

For violation of registration provisions under section 321.17; violation of intrastate hauling on foreign registration under sections 321.54 and 321.55; ~~use of registration under section 321.99;~~ and display of registration or plates under section 321.98, the scheduled fine is twenty dollars.

Sec. 9. Section 805.10, subsections 2 and 4, Code 1983, are amended by striking the subsections.

Approved May 16, 1983

CHAPTER 126

IOWA DEPARTMENT OF PUBLIC BROADCASTING

S.F. 356

AN ACT creating the Iowa department of public broadcasting and prescribing its powers and duties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 18.1, subsection 6, Code 1983, is amended by striking the subsection.

Sec. 2. Section 18.3, subsection 5, Code 1983, is amended to read as follows:

5. Administering the provisions of sections 18.132 to ~~18.152~~ 18.143.

Sec. 3. Section 18.132, Code 1983, is amended to read as follows:

18.132 PURPOSE. It is the intent of the general assembly in providing for state communications, that an educational radio and television facility, including provision for closed circuit television, be established to serve the entire state, and that communications of state government be co-ordinated to effect maximum practical consolidation and joint use of communications services.

Sec. 4. Section 18.133, subsection 1, Code 1983, is amended to read as follows:

1. "State communications" means a system to serve communications needs of state departments and agencies but does not include communications activities exempt under section 18.135, subsection 3 and radio and television facilities under the Iowa department of public broadcasting.

Sec. 5. Section 18.133, subsections 4 and 5, Code 1983, are amended by striking the subsections.

Sec. 6. Section 18.135, Code 1983, is amended to read as follows:

18.135 RULES.

1. The director shall promulgate adopt rules relating to state communications in accordance with the provisions of this chapter. The director shall also adopt and provide for standard communications procedures and policies to be used by all departments and state agencies of state government.

2. Communications activities of departments of state government which agencies that affect the overall operation of state communications shall fall within the administrative jurisdiction of the director for review and action upon request from any department of a state government agency.

3. Communications activities which are operational and the responsibility of a particular department of state government shall continue to fall within the administrative jurisdiction of that department of the state government agency and be financed through its appropriations.

The director and the state educational radio and television facility board shall co-ordinate their activities to achieve the maximum possible co-operation and effective use of the available facilities.

Sec. 7. Section 18.136, subsection 7, Code 1983, is amended to read as follows:

7. The chairman president of the state educational radio and television facility board board of public broadcasting.

Sec. 8. Section 18.141, Code 1983, is amended to read as follows:

18.141 OFFICERS. The council ~~and board~~ shall each elect from their respective memberships its membership a chairman chairperson and vice chairman chairperson who shall each serve for one year and who may be re-elected. Membership on the council ~~or board~~ shall does not constitute holding a public office and members ~~shall are~~ not be required to take and file oaths of office before serving. ~~No A~~ member shall not be disqualified from holding any a public office or employment by reason of his appointment or membership on either the council ~~or the board~~ nor shall any a member forfeit any such the office or employment by reason of his an appointment to the council ~~or board~~, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

Sec. 9. Section 18.142, Code 1983, is amended to read as follows:

18.142 COMPENSATION AND EXPENSES. The members of ~~both~~ the council ~~and the board~~ shall ~~be paid~~ receive a forty-dollar per diem and be reimbursed for travel and actual and necessary expenses involved in attending meetings and in the performance of their duties. ~~All per~~ Per diem and expense moneys paid to the members shall be paid from funds appropriated to the department of general services.

Sec. 10. Section 18.143, Code 1983, is amended to read as follows:

18.143 MEETINGS. ~~Both the~~ The council ~~and the board~~ shall meet ~~separately~~ at least four times each year and shall hold special meetings when called by the appropriate chairman chairperson or in the absence of the chairman chairperson by the vice chairman chairperson or by the chairman chairperson upon written request of four members. ~~Both the~~ The council ~~and the board~~ shall establish procedures and requirements with respect to quorum, place and conduct of meetings.

