

House Amendment to
Senate Amendment to
House File 1028

S-5152

1 Amend the Senate amendment, H-1343, to House File 1028, as
2 amended, passed, and reprinted by the House, as follows:

3 1. By striking page 1, line 1, through page 14, line 3, and
4 inserting:

5 <Amend House File 1028, as amended, passed, and reprinted by
6 the House, as follows:

7 1. By striking everything after the enacting clause and
8 inserting:

9 <Section 1. Section 8.39, subsection 2, Code 2026, is
10 amended to read as follows:

11 2. If the appropriation of a department, institution,
12 or agency is insufficient to properly meet the legitimate
13 expenses of the department, institution, or agency, the
14 director of the department of management, with the approval
15 of the governor, may make an interdepartmental transfer from
16 any other department, institution, or agency of the state
17 having an appropriation in excess of its needs, of sufficient
18 ~~funds~~ moneys to meet that deficiency. Such transfer shall
19 be to an appropriation made from the same funding source and
20 within the same fiscal year. The amount of a transfer made
21 from an appropriation under this subsection shall be limited
22 to not more than one-tenth of one percent of the total of all
23 appropriations made from the funding source of the transferred
24 appropriation for the fiscal year in which the transfer is
25 made. An interdepartmental transfer to an appropriation which
26 is not an entitlement appropriation is not authorized when
27 the general assembly is in regular session and, in addition,
28 the sum of interdepartmental transfers in a fiscal year to
29 an appropriation which is not an entitlement appropriation
30 shall not exceed ~~fifty~~ one hundred percent of the amount of
31 the appropriation as enacted by the general assembly. For ~~the~~
32 purposes of this subsection, ~~an entitlement appropriation is:~~

33 a. "Appropriation in excess of its needs" means the
34 amount appropriated by the general assembly for a purpose is
35 determined by the department, institution, or agency receiving

1 the appropriation to be more than the amount necessary to carry
2 out that purpose. An appropriation for an unspecified dollar
3 amount, whether the appropriation is limited to be sufficient
4 to carry out a particular purpose or is unlimited, shall not
5 be considered an appropriation in excess of a department's,
6 institution's, or agency's needs.

7 b. "Entitlement appropriation" means a line item
8 appropriation to the state public defender for indigent defense
9 or to the department of health and human services for foster
10 care, state supplementary assistance, medical assistance, or
11 for the family investment program.

12 Sec. 2. Section 8.57C, subsections 2, 3, and 4, Code 2026,
13 are amended to read as follows:

14 2. Moneys in the fund in a fiscal year shall be used as
15 appropriated by the general assembly ~~for the acquisition~~
16 ~~of computer hardware and software, software development,~~
17 ~~telecommunications equipment, and maintenance and lease~~
18 ~~agreements associated with technology components and for the~~
19 ~~purchase of equipment intended to provide an uninterruptible~~
20 power supply to the department of management to provide
21 a stable funding source for implementation costs of state
22 information technology projects that enhance the state's
23 technology infrastructure, improve government services,
24 and promote innovation and economic development, including
25 but not limited to new information technology projects
26 and infrastructure replacement efforts of a department or
27 establishment, while protecting the privacy of residents of
28 this state.

29 ~~3. a. There is appropriated from the general fund of the~~
30 ~~state to the technology reinvestment fund for the fiscal year~~
31 ~~beginning July 1, 2026, and for each fiscal year thereafter,~~
32 ~~the sum of seventeen million five hundred thousand dollars.~~

33 ~~b. There is appropriated from the rebuild Iowa~~
34 ~~infrastructure fund for the fiscal year beginning July 1, 2025,~~
35 ~~and ending June 30, 2026, the sum of eighteen million two~~

~~1 hundred sixty-nine thousand two hundred seventeen dollars to
2 the technology reinvestment fund, notwithstanding section 8.57,
3 subsection 3, paragraph "c".~~

4 3. a. The department of management shall prioritize
5 proposed projects based on all of the following considerations:

6 (1) Whether the project aligns with the state's strategic
7 priorities.

