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SENATE FILE 2418

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2209)

Passed Senate, ^(P.1300) Date 4/15/98 Passed House, ^(P.1796) Date 4/20/98
 Vote: Ayes 46 Nays 3 Vote: Ayes 74 Nays 24

Approved May 21, 1998

[Handwritten signature]

A BILL FOR

1 An Act relating to state government technology and operations, by
 2 making and relating to appropriations to the Iowa
 3 communications network for the connection and support of
 4 certain Part III users, making appropriations to various
 5 entities for other technology-related purposes, providing for
 6 the procurement of information technology, providing for the
 7 transfer of the information technology division, providing for
 8 the use of the network, establishing an information technology
 9 bureau, making miscellaneous related changes, and providing
 10 effective dates.

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

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215.6710

ICN APPROPRIATIONS

1
2 Section 1. TREASURER OF STATE. There is appropriated from
3 the general fund of the state to the treasurer of state for
4 the fiscal year beginning July 1, 1998, and ending June 30,
5 1999, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

7 For debt service:
8 \$ 12,782,000

9 Funds appropriated in this section shall be deposited in a
10 separate fund established in the office of the treasurer of
11 state, to be used solely for debt service for the Iowa
12 communications network. The Iowa telecommunications and
13 technology commission shall certify to the treasurer of state
14 when a debt service payment is due, and upon receipt of the
15 certification the treasurer shall make the payment. The
16 commission shall pay any additional amount due from funds
17 deposited in the Iowa communications network fund.

18 Sec. 2. PART III NETWORK COSTS -- SUBSIDIZATION FUND.

19 1. There is appropriated from the general fund of the
20 state to the Iowa telecommunications and technology commission
21 for the fiscal year beginning July 1, 1998, and ending June
22 30, 1999, the following amounts, or so much thereof as is
23 necessary, to be used for the purposes designated in this
24 subsection:

25 a. For the subsidization of operations of the network as a
26 result of charging authorized users video rates which generate
27 less revenue than necessary to cover associated costs of the
28 network, and consistent with chapter 8D:

29 \$ 3,735,000

30 b. For the transfer of 2.00 FTEs from the public
31 broadcasting division of the department of education to the
32 Iowa telecommunications and technology commission:

33 \$ 35,134

34 2. Funds appropriated in subsection 1 shall be deposited
35 in an Iowa communications network operations account

1 established as a separate account in the office of the
2 treasurer of state. Funds deposited in this account shall be
3 under the control of and used by the Iowa telecommunications
4 and technology commission for the operational costs associated
5 with the network.

6 3. Notwithstanding section 8.33 or 8.39, any balance
7 remaining from the appropriation in this section shall not
8 revert to the general fund of the state but shall remain in
9 the Iowa communications network operations account and be
10 available for expenditure during the subsequent fiscal year
11 for the same purpose, and shall not be transferred to any
12 other program.

13 4. Notwithstanding any contrary provisions, all receipts
14 collected for sales and services provided by the network shall
15 be deposited in the Iowa communications network operations
16 account.

17 5. a. Except as provided in paragraph "b", the commission
18 shall not expend funds from the Iowa communications network
19 operations account in excess of \$32,000,000 for the fiscal
20 year beginning on July 1, 1998, and ending June 30, 1999.

21 b. (1) Notwithstanding paragraph "a", if an amount up to
22 \$4,000,000 is deposited pursuant to section 6 of this Act into
23 the Iowa communications network operations account in excess
24 of the \$32,000,000 limitation, the commission shall expend
25 such funds for the replacement of optical components of the
26 network as provided in section 6, subsection 3, paragraph "k",
27 of this Act.

28 (2) Notwithstanding paragraph "a", if any amount is
29 deposited into the Iowa communications network operations
30 account, or appropriated to the Iowa telecommunications and
31 technology commission or to the network, pursuant to any other
32 Act enacted by the general assembly during the 1998 regular
33 session, the commission may expend such funds only for the
34 purpose designated in such Act.

35 (3) Notwithstanding paragraph "a", if any amount is

1 deposited into the Iowa communications network operations
2 account from a federal grant or other federal source for a
3 specific purpose, the commission may expend such funds only
4 for the purpose designated for such funds.

5 (4) Notwithstanding paragraph "a", amounts expended by the
6 commission for the purchase of equipment on behalf of other
7 state agencies or departments which are reimbursed by such
8 state agency or department shall not be included in the total
9 for purposes of the expenditure limit established in paragraph
10 "a". The commission shall file a report electronically within
11 15 days of the end of each calendar quarter which shall
12 include amounts expended during such calendar quarter by the
13 commission as identified in this subparagraph. The report
14 shall include information relating to each state agency or
15 department for which such equipment was purchased, the
16 equipment purchased, the cost of such equipment, and the
17 amount received from the state agency or department as
18 reimbursement for such purchases. The reports shall be filed
19 electronically with the legislative fiscal bureau, with the
20 initial report filed on or before October 30, 1998, for the
21 calendar quarter beginning July 1, 1998.

22 6. The staff of the Iowa telecommunications and technology
23 commission shall establish budget units and accounts using the
24 state budget system and the Iowa finance and accounting system
25 as determined jointly by the department of management and the
26 legislative fiscal bureau.

27 Sec. 3. PUBLIC BROADCASTING. There is appropriated from
28 the general fund of the state to the public broadcasting
29 division of the department of education for the fiscal year
30 beginning July 1, 1998, and ending June 30, 1999, the
31 following amount, or so much thereof as is necessary, to be
32 used for the purposes designated in subsections 1 and 2 and
33 for the following full-time equivalent positions:

34	\$ 2,312,853
35	FTEs 9.00

1 1. Of the amount appropriated, \$454,661 shall be expended
2 by the public broadcasting division of the department of
3 education to provide support for functions related to the
4 network, including but not limited to the following functions:
5 scheduling for video classrooms; development of distance
6 learning applications; development of a central information
7 source on the Internet relating to educational uses of the
8 network; second-line technical support for network sites;
9 testing and initializing sites onto the network; and
10 coordinating the work of the education telecommunications
11 council.

12 2. Of the amount appropriated, \$1,858,192 shall be
13 allocated by the public broadcasting division of the
14 department of education to the regional telecommunications
15 councils established in section 8D.5. The regional
16 telecommunications councils shall use the funds to provide
17 technical assistance for network classrooms, planning and
18 troubleshooting for local area networks, scheduling of video
19 sites, and other related support activities.

20 Sec. 4. DEPARTMENT OF GENERAL SERVICES. There is
21 appropriated from the general fund of the state to the
22 division of information technology services of the department
23 of general services for the fiscal year beginning July 1,
24 1998, and ending June 30, 1999, the following amount, or so
25 much thereof as is necessary, to be used for the purpose
26 designated:

27 For the purpose of providing information technology
28 services to state agencies and for the following full-time
29 equivalent positions:

30	\$	4,660,013
31	FTEs	158.00

32 One of the full-time equivalent positions appropriated for
33 in this section relates to the transition of personnel
34 services contractors to full-time equivalent positions. The
35 merit system provisions of chapter 19A and the provisions of

1 the collective bargaining agreements entered into between the
2 state and the respective union or bargaining unit shall not
3 govern movement into this full-time equivalent position until
4 September 1, 1998.

5 Sec. 5. INFORMATION TECHNOLOGY DIVISION TRANSFER.

6 Notwithstanding any other provision to the contrary, the Iowa
7 telecommunications and technology commission shall develop a
8 written proposal to be submitted to the governor, for the
9 governor's approval, relating to the transfer of the division
10 of information technology services of the department of
11 general services to the commission. The commission, in
12 consultation with the department, shall identify existing
13 positions which exist in the department directly related to
14 the duties of the division and shall request in the proposal
15 that those positions be transferred to, and be under the
16 control of, the commission. The proposal shall be submitted
17 to the governor no later than January 1, 1999, with a copy of
18 the proposal to be submitted at the same time to the house of
19 representatives and the senate.

20 Upon approval by the governor, the department of management
21 shall provide for the transfer from the department of general
22 services to the commission of funds appropriated in this Act
23 to the division of information technology services of the
24 department of general services.

25 Sec. 6. REVERSION TECHNOLOGY INITIATIVES ACCOUNT.

26 1. A reversion technology initiatives account is
27 established in the office of the treasurer of state under the
28 control of the division of information technology services of
29 the department of general services and for the purpose of
30 supporting various technology programs as provided in this
31 section.

32 Notwithstanding the distribution formula contained in
33 section 8.62 for an operational appropriation which remains
34 unexpended or unencumbered for the fiscal year beginning July
35 1, 1997, 75 percent of the unexpended or unencumbered moneys

1 subject to section 8.62 are appropriated to the reversion
2 technology initiatives account. The remaining 25 percent of
3 such moneys shall remain with the entity to which the
4 operational appropriation was made. Notwithstanding section
5 8.33, for an appropriation other than an operational
6 appropriation as provided in section 8.62 which remains
7 unencumbered for the fiscal year beginning July 1, 1997, 100
8 percent of the unexpended or unencumbered moneys are
9 appropriated to the reversion technology initiatives account.

10 2. Notwithstanding the allocation of moneys in the
11 reversion technology initiatives account as provided in
12 subsection 3 and prior to any allocations made in that
13 subsection, there is allocated for use during the fiscal year
14 beginning July 1, 1998, and June 30, 1999, the following
15 amount, to be used for the purpose designated:

16 To the state board of regents for technology improvement:
17 \$ 935,000

18 3. Moneys in the reversion technology initiatives account
19 are allocated, to the extent available, in the descending
20 priority order for use during the fiscal year beginning July
21 1, 1998, and ending June 30, 1999, as follows:

22 a. To the department of human services for a welfare
23 reform systems development:
24 \$ 1,000,000

25 b. To the department of human services for a child support
26 recovery systems development:
27 \$ 1,131,976

28 c. To the department of workforce development for an
29 integrated information system:
30 \$ 2,513,000

31 d. To the department of education for a teacher examiners
32 records imaging system:
33 \$ 475,000

34 e. To the department of corrections for ICN connections at
35 Newton and Fort Dodge:

1 \$ 600,000
2 f. To Iowa public television to begin the digital
3 television broadcasting conversion:
4 \$ 2,000,000
5 Notwithstanding section 8.33, moneys allocated to Iowa
6 public television in this paragraph which remain unobligated
7 or unexpended at the close of the fiscal year shall not revert
8 to the general fund of the state but shall remain available
9 for the purpose designated in this paragraph in the succeeding
10 fiscal year.
11 g. To the department of economic development for a
12 sustaining first stop business/licensing center pilot project:
13 \$ 100,000
14 h. To the department of education for an electronic data
15 exchange:
16 \$ 500,000
17 If the funds available for this allocation are
18 insufficient, there is appropriated from the school
19 improvement and technology fund to the department of education
20 \$230,000 to continue pilot projects.
21 i. To the department of revenue and finance for a desktop
22 operating system:
23 \$ 450,000
24 j. To the department of revenue and finance for a
25 sustaining tax and wage reporting system (STAWRS):
26 \$ 125,000
27 k. To the department of economic development for workforce
28 recruitment initiative purposes including technical support
29 and maintenance of databases and an internet web site and for
30 a joint proposal of the department of economic development and
31 the department of workforce development relating to the
32 workforce recruitment initiative which shall include
33 provisions for private sector contributions:
34 \$ 150,000
35 l. To the Iowa communications network operations account

1 for use by the Iowa telecommunications and technology
2 commission only for the replacement of optical components of
3 the network which become unusable and which are necessary for
4 the continued operation and use of the network:
5 \$ 4,000,000

6 Notwithstanding section 8.33, moneys allocated to the
7 commission in this paragraph which remain unobligated or
8 unexpended at the close of the fiscal year shall not revert to
9 the general fund of the state but shall remain available for
10 the purpose designated in this paragraph in the succeeding
11 fiscal year.

12 m. To the department of workforce development for a
13 sustaining community resource directory pilot project:
14 \$ 178,000

15 n. To the department of human rights for the division of
16 criminal and juvenile justice for a justice data
17 analysis/warehouse project:
18 \$ 175,000

19 o. To the department of inspections and appeals for the
20 office of public defender for an indigent defense claims
21 processing redesign project:
22 \$ 75,000

23 p. To the department of human services for an
24 institutional central area network:
25 \$ 1,181,400

26 q. To the department of revenue and finance for the
27 development of a tax processing imaging system:
28 \$ 2,739,963

29 r. To the department of general services for a purchasing
30 system:
31 \$ 2,500,000

32 s. To the department of public defense for a preventive
33 maintenance system:
34 \$ 50,000

35 t. To the department of public health for a telephone

1 verification system:

2 \$ 400,000

3 u. To the department of revenue and finance for tele-
4 filing of tax returns:

5 \$ 150,000

6 v. To the department of human services for a family and
7 children's services (FACS) and statewide tracking of abuse
8 reports (STAR) system upgrades:

9 \$ 265,750

10 4. Effective July 1, 1999, the division of information
11 technology in the department of general services shall not
12 deposit any additional moneys into the reversion technology
13 initiatives account, unless reauthorized to do so by the
14 general assembly during the 1999 regular session. Funds
15 allocated to a project pursuant to this section which are
16 encumbered prior to July 1, 1999, may be spent for the
17 specified purpose as provided in this Act. Funds which are
18 allocated but unencumbered as of July 1, 1999, shall revert to
19 the general fund.

20 5. The department of management, in cooperation with the
21 information technology services division of the department of
22 general services, shall develop a standard budget request form
23 for technology or business reengineering projects. A
24 department requesting funding for projects which will cost
25 more than \$100,000 shall use the request form. The form shall
26 require consistent reporting criteria including, but not
27 limited to, project description, project goals, project
28 performance measures, return on investment, cost, time frame,
29 funding sources, and customer base.

30 Sec. 7. IOWA ASSOCIATION OF SCHOOL BOARDS -- USE OF
31 NETWORK. Notwithstanding any contrary provisions of chapter
32 8D, the Iowa association of school boards is authorized to use
33 the Iowa communications network only for educational,
34 instructional, and informational purposes with elected school
35 board members from school districts in Iowa. The Iowa school

1 board association is prohibited from using the network for any
2 political purpose or for activities unrelated to its nonprofit
3 status.

