilization of the Iowa  
2 communications network.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8D.9, subsection 2, Code 2011, is amended  
2 to read as follows:

3 2. *a.* A private or public agency, other than a private  
4 college or university or a nonpublic school, which certifies  
5 to the commission pursuant to subsection 1 that the agency is  
6 a part of or intends to become a part of the network shall use  
7 the network for all video, data, and voice requirements of  
8 the agency unless the private or public agency petitions the  
9 commission for a waiver and one of the following applies:

10 (1) The costs to the authorized user for services provided  
11 on the network are not competitive with the same services  
12 provided by another provider.

13 (2) The authorized user is under contract with another  
14 provider for such services, provided the contract was entered  
15 into prior to April 1, 1994. The agency shall use the network  
16 for video, data, and voice requirements which are not provided  
17 pursuant to such contract.

18 (3) The authorized user has entered into an agreement  
19 with the commission to become part of the network prior to  
20 June 1, 1994, which does not provide for use of the network  
21 for all video, data, and voice requirements of the agency.  
22 The commission may enter into an agreement described in this  
23 subparagraph upon a determination that the use of the network  
24 for all video, data, and voice requirements of the agency would  
25 not be in the best interests of the agency.

26 *b.* A private or public agency, other than a private college  
27 or university or a nonpublic school, shall petition the  
28 commission for a waiver of the requirement to use the network  
29 as provided in paragraph "a", if the agency determines that  
30 paragraph "a", subparagraph (1) or (2) applies. The commission  
31 shall establish by rule a review process for determining, upon  
32 application of an authorized user, whether paragraph "a",  
33 subparagraph (1) or (2) applies. An authorized user found  
34 by the commission to be under contract for such services as  
35 provided in paragraph "a", subparagraph (2), shall not enter

1 into another contract upon the expiration of such contract,  
2 but shall utilize the network for such services as provided in  
3 this section unless paragraph "a", subparagraph (1), applies.  
4 A waiver approved by the commission may be for a period as  
5 requested by the private or public agency of up to three years.

6 c. A private college or university or a nonpublic school  
7 which certifies to the commission pursuant to subsection 1  
8 that the private college, university, or nonpublic school is  
9 a part of or intends to become a part of the network may use  
10 the network for its video, data, or voice requirements as  
11 determined by the private college or university or nonpublic  
12 school.

13 EXPLANATION

14 This bill exempts a private college or university or a  
15 nonpublic school from a requirement that a private or public  
16 agency which certifies to the Iowa telecommunications and  
17 technology commission that it is a part of or intends to become  
18 a part of the Iowa communications network shall use the network  
19 for all video, data, and voice requirements of the agency  
20 unless the agency petitions the commission for a waiver and the  
21 waiver is granted. The bill provides, in the alternative, that  
22 a private college or university or a nonpublic school which  
23 certifies to the commission that it is a part of or intends to  
24 become a part of the network may use the network for its video,  
25 data, or voice requirements as determined by that entity.

26 The bill also provides that if a waiver is granted to a  
27 public or private agency, that waiver shall apply for a period  
28 as requested by the agency, not to exceed three years.