8 (2) Whether the project promotes or introduces new
9 technology or significantly improves an existing system.

10 (3) Whether the project is feasible and whether the
11 department or establishment has established readiness for the
12 project to proceed, including a clear assessment of timelines,
13 budgets, and measurable outcomes.

14 (4) Whether the project includes a clear change management
15 strategy to support user adoption and aligns with lean
16 enterprise principles to maximize value, minimize waste, and
17 ensure continuous improvement.

18 (5) Whether the project provides a positive return on
19 investment, considering both financial returns and nonfinancial
20 benefits such as improved public safety, education, or health
21 care.

22 (6) Whether the project results in infrastructure that is
23 scalable across the state enterprise.

24 (7) Whether the department or establishment has identified
25 how the completed project will be sustained beyond the initial
26 funding period.

27 (8) Whether the project improves access to governmental
28 services, particularly in rural communities.

29 (9) Whether the project involves an infrastructure project
30 as opposed to maintenance or standard upgrades of existing
31 technology.

32 b. The department of management shall provide a prioritized
33 list of proposed projects for funding to the governor, who
34 shall use the list in developing a budgetary recommendation
35 for the general assembly pursuant to section 8.21 for the

1 fiscal year beginning July 1, 2027, and for each fiscal year
2 thereafter.

3 c. Notwithstanding section 8.33, moneys in the technology
4 reinvestment fund that remain unencumbered or unobligated at
5 the close of a fiscal year shall not revert but shall remain
6 available for expenditure for the purposes designated until
7 the close of the fiscal year that ends two years after the
8 end of the fiscal year for which the appropriation was made.
9 Notwithstanding section 12C.7, subsection 2, interest or
10 earnings on moneys in the fund shall be credited to the fund.

11 ~~4. Annually, on~~ On or before January 15 of each year, a
12 ~~state agency that received an appropriation from this fund~~
13 ~~the department of management~~ shall report to the legislative
14 ~~services agency and the department of management~~ general
15 assembly the status of all projects funded under this section
16 that have been completed since the previous report was
17 submitted or that are in progress. The report ~~shall~~ must
18 include a description of the project, the progress of work
19 completed, the total estimated cost of the project, a list of
20 all revenue sources being used to fund the project, the amount
21 of ~~funds~~ moneys expended, the amount of ~~funds~~ moneys obligated,
22 and the date the project was completed or an estimated
23 completion date of the project, where applicable.

24 Sec. 3. Section 8.78, Code 2026, is amended to read as
25 follows:

26 **8.78 Background checks.**

27 An applicant for employment with the department, or
28 an applicant for employment with a supported entity for a
29 position as information technology staff, may be subject to a
30 background investigation by the department. The background
31 investigation may include, without limitation, a work history,
32 financial review, request for criminal history data, and
33 national criminal history check through the federal bureau of
34 investigation. In addition, a contractor, vendor, employee, or
35 any other individual performing work for the department, or an

1 individual on the information technology staff of a supported
2 entity, may be subject to a national criminal history check
3 through the federal bureau of investigation at least once
4 every ~~ten~~ five years, including, without limitation, any time
5 the department or supported entity has reason to believe an
6 individual has been convicted of a crime. The department may
7 request the national criminal history check and, if requested,
8 shall provide the individual's fingerprints to the department
9 of public safety for submission through the state criminal
10 history repository to the federal bureau of investigation.
11 The individual shall authorize release of the results of the
12 national criminal history check to the department and the
13 applicable supported entity. The department shall pay the
14 actual cost of the fingerprinting and national criminal history
15 check, if any, unless otherwise agreed as part of a contract
16 between the department or supported entity and a vendor or
17 contractor performing work for the department or supported
18 entity. The results of a criminal history check conducted
19 pursuant to [this section](#) shall not be considered a public
20 record under [chapter 22](#).