4 Sec. 8. YEAR 2000 REPORTING.

5 1. Every department, institution under the control of the
6 board of regents, and office of a statewide elected official,
7 other than the governor, shall report monthly on forms as
8 provided by the year 2000 program office on the progress of
9 such department, regents institution, or office in
10 implementing century date change programming. Such reports
11 shall be submitted to the legislative oversight committee, the
12 legislative fiscal bureau, and the year 2000 program office.

13 2. The judicial department shall report monthly on forms
14 as provided by the year 2000 program office on the progress of
15 the department in implementing century date change
16 programming. Such report shall be submitted to the
17 legislative oversight committee.

18 3. The computer support bureau shall report monthly on
19 forms as provided by the year 2000 program office on the
20 progress of the bureau in implementing century date change
21 programming. Such report shall be submitted to the
22 legislative oversight committee.

23 Sec. 9. YEAR 2000 PROGRESS AUDIT. The legislative council
24 shall initiate a progress audit concerning the implementation
25 of century date change programming. The legislative council
26 shall retain a person knowledgeable in the area of century
27 date change programming to conduct the progress audit and such
28 person shall not be associated with or performing any tasks
29 under the direction of the department of management, the year
30 2000 program office, or any other state agency. Such progress
31 audit shall be completed prior to the convening of the 1999
32 regular legislative session. The person retained to conduct
33 the progress audit shall provide a written report to the
34 legislative council including any information as deemed
35 necessary by the legislative council.

1 Sec. 10. PROHIBITION ON PRIVATIZATION OF IOWACCESS.
2 Notwithstanding any contrary provision, the IowAccess system
3 for providing electronic access to government records, if
4 enacted by the Seventy-seventh General Assembly, 1998 Regular
5 Session, shall not be privatized, if at all, prior to July 1,
6 1999, and shall remain under the direction and control of the
7 appropriate state agency, as provided in such enactment.

8 Sec. 11. LEGISLATIVE STUDY. The legislative council is
9 requested to establish an interim study concerning the
10 electronic access of public information by the public. The
11 study committee should review the legal and practical issues
12 related to providing such access, review the actions taken by
13 other states to provide such access and any relevant
14 experiences of such states, and any proposed legislation
15 offered during the 1998 Regular Session. The study committee
16 should forward recommendations developed or proposed by the
17 committee, if any, to the legislative council upon completion
18 of the study.

19 Sec. 12. NEW SECTION. 2.110 INFORMATION TECHNOLOGY
20 BUREAU.

21 An information technology bureau is established under the
22 direction and control of the legislative council. The
23 administrative head of the information technology bureau is
24 the director of the bureau. The information technology bureau
25 shall serve the general assembly and the legislative council.

26 Sec. 13. NEW SECTION. 2.111 DIRECTOR.

27 The director of the information technology bureau shall
28 serve on a full-time basis, and shall:

29 1. Employ and supervise all employees of the information
30 technology bureau in positions and at salaries authorized by
31 the legislative council.

32 2. Supervise all expenditures of the information
33 technology bureau with the approval of the legislative
34 council.

35 3. Advise the legislative council on matters relating to

1 information technology as requested by the legislative
2 council.

3 4. Cooperate with legislative agencies under the control
4 of the legislative council and the secretary of the senate and
5 the chief clerk of the house regarding information technology
6 services required by the legislative council and the general
7 assembly.

8 Sec. 14. NEW SECTION. 2.112 DIRECTOR -- SALARY.

9 The salary of the director of the information technology
10 bureau shall be set by the legislative council.

11 Sec. 15. NEW SECTION. 2.113 POWERS AND DUTIES.

12 The bureau shall advise the legislative council and
13 legislative agencies under the legislative council's control
14 on uses and expanded capabilities of information technology
15 and on such other matters deemed appropriate by the
16 legislative council.

17 Sec. 16. NEW SECTION. 2.114 BUDGET.

18 Expenses of the information technology bureau shall be paid
19 upon approval of the director of the bureau. The budget of
20 the information technology bureau for each fiscal year shall
21 be prepared by the director and submitted to the legislative
22 council.

23 Notwithstanding section 2.12, the director of the
24 information technology bureau shall as soon as possible submit
25 a budget to the legislative council for the fiscal year
26 beginning July 1, 1998.

27 Sec. 17. 1997 Iowa Acts, chapter 209, section 2,
28 subsections 1 and 2, are amended to read as follows:

29 1. For state acquisition in accordance with the
30 competitive bidding requirements of this section and as a
31 condition of the appropriation made in this subsection of new
32 devices, equipment, or systems that are date or time
33 sensitive, and information technology hardware and software
34 which already includes the century date change programming and
35 which achieves additional purposes in replacing state

1 hardware, and software, and devices, equipment, or systems
2 that are date or time sensitive for which the century date
3 change programming or other related corrective action is
4 required:

5 \$ 2,000,000

6 Moneys appropriated in this subsection shall be used for
7 the purpose designated and notwithstanding section 8.39 are
8 not subject to transfer or use for any other purpose.

9 2. For the costs of century date change programming or
10 other related corrective action in existing state devices,
11 equipment, or systems and information technology software that
12 are date or time sensitive to the century date change when
13 state acquisition of new information technology hardware, and
14 software, and devices, equipment, or systems that are date or
15 time sensitive which already includes the century date change
16 programming and which achieves additional purposes to
17 incorporate the century date change, is not cost effective,
18 provided the programming or other related corrective action is
19 acquired in accordance with the competitive bidding
20 requirements of this section and as a condition of the
21 appropriation made in this subsection:

22 \$ 3,000,000

23 Moneys appropriated in this subsection shall be used for
24 the purpose designated and notwithstanding section 8.39 are
25 not subject to transfer or use except for the purposes of
26 additional acquisitions under subsection 1.

27 The department shall not enter into a contract or any other
28 obligation for the purpose of addressing the need for century
29 date programming or other corrective action related to
30 devices, equipment, or systems that are date or time sensitive
31 to the century date change which would require the need for
32 funding in excess of the amount appropriated in this section.
33 The department shall utilize, to the greatest extent possible,
34 students and other knowledgeable persons connected with Iowa's
35 colleges and universities in developing or acquiring hardware,

1 software, and programming funded under this section.
2 Otherwise, any acquisition for the purposes described in this
3 section is subject to competitive bidding requirements in rule
4 adopted under law and in accordance with the requirements of
5 this section. In order to maintain maximum open and free
6 competition among bidders, an eligible bidder shall have been
7 organized or doing business prior to January 1, 1997. In
8 addition, an eligible bidder shall not have a relationship
9 with the state for assessment of bids or for preparation of a
10 request for proposals under this section. A bidder with an
11 actual or organizational conflict of interest shall be
12 disqualified. A bidder shall be considered to have a conflict
13 of interest if the organization, or a parent, subsidiary, or
14 affiliated organization, of which the bidder is a shareholder,
15 partner, limited partner, or member, has a conflict of
16 interest. A bidder shall provide assurances of compliance
17 with the requirements of this paragraph at the time of
18 submitting a bid or proposal for any acquisition ~~for the~~
19 purposes of information technology hardware, software, or
20 programming described in this section.

21 Notwithstanding section 8.33, moneys appropriated in this
22 section which remain unexpended or unencumbered at the close
23 of the fiscal year shall not revert to the general fund of the
24 state but shall remain available to be used for the purposes
25 designated until the close of the fiscal year beginning July
26 1, 1999.

27 Sec. 18. 1997 Iowa Acts, chapter 210, section 2,
28 subsection 1, paragraph b, is amended to read as follows:

29 b. There is appropriated from the rebuild Iowa
30 infrastructure fund created in section 8.57, subsection 5, to
31 the Iowa communications network fund under the control of the
32 Iowa telecommunications and technology commission for the
33 fiscal year beginning July 1, 1998, and ending June 30, 1999,
34 the following amount, or so much thereof as is necessary, to
35 be used for the purpose designated:

1 For the connection of Part III authorized users as
2 determined by the commission and communicated to the general
3 assembly:

4 \$ 17,704,000
5 18,904,000

6 Notwithstanding section 8.33, moneys appropriated in this
7 section which remain unobligated or unexpended at the close of
8 the fiscal year shall not revert to the general fund of the
9 state but shall remain available for the fiscal year beginning
10 July 1, 1999, and ending June 30, 2000, for the purpose of
11 completing the connections of Part III authorized users as
12 approved by the general assembly, whether or not such users
13 were part of the Part III contracts executed in 1995.

14 However, the commission shall only add a new site which was
15 not part of the 1995 contract relating to Part III connections
16 upon the withdrawal of a site included under such contract.

17 The commission is authorized for no more than 100 full-time
18 equivalent positions.

19 Fifteen of the full-time equivalent positions appropriated
20 for in this section relate to the transition of personnel
21 services contractors to full-time equivalent positions. The
22 merit system provisions of chapter 19A and the provisions of
23 the collective bargaining agreements entered into between the
24 state and the respective union or bargaining unit shall not
25 govern movement into these full-time equivalent positions
26 until September 1, 1998.

27 Sec. 19. 1997 Iowa Acts, chapter 210, section 2,
28 subsection 1, is amended by adding the following new
29 paragraph:

30 NEW PARAGRAPH. g. The Iowa telecommunications and
31 technology commission is authorized to use Part III funding to
32 convert any leased analog circuit to a leased DS-3 circuit for
33 a Part III site when the existing contract vendor agrees to
34 upgrade the service.

35 Sec. 20. 1997 Iowa Acts, chapter 210, section 10,

1 subsection 1, unnumbered paragraph 1, is amended to read as
2 follows:

3 The department of general services shall establish a
4 reversion incentive program fund for purposes of supporting
5 the implementation of century date change programming and
6 other corrective action related to devices, equipment, or
7 systems that are date or time sensitive to the century date
8 change, and shall be funded as follows:

9 Sec. 21. 1997 Iowa Acts, chapter 210, section 10,
10 subsection 1, paragraph e, is amended to read as follows:

11 e. An agency expending moneys from the fund for
12 implementing century date change programming and other
13 corrective action related to devices, equipment, or systems
14 that are date or time sensitive to the century date change and
15 which receives moneys from another source, including but not
16 limited to the United States government, for the same purpose
17 shall deposit an amount equal to the amount received from the
18 other source into the general fund of the state up to the
19 amount expended from the fund.

20 Sec. 22. 1997 Iowa Acts, chapter 210, section 10,
21 subsection 1, is amended by adding the following new
22 paragraph:

23 NEW PARAGRAPH. g. Notwithstanding other provisions of
24 this section, the year 2000 program office, from funds
25 appropriated to the reversion incentive program fund provided
26 in this section, shall conduct an initial year 2000 compliance
27 assessment of each office of a statewide elected official
28 other than the office of the governor and the lieutenant
29 governor.

30 Sec. 23. 1997 Iowa Acts, chapter 210, section 10,
31 subsection 2, unnumbered paragraph 1, is amended to read as
32 follows:

33 The department shall not enter into a contract or any other
34 obligation for the purpose of addressing the need for century
35 date programming or other corrective action related to

1 devices, equipment, or systems that are date or time sensitive
2 to the century date change which would require the need for
3 funding in excess of the amount appropriated in this section.
4 The department shall utilize, to the greatest extent possible,
5 students and other knowledgeable persons connected with Iowa's
6 colleges and universities in developing or acquiring hardware,
7 software, and programming funded under this section.
8 Otherwise, any acquisition for the purposes described in this
9 section is subject to competitive bidding requirements in rule
10 adopted under law and in accordance with the requirements of
11 this section. In order to maintain maximum open and free
12 competition among bidders, an eligible bidder shall have been
13 organized or doing business prior to January 1, 1997. In
14 addition, an eligible bidder shall not have a relationship
15 with the state for assessment of bids or for preparation of a
16 request for proposals under this section. A bidder with an
17 actual or organizational conflict of interest shall be
18 disqualified. A bidder shall be considered to have a conflict
19 of interest if the organization, or a parent, subsidiary, or
20 affiliated organization, of which the bidder is a shareholder,
21 partner, limited partner, or member, has a conflict of
22 interest. A bidder shall provide assurances of compliance
23 with the requirements of this paragraph at the time of
24 submitting a bid or proposal for any acquisition ~~for the~~
25 purposes of information technology hardware, software, or
26 programming described in this section.

27 Sec. 24. EFFECTIVE DATE. Sections 6, 8, 17, 18, 19, 20,
28 21, 22, and 23, and this section of this Act, being deemed of
29 immediate importance, take effect upon enactment.

30

EXPLANATION

31 This bill relates to state government technology
32 operations, by making appropriations to a number of entities
33 concerned with technology.

34 Specifically, the bill does the following:

35 The bill makes appropriations for the 1998-1999 fiscal year

1 from the general fund of the state for debt service for the
2 Iowa communications network, for subsidization of operations
3 of the network as a result of charging authorized users video
4 rates which generate less revenue than necessary to cover
5 associated costs of the network, for support functions related
6 to the network provided by the public broadcasting division of
7 the department of education, for information technology
8 services provided by the department of general services to
9 other state agencies, and for the support of specified full-
10 time equivalent positions.

11 The bill limits to \$32,000,000 the amount of funds which
12 may be expended by the Iowa telecommunications and technology
13 commission from the Iowa communications network operations
14 account. The bill exempts certain amounts from this
15 limitation including amounts appropriated in this bill for
16 replacement of optical components, amounts appropriated to
17 this account pursuant to any other Act of the general
18 assembly, amounts deposited into the account from a federal
19 grant or other federal source, or amounts expended by the
20 commission for the purchase of equipment on behalf of other
21 state agencies or departments which are reimbursed by such
22 agency or department.

23 The bill provides for the transfer of the division of
24 information technology services of the department of general
25 services to the Iowa telecommunications and technology
26 commission.

27 The bill creates a reversion technology initiatives account
28 to which reversions from the 1997-1998 fiscal year are to be
29 deposited. Moneys in this account are allocated for the 1998-
30 1999 fiscal year in a priority order for specific projects.

31 The bill authorizes the Iowa association of school boards
32 to use the network only for educational, instructional, and
33 informational purposes with elected school board members from
34 school districts in Iowa. The association is prohibited from
35 using the network for any political purpose or for activities

1 unrelated to its nonprofit status.

2 The bill provides for monthly reports by state agencies,
3 the judicial department, and computer support bureau with
4 regard to the progress of implementing century date change
5 programming.

