

House Amendment 9285

Amendment Text

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1 1 Amend [Senate File 2418](#), as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, by inserting after line 26 the
1 4 following:
1 5 "Sec. _____. LEGISLATIVE COUNCIL. There is
1 6 appropriated from the general fund of the state to the
1 7 legislative council for use by the legislative
1 8 oversight committee for the fiscal year beginning July
1 9 1, 1998, and ending June 30, 1999, the following
1 10 amount, or so much thereof as is necessary, to be used
1 11 for the purpose designated:
1 12 \$ 75,000
1 13 The legislative oversight committee shall use funds
1 14 appropriated in this section to retain a consultant to
1 15 study and review potential options related to the
1 16 disposition of the Iowa communications network, and
1 17 potential options related to a change in the
1 18 management structure of the network, including but not
1 19 limited to, the privatization of all or a portion of
1 20 the management functions of the network. For purposes
1 21 of this study, the consultant shall assume that such
1 22 disposition or change in management structure shall
1 23 not occur until such time as the build-out of Part III
1 24 is complete. The consultant shall provide a written
1 25 final report to the general assembly no later than
1 26 January 11, 1999. The co-chairpersons of the
1 27 committee are authorized to appoint an advisory
1 28 committee composed of members as deemed appropriate by
1 29 the co-chairpersons to assist the consultant as
1 30 appropriate."
1 31 #2. Page 5, by striking lines 5 through 24.
1 32 #3. Page 6, by striking lines 10 through 17.
1 33 #4. Page 7, by inserting after line 26 the
1 34 following:
1 35 "_____. To the department of revenue and finance for
1 36 telefiling of tax returns:
1 37 \$ 150,000"
1 38 #5. Page 7, by inserting after line 32 the
1 39 following:
1 40 "The commission, prior to obligating any funds
1 41 under this paragraph, shall submit the proposed
1 42 expenditure to the legislative oversight committee of
1 43 the legislative council for review and approval. The
1 44 commission, in submitting such proposal, shall also
1 45 make a recommendation as to whether such replacement
1 46 optical components should be purchased, leased, or
1 47 procured in some other manner, in an effort to
1 48 minimize the cost to the state."
1 49 #6. By striking page 7, line 33, through page 8,
1 50 line 3.
2 1 #7. Page 8, by striking lines 18 through 20.
2 2 #8. Page 8, by striking lines 30 through 32.
2 3 #9. Page 9, by striking lines 22 through 31.
2 4 #10. By striking page 10, line 16, through page 12,
2 5 line 32 and inserting the following:
2 6 "Sec. _____. NEW SECTION. 18.181 IOWACCESS
2 7 ADVISORY COUNCIL.

2 8 1. An IowaAccess advisory council is created within
2 9 the division of information technology services of the
2 10 department. At a minimum, the advisory council shall
2 11 be composed of all of the following:

2 12 a. A person appointed by the legislative council,
2 13 who may be a member or a staff member of the general
2 14 assembly, designated to represent the general
2 15 assembly.

2 16 b. The chief justice of the supreme court or the
2 17 chief justice's designee to represent the judicial
2 18 branch.

2 19 c. The director of the department of management or
2 20 the director's designee.

2 21 d. The auditor of state or the auditor's designee.

2 22 e. Six individuals appointed by the director of
2 23 the division of information technology services who
2 24 shall include all of the following:

2 25 (1) One person representing financial institutions
2 26 who shall be actively engaged in finance and banking.

2 27 (2) One person representing insurers who shall be
2 28 actively engaged in the insurance industry.

2 29 (3) One person representing attorneys who shall be
2 30 actively engaged in the profession of law.

2 31 (4) One person representing media interests.

2 32 (5) One person representing cities who shall be
2 33 actively engaged in the administration of a city.

2 34 (6) One person representing counties who shall be
2 35 actively engaged in the administration of a county.