21 **Sec. 4. NEW SECTION. 8.94 Contracts — prohibited terms.**

22 Provisions included in a contract entered into pursuant to
23 this subchapter that impose terms or conditions prohibited by
24 this section are void as contrary to public policy. Such a
25 contract shall be interpreted and enforced as if the contract
26 did not include the prohibited terms or conditions. Prohibited
27 terms and conditions include all of the following:

28 1. A provision requiring the department or a supported
29 entity to defend, indemnify, hold harmless another person, or
30 otherwise assume the debt or liability of another person in
31 violation of Article VII, section 1, of the Constitution of the
32 State of Iowa.

33 2. A provision that seeks to impose a term that is unknown
34 to the department or supported entity at the time of signing
35 the contract or that can be unilaterally changed by an entity

1 other than the department or a supported entity.

2 3. A provision that violates chapter 13 by not allowing
3 the department or a supported entity to participate in its own
4 defense through representation by the attorney general.

5 4. A provision that grants to a person other than the
6 attorney general the authority to convey to a court or litigant
7 the state's consent to any settlement of a suit involving the
8 contract when such settlement could impose liability on the
9 state.

10 5. A provision that specifies that the contract is governed
11 by the laws of a foreign state or nation.

12 6. A provision that claims blanket confidentiality of the
13 contract's terms.

14 7. A provision that claims that payment terms, including but
15 not limited to cost proposals or other pricing information, of
16 the contract are confidential.

17 8. A provision that authorizes or requires a venue for
18 litigation other than an appropriate state or federal court
19 sitting in Iowa.

20 9. A provision that requires the department or a supported
21 entity to pay attorney fees, court costs, or other litigation
22 expenses in the event of a contractual dispute.

23 10. A provision that imposes on the department or a
24 supported entity binding arbitration or any other binding
25 extrajudicial dispute resolution process in which the final
26 resolution is not determined by the state.

27 11. A provision that waives the department's or a supported
28 entity's right to a jury trial.

29 12. A provision that obligates the department or a supported
30 entity to pay late payment charges not consistent with section
31 8A.514, interest greater than allowed under section 8A.514 or
32 other applicable law, or any cancellation charges, as such
33 charges constitute pledges of the state's credit.

34 13. A provision that obligates the department or a supported
35 entity to pay a tax.

1 14. A provision that imposes a prior notice obligation
2 on the department or a supported entity as a condition for
3 the automatic renewal of a software license. The department
4 or a supported entity may provide notice of its intent to
5 terminate a software license at any time before the renewal
6 date established in the contract.

7 15. A provision that obligates the department or a supported
8 entity to accept risk of loss before the receipt of items or
9 goods.

10 16. A provision that obligates the department or a supported
11 entity to have commercial insurance.

12 17. A provision that obligates the department or a supported
13 entity to grant to a nongovernmental entity full or partial
14 ownership of intellectual property developed pursuant to the
15 contract when the intellectual property is developed in whole
16 or in part using federal funding.

17 18. A provision that limits the time in which the department
18 or a supported entity may bring a legal claim under the
19 contract to a period shorter than that provided in Iowa law.

20 19. A boilerplate provision included in transactional
21 documents received by the department or a supported entity that
22 seeks to alter the terms of the contract or to impose new terms
23 in the contract.

24 Sec. 5. NEW SECTION. **8.95 Contracts — required terms.**

25 All of the following provisions shall be deemed to be
26 included in a contract entered into by the department or a
27 supported entity under this subchapter:

28 1. *Governing law.* The contract shall be governed by
29 the laws of the state of Iowa, without giving effect to any
30 conflicts of law principles of Iowa law that may require the
31 application of another jurisdiction's law.

32 2. *Venue.* Any litigation commenced in connection with the
33 contract shall be brought and maintained in an appropriate
34 state or federal court sitting in Iowa.