6 The bill directs the legislative council to conduct a
7 progress audit concerning the implementation of century date
8 change programming. This audit is to be completed prior to
9 the convening of the 1999 regular legislative session.

10 The bill provides that the IowaAccess system for providing
11 electronic access to government records, if enacted, is to
12 remain under the direction and control of the appropriate
13 state agency. The bill requests that the legislative council
14 establish an interim study concerning the electronic access of
15 public information by the public.

16 The bill establishes an information technology bureau under
17 the direction and control of the legislative council.

18 The bill also provides for the expenditure of funds for
19 devices, equipment, or systems that are date or time
20 sensitive.

21 Portions of the bill are made effective upon enactment.

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SENATE FILE 2418

S-5721

- 1 Amend Senate File 2418 as follows:
- 2 1. Page 9, by inserting after line 29 the
- 3 following:
- 4 "Sec. ____ . ADDITIONAL CONNECTION. Notwithstanding
- 5 contrary provisions of chapter 8D, the Iowa
- 6 telecommunications and technology commission shall
- 7 provide for the construction of a connection to the
- 8 network for the Dubuque river discovery museum. The
- 9 museum shall be responsible for the costs associated
- 10 with the connection to the network. The commission
- 11 shall establish all hourly rates to be charged to the
- 12 Dubuque river discovery museum at an appropriate rate
- 13 so that, at a minimum, there is no state subsidy
- 14 related to the costs of the connection or use of the
- 15 network by the museum."
- 16 2. By renumbering as necessary.

By TOM FLYNN
MIKE CONNOLLY

S-5721 FILED APRIL 15, 1998

ADOPTED (P. 1299)

SENATE FILE 2418

S-5722

- 1 Amend Senate File 2418 as follows:
- 2 1. Page 7, by striking lines 21 through 23.
- 3 2. By renumbering as necessary.

By JACK RIFE

S-5722 FILED APRIL 15, 1998

ADOPTED (P. 1299)

SENATE FILE 2418

S-5723

- 1 Amend Senate File 2418 as follows:
- 2 1. Page 7, by striking lines 27 through 34 and
- 3 inserting the following:
- 4 "____ . To the department of revenue and finance for
- 5 a remittance processing system:
- 6 \$ 1,500,000"
- 7 2. By renumbering as necessary.

By JACK RIFE

S-5723 FILED APRIL 15, 1998

ADOPTED (P. 1299)

SENATE FILE 2418

S-5713

1 Amend Senate File 2418 as follows:

- DIV 2 1. By striking page 9, line 30, through page 10,
A 3 line 3.
- DIV 4 2. Title page, lines 7 and 8, by striking the
B 5 words "providing for the use of the network,".
- 6 3. By renumbering as necessary.

By JOHN W. JENSEN

S-5713 FILED APRIL 15, 1998

DIV A - ADOPTED, DIV B - WITHDRAWN

P. 1299

SENATE FILE 2418

S-5645

1 Amend Senate File 2418 as follows:

- 2 1. Page 2, line 26, by striking the letter "k"
3 and inserting the following: "l".
4 2. Page 13, line 8, by inserting after the word
5 "purpose" the following: "except that moneys
6 remaining after the purchase of such hardware and
7 software may be used for the purposes designated in
8 subsection 2".

By JACK RIFE

S-5645 FILED APRIL 14, 1998

Adopted
4-15-98 (P 1299)

SENATE FILE 2418

S-5724

1 Amend Senate File 2418 as follows:

- 2 1. Page 11, by inserting after line 18 the
3 following:
4 "Notwithstanding any contrary provision, the
5 division of information technology services,
6 department of general services, or any other state
7 agency or department, shall not enter into any
8 agreement or contract, and no moneys shall be expended
9 or obligated, for the purpose of establishing the
10 lowAccess system for providing electronic access to
11 government records, if established by enactment of the
12 Seventy-seventh General Assembly, 1998 Regular
13 Session, or for the purpose of establishing any other
14 similar system for providing electronic access to
15 government records, prior to the completion of the
16 study requested in this section and the submission of
17 the final report by the study committee and acceptance
18 of such final report by the legislative council."

By JACK RIFE

S-5724 FILED APRIL 15, 1998

ADOPTED

(P, 1299)

H- 4/16/98 approp.
H. 4/17/98 Amend/Do Pass w/H. 9285

SENATE FILE 2418
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2209)

(AS AMENDED AND PASSED BY THE SENATE APRIL 15, 1998)

_____ - New Language by the Senate
* - Language Stricken by the Senate

Passed Senate, Date 4-21-98 Passed House, Date 4/20/98
Vote: Ayes 47 Nays 1 Vote: Ayes 74 Nays 24
Approved May 21, 1998
Passed 4/22/98
vote 79-20

A BILL FOR

1 An Act relating to state government technology and operations, by
2 making and relating to appropriations to the Iowa
3 communications network for the connection and support of
4 certain Part III users, making appropriations to various
5 entities for other technology-related purposes, providing for
6 the procurement of information technology, providing for the
7 transfer of the information technology division, providing for
8 the use of the network, establishing an information technology
9 bureau, making miscellaneous related changes, and providing
10 effective dates.

S.F. 2418

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

SENATE FILE 2418

H-9252
1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, line 29, by inserting after the word
4 "for" the following: "asynchronous transfer mode
5 (ATM) upgrade and".

By FALCK of Fayette

H-9252 FILED APRIL 16, 1998

Let 4/20/98 (P.1793)

ICN APPROPRIATIONS

1
2 Section 1. TREASURER OF STATE. There is appropriated from
3 the general fund of the state to the treasurer of state for
4 the fiscal year beginning July 1, 1998, and ending June 30,
5 1999, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

7 For debt service:

8 \$ 12,782,000

9 Funds appropriated in this section shall be deposited in a
10 separate fund established in the office of the treasurer of
11 state, to be used solely for debt service for the Iowa
12 communications network. The Iowa telecommunications and
13 technology commission shall certify to the treasurer of state
14 when a debt service payment is due, and upon receipt of the
15 certification the treasurer shall make the payment. The
16 commission shall pay any additional amount due from funds
17 deposited in the Iowa communications network fund.

18 Sec. 2. PART III NETWORK COSTS -- SUBSIDIZATION FUND.

19 1. There is appropriated from the general fund of the
20 state to the Iowa telecommunications and technology commission
21 for the fiscal year beginning July 1, 1998, and ending June
22 30, 1999, the following amounts, or so much thereof as is
23 necessary, to be used for the purposes designated in this
24 subsection:

25 a. For the subsidization of operations of the network as a
26 result of charging authorized users video rates which generate
27 less revenue than necessary to cover associated costs of the
28 network, and consistent with chapter 8D:

29 \$ 3,735,000

30 b. For the transfer of 2.00 FTEs from the public
31 broadcasting division of the department of education to the
32 Iowa telecommunications and technology commission:

33 \$ 35,134

34 2. Funds appropriated in subsection 1 shall be deposited
35 in an Iowa communications network operations account

1 established as a separate account in the office of the
2 treasurer of state. Funds deposited in this account shall be
3 under the control of and used by the Iowa telecommunications
4 and technology commission for the operational costs associated
5 with the network.

6 3. Notwithstanding section 8.33 or 8.39, any balance
7 remaining from the appropriation in this section shall not
8 revert to the general fund of the state but shall remain in
9 the Iowa communications network operations account and be
10 available for expenditure during the subsequent fiscal year
11 for the same purpose, and shall not be transferred to any
12 other program.

13 4. Notwithstanding any contrary provisions, all receipts
14 collected for sales and services provided by the network shall
15 be deposited in the Iowa communications network operations
16 account.

17 5. a. Except as provided in paragraph "b", the commission
18 shall not expend funds from the Iowa communications network
19 operations account in excess of \$32,000,000 for the fiscal
20 year beginning on July 1, 1998, and ending June 30, 1999.

21 b. (1) Notwithstanding paragraph "a", if an amount up to
22 \$4,000,000 is deposited pursuant to section 6 of this Act into
23 the Iowa communications network operations account in excess
24 of the \$32,000,000 limitation, the commission shall expend
25 such funds for the replacement of optical components of the
26 network as provided in section 6, subsection 3, paragraph "k",
27 of this Act.

28 (2) Notwithstanding paragraph "a", if any amount is
29 deposited into the Iowa communications network operations
30 account, or appropriated to the Iowa telecommunications and
31 technology commission or to the network, pursuant to any other
32 Act enacted by the general assembly during the 1998 regular
33 session, the commission may expend such funds only for the
34 purpose designated in such Act.

35 (3) Notwithstanding paragraph "a", if any amount is

1 deposited into the Iowa communications network operations
2 account from a federal grant or other federal source for a
3 specific purpose, the commission may expend such funds only
4 for the purpose designated for such funds.

5 (4) Notwithstanding paragraph "a", amounts expended by the
6 commission for the purchase of equipment on behalf of other
7 state agencies or departments which are reimbursed by such
8 state agency or department shall not be included in the total
9 for purposes of the expenditure limit established in paragraph
10 "a". The commission shall file a report electronically within
11 15 days of the end of each calendar quarter which shall
12 include amounts expended during such calendar quarter by the
13 commission as identified in this subparagraph. The report
14 shall include information relating to each state agency or
15 department for which such equipment was purchased, the
16 equipment purchased, the cost of such equipment, and the
17 amount received from the state agency or department as
18 reimbursement for such purchases. The reports shall be filed
19 electronically with the legislative fiscal bureau, with the
20 initial report filed on or before October 30, 1998, for the
21 calendar quarter beginning July 1, 1998.

22 6. The staff of the Iowa telecommunications and technology
23 commission shall establish budget units and accounts using the
24 state budget system and the Iowa finance and accounting system
25 as determined jointly by the department of management and the
26 legislative fiscal bureau.

27 Sec. 3. PUBLIC BROADCASTING. There is appropriated from
28 the general fund of the state to the public broadcasting
29 division of the department of education for the fiscal year
30 beginning July 1, 1998, and ending June 30, 1999, the
31 following amount, or so much thereof as is necessary, to be
32 used for the purposes designated in subsections 1 and 2 and
33 for the following full-time equivalent positions:

34	\$	2,312,853
35	FTEs	9.00

1 1. Of the amount appropriated, \$454,661 shall be expended
2 by the public broadcasting division of the department of
3 education to provide support for functions related to the
4 network, including but not limited to the following functions:
5 scheduling for video classrooms; development of distance
6 learning applications; development of a central information
7 source on the Internet relating to educational uses of the
8 network; second-line technical support for network sites;
9 testing and initializing sites onto the network; and
10 coordinating the work of the education telecommunications
11 council.

12 2. Of the amount appropriated, \$1,858,192 shall be
13 allocated by the public broadcasting division of the
14 department of education to the regional telecommunications
15 councils established in section 8D.5. The regional
16 telecommunications councils shall use the funds to provide
17 technical assistance for network classrooms, planning and
18 troubleshooting for local area networks, scheduling of video
19 sites, and other related support activities.

20 Sec. 4. DEPARTMENT OF GENERAL SERVICES. There is
21 appropriated from the general fund of the state to the
22 division of information technology services of the department
23 of general services for the fiscal year beginning July 1,
24 1998, and ending June 30, 1999, the following amount, or so
25 much thereof as is necessary, to be used for the purpose
26 designated:

27 For the purpose of providing information technology
28 services to state agencies and for the following full-time
29 equivalent positions:

30 \$ 4,660,013
31 FTES 158.00

32 One of the full-time equivalent positions appropriated for
33 in this section relates to the transition of personnel
34 services contractors to full-time equivalent positions. The
35 merit system provisions of chapter 19A and the provisions of

1 the collective bargaining agreements entered into between the
2 state and the respective union or bargaining unit shall not
3 govern movement into this full-time equivalent position until
4 September 1, 1998.

5 Sec. 5. INFORMATION TECHNOLOGY DIVISION TRANSFER.

6 Notwithstanding any other provision to the contrary, the Iowa
7 telecommunications and technology commission shall develop a
8 written proposal to be submitted to the governor, for the
9 governor's approval, relating to the transfer of the division
10 of information technology services of the department of
11 general services to the commission. The commission, in
12 consultation with the department, shall identify existing
13 positions which exist in the department directly related to
14 the duties of the division and shall request in the proposal
15 that those positions be transferred to, and be under the
16 control of, the commission. The proposal shall be submitted
17 to the governor no later than January 1, 1999, with a copy of
18 the proposal to be submitted at the same time to the house of
19 representatives and the senate.

20 Upon approval by the governor, the department of management
21 shall provide for the transfer from the department of general
22 services to the commission of funds appropriated in this Act
23 to the division of information technology services of the
24 department of general services.

25 Sec. 6. REVERSION TECHNOLOGY INITIATIVES ACCOUNT.

26 1. A reversion technology initiatives account is
27 established in the office of the treasurer of state under the
28 control of the division of information technology services of
29 the department of general services and for the purpose of
30 supporting various technology programs as provided in this
31 section.

32 Notwithstanding the distribution formula contained in
33 section 8.62 for an operational appropriation which remains
34 unexpended or unencumbered for the fiscal year beginning July
35 1, 1997, 75 percent of the unexpended or unencumbered moneys

1 subject to section 8.62 are appropriated to the reversion
2 technology initiatives account. The remaining 25 percent of
3 such moneys shall remain with the entity to which the
4 operational appropriation was made. Notwithstanding section
5 8.33, for an appropriation other than an operational
6 appropriation as provided in section 8.62 which remains
7 unencumbered for the fiscal year beginning July 1, 1997, 100
8 percent of the unexpended or unencumbered moneys are
9 appropriated to the reversion technology initiatives account.