2 36 f. Other heads of agencies or elected officials or
2 37 their designees as well as other representatives of
2 38 the public, business, and industry as determined by
2 39 the director of the division of information technology
2 40 services.

2 41 2. Persons appointed by the director of the
2 42 division of information technology services shall be
2 43 selected from a list of candidates nominated by
2 44 interested organizations consulted by the director.

2 45 3. Appointed members shall serve three-year terms
2 46 beginning and ending as provided in section 69.19. An
2 47 appointed member is eligible for reappointment to one
2 48 additional three-year term. A vacancy on the board
2 49 shall be filled for the unexpired portion of the
2 50 regular term in the same manner as regular
3 1 appointments are made.

3 2 4. The advisory council shall meet not less than
3 3 four times annually, and may meet more frequently at
3 4 the call of the chairperson or upon written request of
3 5 six or more members to the chairperson. The
3 6 chairperson shall call a meeting of the council at
3 7 least once every three months. The advisory council
3 8 shall annually select a chairperson from among its
3 9 members.

3 10 Sec. _____. NEW SECTION. 18.182 POWERS AND DUTIES
3 11 OF THE IOWAACCESS ADVISORY COUNCIL.

3 12 The director of the division of information
3 13 technology services shall seek the advice of the
3 14 advisory council regarding all of the following:

3 15 1. Developing a process for reviewing and
3 16 establishing priorities for implementation of
3 17 electronic access to government records.

3 18 2. Establishing priorities for implementing
3 19 electronic access to government records.

3 20 3. Establishing priorities for implementing
3 21 electronic transactions involving government agencies
3 22 and members of the public.

3 23 4. Budgeting, funding, and operating expenses
3 24 related to developing, implementing, and maintaining

3 25 electronic access to government records.
3 26 5. Reviewing, inspecting, and evaluating the
3 27 technology and financial audits as required in section
3 28 18.185, for the purpose of recommending program
3 29 improvements, efficiencies, and priorities to the
3 30 division of information technology services.

3 31 6. Reviewing the basis of all charges and fees to
3 32 the public for accessing government records
3 33 electronically to ensure that the charges do not
3 34 exceed the reasonable cost of providing a public
3 35 record as provided in section 22.3A.

3 36 7. Reviewing requests for proposals, proposals,
3 37 and contracts which involve the management and
3 38 operation of the IowaAccess network by a private
3 39 entity.

3 40 8. Monitoring privacy and confidentiality of
3 41 public records which are accessed electronically.

3 42 Sec. _____. NEW SECTION. 18.183 POWERS AND
3 43 RESPONSIBILITIES VESTED IN INDIVIDUAL GOVERNMENT
3 44 AGENCIES.

3 45 1. The government agency that is the lawful
3 46 custodian of a public record shall be responsible for
3 47 determining whether a record is required by state
3 48 statute to be confidential. The transmission of a
3 49 record by a government agency by use of electronic
3 50 means established, maintained, or managed by the
4 1 division of information technology services shall not
4 2 constitute a transfer of the legal custody of the
4 3 record from the individual government agency to the
4 4 division of information technology services or to any
4 5 other person or entity.

4 6 2. The division of information technology services
4 7 shall not have authority to determine whether an
4 8 individual government agency should automate records
4 9 of which the individual government agency is the
4 10 lawful custodian. However, the division may encourage
4 11 governmental agencies to implement electronic access
4 12 to government records as provided in section 18.182.

4 13 3. A government agency shall not limit access to a
4 14 record by requiring a citizen to receive the record
4 15 electronically as the only means of providing the
4 16 record. A person shall have the right to examine and
4 17 copy a printed form of a public record as provided in
4 18 section 22.2, unless the public record is
4 19 confidential.

4 20 4. A person who contracts with a government agency
4 21 to provide access or disseminate public records by
4 22 electronic or other means shall pay the same fee which
4 23 would be charged to the public under chapter 22 for
4 24 any public record that is in any manner utilized by
4 25 the person in a venture that is not part of the
4 26 contract with the government agency.