35 3. *State data.* "State data" means all data, records,

1 information, or content, in any form, that is provided by a
2 state governmental entity to a vendor or that is collected,
3 generated, or otherwise obtained by the vendor in the course of
4 providing a good or service to the state governmental entity.
5 "State data" does not include aggregated or deidentified data
6 collected by the vendor and used exclusively for the vendor's
7 internal purposes directly related to evaluating or improving
8 system performance, ensuring reliability, evaluating product
9 functionality, conducting system analytics, projecting needs
10 through capacity planning, ensuring license compliance, or
11 evaluating security. State data shall at all times remain the
12 sole and exclusive property of the state, and the vendor shall
13 use state data only as necessary to provide the contracted
14 services to the state. Upon request, the vendor shall provide
15 the state, at no cost, a current copy of all state data in a
16 commercially reasonable and state-acceptable digital format
17 that enables the state to readily use, transfer, or migrate
18 the state data. Except to the extent retention of state data
19 is required by law, grant, or other governmental requirement,
20 the vendor shall, after confirming that the state has received
21 a copy of the state data, permanently delete all state data
22 within a commercially reasonable period of time after the
23 conclusion or termination of the contract. At all times,
24 including any post-contract period in which state data is
25 retained due to record retention obligations, the vendor shall
26 protect state data in accordance with current state data
27 protection policies.

28 Sec. 6. NEW SECTION. 8.96 Contracts — limitation of
29 liability — prohibited terms.

30 Notwithstanding section 8A.311, subsection 22, and rules
31 adopted pursuant to that subsection, the director may include
32 a contractual limitation of vendor liability in information
33 technology goods and services contracts. A contractual
34 limitation of vendor liability must take into consideration the
35 public interest and the mitigation of risks associated with the

1 use of information technology goods or services. Any portion
2 of a contractual limitation of vendor liability that includes
3 a repudiation of all liability for cybersecurity incidents or
4 a limitation on the vendor's liability for intentional torts,
5 criminal acts, fraudulent conduct, intentional or willful
6 misconduct, gross negligence, death, bodily injury, damage to
7 real or personal property, intellectual property violations,
8 liquidated damages, compliance with applicable laws, violations
9 of confidential information obligations, or contractual
10 obligations of the vendor pertaining to indemnification shall
11 be void as a matter of law as contrary to public policy. A
12 contractual limit of vendor liability that does not apply
13 equally to the contracted parties or that limits a vendor's
14 liability to less than the contract value inclusive of all
15 possible extensions is void as a matter of law as contrary to
16 public policy.

17 Sec. 7. NEW SECTION. **8.97 Confidentiality of communications**
18 **with chief information security officer.**

19 In the interest of facilitating communication between
20 the chief information security officer and other entities
21 concerning security incidents and security breaches, all such
22 communications and any documents generated based in whole or in
23 part on such communications are confidential. Notwithstanding
24 chapter 22 or any other provision of law to the contrary, the
25 department shall not release such communications pursuant to
26 state open records laws, and such communications shall not be
27 received into evidence, subject to discovery, or otherwise
28 used in a trial, hearing, or other proceeding in or before any
29 court, regulatory body, or other authority of the state or a
30 political subdivision of the state, unless the communications
31 are subject to a protective order that prohibits further
32 disclosure of such communications and requires any court
33 filings of such communications to be made under seal. It is
34 the intent of the general assembly that these prohibitions and
35 restrictions also apply to federal courts, regulatory bodies,

1 and other authorities and for purposes of federal open records
2 laws, to the extent allowed by federal law and court rules.

3 The chief information security officer shall not release such
4 communications other than for any of the following purposes:

5 1. Identifying a cybersecurity threat, including the source
6 of the cybersecurity threat, or a security vulnerability, and
7 then only to government officials for purposes of addressing
8 the threat.

9 2. Responding to, or otherwise preventing or mitigating,
10 a specific threat of death, serious bodily harm, or serious
11 economic harm.

12 3. Responding to, investigating, prosecuting, or otherwise
13 preventing or mitigating a serious threat to a minor, including
14 sexual exploitation and threats to physical safety.

15 4. Preventing, investigating, disrupting, or prosecuting an
16 offense under state or federal law.

17 5. Providing a confidential cybersecurity briefing to the
18 governor or a member of the general assembly.

