

King
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SSB-1140
State Government

Succeeded By
SENATE/HOUSE FILE SE/HE 459
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 providing for the protection of proprietary rights and
2 collection of fees and revenue for software, network designs,
3 and technology applications of the Iowa communications
4 network.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 8D.11A PROPRIETARY INTERESTS.

2 The commission may license, sell, or trade its proprietary
3 software, telecommunications architecture design, and
4 proprietary technology applications developed to support
5 authorized users to private vendors and to other political
6 entities and subdivisions, including but not limited to
7 states, territories, protectorates, and foreign countries.
8 The commission may enter into nondisclosure agreements to
9 protect the state of Iowa's proprietary interests. The
10 provisions of chapter 23A relating to noncompetition by state
11 agencies and political subdivisions with private enterprise
12 shall not apply to commission activities authorized under this
13 section.

14 Sec. 2. Section 23A.2, subsection 10, Code 2001, is
15 amended by adding the following new paragraph:

16 NEW PARAGRAPH. n. The licensing, sale, or trade by the
17 Iowa telecommunications and technology commission of
18 proprietary software, telecommunications architecture design,
19 and proprietary technology applications pursuant to section
20 8D.11A.

21 EXPLANATION

22 This bill relates to the proprietary interests of the Iowa
23 telecommunications and technology commission, on behalf of the
24 state of Iowa, with respect to software, telecommunications
25 architecture design, and proprietary technology applications
26 developed to support authorized Iowa communications network
27 users. The bill authorizes the commission to license, sell,
28 or trade its proprietary software, telecommunications
29 architecture design, and proprietary technology applications
30 to private vendors, and other political entities and
31 subdivisions, including but not limited to states,
32 territories, protectorates, and foreign countries. The bill
33 also authorizes the commission to enter into nondisclosure
34 agreements to protect the state of Iowa's proprietary
35 interests. The bill provides that the provisions of Code

1140

S.F. _____ H.F. _____

1 chapter 23A relating to noncompetition by government shall not
2 apply to the licensing, sale, or trade by the commission of
3 proprietary software, telecommunications architecture design,
4 and proprietary technology applications.

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SSB 1140

IOWA TELECOMMUNICATIONS & TECHNOLOGY COMMISSION

THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

BETSY BRANDSGARD, CHAIRPERSON
RICHARD D. JOHNSON
TIMOTHY L. LAPORTE
MARY A. NELSON
RICHARD H. OPIE
MARK J. SCHOUTEN



IOWA COMMUNICATIONS NETWORK
PO Box 587
JOHNSTON, IA 50131-0587

February 1, 2001

Memorandum

TO: Members of the General Assembly
FR: Harold M. Thompson *HMT*
CC: Iowa Telecommunications and Technology Commission Members
RE: Proposed Policy Code Change

This memorandum is provided as an explanation of the need, purpose, and intent of LSB1233.

The Iowa Communications Network is the largest full-motion, two-way video network in the world. As such, many proprietary software, network designs, and technology applications have been developed to support authorized users. These proprietary software and hardware configurations that were developed on behalf of the state with state funds have required investment by the state. The ICN has received a number of requests for the software and hardware configuration plans and engineering drawings from a number of countries and other states that are interested in duplicating these proprietary developments. The state is obligated to provide this information under current laws without the ability to recoup costs for the state's investment in development of the software, network designs, and technology applications. This language will allow for the state to receive fees for release of this information much like the Regents Institutions receive fees for their research and development projects.

Substituted for by HF 470
3-26-01 (p. 824)

FILED MAR 15 '01

SENATE FILE 459
BY COMMITTEE ON STATE GOVERNMENT

WITHDRAWN
3-26-01
(p. 825)

(SUCCESSOR TO SSB 1140)

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SF 459

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**SENATE FILE 459
FISCAL NOTE**

A fiscal note for **Senate File 459** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 459 authorizes the Iowa Telecommunications and Technology Commission to license, sell, or trade its proprietary software, telecommunications architecture design, and proprietary technology applications to private vendors and other political entities and subdivisions.

FISCAL IMPACT

Due to insufficient information to determine annual receipts the Iowa Telecommunications and Technology Commission may receive from charges associated with proprietary interests, a reliable estimate cannot be provided. It is anticipated that any revenues generated may vary significantly on an annual basis. The amount of revenue generated would depend on the amount invested in the development of the product and the value of the product to the buyer.

SOURCE

Iowa Telecommunications and Technology Commission

(LSB 1233SV, DPW)

FILED MARCH 19, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 459**S-3234**

- 1 Amend Senate File 459 as follows:
2 1. Page 1, by striking lines 2 through 5 and
3 inserting the following:
4 "The commission may charge a negotiated fee, to
5 recover a share of the costs related to the research
6 and development, initial production, and derivative
7 products of its proprietary software and hardware,
8 telecommunications architecture design, and
9 proprietary technology applications developed to
10 support authorized users, to private vendors and to
11 other political".
12 2. Page 1, by striking lines 16 through 20 and
13 inserting the following:
14 "NEW PARAGRAPH. n. The performance of an activity
15 authorized pursuant to section 8D.11A."
16 3. Title page, line 2, by striking the words "and
17 revenue".

By STEVE KING**S-3234 FILED MARCH 26, 2001**

ADOPTED

(p. 134)