

**CHAPTER 211**  
**IOWA PUBLIC BROADCASTING**  
*S.F. 162*

**AN ACT** relating to the authority and composition of the Iowa public broadcasting board including authority over narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date.

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

Section 1. Section 18.133, subsection 1, Code 1987, is amended to read as follows:

1. "State communications" refers to the transmission of voice, data, video, the written word or other visual signals by electronic means to serve the needs of state agencies but does not include communications activities of the state board of regents, radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the division of public broadcasting, department of transportation distributed data processing and mobile radio network, or law enforcement communications systems.

Sec. 2. Section 256.7, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Rules adopted under this section shall provide that telecommunications shall not be used by school districts as the exclusive means to provide any course which is required by the minimum educational standards for approval or accreditation.

Sec. 3. Section 303.1, subsection 4, Code 1987, is amended to read as follows:

4. The director may create, combine, eliminate, alter or reorganize the organization of the department by rule except for those matters prescribed by sections 303.75 through ~~303.83~~ 303.85.

Sec. 4. Section 303.1A, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Except for those matters prescribed by sections 303.75 through ~~303.83~~ 303.85, the director shall:

Sec. 5. Section 303.2, subsection 1, Code 1987, is amended to read as follows:

1. The administrative services section shall provide administrative, accounting, public relations and clerical services for the department, report to the director and perform other duties assigned to it by the director, except for those matters prescribed by sections 303.75 through ~~303.83~~ 303.85. The administrative services section may provide services to the public broadcasting division.

Sec. 6. Section 303.75, unnumbered paragraph 1, Code 1987, is amended to read as follows:

As used in this section and sections 303.76 through ~~303.83~~ 303.85 unless the context otherwise requires:

Sec. 7. Section 303.75, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 4. "Narrowcast" means communications through systems that are directed toward a narrowly defined audience.

NEW SUBSECTION. 5. "Broadcast" means communications through a system that is receivable by the general public with programming designed for a large group of users.

NEW SUBSECTION. 6. "Radio and television facility" means transmitters, towers, studios and all necessary associated equipment for broadcasting, including closed circuit television.

Sec. 8. Section 303.77, subsection 1, Code 1987, is amended by striking the subsection and inserting the following:

1. The Iowa public broadcasting board is created to plan, establish, and operate educational radio and television facilities and other telecommunications services including narrowcast and broadcast systems to serve the educational needs of the state. The board shall be composed of nine members selected in the following manner:

a. Four members shall be appointed by the governor so that the portion of the board membership appointed under this paragraph includes two male board members and two female board members at all times:

(1) One member shall be appointed from the business community other than the commercial broadcasting industry and the telecommunications industry.

(2) One member shall be appointed from the commercial broadcast industry.

(3) One member shall be appointed from the membership of a fund-raising nonprofit organization financially assisting the Iowa public broadcasting division.

(4) One member shall represent the general public.

b. Five members shall be selected in the manner provided in this paragraph and the gender balance of the membership shall be coordinated among the associations and boards making the appointments so that not more than three members serving under this paragraph at the same time are of the same gender.

(1) One member shall be appointed by the state association of private colleges and universities.

(2) One member shall be appointed jointly by the superintendents of the merged area schools created by chapter 280A.

(3) One member shall be appointed jointly by the administrators of the area education agencies created by chapter 273.

(4) One member who is knowledgeable about telecommunications shall be appointed by the state board of regents.

(5) One member shall be appointed by the state board of education.

Sec. 9. Section 303.77, subsection 3, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The board shall appoint at least two advisory committees, each of which has no more than a simple majority of members of the same gender, as follows:

Sec. 10. Section 303.77, subsection 3, paragraphs a and b, Code 1987, are amended by striking the paragraphs and inserting in lieu thereof the following:

a. Advisory committee on the operation of the narrowcast system. The advisory committee shall be composed of members from among the users of the narrowcast system including representatives of institutions under the state board of regents, merged area schools, area education agencies, classroom teachers, school district administrators, school district boards of directors, the department of economic development, the department of education, and private colleges and universities.

b. Advisory committee on journalistic and editorial integrity. The division shall be governed by the national principles of editorial integrity developed by the editorial integrity project.

Sec. 11. Section 303.77, subsection 3, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Members of advisory committees shall receive actual expenses incurred in performing their official duties.

Sec. 12. Section 303.78, subsection 2, Code 1987, is amended to read as follows:

2. Board members shall receive actual expenses incurred in performing their official duties. ~~Members may also be eligible for compensation as provided in section 7E.6.~~

Sec. 13. Section 303.79, Code 1987, is amended to read as follows:

303.79 FACILITIES AND PERMITS FUNCTIONS OF THE BOARD.

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

2. The board shall apply for channels, frequencies, licenses, and permits as required for broadcasting necessary for the performance of the board's duties.