10 2. Notwithstanding the allocation of moneys in the
11 reversion technology initiatives account as provided in
12 subsection 3 and prior to any allocations made in that
13 subsection, there is allocated for use during the fiscal year
14 beginning July 1, 1998, and June 30, 1999, the following
15 amount, to be used for the purpose designated:

16 To the state board of regents for technology improvement:
17 \$ 935,000

18 3. Moneys in the reversion technology initiatives account
19 are allocated, to the extent available, in the descending
20 priority order for use during the fiscal year beginning July
21 1, 1998, and ending June 30, 1999, as follows:

22 a. To the department of human services for a welfare
23 reform systems development:
24 \$ 1,000,000

25 b. To the department of human services for a child support
26 recovery systems development:
27 \$ 1,131,976

28 c. To the department of workforce development for an
29 integrated information system:
30 \$ 2,513,000

31 d. To the department of education for a teacher examiners
32 records imaging system:
33 \$ 475,000

34 e. To the department of corrections for ICN connections at
35 Newton and Fort Dodge:

1 \$ 600,000

2 f. To Iowa public television to begin the digital
3 television broadcasting conversion:

4 \$ 2,000,000

5 Notwithstanding section 8.33, moneys allocated to Iowa
6 public television in this paragraph which remain unobligated
7 or unexpended at the close of the fiscal year shall not revert
8 to the general fund of the state but shall remain available
9 for the purpose designated in this paragraph in the succeeding
10 fiscal year.

11 g. To the department of economic development for a
12 sustaining first stop business/licensing center pilot project:

13 \$ 100,000

14 h. To the department of education for an electronic data
15 exchange:

16 \$ 500,000

17 If the funds available for this allocation are
18 insufficient, there is appropriated from the school
19 improvement and technology fund to the department of education
20 \$230,000 to continue pilot projects.

*21 i. To the department of revenue and finance for a
22 sustaining tax and wage reporting system (STAWRS):

23 \$ 125,000

24 j. To the department of revenue and finance for a
25 remittance processing system:

26 \$ 1,500,000

27 k. To the Iowa communications network operations account
28 for use by the Iowa telecommunications and technology
29 commission only for the replacement of optical components of
30 the network which become unusable and which are necessary for
31 the continued operation and use of the network:

32 \$ 4,000,000

33 Notwithstanding section 8.33, moneys allocated to the
34 commission in this paragraph which remain unobligated or
35 unexpended at the close of the fiscal year shall not revert to

1 the general fund of the state but shall remain available for
2 the purpose designated in this paragraph in the succeeding
3 fiscal year.

4 l. To the department of workforce development for a
5 sustaining community resource directory pilot project:
6 \$ 178,000

7 m. To the department of human rights for the division of
8 criminal and juvenile justice for a justice data
9 analysis/warehouse project:
10 \$ 175,000

11 n. To the department of inspections and appeals for the
12 office of public defender for an indigent defense claims
13 processing redesign project:
14 \$ 75,000

15 o. To the department of human services for an
16 institutional central area network:
17 \$ 1,181,400

18 p. To the department of revenue and finance for the
19 development of a tax processing imaging system:
20 \$ 2,739,963

21 q. To the department of general services for a purchasing
22 system:
23 \$ 2,500,000

24 r. To the department of public defense for a preventive
25 maintenance system:
26 \$ 50,000

27 s. To the department of public health for a telephone
28 verification system:
29 \$ 400,000

30 t. To the department of revenue and finance for tele-
31 filing of tax returns:
32 \$ 150,000

33 u. To the department of human services for a family and
34 children's services (FACS) and statewide tracking of abuse
35 reports (STAR) system upgrades:

1 \$ 265,750

2 4. Effective July 1, 1999, the division of information
3 technology in the department of general services shall not
4 deposit any additional moneys into the reversion technology
5 initiatives account, unless reauthorized to do so by the
6 general assembly during the 1999 regular session. Funds
7 allocated to a project pursuant to this section which are
8 encumbered prior to July 1, 1999, may be spent for the
9 specified purpose as provided in this Act. Funds which are
10 allocated but unencumbered as of July 1, 1999, shall revert to
11 the general fund.

12 5. The department of management, in cooperation with the
13 information technology services division of the department of
14 general services, shall develop a standard budget request form
15 for technology or business reengineering projects. A
16 department requesting funding for projects which will cost
17 more than \$100,000 shall use the request form. The form shall
18 require consistent reporting criteria including, but not
19 limited to, project description, project goals, project
20 performance measures, return on investment, cost, time frame,
21 funding sources, and customer base.

22 Sec. 7. ADDITIONAL CONNECTION. Notwithstanding contrary
23 provisions of chapter 8D, the Iowa telecommunications and
24 technology commission shall provide for the construction of a
25 connection to the network for the Dubuque river discovery
26 museum. The museum shall be responsible for the costs
27 associated with the connection to the network. The commission
28 shall establish all hourly rates to be charged to the Dubuque
29 river discovery museum at an appropriate rate so that, at a
30 minimum, there is no state subsidy related to the costs of the
31 connection or use of the network by the museum.

*32 Sec. 8. YEAR 2000 REPORTING.

33 1. Every department, institution under the control of the
34 board of regents, and office of a statewide elected official,
35 other than the governor, shall report monthly on forms as

1 provided by the year 2000 program office on the progress of
2 such department, regents institution, or office in
3 implementing century date change programming. Such reports
4 shall be submitted to the legislative oversight committee, the
5 legislative fiscal bureau, and the year 2000 program office.

6 2. The judicial department shall report monthly on forms
7 as provided by the year 2000 program office on the progress of
8 the department in implementing century date change
9 programming. Such report shall be submitted to the
10 legislative oversight committee.

11 3. The computer support bureau shall report monthly on
12 forms as provided by the year 2000 program office on the
13 progress of the bureau in implementing century date change
14 programming. Such report shall be submitted to the
15 legislative oversight committee.

16 Sec. 9. YEAR 2000 PROGRESS AUDIT. The legislative council
17 shall initiate a progress audit concerning the implementation
18 of century date change programming. The legislative council
19 shall retain a person knowledgeable in the area of century
20 date change programming to conduct the progress audit and such
21 person shall not be associated with or performing any tasks
22 under the direction of the department of management, the year
23 2000 program office, or any other state agency. Such progress
24 audit shall be completed prior to the convening of the 1999
25 regular legislative session. The person retained to conduct
26 the progress audit shall provide a written report to the
27 legislative council including any information as deemed
28 necessary by the legislative council.

29 Sec. 10. PROHIBITION ON PRIVATIZATION OF IOWACCESS.
30 Notwithstanding any contrary provision, the IowAccess system
31 for providing electronic access to government records, if
32 enacted by the Seventy-seventh General Assembly, 1998 Regular
33 Session, shall not be privatized, if at all, prior to July 1,
34 1999, and shall remain under the direction and control of the
35 appropriate state agency, as provided in such enactment.

1 Sec. 11. LEGISLATIVE STUDY. The legislative council is
2 requested to establish an interim study concerning the
3 electronic access of public information by the public. The
4 study committee should review the legal and practical issues
5 related to providing such access, review the actions taken by
6 other states to provide such access and any relevant
7 experiences of such states, and any proposed legislation
8 offered during the 1998 Regular Session. The study committee
9 should forward recommendations developed or proposed by the
10 committee, if any, to the legislative council upon completion
11 of the study.

12 Notwithstanding any contrary provision, the division of
13 information technology services, department of general
14 services, or any other state agency or department, shall not
15 enter into any agreement or contract, and no moneys shall be
16 expended or obligated, for the purpose of establishing the
17 IowAccess system for providing electronic access to government
18 records, if established by enactment of the Seventy-seventh
19 General Assembly, 1998 Regular Session, or for the purpose of
20 establishing any other similar system for providing electronic
21 access to government records, prior to the completion of the
22 study requested in this section and the submission of the
23 final report by the study committee and acceptance of such
24 final report by the legislative council.

25 Sec. 12. NEW SECTION. 2.110 INFORMATION TECHNOLOGY
26 BUREAU.

27 An information technology bureau is established under the
28 direction and control of the legislative council. The
29 administrative head of the information technology bureau is
30 the director of the bureau. The information technology bureau
31 shall serve the general assembly and the legislative council.

32 Sec. 13. NEW SECTION. 2.111 DIRECTOR.

33 The director of the information technology bureau shall
34 serve on a full-time basis, and shall:

35 1. Employ and supervise all employees of the information

1 technology bureau in positions and at salaries authorized by
2 the legislative council.

3 2. Supervise all expenditures of the information
4 technology bureau with the approval of the legislative
5 council.

6 3. Advise the legislative council on matters relating to
7 information technology as requested by the legislative
8 council.

9 4. Cooperate with legislative agencies under the control
10 of the legislative council and the secretary of the senate and
11 the chief clerk of the house regarding information technology
12 services required by the legislative council and the general
13 assembly.

14 Sec. 14. NEW SECTION. 2.112 DIRECTOR -- SALARY.

15 The salary of the director of the information technology
16 bureau shall be set by the legislative council.

17 Sec. 15. NEW SECTION. 2.113 POWERS AND DUTIES.

18 The bureau shall advise the legislative council and
19 legislative agencies under the legislative council's control
20 on uses and expanded capabilities of information technology
21 and on such other matters deemed appropriate by the
22 legislative council.

23 Sec. 16. NEW SECTION. 2.114 BUDGET.

24 Expenses of the information technology bureau shall be paid
25 upon approval of the director of the bureau. The budget of
26 the information technology bureau for each fiscal year shall
27 be prepared by the director and submitted to the legislative
28 council.

29 Notwithstanding section 2.12, the director of the
30 information technology bureau shall as soon as possible submit
31 a budget to the legislative council for the fiscal year
32 beginning July 1, 1998.

33 Sec. 17. 1997 Iowa Acts, chapter 209, section 2,
34 subsections 1 and 2, are amended to read as follows:

35 1. For state acquisition in accordance with the

1 competitive bidding requirements of this section and as a
2 condition of the appropriation made in this subsection of new
3 devices, equipment, or systems that are date or time
4 sensitive, and information technology hardware and software
5 which already includes the century date change programming and
6 which achieves additional purposes in replacing state
7 hardware, and software, and devices, equipment, or systems
8 that are date or time sensitive for which the century date
9 change programming or other related corrective action is
10 required:

11 \$ 2,000,000

12 Moneys appropriated in this subsection shall be used for
13 the purpose designated and notwithstanding section 8.39 are
14 not subject to transfer or use for any other purpose, except
15 that moneys remaining after the purchase of such hardware and
16 software may be used for the purposes designated in subsection
17 2.

18 2. For the costs of century date change programming or
19 other related corrective action in existing state devices,
20 equipment, or systems and information technology software that
21 are date or time sensitive to the century date change when
22 state acquisition of new information technology hardware, and
23 software, and devices, equipment, or systems that are date or
24 time sensitive which already includes the century date change
25 programming and which achieves additional purposes to
26 incorporate the century date change, is not cost effective,
27 provided the programming or other related corrective action is
28 acquired in accordance with the competitive bidding
29 requirements of this section and as a condition of the
30 appropriation made in this subsection:

31 \$ 3,000,000

32 Moneys appropriated in this subsection shall be used for
33 the purpose designated and notwithstanding section 8.39 are
34 not subject to transfer or use except for the purposes of
35 additional acquisitions under subsection 1.

1 The department shall not enter into a contract or any other
2 obligation for the purpose of addressing the need for century
3 date programming or other corrective action related to
4 devices, equipment, or systems that are date or time sensitive
5 to the century date change which would require the need for
6 funding in excess of the amount appropriated in this section.
7 The department shall utilize, to the greatest extent possible,
8 students and other knowledgeable persons connected with Iowa's
9 colleges and universities in developing or acquiring hardware,
10 software, and programming funded under this section.
11 Otherwise, any acquisition for the purposes described in this
12 section is subject to competitive bidding requirements in rule
13 adopted under law and in accordance with the requirements of
14 this section. In order to maintain maximum open and free
15 competition among bidders, an eligible bidder shall have been
16 organized or doing business prior to January 1, 1997. In
17 addition, an eligible bidder shall not have a relationship
18 with the state for assessment of bids or for preparation of a
19 request for proposals under this section. A bidder with an
20 actual or organizational conflict of interest shall be
21 disqualified. A bidder shall be considered to have a conflict
22 of interest if the organization, or a parent, subsidiary, or
23 affiliated organization, of which the bidder is a shareholder,
24 partner, limited partner, or member, has a conflict of
25 interest. A bidder shall provide assurances of compliance
26 with the requirements of this paragraph at the time of
27 submitting a bid or proposal for any acquisition ~~for the~~
28 purposes of information technology hardware, software, or
29 programming described in this section.

30 Notwithstanding section 8.33, moneys appropriated in this
31 section which remain unexpended or unencumbered at the close
32 of the fiscal year shall not revert to the general fund of the
33 state but shall remain available to be used for the purposes
34 designated until the close of the fiscal year beginning July
35 1, 1999.

1 Sec. 18. 1997 Iowa Acts, chapter 210, section 2,
2 subsection 1, paragraph b, is amended to read as follows:

3 b. There is appropriated from the rebuild Iowa
4 infrastructure fund created in section 8.57, subsection 5, to
5 the Iowa communications network fund under the control of the
6 Iowa telecommunications and technology commission for the
7 fiscal year beginning July 1, 1998, and ending June 30, 1999,
8 the following amount, or so much thereof as is necessary, to
9 be used for the purpose designated:

10 For the connection of Part III authorized users as
11 determined by the commission and communicated to the general
12 assembly:

13 \$ 17,704,000
14 18,904,000

15 Notwithstanding section 8.33, moneys appropriated in this
16 section which remain unobligated or unexpended at the close of
17 the fiscal year shall not revert to the general fund of the
18 state but shall remain available for the fiscal year beginning
19 July 1, 1999, and ending June 30, 2000, for the purpose of
20 completing the connections of Part III authorized users as
21 approved by the general assembly, whether or not such users
22 were part of the Part III contracts executed in 1995.

23 However, the commission shall only add a new site which was
24 not part of the 1995 contract relating to Part III connections
25 upon the withdrawal of a site included under such contract.

26 The commission is authorized for no more than 100 full-time
27 equivalent positions.

28 Fifteen of the full-time equivalent positions appropriated
29 for in this section relate to the transition of personnel
30 services contractors to full-time equivalent positions. The
31 merit system provisions of chapter 19A and the provisions of
32 the collective bargaining agreements entered into between the
33 state and the respective union or bargaining unit shall not
34 govern movement into these full-time equivalent positions
35 until September 1, 1998.

1 Sec. 19. 1997 Iowa Acts, chapter 210, section 2,
2 subsection 1, is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. g. The Iowa telecommunications and
5 technology commission is authorized to use Part III funding to
6 convert any leased analog circuit to a leased DS-3 circuit for
7 a Part III site when the existing contract vendor agrees to
8 upgrade the service.

