

751—17.3(8D) Transfer and disposal of assets.

17.3(1) The commission may dispose of its property under its ownership or control when it becomes unnecessary or unfit for further use by the commission. The commission may dispose of unnecessary or unfit property under its control by sale, auction, broker, trade, consignment or any manner which the commission determines will fairly dispose of the property. Proceeds from the disposition of the property will be retained by the commission.

17.3(2) Notice of the disposition of unnecessary or unfit property will be noticed in a newspaper of general circulation, trade journals or on the commission's home page on the Internet. The commission will attempt to advertise its unnecessary or unfit property on other home pages maintained by other state agencies.

17.3(3) In the event of a purchase of unnecessary or unfit property, payment for the unnecessary or unfit property shall be by certified check, electronic funds transfer, or an irrevocable letter of credit and must be in U.S. dollars. Any sale to an entity in a foreign country shall be in conformance with the policies and procedures of the U.S. State Department, the U.S. Department of Commerce and the U.S. Department of Defense. Before title is transferred or the property is delivered, the commission must receive good funds for the purchase of the property. Upon receipt of good funds, the commission shall issue a bill of sale for the property and the item or items of property will be removed from the commission's inventory. In the event of a trade of property, the commission will issue a bill of sale relinquishing ownership of its property upon receipt of the property exchanged. The commission shall require the trader to provide a document transferring ownership to the commission and the state of Iowa.

17.3(4) Notwithstanding any contrary provision in this chapter or these rules, and consistent with Iowa Code section 8D.12, the commission may dispose of unnecessary or unfit property under its ownership or control by sale, auction, broker, trade, consignment, gift, transfer, or any manner in which the commission determines will fairly dispose of the property to any branch of the government of the state of Iowa, any Iowa state agency, or any institution under the control of the Iowa board of regents. Contrary provisions of subrules 17.3(1) to 17.3(3) do not apply to the disposition of property pursuant to this subrule. Dispositions pursuant to this subrule are valid so long as the executive director of the Iowa communications network determines that the transfer is in the best interests of the state of Iowa.

17.3(5) Notwithstanding any contrary provision in this chapter or these rules, upon request by an authorized user, the commission may procure, in accordance with all applicable administrative rules and provisions of Iowa Code chapter 8D, any telecommunications equipment, devices or services requested by or on behalf of an authorized user. The commission may further transfer the title to, or benefit of, the telecommunications equipment, devices or services to the authorized user. The commission may accordingly bill the authorized user through the commission's regular process for the telecommunications equipment, devices or services or for the use of such telecommunications equipment, devices or services. Nothing in this subrule shall permit the commission to purchase or transfer title to Part III fiber as defined in Iowa Code section 8D.13(2) "c" unless such purchase or transfer is authorized by Iowa Code chapter 8D or an Act of the legislature approved by the governor.