19 Sec. 8. NEW SECTION. **8.98 Criminal justice information.**

20 1. The department is authorized to maintain an integrated
21 information system that enables automated data sharing among
22 the executive branch, judicial branch, and local agencies.

23 2. The department is designated as the Iowa statistical
24 analysis center for the purpose of coordinating with data
25 resource agencies to provide data and analytical information
26 to federal, state, and local governments. Notwithstanding any
27 other provision of state law to the contrary, unless prohibited
28 by federal law or regulation, the department shall be granted
29 access, for purposes of research and evaluation, to all of
30 the data listed in this subsection, except that intelligence
31 data and peace officer investigative reports maintained
32 by the department of public safety shall not be considered
33 data for the purposes of this section. The department of
34 management and any record, data, or information obtained by the
35 department under this subsection is subject to the federal and

1 state confidentiality laws and rules, including as described
2 in chapter 22, applicable to the original record, data, or
3 information, and to the original custodian of the record,
4 data, or information. Authorized access under this subsection
5 includes but is not limited to all of the following:

- 6 *a.* Juvenile court records and all other information
7 maintained under sections 232.147 through 232.151.
- 8 *b.* Child abuse information under sections 235A.15 through
9 235A.19.
- 10 *c.* Dependent adult abuse records maintained under chapter
11 235B.
- 12 *d.* Criminal history data maintained under chapter 692.
- 13 *e.* Sex offender registry information maintained under
14 chapter 692A.
- 15 *f.* Presentence investigation reports maintained under
16 section 901.4.
- 17 *g.* Corrections records maintained under sections 904.601 and
18 904.602.
- 19 *h.* Community-based correctional program records maintained
20 under chapter 904.
- 21 *i.* Parole records maintained under chapter 906.
- 22 *j.* Deferred judgment, deferred or suspended sentence, and
23 probation records maintained under chapter 907.
- 24 *k.* Violation of parole or probation records maintained under
25 chapter 908.
- 26 *l.* Fine and victim restitution records maintained under
27 chapters 909 and 910.
- 28 *m.* Child welfare records maintained under chapter 235.

29 3. The department is authorized to provide data analysis and
30 reporting on issues that may affect the state's correctional
31 population and various subgroups of the population. This
32 reporting may include the review of filed, public legislative
33 bills, joint resolutions, and amendments, and compiling
34 criminal justice data for completion of correctional impact
35 statements under section 2.56, minority impact statements, and

1 an annual prison population forecast.

2 4. The department is authorized to maintain a multiagency
3 information system to track the progress of juveniles and
4 adults who have been charged with a criminal offense in
5 the court system through various state and local agencies
6 and programs. This system must utilize existing databases,
7 including the Iowa court information system, the Iowa
8 corrections offender network, the child welfare information
9 system of the department of health and human services,
10 the federally mandated national adoption and foster care
11 information system, and other state and local databases
12 pertaining to juveniles and to adults who have been charged
13 with a criminal offense in the court system, to the extent
14 practicable.

15 5. The multiagency information system is authorized to
16 count and track decision points for juveniles in the juvenile
17 justice system and minors in the child welfare system, evaluate
18 the experiences of the juveniles and minors, and evaluate
19 the success of the services provided. The system is also
20 authorized to count and track decision points for adults who
21 have been charged with a criminal offense in the court system,
22 including but not limited to dismissed charges, convictions,
23 deferred judgments, and sentence information.

24 6. If the department has insufficient moneys or resources
25 to implement this section, the department is authorized to
26 determine which portion of this section may be implemented, if
27 any, and the remainder of this section shall not apply.

28 Sec. 9. NEW SECTION. 8.99 Confidentiality of data.

29 1. For purposes of chapter 22, the department shall not be
30 deemed to be the lawful custodian of records the department
31 maintains for another department or establishment under this
32 subchapter, to the extent the records in question are held
33 by the department as an automated data processing unit of
34 government or held by the department solely for storage for
35 another department or establishment. Such records include but

1 are not limited to all of the following:

2 *a.* Electronic messaging system data.