9 Sec. 20. 1997 Iowa Acts, chapter 210, section 10,
10 subsection 1, unnumbered paragraph 1, is amended to read as
11 follows:

12 The department of general services shall establish a
13 reversion incentive program fund for purposes of supporting
14 the implementation of century date change programming and
15 other corrective action related to devices, equipment, or
16 systems that are date or time sensitive to the century date
17 change, and shall be funded as follows:

18 Sec. 21. 1997 Iowa Acts, chapter 210, section 10,
19 subsection 1, paragraph e, is amended to read as follows:

20 e. An agency expending moneys from the fund for
21 implementing century date change programming and other
22 corrective action related to devices, equipment, or systems
23 that are date or time sensitive to the century date change and
24 which receives moneys from another source, including but not
25 limited to the United States government, for the same purpose
26 shall deposit an amount equal to the amount received from the
27 other source into the general fund of the state up to the
28 amount expended from the fund.

29 Sec. 22. 1997 Iowa Acts, chapter 210, section 10,
30 subsection 1, is amended by adding the following new
31 paragraph:

32 NEW PARAGRAPH. g. Notwithstanding other provisions of
33 this section, the year 2000 program office, from funds
34 appropriated to the reversion incentive program fund provided
35 in this section, shall conduct an initial year 2000 compliance

1 assessment of each office of a statewide elected official
2 other than the office of the governor and the lieutenant
3 governor.

4 Sec. 23. 1997 Iowa Acts, chapter 210, section 10,
5 subsection 2, unnumbered paragraph 1, is amended to read as
6 follows:

7 The department shall not enter into a contract or any other
8 obligation for the purpose of addressing the need for century
9 date programming or other corrective action related to
10 devices, equipment, or systems that are date or time sensitive
11 to the century date change which would require the need for
12 funding in excess of the amount appropriated in this section.
13 The department shall utilize, to the greatest extent possible,
14 students and other knowledgeable persons connected with Iowa's
15 colleges and universities in developing or acquiring hardware,
16 software, and programming funded under this section.
17 Otherwise, any acquisition for the purposes described in this
18 section is subject to competitive bidding requirements in rule
19 adopted under law and in accordance with the requirements of
20 this section. In order to maintain maximum open and free
21 competition among bidders, an eligible bidder shall have been
22 organized or doing business prior to January 1, 1997. In
23 addition, an eligible bidder shall not have a relationship
24 with the state for assessment of bids or for preparation of a
25 request for proposals under this section. A bidder with an
26 actual or organizational conflict of interest shall be
27 disqualified. A bidder shall be considered to have a conflict
28 of interest if the organization, or a parent, subsidiary, or
29 affiliated organization, of which the bidder is a shareholder,
30 partner, limited partner, or member, has a conflict of
31 interest. A bidder shall provide assurances of compliance
32 with the requirements of this paragraph at the time of
33 submitting a bid or proposal for any acquisition ~~for the~~
34 purposes of information technology hardware, software, or
35 programming described in this section.

1 Sec. 24. EFFECTIVE DATE. Sections 6, 8, 17, 18, 19, 20,
2 21, 22, and 23, and this section of this Act, being deemed of
3 immediate importance, take effect upon enactment.

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SENATE FILE 2418

H-9285

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 26 the
4 following:

5 "Sec. ____ . LEGISLATIVE COUNCIL. There is
6 appropriated from the general fund of the state to the
7 legislative council for use by the legislative
8 oversight committee for the fiscal year beginning July
9 1, 1998, and ending June 30, 1999, the following
10 amount, or so much thereof as is necessary, to be used
11 for the purpose designated:

12 \$ 75,000

13 The legislative oversight committee shall use funds
14 appropriated in this section to retain a consultant to
15 study and review potential options related to the
16 disposition of the Iowa communications network, and
17 potential options related to a change in the
18 management structure of the network, including but not
19 limited to, the privatization of all or a portion of
20 the management functions of the network. For purposes
21 of this study, the consultant shall assume that such
22 disposition or change in management structure shall
23 not occur until such time as the build-out of Part III
24 is complete. The consultant shall provide a written
25 final report to the general assembly no later than
26 January 11, 1999. The co-chairpersons of the
27 committee are authorized to appoint an advisory
28 committee composed of members as deemed appropriate by
29 the co-chairpersons to assist the consultant as
30 appropriate."

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31 2. Page 5, by striking lines 5 through 24.

32 3. Page 6, by striking lines 10 through 17.

33 4. Page 7, by inserting after line 26 the
34 following:

35 " ____ . To the department of revenue and finance for
36 telefiling of tax returns:

37 \$ 150,000"

38 5. Page 7, by inserting after line 32 the
39 following:

40 "The commission, prior to obligating any funds
41 under this paragraph, shall submit the proposed
42 expenditure to the legislative oversight committee of
43 the legislative council for review and approval. The
44 commission, in submitting such proposal, shall also
45 make a recommendation as to whether such replacement
46 optical components should be purchased, leased, or
47 procured in some other manner, in an effort to
48 minimize the cost to the state."

49 6. By striking page 7, line 33, through page 8,
50 line 3.

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1 7. Page 8, by striking lines 18 through 20.
 2 8. Page 8, by striking lines 30 through 32.
 3 9. Page 9, by striking lines 22 through 31.

4 10. By striking page 10, line 16, through page 12,
 5 line 32 and inserting the following:

6 "Sec. ____ . NEW SECTION. 18.181 IOWACCESS
 7 ADVISORY COUNCIL.

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

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

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

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

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

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

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

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

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

31 (4) One person representing media interests.

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

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

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

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

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

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1 appointments are made.

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

10 Sec. ____ . NEW SECTION. 18.182 POWERS AND DUTIES
11 OF THE IOWACCESS ADVISORY COUNCIL.

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

- 15 1. Developing a process for reviewing and
- 16 establishing priorities for implementation of
- 17 electronic access to government records.
- 18 2. Establishing priorities for implementing
- 19 electronic access to government records.
- 20 3. Establishing priorities for implementing
- 21 electronic transactions involving government agencies
- 22 and members of the public.

23 4. Budgeting, funding, and operating expenses
24 related to developing, implementing, and maintaining
25 electronic access to government records.

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

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

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

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

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

45 1. The government agency that is the lawful
46 custodian of a public record shall be responsible for
47 determining whether a record is required by state
48 statute to be confidential. The transmission of a
49 record by a government agency by use of electronic
50 means established, maintained, or managed by the

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1 division of information technology services shall not
2 constitute a transfer of the legal custody of the
3 record from the individual government agency to the
4 division of information technology services or to any
5 other person or entity.

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

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

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

27 Sec. ____ . NEW SECTION. 18.184 FINANCIAL
28 TRANSACTIONS.

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

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

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

40 c. Moneys owed to a governmental entity by a
41 person accessing the IowAccess network in order to
42 satisfy a liability arising from the operation of law,
43 including the payment of assessments, taxes, fines,
44 and civil penalties.

45 2. Moneys transferred using the IowAccess network
46 may include amounts owed by a governmental entity to a
47 person accessing the IowAccess network in order to
48 satisfy a liability of the governmental entity. The
49 moneys may include the payment of tax refunds, and the
50 disbursement of support payments as defined in section

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1 252D.16 or 598.1 as required for orders issued
 2 pursuant to section 252B.14.
 3 3. The division of information technology services
 4 shall serve as the agent of the governmental entity in
 5 collecting moneys for receipt by governmental
 6 entities. The moneys shall be transferred to
 7 governmental entities directly or to the treasurer of
 8 state for disbursement to governmental entities as
 9 required by the treasurer of state in cooperation with
 10 the auditor of state.

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

23 Sec. ____ . NEW SECTION. 18.185 AUDITS REQUIRED.
 24 A technology audit of the electronic transmission
 25 system by which government records are transmitted
 26 electronically to the public shall be conducted not
 27 less than once annually for the purpose of determining
 28 that government records and other electronic data are
 29 not misappropriated or misused by the division of
 30 information technology services or a contractor of the
 31 division. A financial audit shall be conducted not
 32 less than once annually to determine the financial
 33 condition of the division of information technology
 34 services and to make other relevant inquiries.

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

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

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

50 1. Every person shall have the right to examine

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1 and copy a public records record and to publish or
 2 otherwise disseminate a public records record or the
 3 information contained therein in a public record.
 4 Unless otherwise provided for by law, the right to
 5 examine a public record shall include the right to
 6 examine a public record without charge while the
 7 public record is in the physical possession of the
 8 custodian of the public record. The right to copy a
 9 public records record shall include the right to make
 10 photographs or photographic copies while the records
 11 are public record is in the possession of the
 12 custodian of the records public record. All rights
 13 under this section are in addition to the right to
 14 obtain a certified copies copy of records a public
 15 record under section 622.46.

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

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

41 Sec. ____ . NEW SECTION. 321A.3A FUNDING.

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

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1 with the requirements as set forth in chapter 18,
2 division VII.

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

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

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

A 17 11. Page 15, by striking lines 15 through 25.

B 18 12. Title page, line 6, by inserting after the
19 word "technology," the following:

20 "establishing the IowAccess system,".

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

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

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

By COMMITTEE ON APPROPRIATIONS
MILLAGE of Scott, Chairperson

H-9285 FILED APRIL 17, 1998

A. adopted 4/20/98 (P1791)
B. Not Harmon - motion to suspend Rule. Prevailed - Adopted 4/20/98 (P. 1791)
SENATE FILE 2418

H-9290

1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 2, line 22, by striking the word "Six"
5 and inserting the following: "Seven".

6 2. Page 2, by inserting after line 35 the
7 following:

8 "(7) One person with technical expertise who shall
9 provide guidance and advice on the status of
10 technology and anticipated technological
11 developments."

By JENKINS of Black Hawk

H-9290 FILED APRIL 17, 1998

adopted



SENATE FILE 2418

H-9303

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting after line 10 the
4 following:

5 "_____. To the Iowa communications network
6 operations account for use by the Iowa
7 telecommunications and technology commission only for
8 the replacement of optical components of the network
9 which become unusable and which are necessary for the
10 continued operation and use of the network:

11 \$ 4,000,000

12 Notwithstanding section 8.33, moneys allocated to
13 the commission in this paragraph which remain
14 unobligated or unexpended at the close of the fiscal
15 year shall not revert to the general fund of the state
16 but shall remain available for the purpose designated
17 in this paragraph in the succeeding fiscal year."

18 2. By striking page 7, line 27, through page 8,
19 line 3.

20 3. By renumbering as necessary.

By FALCK of Fayette

H-9303 FILED APRIL 20, 1998

Lost 4/20/98 (P.1796)

SENATE FILE 2418

H-9306

1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 2, by inserting after line 3 the
5 following:

6 "_____. Page 10, by striking lines 16 through 28."

7 2. Page 2, by striking line 4 and inserting the
8 following:

9 "_____. by striking page 11, line 1, through page
10 12,."

11 3. By renumbering as necessary.

By TAYLOR of Linn

SHOULTZ of Black Hawk

H-9306 FILED APRIL 20, 1998

*Lost 4/20/98
(P.1790)*

SENATE FILE 2418

H-9295

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, line 14, by striking the figure
4 "18,904,000" and inserting the following:
5 "14,904,000".

6 2. Page 15, by inserting after line 35 the
7 following:

8 "Sec. _____. There is appropriated from the rebuild
9 Iowa infrastructure fund created in section 8.57,
10 subsection 5, to the state library for the fiscal year
11 beginning July 1, 1997, and ending June 30, 1998, the
12 following amount, or so much thereof as is necessary,
13 to be used for the purpose designated:

14 For distribution to all libraries in this state:
15 \$ 4,000,000

16 The state library shall determine a formula to be
17 used to allocate the moneys appropriated in this
18 section. The formula shall not involve a grant
19 application or similar process and shall not place any
20 conditions on any amount allocated to a library under
21 this section. The state library shall allocate all
22 moneys appropriated in this section to the libraries
23 and shall not retain any moneys for the cost of
24 administration or for any other costs."

25 3. By renumbering as necessary.

By BRUNKHORST of Bremer
DREES of Carroll

H-9295 FILED APRIL 20, 1998

w/d 4/20/98 (P.1794)

SENATE FILE 2418

H-9302

1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 1, by striking lines 38 through 48.

By FALCK of Fayette

H-9302 FILED APRIL 20, 1998

*Lost
4/20/98
(P.1789)*

SENATE FILE 2418

H-9311

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by striking lines 10 through 17.

4 2. Page 7, by striking lines 2 through 10.

5 3. Page 7, by striking lines 14 through 20 and
6 inserting the following:

7 "_____. To the department of workforce development
8 for a sustaining community resource directory pilot
9 project:

10 \$ 178,000"

11 4. Page 7, by striking lines 25 and 26 and

12 inserting the following: "tax processing imaging
13 system:

14 \$ 2,739,963"

15 5. Page 8, by striking lines 4 through 6.

16 6. Page 8, by striking lines 18 through 20 and
17 inserting the following:

18 "_____. To Iowa public television to begin the
19 digital television broadcasting conversion:

20 \$ 2,000,000

21 "_____. To the department of education for an
22 electronic data exchange:

23 \$ 1,500,000"

24 7. Page 9, by inserting after line 1 the
25 following:

26 "_____. To the state board of regents for technology
27 improvement:

28 \$ 10,100,000"

29 8. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-9311 FILED APRIL 20, 1998

*W/D 4/20/98
(P. 1792)*

SENATE FILE 2418

H-9312

1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 2, by inserting after line 3 the
5 following:

6 "_____. Page 10, by striking lines 16 through 28."

7 2. Page 2, by inserting after line 3 the
8 following:

9 "_____. Page 10, by striking lines 29 through 35."

10 3. Page 2, by striking line 4 and inserting the
11 following:

12 "_____. By striking page 11, line 25, through page
13 12,."

14 4. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-9312 FILED APRIL 20, 1998

*W/D
4/20/98 (P. 1789)*

SENATE FILE 2418

H-9307

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 26 the
- 4 following:
- 5 "____. To the department of human rights for the
- 6 division of criminal and juvenile justice for a
- 7 justice data analysis/warehouse project:
- 8 \$ 175,000"
- 9 2. Page 8, by striking lines 7 through 10.
- 10 3. By renumbering as necessary.