4 27 Sec. _____. NEW SECTION. 18.184 FINANCIAL
4 28 TRANSACTIONS.

4 29 1. The division of information technology services
4 30 shall collect moneys paid to participating
4 31 governmental entities from persons who complete an
4 32 electronic financial transaction with the governmental
4 33 entity by accessing the IowaAccess network. The moneys
4 34 may include all of the following:

4 35 a. Fees required to obtain an electronic public
4 36 record as provided in section 22.3A.

4 37 b. Fees required to process an application or file
4 38 a document, including but not limited to fees required
4 39 to obtain a license issued by a licensing authority.

4 40 c. Moneys owed to a governmental entity by a
4 41 person accessing the IowaAccess network in order to

4 42 satisfy a liability arising from the operation of law,
4 43 including the payment of assessments, taxes, fines,
4 44 and civil penalties.

4 45 2. Moneys transferred using the IowaAccess network
4 46 may include amounts owed by a governmental entity to a
4 47 person accessing the IowaAccess network in order to
4 48 satisfy a liability of the governmental entity. The
4 49 moneys may include the payment of tax refunds, and the
4 50 disbursement of support payments as defined in section
5 1 252D.16 or 598.1 as required for orders issued
5 2 pursuant to section 252B.14.

5 3 3. The division of information technology services
5 4 shall serve as the agent of the governmental entity in
5 5 collecting moneys for receipt by governmental
5 6 entities. The moneys shall be transferred to
5 7 governmental entities directly or to the treasurer of
5 8 state for disbursement to governmental entities as
5 9 required by the treasurer of state in cooperation with
5 10 the auditor of state.

5 11 4. In addition to other forms of payment, credit
5 12 cards shall be accepted in payment for moneys owed to
5 13 a governmental entity as provided in this section,
5 14 according to rules which shall be adopted by the
5 15 treasurer of state. The fees to be charged shall not
5 16 exceed those permitted by statute. A governmental
5 17 entity may adjust its fees to reflect the cost of
5 18 processing as determined by the treasurer of state.
5 19 The discount charged by the credit card issuer may be
5 20 included in determining the fees to be paid for
5 21 completing a financial transaction under this section
5 22 by using a credit card.

5 23 Sec. ____ NEW SECTION. 18.185 AUDITS REQUIRED.

5 24 A technology audit of the electronic transmission
5 25 system by which government records are transmitted
5 26 electronically to the public shall be conducted not
5 27 less than once annually for the purpose of determining
5 28 that government records and other electronic data are
5 29 not misappropriated or misused by the division of
5 30 information technology services or a contractor of the
5 31 division. A financial audit shall be conducted not
5 32 less than once annually to determine the financial
5 33 condition of the division of information technology
5 34 services and to make other relevant inquiries.

5 35 Sec. ____ NEW SECTION. 18.186 CREDIT CARDS
5 36 ACCEPTED.

5 37 In addition to other forms of payment, credit cards
5 38 may be accepted in payment for any fees, including but
5 39 not limited to interest, penalties, subscriptions,
5 40 registrations, purchases, applications, licenses,
5 41 permits, or other filings transmitted or transactions
5 42 conducted electronically. The fees to be charged
5 43 shall not exceed those permitted by statute, except
5 44 that the discount charged by the credit card issuer
5 45 may be included in determining the fee to be charged
5 46 for records transmitted or transactions conducted
5 47 electronically.

5 48 Sec. ____ Section 22.2, subsection 1, Code 1997,
5 49 is amended to read as follows:

5 50 1. Every person shall have the right to examine
6 1 and copy a public

~~—records~~

— record and to publish or
6 2 otherwise disseminate a public

~~—records~~

— record or the

6 3 information contained

~~therein~~

- in a public record.