3 *b.* Mainframe data.

4 *c.* Storage solutions or other electronic information, such
5 as on-premises server data storage and cloud data storage.

6 2. If the department receives a request pursuant to chapter
7 22 for records over which the department has determined it is
8 not the lawful custodian, the department shall deny the request
9 and inform the requester to seek the information from the
10 lawful custodian as provided in chapter 22. The department's
11 determination that it is not the lawful custodian of records is
12 presumed valid. The presumption may be rebutted by clear and
13 convincing evidence to the contrary.

14 3. The department shall provide assistance to the lawful
15 custodian of records held by the department so that the lawful
16 custodian can comply with the production obligations of chapter
17 22.

18 4. If the department receives a subpoena in an
19 administrative, civil, or criminal case for records for which
20 the department is not the lawful custodian, the department
21 shall notify the lawful custodian and the attorney general's
22 office and cooperate in any efforts to resist the subpoena.

23 Sec. 10. Section 216A.131A, Code 2026, is amended to read
24 as follows:

25 **216A.131A Criminal and juvenile justice planning.**

26 The department shall fulfill the responsibilities of
27 this subchapter, including the duties specified in sections
28 216A.133, 216A.135, ~~216A.136~~, ~~216A.137~~, ~~216A.138~~, and 216A.140.

29 Sec. 11. Section 216A.133, subsection 1, paragraphs d, e, f,
30 l, and t, Code 2026, are amended by striking the paragraphs.

31 Sec. 12. Section 216A.133, subsection 1, paragraph q,
32 subparagraphs (1) and (6), Code 2026, are amended by striking
33 the subparagraphs.

34 Sec. 13. Section 216A.133, subsection 1, paragraph s, Code
35 2026, is amended to read as follows:

1 *s.* Provide expertise and advice to the legislative
2 services agency, the department of management, the department
3 of corrections, the judicial branch, and others charged
4 with formulating fiscal, correctional, or minority impact
5 statements.

6 Sec. 14. Section 216A.135, subsection 2, paragraph e, Code
7 2026, is amended by striking the paragraph.

8 Sec. 15. Section 232.147, subsection 2, paragraph i, Code
9 2026, is amended to read as follows:

10 *i.* The statistical analysis center for the purposes stated
11 in section ~~216A.136~~ 8.98.

12 Sec. 16. Section 232.147, subsection 3, paragraph n, Code
13 2026, is amended to read as follows:

14 *n.* The statistical analysis center for the purposes stated
15 in section ~~216A.136~~ 8.98.

16 Sec. 17. Section 232.147, subsection 4, paragraph i, Code
17 2026, is amended to read as follows:

18 *i.* The statistical analysis center for the purposes stated
19 in section ~~216A.136~~ 8.98.

20 Sec. 18. Section 232.149, subsection 5, paragraph f, Code
21 2026, is amended to read as follows:

22 *f.* The statistical analysis center for the purposes stated
23 in section ~~216A.136~~ 8.98.

24 Sec. 19. Section 232.149A, subsection 3, paragraph m, Code
25 2026, is amended to read as follows:

26 *m.* The statistical analysis center for the purposes stated
27 in section ~~216A.136~~ 8.98.

28 Sec. 20. REPEAL. Sections 216A.136, 216A.137, and
29 216A.138, Code 2026, are repealed.

30 Sec. 21. EFFECTIVE DATE. The following take effect July 1,
31 2027:

32 The portions of the section of this Act amending section
33 8.57C, subsections 2 and 4.

34 Sec. 22. APPLICABILITY. The following apply to contracts
35 entered into or renewed on or after July 1, 2026:

- 1 1. The section of this Act enacting section 8.94.
- 2 2. The section of this Act enacting section 8.95.
- 3 3. The section of this Act enacting section 8.96.>
- 4 2. Title page, by striking lines 1 through 3 and inserting
- 5 <An Act relating to matters under the purview of the department
- 6 of management, and including effective date and applicability
- 7 provisions.>>