By JACOBS of Polk

H-9307 FILED APRIL 20, 1998

*Lost 4/20/98
(P.1793)*

SENATE FILE 2418

H-9308

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 29, by striking the figure
- 4 "3,735,000" and inserting the following: "8,419,728".

By SHOULTZ of Black Hawk

H-9308 FILED APRIL 20, 1998

*Lost 4/20/98
(P.1792)*

SENATE FILE 2418

H-9309

- 1 Amend Senate File 2418, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 34, by striking the figure
- 4 "2,312,853" and inserting the following: "3,227,094".

By SHOULTZ of Black Hawk

H-9309 FILED APRIL 20, 1998

*Lost 4/20/98
(P.1792)*

SENATE FILE 2418

H-9310

- 1 Amend the Committee amendment, H-9285, to Senate
- 2 File 2418, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, line 13, by striking the word "shall"
- 5 and inserting the following: "may".

By SHOULTZ of Black Hawk

H-9310 FILED APRIL 20, 1998

*Lost 4/20/98
(P.1790)*

SENATE FILE 2418

H-9316

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 17 the
4 following:

5 "The department of management, in consultation with
6 the commission and other appropriate and necessary
7 state agencies and departments, shall initiate a study
8 of the bonded indebtedness associated with the Iowa
9 communications network, and the bonded indebtedness
10 associated with other state agencies and departments.
11 The study shall include an analysis of the total
12 amount of bonded indebtedness, the structure of such
13 bonded indebtedness, and recommendations on whether
14 such bonded indebtedness can be restructured in a
15 manner which will reduce the costs associated with
16 such indebtedness to the state and the taxpayers of
17 this state. The department of management shall
18 provide a written report to the commission or other
19 appropriate state agency or department concerning the
20 findings of the department with respect to the bonded
21 indebtedness associated with the commission or other
22 state agency or department."

By SHOULTZ of Black Hawk

H-9316 FILED APRIL 20, 1998

Loat 4/20/98

SENATE FILE 2418

H-9313

1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 2, by inserting after line 3 the
5 following:

6 "____. Page 10, by striking lines 16 through 28."

7 2. Page 2, by inserting after line 3 the
8 following:

9 "____. Page 10, by striking lines 29 through 35."

10 3. Page 2, by inserting after line 3 the
11 following:

12 "____. Page 11, by striking lines 1 through 24."

13 4. Page 2, by striking lines 4 and 5 and
14 inserting the following:

15 "____. Page 12, by inserting after line 32 the
16 following:"

17 5. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-9313 FILED APRIL 20, 1998

w/D
4/20/98 (p.1790)

SENATE FILE 2418

H-9314

1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 7, by striking line 17.

By SHOULTZ of Black Hawk

H-9314 FILED APRIL 20, 1998

Adopted
4-20-98 (p.1791)

SENATE FILE 2418

H-9315

1 Amend the Committee amendment, H-9285, to Senate
2 File 2418, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 2, by striking line 4 and inserting the
5 following:

6 "____. By striking page 10, line 29, through page
7 12,".

8 2. By renumbering as necessary.

By SHOULTZ of Black Hawk

H-9315 FILED APRIL 20, 1998

Lost 4/20/98
(p.1790)

SENATE FILE 2418

H-9318

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, line 14, by striking the figure
4 "18,904,000" and inserting the following:
5 "14,904,000".

6 2. Page 15, by inserting after line 35 the
7 following:

8 "Sec. _____. 1997 Iowa Acts, chapter 210, section 2,
9 subsection 1, is amended by adding the following new
10 paragraph "c" and relettering existing paragraphs:

11 NEW LETTERED PARAGRAPH. c. There is appropriated
12 from the rebuild Iowa infrastructure fund created in
13 section 8.57, subsection 5, to the Iowa communications
14 network fund under the control of the Iowa
15 telecommunications and technology commission for the
16 fiscal year beginning July 1, 1998, and ending June
17 30, 1999, the following amount, or so much thereof as
18 is necessary, to be used for the purpose designated:

19 For the connection to the network of authorized
20 users which are libraries as provided in the Part III
21 contracts executed in 1995:

22 \$ 4,000,000

23 The telecommunications advisory committee
24 established in section 8D.7, in consultation with the
25 state library, shall develop for submission to the
26 commission proposals for the allocation of moneys
27 appropriated in this paragraph for the connection of
28 libraries to the network as provided in the Part III
29 contracts executed in 1995. The advisory committee
30 shall conduct a cost-benefit analysis in determining
31 the amount to be allocated to a specific community,
32 including, at a minimum, consideration of the needs of
33 a community to which an allocation is proposed, the
34 number of sites currently in the community, and the
35 amount of usage at each site in the community. A
36 proposal for an allocation submitted by the advisory
37 committee shall be approved by the commission or
38 rejected and returned to the advisory committee with
39 an explanation of why such proposal was rejected."

40 3. By renumbering as necessary.

By BRUNKHORST of Bremer
JACOBS of Polk

GRUNDBERG of Polk
DIX of Butler

H-9318 FILED APRIL 20, 1998

adopted
4/20/98
(P.1795)

SENATE FILE 2418

H-9317

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, by inserting after line 32 the
4 following:

5 "Sec. ____ . Section 321.491, unnumbered paragraph
6 2, as amended by 1998 Iowa Acts, House File 2514,
7 section 9, if enacted, is amended to read as follows:

8 Within ten days after the conviction or forfeiture
9 of bail of a person upon a charge of violating any
10 provision of this chapter or other law regulating the
11 operation of vehicles on highways every magistrate of
12 the court or clerk of the district court of record in
13 which the conviction occurred or bail was forfeited
14 shall prepare and immediately forward to the
15 department an abstract of the record of the case. The
16 abstract must be certified by the person preparing it
17 to be true and correct. The clerk of the district
18 court shall collect a fee of fifty cents for each
19 individual copy of any record of conviction or
20 forfeiture of bail furnished to any requestor at the
21 clerk's office except for the department or other
22 local, state, or federal government entity. Moneys
23 collected under this section shall be transferred to
24 the department as a repayment receipt, as defined in
25 section 8.2, to enhance the efficiency of the
26 department to process records and information between
27 the department and the Iowa court information system.
28 ~~Notwithstanding any other provision in this section or~~
29 ~~chapter 22, the judicial department shall be the~~
30 ~~provider of public electronic access to the clerk's~~
31 ~~records of convictions and forfeitures of bail through~~
32 ~~the Iowa court information system and shall, if all~~
33 ~~such records are provided monthly to a vendor, the~~
34 ~~judicial department shall collect a fee from such~~
35 ~~vendor which is the greater of three thousand dollars~~
36 ~~per month or the actual direct cost of providing the~~
37 ~~records."~~

38 2. By renumbering as necessary.

By JACOBS of Polk

H-9317 FILED APRIL 20, 1998

Not Germane
4/20/98 (p.1794)

SENATE AMENDMENT TO HOUSE AMENDMENT TO S. F. 2418
H-9329

1 Amend the House amendment, S-5771, to Senate File
2 2418, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 30, by inserting after the word
5 "appropriate." the following: "The study authorized
6 in this section shall also include, but not be limited
7 to, a determination as to the appropriate number of
8 Iowa communications network classrooms which should be
9 established per capita."

10 2. Page 1, by inserting after line 30 the
11 following:

12 "_____. Page 5, by inserting after line 4 the
13 following:

14 "Sec. _____. DIVISION OF INFORMATION TECHNOLOGY
15 SERVICES HEAD -- SENATE CONFIRMATION. Notwithstanding
16 any contrary provision, the individual appointed by
17 the director of the department of general services as
18 the head of the division of information technology
19 services in the department shall be subject to senate
20 confirmation."

21 3. Page 1, by striking line 37 and inserting the
22 following:

23 \$ 150,000

24 _____. To the state board of regents for technology
25 improvement:

26 \$ 450,000"

27 4. Page 2, by striking line 4 and inserting the
28 following:

29 "_____. Page 10, by striking lines 23 through 27
30 and inserting the following: "2000 program office, or
31 any other state agency. The person retained to
32 conduct the progress audit shall provide a written
33 report to the legislative council on or before
34 November 1, 1998, including the results of the audit
35 and any information as deemed".

36 _____. Page 10, line 33, by striking the word
37 "July" and inserting the following: "February".

38 _____. By striking page 11, line 1, through page
39 12,".

40 5. Page 2, by striking lines 22 through 39 and
41 inserting the following:

42 "e. (1) Seven individuals to be appointed as
43 follows:

44 (a) Three members appointed by the governor.

45 (b) Two members appointed by the majority leader
46 of the senate in consultation with the minority leader
47 of the senate.

48 (c) Two members appointed by the speaker of the
49 house of representatives in consultation with the
50 majority and minority leaders of the house of

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- 1 representatives.
- 2 (2) Members appointed pursuant to subparagraph (1)
- 3 shall include the following:
- 4 (a) One member representing financial institutions
- 5 who shall be actively engaged in finance and banking.
- 6 (b) One person representing insurers who shall be
- 7 actively engaged in the insurance industry.
- 8 (c) One person representing attorneys who shall be
- 9 actively engaged in the profession of law.
- 10 (d) One person representing media interests.
- 11 (e) One person representing cities who shall be
- 12 actively engaged in the administration of a city.
- 13 (f) One person representing counties who shall be
- 14 actively engaged in the administration of a county.
- 15 (g) One person with technical expertise who shall
- 16 provide guidance and advice on the status of
- 17 technology and anticipated technological developments.
- 18 (3) A person appointed pursuant to this paragraph
- 19 shall not directly or indirectly have a conflict of
- 20 interest."

21 6. Page 6, by striking line 45 and inserting the
22 following:

23 "Sec. ____ . FUNDING FOR IOWACCESS."

24 7. Page 6, by striking lines 48 and 49 and
25 inserting the following: "not to exceed four hundred
26 thousand dollars, up to one dollar of each".

27 8. Page 7, line 6, by inserting after the figure
28 "VII." the following: "For fiscal years beginning on
29 or after July 1, 1999, funding for the purposes of
30 developing, implementing, maintaining, and expanding
31 electronic access to government records in accordance
32 with the requirements as set forth in chapter 18,
33 division VII, shall be provided through the general
34 assembly's appropriation process and the department of
35 general services shall include a line item request for
36 such funding in the department's annual budget
37 request."

38 9. By striking page 7, line 21, through page 8,
39 line 7, and inserting the following:

40 " ____ . Page 15, by inserting after line 25 the
41 following:

42 "Notwithstanding any contrary provision, the
43 commission shall not permit any new connections to the
44 network after June 30, 1999, except for a connection
45 where the construction associated with such connection
46 has commenced on or before June 30, 1999."

47 10. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-9329 FILED APRIL 22, 1998

HOUSE CONCURRED

(P.1915)

HOUSE AMENDMENT TO
SENATE FILE 2418

S-5771

1 Amend Senate File 2418, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 26 the
4 following:

5 "Sec. ____ . LEGISLATIVE COUNCIL. There is
6 appropriated from the general fund of the state to the
7 legislative council for use by the legislative
8 oversight committee for the fiscal year beginning July
9 1, 1998, and ending June 30, 1999, the following
10 amount, or so much thereof as is necessary, to be used
11 for the purpose designated:

12 \$ 75,000

13 The legislative oversight committee shall use funds
14 appropriated in this section to retain a consultant to
15 study and review potential options related to the
16 disposition of the Iowa communications network, and
17 potential options related to a change in the
18 management structure of the network, including but not
19 limited to, the privatization of all or a portion of
20 the management functions of the network. For purposes
21 of this study, the consultant shall assume that such
22 disposition or change in management structure shall
23 not occur until such time as the build-out of Part III
24 is complete. The consultant shall provide a written
25 final report to the general assembly no later than
26 January 11, 1999. The co-chairpersons of the
27 committee are authorized to appoint an advisory
28 committee composed of members as deemed appropriate by
29 the co-chairpersons to assist the consultant as
30 appropriate."

31 2. Page 5, by striking lines 5 through 24.

32 3. Page 6, by striking lines 10 through 17.

33 4. Page 7, by inserting after line 26 the
34 following:

35 " ____ . To the department of revenue and finance for
36 telefiling of tax returns:

37 \$ 150,000."

38 5. Page 7, by inserting after line 32 the
39 following:

40 "The commission, prior to obligating any funds
41 under this paragraph, shall submit the proposed
42 expenditure to the legislative oversight committee of
43 the legislative council for review and approval. The
44 commission, in submitting such proposal, shall also
45 make a recommendation as to whether such replacement
46 optical components should be purchased, leased, or
47 procured in some other manner, in an effort to
48 minimize the cost to the state."

49 6. By striking page 7, line 33, through page 8,
50 line 3.

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1 7. Page 8, by striking lines 18 through 20.
2 8. Page 8, by striking lines 30 through 32.
3 9. Page 9, by striking lines 22 through 31.
4 10. By striking page 10, line 16, through page 12,
5 line 32 and inserting the following:
6 "Sec. ____ . NEW SECTION. 18.181 IOWACCESS
7 ADVISORY COUNCIL.
8 1. An IowAccess advisory council is created within
9 the division of information technology services of the
10 department. At a minimum, the advisory council shall
11 be composed of all of the following:
12 a. A person appointed by the legislative council,
13 who may be a member or a staff member of the general
14 assembly, designated to represent the general
15 assembly.
16 b. The chief justice of the supreme court or the
17 chief justice's designee to represent the judicial
18 branch.
19 c. The director of the department of management or
20 the director's designee.
21 d. The auditor of state or the auditor's designee.
22 e. Seven individuals appointed by the director of
23 the division of information technology services who
24 shall include all of the following:
25 (1) One person representing financial institutions
26 who shall be actively engaged in finance and banking.
27 (2) One person representing insurers who shall be
28 actively engaged in the insurance industry.
29 (3) One person representing attorneys who shall be
30 actively engaged in the profession of law.
31 (4) One person representing media interests.
32 (5) One person representing cities who shall be
33 actively engaged in the administration of a city.
34 (6) One person representing counties who shall be
35 actively engaged in the administration of a county.
36 (7) One person with technical expertise who shall
37 provide guidance and advice on the status of
38 technology and anticipated technological
39 developments.
40 f. Other heads of agencies or elected officials or
41 their designees as well as other representatives of
42 the public, business, and industry as determined by
43 the director of the division of information technology
44 services.
45 2. Persons appointed by the director of the
46 division of information technology services shall be
47 selected from a list of candidates nominated by
48 interested organizations consulted by the director.
49 3. Appointed members shall serve three-year terms
50 beginning and ending as provided in section 69.19. An
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1 appointed member is eligible for reappointment to one
2 additional three-year term. A vacancy on the board
3 shall be filled for the unexpired portion of the
4 regular term in the same manner as regular
5 appointments are made.