Sec. 11. NEW SECTION. 18B.1 DEFINITIONS. As used in this chapter unless the context otherwise requires:

1. "Board" means the Iowa public broadcasting board created in section 18B.3.
2. "Executive director" means the executive director of the Iowa department of public broadcasting.
3. "Radio and television facility" means transmitters, towers, studios, and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 12. NEW SECTION. 18B.2 DEPARTMENT CREATED. The Iowa department of public broadcasting is created. The board shall appoint an executive director who shall be the chief administrative officer for the department. The board shall fix the executive director's compensation unless otherwise provided by law.

Sec. 13. NEW SECTION. 18B.3 BOARD.

1. The Iowa public broadcasting board is created to plan, establish, and operate an educational radio and television facility and other educational communications services as necessary to aid in accomplishing the educational objectives of the state. Educational programming shall be the highest priority of the board. Nine members shall compose the board selected in the following manner:

- a. Three members shall be appointed by the state board of public instruction from its own membership or from the personnel of the state department of public instruction.

b. Three members shall be appointed by the state board of regents from its own membership or from among its employees or employees of institutions under the jurisdiction of the board.

c. Three members shall be appointed by the governor, at least one of whom shall be from a regionally accredited private four-year college or university.

2. Board members shall serve a three-year term commencing on July 1 of the year of appointment. A vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

Membership on the board does not constitute holding a public office and members shall not be required to take and file oaths of office before serving. A member shall not be disqualified from holding any public office or employment by reason of appointment to the board nor shall a member forfeit an office or employment by reason of appointment to the board.

Sec. 14. NEW SECTION. 18B.4 MEETINGS.

1. The board shall elect from among its members a president and a vice president to serve a one-year term. The board shall meet at least four times annually and shall hold special meetings at the call of the president or in the absence of the president by the vice president or by the president upon written request of four members. The board shall establish procedures and requirements relating to quorum, place, and conduct of meetings.

2. Board members shall receive forty dollars per diem and actual and necessary expenses incurred in performing their official duties.

Sec. 15. NEW SECTION. 18B.5 ADVISORY COMMITTEES. The board shall appoint at least two advisory committees as follows:

1. Advisory committee on general operations and policy.
2. Advisory committee on curricula and educational matters.

Duties of the advisory committees, and of additional advisory committees as the board may from time to time appoint, shall be specified in rules of internal management adopted by the board.

Sec. 16. NEW SECTION. 18B.6 FACILITIES AND PERMITS.

1. The board may purchase, lease, and improve property, equipment, and services for proper educational communications uses, and may dispose of property and equipment when not necessary for its purposes. The board and the executive director may arrange for joint use of available services and facilities.

2. The board shall apply for channels, frequencies, licenses, and permits as are required for broadcasting.

Sec. 17. NEW SECTION. 18B.7 EXISTING FACILITIES. This chapter does not prohibit institutions under the state board of regents and merged area schools under the department of public instruction from owning, operating, improving and maintaining educational radio and television stations and transmitters now in existence and operation. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

Sec. 18. NEW SECTION. 18B.8 COMPETITION WITH PRIVATE SECTOR. It is the intent of the general assembly that the board shall not compete with the private sector by actively seeking revenue from its operations. It is not the intent of the general assembly to prohibit the receipt of charitable contributions as defined by section 170 of the Internal Revenue Code. The board, the governor, or the executive director may apply for and accept federal or nonfederal gifts, loans, or grants of funds and may use the funds for projects under this chapter.

Sec. 19. NEW SECTION. 18B.9 LOCATION OF FACILITIES. The board may locate its administrative offices and production facilities outside the city of Des Moines, Iowa.

Sec. 20. NEW SECTION. 18B.10 ANNUITY CONTRACTS. At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its employees from any company the employee chooses that is authorized to do business in this state and through an Iowa-licensed insurance agent that the employee selects, for retirement or other purposes and may make payroll deductions in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403b of the Internal Revenue Code of 1954 as amended to the effective date of this Act. The employee's rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

Whenever an existing tax-sheltered annuity contract is to be replaced by a new contract the agent or representative of the company shall send a letter of intent by registered mail at least thirty days prior to any action to the company being replaced, to the insurance commissioner of the state of Iowa, and to the agent's own company. The letter of intent shall contain the policy number and description of the contract being replaced and a description of the replacement contract.