3. This section does not prohibit institutions under the state board of regents and merged area schools under the department of education from owning, operating, improving, and maintaining, and restructuring educational radio and television stations and transmitters now in existence and operation or other educational narrowcast telecommunications systems and services. The institutions and schools may enter into agreements with the board for the lease or purchase of equipment and facilities.

4. The board may locate its administrative offices and production facilities outside the city of Des Moines.

5. The board shall adopt and update a design plan for educational telecommunications systems and services in this state. Not later than January 1, 1988, the board shall transmit to the general assembly a progress report concerning the development of the design plan. The design plan shall be adopted by the board not later than January 1, 1989, and shall be updated at least every two years thereafter. Copies of the design plan and updated design plan shall be made available to the governor and members of the general assembly upon request. The plan shall include a list of public utilities and private telecommunications companies being utilized\* by the educational telecommunications system; the cost of the system; the fees or charges established for the system; and information on areas where construction is required because facilities are not available from private telecommunications companies.

6. The board shall establish guidelines for and may impose and collect fees and charges for services. Fees and charges collected by the board for services shall be deposited to the credit of the division. Any interest earned on these receipts, and revenues generated under subsection 7, shall be retained and may be expended by the division subject to the approval of the board.

7. The board may make and execute agreements, contracts, and other instruments with any public or private entity and may retain revenues generated from these contracts. State departments and agencies, other public agencies, and governmental subdivisions and private entities including but not limited to institutions of higher education and nonpublic schools may enter into contracts and otherwise cooperate with the board.

8. The board may contract with engineers, attorneys, accountants, financial experts, and other advisors upon the recommendation of the director. The board may enter into contracts or agreements for such services with local, state, or federal governmental agencies.

9. The board may adopt rules to implement and administer the programs of the division.

10. The decision of the board is final agency action under chapter 17A.

Sec. 14. Section 303.82, Code 1987, is amended to read as follows:

#### 303.82 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 educational telecommunications including the broadcast and narrowcast systems 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. 15. NEW SECTION. 303.84 STATE PLAN.

The board shall cause to be developed and adopt a state educational telecommunications design plan. Any agency of the state and any political subdivision of the state shall submit plans for the development of educational telecommunications systems to the board to be coordinated with the state educational telecommunications design plan adopted by the board.

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\*According to enrolled Act

Private institutions and entities may submit educational telecommunications proposals for coordination.

Sec. 16. NEW SECTION. 303.85 NARROWCAST OPERATIONS.

The board shall not use, permit use, or permit resale of its telecommunications narrowcast system for other than educational purposes. The board, in the establishment and operation of its telecommunications narrowcast system, shall use facilities and services of the private telecommunications industry companies to the greatest extent possible and is prohibited from constructing telecommunications facilities unless comparable facilities are not available from the private telecommunications industry at comparable quality and price.

Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the board.

Sec. 17. Section 303.83, Code 1987, is repealed.

Sec. 18. The terms of office of members of the Iowa public broadcasting board shall expire on the effective date of this Act. Insofar as possible, members of the board shall be appointed from the membership of the Iowa public broadcasting board on June 30, 1987. For the initial board, the members appointed by the state board of regents, by the state board of education and by the governor from the fund-raising nonprofit organization shall serve one-year terms; the members appointed by the administrators of the area education agencies and by the state association representing private colleges and universities and by the governor from the business community shall serve two-year terms; and the member appointed by the superintendents of the merged area schools, the member appointed by the governor from the commercial broadcast industry, and the member appointed by the governor from the general public shall serve three-year terms.

Sec. 19. Section 2 of this Act prevails over section 256.7, subsection 8, unnumbered paragraph 4, contained in section 1 of Senate File 333 if Senate File 333 is enacted by the Seventy-second General Assembly, 1987 Session, and becomes law.

Approved June 5, 1987

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## CHAPTER 212

### PERSONAL LIABILITY AND INDEMNIFICATION

*S.F. 471*

**AN ACT** relating to indemnification and limitation of liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization.

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

Section 1. NEW SECTION. 25A.24 STATE VOLUNTEERS.

A person who performs services for the state government or any agency or subdivision of state government and who does not receive compensation is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit. For purposes of this section, "compensation" does not include payments to reimburse a person for expenses.

Sec. 2. Section 491.5, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 8. A provision which eliminates or limits the personal liability of a director to the corporation or its shareholders or members for monetary damages for breach