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

14 Sec. ____ . NEW SECTION. 18.182 POWERS AND DUTIES
15 OF THE IOWACCESS ADVISORY COUNCIL.

16 The director of the division of information
17 technology services shall seek the advice of the
18 advisory council regarding all of the following:

19 1. Developing a process for reviewing and
20 establishing priorities for implementation of
21 electronic access to government records.

22 2. Establishing priorities for implementing
23 electronic access to government records.

24 3. Establishing priorities for implementing
25 electronic transactions involving government agencies
26 and members of the public.

27 4. Budgeting, funding, and operating expenses
28 related to developing, implementing, and maintaining
29 electronic access to government records.

30 5. Reviewing, inspecting, and evaluating the
31 technology and financial audits as required in section
32 18.185, for the purpose of recommending program
33 improvements, efficiencies, and priorities to the
34 division of information technology services.

35 6. Reviewing the basis of all charges and fees to
36 the public for accessing government records
37 electronically to ensure that the charges do not
38 exceed the reasonable cost of providing a public
39 record as provided in section 22.3A.

40 7. Reviewing requests for proposals, proposals,
41 and contracts which involve the management and
42 operation of the IowAccess network by a private
43 entity.

44 8. Monitoring privacy and confidentiality of
45 public records which are accessed electronically.

46 Sec. ____ . NEW SECTION. 18.183 POWERS AND
47 RESPONSIBILITIES VESTED IN INDIVIDUAL GOVERNMENT
48 AGENCIES.

49 1. The government agency that is the lawful
50 custodian of a public record shall be responsible for

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1 determining whether a record is required by state
2 statute to be confidential. The transmission of a
3 record by a government agency by use of electronic
4 means established, maintained, or managed by the
5 division of information technology services shall not
6 constitute a transfer of the legal custody of the
7 record from the individual government agency to the
8 division of information technology services or to any
9 other person or entity.

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

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

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

31 Sec. ____ . NEW SECTION. 18.184 FINANCIAL
32 TRANSACTIONS.

33 1. The division of information technology services
34 shall collect moneys paid to participating
35 governmental entities from persons who complete an
36 electronic financial transaction with the governmental
37 entity by accessing the IowAccess network. The moneys
38 may include all of the following:

39 a. Fees required to obtain an electronic public
40 record as provided in section 22.3A.

41 b. Fees required to process an application or file
42 a document, including but not limited to fees required
43 to obtain a license issued by a licensing authority.

44 c. Moneys owed to a governmental entity by a
45 person accessing the IowAccess network in order to
46 satisfy a liability arising from the operation of law,
47 including the payment of assessments, taxes, fines,
48 and civil penalties.

49 2. Moneys transferred using the IowAccess network
50 may include amounts owed by a governmental entity to a

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1 person accessing the IowaAccess network in order to
2 satisfy a liability of the governmental entity. The
3 moneys may include the payment of tax refunds, and the
4 disbursement of support payments as defined in section
5 252D.16 or 598.1 as required for orders issued
6 pursuant to section 252B.14.

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

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

27 Sec. ____ . NEW SECTION. 18.185 AUDITS REQUIRED.

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

39 Sec. ____ . NEW SECTION. 18.186 CREDIT CARDS

40 ACCEPTED.

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

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1 electronically.

2 Sec. ____ . Section 22.2, subsection 1, Code 1997,
3 is amended to read as follows:

4 1. Every person shall have the right to examine
5 and copy a public records record and to publish or
6 otherwise disseminate a public records record or the
7 information contained therein in a public record.
8 Unless otherwise provided for by law, the right to
9 examine a public record shall include the right to
10 examine a public record without charge while the
11 public record is in the physical possession of the
12 custodian of the public record. The right to copy a
13 public records record shall include the right to make
14 photographs or photographic copies while the records
15 are public record is in the possession of the
16 custodian of the records public record. All rights
17 under this section are in addition to the right to
18 obtain a certified copies copy of records a public
19 record under section 622.46.

20 Sec. ____ . Section 22.3A, subsection 2, paragraph
21 a, Code 1997, is amended to read as follows:

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

45 Sec. ____ . NEW SECTION. 321A.3A FUNDING.

46 Notwithstanding section 321A.3 subsection 1, for
47 the fiscal year beginning July 1, 1998, in an amount
48 not to exceed four hundred thousand dollars, and for
49 each subsequent fiscal year, up to one dollar of each
50 five dollar transaction shall be transferred to the

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1 division of information technology services of the
2 department of general services for the purposes of
3 developing, implementing, maintaining, and expanding
4 electronic access to government records in accordance
5 with the requirements as set forth in chapter 18,
6 division VII.

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

13 Sec. ____ . IOWACCESS INTENT. It is the intent of
14 the general assembly that the IowAccess advisory
15 council, established in this Act, review the
16 performance of a vendor acting as a network manager at
17 intervals not to exceed five years.

18 Sec. ____ . IOWACCESS CODIFICATION. The Code editor
19 shall codify the amendments to chapter 18 in this Act
20 as division VII of chapter 18."

21 11. Page 15, line 14, by striking the figure
22 "18,904,000" and inserting the following:
23 "14,904,000".

24 12. Page 15, by inserting after line 35 the
25 following:

26 "Sec. ____ . 1997 Iowa Acts, chapter 210, section 2,
27 subsection 1, is amended by adding the following new
28 paragraph "c" and relettering existing paragraphs:

29 NEW LETTERED PARAGRAPH. c. There is appropriated
30 from the rebuild Iowa infrastructure fund created in
31 section 8.57, subsection 5, to the Iowa communications
32 network fund under the control of the Iowa
33 telecommunications and technology commission for the
34 fiscal year beginning July 1, 1998, and ending June
35 30, 1999, the following amount, or so much thereof as
36 is necessary, to be used for the purpose designated:

37 For the connection to the network of authorized
38 users which are libraries as provided in the Part III
39 contracts executed in 1995:

40 \$ 4,000,000

41 The telecommunications advisory committee
42 established in section 8D.7, in consultation with the
43 state library, shall develop for submission to the
44 commission proposals for the allocation of moneys
45 appropriated in this paragraph for the connection of
46 libraries to the network as provided in the Part III
47 contracts executed in 1995. The advisory committee
48 shall conduct a cost-benefit analysis in determining
49 the amount to be allocated to a specific community,
50 including, at a minimum, consideration of the needs of

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1 a community to which an allocation is proposed, the
2 number of sites currently in the community, and the
3 amount of usage at each site in the community. A
4 proposal for an allocation submitted by the advisory
5 committee shall be approved by the commission or
6 rejected and returned to the advisory committee with
7 an explanation of why such proposal was rejected."

8 13. Title page, line 6, by inserting after the
9 word "technology," the following: "establishing the
10 IowaAccess system,".

11 14. Title page, lines 6 and 7, by striking the
12 words "providing for the transfer of the information
13 technology division,".

14 15. Title page, lines 8 and 9, by striking the
15 words "establishing an information technology
16 bureau,".

17 16. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5771 FILED APRIL 20, 1998

*Senate Concurred**4/21/98**(P.1439)*

SENATE FILE 2418

S-5815

1 Amend the House amendment, S-5771, to Senate File
2 2418, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking line 6 and inserting the
5 following:

6 "Sec. ____ . NEW SECTION. 18.180A INFORMATION
7 SERVICES BOARD -- MEMBERS -- CHAIRPERSON -- VACANCIES
8 -- QUORUM -- COMPENSATION AND TRAVEL EXPENSES.

9 1. A state information services board is created.
10 The membership shall be composed of the following:

11 a. The governor shall appoint ten members, subject
12 to confirmation by the senate. The governor shall
13 appoint one member to represent higher education, one
14 member who is a representative of a state agency, and
15 two members to represent the private sector. The
16 appointments shall be made in a manner so that all of
17 the state's congressional districts are represented
18 along with the ethnic, cultural, social, and economic
19 diversity of the state. Terms of office of members
20 appointed by the governor shall be three years.

21 b. The chief justice of the supreme court or a
22 designee shall serve as a member to represent the
23 judicial branch of government.

24 c. The director of the department of education or
25 a designee shall serve as a member to represent the
26 interests of kindergarten through grade twelve
27 education.

28 2. Board members shall be reimbursed for actual
29 and necessary expenses incurred in performance of
30 their duties. Members may also be eligible to receive
31 compensation as provided in section 7E.6.

32 3. In addition to the voting members, the board
33 shall include four members of the general assembly
34 with not more than one member from each chamber being
35 from the same political party. The two senators shall
36 be designated by the president of the senate after
37 consultation with the majority and minority leaders of
38 the senate. The two representatives shall be
39 designated by the speaker of the house of
40 representatives after consultation with the majority
41 and minority leaders of the house of representatives.
42 Legislative members shall serve in an ex officio,
43 nonvoting capacity. A legislative member is eligible
44 for per diem and expenses as provided in section 2.10.

45 4. The governor shall assign staffing services to
46 the board which may include the staff identified by
47 the director of the department of management.

48 5. The members shall select a chairperson from
49 among the board members. Vacancies shall be filled in
50 the same manner that the original appointments were

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Page 2

1 made. A majority of the members of the board shall
2 constitute a quorum for the transaction of business.

3 Sec. _____. NEW SECTION. 18.180B POWERS AND DUTIES
4 OF BOARD.

5 1. The board shall have the following powers and
6 duties related to information services:

7 a. To develop standards governing the acquisition
8 and disposition of equipment, proprietary software and
9 purchased services, and confidentiality of
10 computerized data.

11 b. To purchase, lease, rent, or otherwise acquire,
12 dispose of, and maintain equipment, proprietary
13 software, and purchased services, or to delegate to
14 other agencies and institutions of state government,
15 under appropriate standards, the authority to
16 purchase, lease, rent, or otherwise acquire, dispose
17 of, and maintain equipment, proprietary software, and
18 purchased services. This paragraph does not apply to
19 the legislative branch.

20 c. To develop statewide or interagency technical
21 policies, standards, and procedures.

22 d. To review and approve standards and common
23 specifications for new or expanded telecommunications
24 networks proposed by agencies, local governments,
25 public postsecondary education institutions, and
26 public schools with kindergarten through grade twelve.

27 e. To provide direction concerning strategic
28 planning goals and objectives for the state. The
29 board shall seek input from the general assembly and
30 the supreme court.

31 f. To develop and implement a process for the
32 resolution of appeals by vendors concerning the
33 conduct of an acquisition process by a state agency or
34 the department or a customer state agency concerning
35 the provision of services by the department or by
36 other state agency providers.

37 g. To establish policies for the periodic review
38 by the department of state agency performance which
39 may include but are not limited to analysis of:

40 (1) Planning, management, control, and use of
41 information services.

42 (2) Training and education.

43 (3) Project management.

44 h. To set its meeting schedules and convene at
45 scheduled times, or meet at the request of a majority
46 of its members, the chair, or the director.

47 i. To review and approve that portion of the
48 department's budget request that provides support to
49 the board.

50 2. As statewide technical standards to promote and

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Page 3

1 facilitate electronic information sharing and access
2 are an essential component of acceptable and reliable
3 public access service and complement content-related
4 standards designed to meet those goals, the board
5 shall do all of the following:

6 a. Establish technical standards to facilitate
7 electronic access to government information and
8 interoperability of information systems. Local
9 governments are strongly encouraged to follow the
10 standards established by the board.

11 b. Require agencies to consider electronic public
12 access needs when planning new information systems or
13 major upgrades of systems.

14 Sec. ____ . NEW SECTION. 18.180C ADVISORY
15 COMMITTEES.

16 1. The director shall appoint advisory committees
17 to assist the division of information technology
18 services. Advisory committees shall include, but are
19 not limited to, customer oversight committees.

20 2. Customer oversight committees shall provide the
21 division with advice concerning the type, quality, and
22 cost of the division's services. The number of
23 customer oversight committees and their membership
24 shall be determined by the director to assure that all
25 services are subject to oversight by a representative
26 selection of customers. At least annually, these
27 committees shall meet to recommend, review, and
28 comment on the service goals and objectives of the
29 division and the budgets for operations of those
30 services and the rates to be charged for those
31 services. The committees may call upon the board to
32 resolve disputes between agencies and the division
33 which may arise with regard to service offerings,
34 budgets, or rates.

35 3. Any advisory committee created by the director
36 may be convened by a majority of its members, by its
37 chair, or by the director.

38 Sec. ____ . NEW SECTION. 18.181 IOWACCESS".

39 2. By renumbering as necessary.

By MARY NEUHAUSER

S-5815 FILED APRIL 21, 1998
WITHDRAWN

(p. 1439)

SENATE FILE 2418

S-5813

1 Amend the House amendment, S-5771, to Senate File
2 2418, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 30, by inserting after the word
5 "appropriate." the following: "The study authorized
6 in this section shall also include, but not be limited
7 to, a determination as to the appropriate number of
8 Iowa communications network classrooms which should be
9 established per capita."

10 2. Page 1, by inserting after line 30 the
11 following:

12 "____. Page 5, by inserting after line 4 the
13 following:

14 "Sec. ____ DIVISION OF INFORMATION TECHNOLOGY
15 SERVICES HEAD -- SENATE CONFIRMATION. Notwithstanding
16 any contrary provision, the individual appointed by
17 the director of the department of general services as
18 the head of the division of information technology
19 services in the department shall be subject to senate
20 confirmation."

21 3. Page 1, by striking line 37 and inserting the
22 following:

23 \$ 150,000

24 _____. To the state board of regents for technology
25 improvement:

26 \$ 450,000"

27 4. Page 2, by striking line 4 and inserting the
28 following:

29 "____. Page 10, by striking lines 23 through 27
30 and inserting the following: "2000 program office, or
31 any other state agency. The person retained to
32 conduct the progress audit shall provide a written
33 report to the legislative council on or before
34 November 1, 1998, including the results of the audit
35 and any information as deemed".