Sec. 21. NEW SECTION. 18B.11 CAPITAL EQUIPMENT REPLACEMENT REVOLVING FUND.

1. The board may provide noncommercial production or reproduction services for other public agencies, nonprofit corporations or associations organized under state law, or other nonprofit organizations and may collect the costs of providing the services from the public agency, nonprofit corporation, association, or organization plus a separate equipment usage fee in an amount determined by the board and based upon the equipment used. The costs shall be deposited to the credit of the board. The separate equipment usage fee shall be deposited in the capital equipment replacement revolving fund.

2. The board may establish a capital equipment replacement revolving fund into which shall be deposited equipment usage fees collected under subsection 1 and funds from other sources designated for deposit in the capital equipment replacement revolving fund. The board may expend moneys from the capital equipment replacement revolving fund to purchase technical equipment for operating the educational radio and television facility.

Sec. 22. NEW SECTION. 18B.12 TRUSTS. Notwithstanding section 633.63, the board may accept and administer trusts and may authorize nonprofit foundations acting solely for the support of the educational radio and television facility to accept and administer trusts deemed by the board to be beneficial to the operation of the educational radio and television facility. The board and the foundations may act as trustees in such instances.

Sec. 23. Section 19A.3, subsection 16, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

16. The executive director, the executive director's secretary, the division directors and their principal assistants, and programming, production, educational, and engineering personnel under the jurisdiction of the Iowa public broadcasting board.

Sec. 24. Section 19A.3, unnumbered paragraph 5, Code 1983, is amended to read as follows:

The state board of regents and the educational radio and television facility board shall adopt rules for their employees, which rules shall be not be inconsistent with the objectives of this chapter, and which shall be are subject to approval of the Iowa merit employment commission. If at any time the director determines that the board of regents merit system or the educational radio and television facility boards merit system does not comply with the intent of this chapter, he the director, subject to the approval of the commission, shall have

~~authority to direct correction thereof and the may direct the board to correct the rules.~~ The rules of the board shall are not be in compliance until the corrections are made.

Sec. 25. 1981 Iowa Acts, chapter 9, section 7, subsection 6, is amended to read as follows:

6. The following are range four positions: superintendent of banking, director of the Iowa beer and liquor control department, chairperson and members of the Iowa state commerce commission, director of the state conservation commission, director of the Iowa development commission, ~~executive director of the educational radio and television facility board Iowa~~ department of public broadcasting, director of the Iowa department of job service, director of the department of general services, commissioner of health, director of the office for planning and programming, and commissioner of public safety.

Sec. 26. Members of the state educational radio and television facility board on the effective date of this Act shall continue to serve the unexpired portion of their term as members of the state educational radio and television facility board as members of the Iowa public broadcasting board. The state comptroller shall transfer funds and accounts of the state educational radio and television facility board to the Iowa department of public broadcasting on the effective date of this Act. Property and records of the state educational radio and television facility board become the property and records of the Iowa department of public broadcasting on the effective date of this Act and shall be transferred accordingly.

Sec. 27. Sections 18.134, 18.138 through 18.140 and 18.144 through 18.155, Code 1983, are repealed.

Approved May 16, 1983

CHAPTER 127
PUBLIC UTILITY REGULATION
H.F. 312

AN ACT relating to public utilities and providing civil penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 13.7, Code 1983, is amended to read as follows:

13.7 SPECIAL COUNSEL. ~~No compensation~~ Compensation shall not be allowed to any person for services as an attorney or counselor to ~~any an~~ an executive department of the state government, or the head thereof, or to ~~any a~~ a state board or commission, ~~but.~~ However, the executive council may employ legal assistance, at a reasonable compensation, in ~~any~~ a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform ~~said the~~ the service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the