6 4 Unless otherwise provided for by law, the right to
6 5 examine a public record shall include the right to
6 6 examine a public record without charge while the
6 7 public record is in the physical possession of the
6 8 custodian of the public record. The right to copy a
6 9 public

~~records~~

- record shall include the right to make
6 10 photographs or photographic copies while the

~~records~~

-

6 11

~~are~~

- public record is in the possession of the
6 12 custodian of the

~~records~~

- public record. All rights

6 13 under this section are in addition to the right to
6 14 obtain a certified

~~copies~~

- copy of

~~records~~

- a public

6 15 record under section 622.46.

6 16 Sec. _____. Section 22.3A, subsection 2, paragraph
6 17 a, Code 1997, is amended to read as follows:

6 18 a. If access to the data processing software is
6 19 provided to a person solely for the purpose of
6 20 accessing a public record, the amount shall be not
6 21 more than that required to recover direct publication
6 22 costs, including but not limited to editing,
6 23 compilation, and media production costs, incurred by
6 24 the government body in developing the data processing
6 25 software, and preparing the data processing software
6 26 for transfer to the person. The amount shall be in
6 27 addition to any other fee required to be paid under
6 28 this chapter for the examination and copying of a
6 29 public record. If a person requests the reproduction
6 30 of a public record stored in an electronic format that
6 31 does not require formatting, editing, or compiling to
6 32 reproduce the public record, the charge for providing
6 33 the reproduced public record shall not exceed the
6 34 reasonable cost of reproducing and transmitting that
6 35 public record. The government body shall, if
6 36 requested, provide documentation which explains and
6 37 justifies the amount charged. This paragraph shall
6 38 not apply to any publication for which a price has
6 39 been established pursuant to another section,
6 40 including section 7A.22.

6 41 Sec. _____. NEW SECTION. 321A.3A FUNDING.

6 42 Notwithstanding section 321A.3 subsection 1, for
6 43 the fiscal year beginning July 1, 1998, in an amount
6 44 not to exceed four hundred thousand dollars, and for
6 45 each subsequent fiscal year, up to one dollar of each
6 46 five dollar transaction shall be transferred to the
6 47 division of information technology services of the
6 48 department of general services for the purposes of

6 49 developing, implementing, maintaining, and expanding
6 50 electronic access to government records in accordance
7 1 with the requirements as set forth in chapter 18,
7 2 division VII.

7 3 Notwithstanding section 8.33, unobligated and
7 4 unencumbered funds remaining at the end of a fiscal
7 5 year shall not revert to the general fund of the
7 6 state, but rather shall remain to be used in
7 7 subsequent fiscal years for the purposes authorized in
7 8 chapter 18, division VII.

7 9 Sec. _____. IOWACCESS INTENT. It is the intent of
7 10 the general assembly that the IowAccess advisory
7 11 council, established in this Act, review the
7 12 performance of a vendor acting as a network manager at
7 13 intervals not to exceed five years.

7 14 Sec. _____. IOWACCESS CODIFICATION. The Code editor
7 15 shall codify the amendments to chapter 18 in this Act
7 16 as division VII of chapter 18."

7 17 #11. Page 15, by striking lines 15 through 25.

7 18 #12. Title page, line 6, by inserting after the
7 19 word "technology," the following:
7 20 "establishing the IowAccess system,".

7 21 #13. Title page, lines 6 and 7, by striking the
7 22 words "providing for the transfer of the information
7 23 technology division,".

7 24 #14. Title page, lines 8 and 9, by striking the
7 25 words "establishing an information technology
7 26 bureau,".

7 27 #15. By renumbering, relettering, or redesignating
7 28 and correcting internal references as necessary.

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7 32 COMMITTEE ON [APPROPRIATIONS](#)

7 33 MILLAGE of Scott, Chairperson

7 34 [SE 2418.7](#)04 77

7 35 mj/sc/28