36 _____. Page 10, line 33, by striking the word
37 "July" and inserting the following: "February".

38 _____. By striking page 11, line 1, through page
39 12, ".

40 5. Page 2, by striking lines 22 through 39 and
41 inserting the following:

42 "e. (1) Seven individuals to be appointed as
43 follows:

- 44 (a) Three members appointed by the governor.
- 45 (b) Two members appointed by the majority leader
- 46 of the senate in consultation with the minority leader
- 47 of the senate.

- 48 (c) Two members appointed by the speaker of the
- 49 house of representatives in consultation with the
- 50 majority and minority leaders of the house of

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Page 2

- 1 representatives.
- 2 (2) Members appointed pursuant to subparagraph (1)
- 3 shall include the following:
- 4 (a) One member representing financial institutions
- 5 who shall be actively engaged in finance and banking.
- 6 (b) One person representing insurers who shall be
- 7 actively engaged in the insurance industry.
- 8 (c) One person representing attorneys who shall be
- 9 actively engaged in the profession of law.
- 10 (d) One person representing media interests.
- 11 (e) One person representing cities who shall be
- 12 actively engaged in the administration of a city.
- 13 (f) One person representing counties who shall be
- 14 actively engaged in the administration of a county.
- 15 (g) One person with technical expertise who shall
- 16 provide guidance and advice on the status of
- 17 our state's and anticipated technology and developments.
- 18 (3) A person appointed pursuant to this paragraph
- 19 shall not otherwise be interestedly have a conflict of
- 20 interest.
- 21 _____
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9. By striking page 7, line 21, through page 8,
line 7, and inserting the following:
" _____"
Page 15, by inserting after line 25 the
following:
"Notwithstanding any contrary provision, the
commission shall not permit any new connections to the
network after June 30, 1999, except for a connection
where the construction associated with such connection
has commenced on or before June 30, 1999."
10. By renumbering as necessary.
By JACK RIFE

S-5813 FILED APRIL 21, 1998
ADOPTED

(P. 1439)

Rife
McLaren
Newhauser

SSB. 2209

Appropriation

Succeeded By
SENATE/HOUSE FILE SE/HF 2418
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY JOINT
APPROPRIATIONS SUBCOMMITTEE ON
OVERSIGHT AND COMMUNICATIONS)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to state government technology and operations, by
2 making and relating to appropriations to the Iowa
3 communications network for the connection and support of
4 certain Part III users, making appropriations to various
5 entities for other technology-related purposes, providing for
6 the procurement of information technology, and providing
7 effective dates.

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

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ICN APPROPRIATIONS

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Section 1. TREASURER OF STATE. There is appropriated from the general fund of the state to the treasurer of state for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For debt service:

..... \$ 12,782,000

Funds appropriated in this section shall be deposited in a separate fund established in the office of the treasurer of state, to be used solely for debt service for the Iowa communications network. The Iowa telecommunications and technology commission shall certify to the treasurer of state when a debt service payment is due, and upon receipt of the certification the treasurer shall make the payment. The commission shall pay any additional amount due from funds deposited in the Iowa communications network fund.

Sec. 2. PART III NETWORK COSTS -- SUBSIDIZATION FUND.

1. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated in this subsection:

a. For the subsidization of operations of the network as a result of charging authorized users video rates which generate less revenue than necessary to cover associated costs of the network, and consistent with chapter 8D:

..... \$ 3,735,000

b. For the transfer of 2.00 FTEs from the public broadcasting division in the department of education to the Iowa telecommunications and technology commission:

..... \$ 35,134

2. Funds appropriated in subsection 1 shall be deposited in an Iowa communications network operations account

1 established as a separate account in the office of the
2 treasurer of state. Funds deposited in this account shall be
3 under the control of and used by the Iowa telecommunications
4 and technology commission for the operational costs associated
5 with the network.

6 3. Notwithstanding section 8.33 or 8.39, any balance
7 remaining from the appropriation in this section shall not
8 revert to the general fund of the state but shall remain in
9 the Iowa communications network operations account and be
10 available for expenditure during the subsequent fiscal year
11 for the same purpose, and shall not be transferred to any
12 other program.

13 4. Notwithstanding any contrary provisions, all receipts
14 collected for sales and services provided by the network shall
15 be deposited in the Iowa communications network operations
16 account.

17 5. a. Except as provided in paragraph "b", the commission
18 shall not expend funds from the Iowa communications network
19 operations account in excess of \$32,000,000 for the fiscal
20 year beginning on July 1, 1998, and ending June 30, 1999.

21 b. (1) Notwithstanding paragraph "a", if an amount up to
22 \$4,000,000 is deposited pursuant to section 6 of this Act into
23 the Iowa communications network operations account in excess
24 of the \$32,000,000 limitation, the commission shall expend
25 such funds for the replacement of optical components of the
26 network as provided in section 6, subsection 2, paragraph "k",
27 of this Act.

28 (2) Notwithstanding paragraph "a", if any amount is
29 deposited into the Iowa communications network operations
30 account, or appropriated to the Iowa telecommunications and
31 technology commission or to the network, pursuant to any other
32 Act enacted by the general assembly during the 1998 regular
33 session, the commission may expend such funds only for the
34 purpose designated in such Act.

35 (3) Notwithstanding paragraph "a", if any amount is

1 deposited into the Iowa communications network operations
2 account from a federal grant or other federal source for a
3 specific purpose, the commission may expend such funds only
4 for the purpose designated for such funds.

5 6. The staff of the Iowa telecommunications and technology
6 commission shall establish budget units and accounts using the
7 state budget system and the Iowa finance and accounting system
8 as determined jointly by the department of management and the
9 legislative fiscal bureau.

10 Sec. 3. LEGISLATIVE COUNCIL. There is appropriated from
11 the general fund of the state to the legislative council for
12 use by the legislative oversight committee for the fiscal year
13 beginning July 1, 1998, and ending June 30, 1999, the
14 following amount, or so much thereof as is necessary, to be
15 used for the purpose designated:

16 \$ 75,000

17 The legislative oversight committee shall use funds
18 appropriated in this section to retain a consultant to study
19 and review potential options related to the disposition of the
20 network, and potential options related to a change in the
21 management structure of the network, including but not limited
22 to, the privatization of all or a portion of the management
23 functions of the network. For purposes of this study, the
24 consultant shall assume that such disposition or change in
25 management structure shall not occur until such time as the
26 build-out of Part III is complete. The consultant shall
27 provide a written final report to the general assembly no
28 later than January 11, 1999. The co-chairpersons of the
29 committee are authorized to appoint an advisory committee
30 composed of members as deemed appropriate by the co-
31 chairpersons to assist the consultant as appropriate.

32 Sec. 4. PUBLIC BROADCASTING. There is appropriated from
33 the general fund of the state to the public broadcasting
34 division of the department of education for the fiscal year
35 beginning July 1, 1998, and ending June 30, 1999, the

1 following amount, or so much thereof as is necessary, to be
2 used for the purposes designated in subsections 1 and 2 and
3 for the following full-time equivalent positions:

4	\$	2,312,853
5	FTEs	9.00

6 1. Of the amount appropriated, \$454,661 shall be expended
7 by the public broadcasting division of the department of
8 education to provide support for functions related to the
9 network, including but not limited to the following functions:

- 10 scheduling for video classrooms; development of distance
- 11 learning applications; development of a central information
- 12 source on the Internet relating to educational uses of the
- 13 network; second-line technical support for network sites;
- 14 testing and initializing sites onto the network; and
- 15 coordinating the work of the education telecommunications
- 16 council.

17 2. Of the amount appropriated, \$1,858,192 shall be
18 allocated by the public broadcasting division of the
19 department of education to the regional telecommunications
20 councils established in section 8D.5. The regional
21 telecommunications councils shall use the funds to provide
22 technical assistance for network classrooms, planning and
23 troubleshooting for local area networks, scheduling of video
24 sites, and other related support activities.

25 Sec. 5. DEPARTMENT OF GENERAL SERVICES. There is
26 appropriated from the general fund of the state to the
27 division of information technology services in the department
28 of general services for the fiscal year beginning July 1,
29 1998, and ending June 30, 1999, the following amount, or so
30 much thereof as is necessary, to be used for the purpose
31 designated:

32 For the purpose of providing information technology
33 services to state agencies and for the following full-time
34 equivalent positions:

35	\$	4,660,013
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1 FTEs 158.00

2 One of the full-time equivalent positions appropriated for
3 in this section relates to the transition of personnel
4 services contractors to full-time equivalent positions. The
5 merit system provisions of chapter 19A and the provisions of
6 the collective bargaining agreements entered into between the
7 state and the respective union or bargaining unit shall not
8 govern movement into this full-time equivalent position until
9 September 1, 1998.

10 Sec. 6. REVERSION TECHNOLOGY INITIATIVES ACCOUNT.

11 1. The division of information technology services in the
12 department of general services shall establish a reversion
13 technology initiatives account for the purpose of supporting
14 various technology programs.

15 Notwithstanding the distribution formula contained in
16 section 8.62 for an operational appropriation which remains
17 unexpended or unencumbered for the fiscal year beginning July
18 1, 1997, 75 percent of the unexpended or unencumbered moneys
19 subject to section 8.62 are appropriated to the reversion
20 technology initiatives account. The remaining 25 percent of
21 such moneys shall remain with the entity to which the
22 operational appropriation was made. Notwithstanding section
23 8.33, for an appropriation other than an operational
24 appropriation as provided in section 8.62 which remains
25 unencumbered for the fiscal year beginning July 1, 1997, 100
26 percent of the unexpended or unencumbered moneys are
27 appropriated to the reversion technology initiatives account.

28 2. Moneys in the reversion technology initiatives account
29 are allocated, to the extent available, in the descending
30 priority order for use during the fiscal year beginning July
31 1, 1998, and ending June 30, 1999, as follows:

- 32 a. To the department of human services for a welfare
33 reform systems development:
34 \$ 1,000,000
35 b. To the department of human services for a child support

1 recovery systems development:
2 \$ 1,131,976
3 c. To the department of workforce development for an
4 integrated information system:
5 \$ 2,513,000
6 d. To the department of education for a teacher examiners
7 records imaging system:
8 \$ 475,000
9 e. To the department of corrections for ICN connections at
10 Newton and Fort Dodge:
11 \$ 600,000
12 f. To Iowa public television to begin the digital
13 television broadcasting conversion:
14 \$ 2,000,000
15 g. To the department of economic development for a
16 sustaining first stop business/licensing center pilot project:
17 \$ 100,000
18 h. To the department of education for an electronic data
19 exchange:
20 \$ 500,000
21 If the funds available for this allocation are
22 insufficient, there is appropriated from the school
23 improvement and technology fund to the department of education
24 \$230,000 to continue pilot projects.
25 i. To the department of revenue and finance for a desktop
26 operating system:
27 \$ 450,000
28 j. To the department of revenue and finance for a
29 sustaining tax and wage reporting system (STAWRS):
30 \$ 125,000
31 k. To the Iowa communications network operations account
32 for use by the Iowa telecommunications and technology
33 commission only for the replacement of existing optical
34 components of the network which become unusable and which are
35 necessary for the continued operation and use of the network:

1 \$ 4,000,000

2 The commission, prior to obligating any funds under this
3 paragraph, shall submit the proposed expenditure to the
4 legislative oversight committee of the legislative council for
5 review and approval. The commission, in submitting such
6 proposal, shall also make a recommendation as to whether such
7 replacement optical components should be purchased, leased, or
8 procured in some other manner, in an effort to minimize the
9 cost to the state.

10 Notwithstanding section 8.33, moneys allocated to the
11 commission in this paragraph which remain unobligated or
12 unexpended at the close of the fiscal year shall not revert to
13 the general fund of the state but shall remain available for
14 the purpose designated in this paragraph in the succeeding
15 fiscal year.

16 1. To the department of workforce development for a
17 sustaining community resource directory pilot project:
18 \$ 178,000

19 m. To the department of human rights for the division of
20 criminal and juvenile justice for a justice data
21 analysis/warehouse project:
22 \$ 175,000

23 n. To the department of inspections and appeals for the
24 office of public defender for an indigent defense claims
25 processing redesign project:
26 \$ 75,000

27 o. To the department of human services for an
28 institutional central area network:
29 \$ 1,181,400

30 p. To the department of revenue and finance for the
31 development of a tax processing imaging system:
32 \$ 2,739,963

33 q. To the department of general services for a purchasing
34 system:
35 \$ 2,500,000

1 r. To the department of public defense for a preventive
2 maintenance system:

3 \$ 50,000

4 s. To the department of public health for a telephone
5 verification system:

6 \$ 400,000

7 t. To the department of revenue and finance for tele-
8 filing of tax returns:

9 \$ 150,000

10 u. To the department of human services for a family and
11 children's services (FACS) and statewide tracking of abuse
12 reports (STAR) system upgrades:

13 \$ 265,750

14 3. If the total funds available for appropriation to the
15 reversion technology initiatives account exceeds the amounts
16 needed to fund the allocated projects, the balance shall
17 revert to the general fund of the state on June 30, 1999.

18 4. Effective July 1, 1999, the division of information
19 technology in the department of general services shall not
20 deposit any additional moneys into the reversion technology
21 initiatives account, unless reauthorized to do so by the
22 general assembly during the 1999 regular session. Funds
23 allocated to a project pursuant to this section which are
24 encumbered prior to July 1, 1999, may be spent for the
25 specified purpose as provided in this Act. Funds which are
26 allocated but unencumbered as of July 1, 1999, shall revert to
27 the general fund.

28 5. The department of management, in cooperation with the
29 information technology services division of the department of
30 general services, shall develop a standard budget request form
31 for technology or business reengineering projects. A
32 department requesting funding for projects which will cost
33 more than \$100,000 shall use the request form. The form shall
34 require consistent reporting criteria including, but not
35 limited to, project description, project goals, project

1 performance measures, return on investment, cost, time frame,
2 funding sources, and customer base.

3 Sec. 7. YEAR 2000 REPORTING.

4 1. Every department, institution under the control of the
5 board of regents, and office of a statewide elected official,
6 other than the governor, shall report monthly on forms as
7 provided by the year 2000 program office on the progress of
8 such department, regents institution, or office in
9 implementing century date change programming. Such reports
10 shall be submitted to the legislative oversight committee, the
11 legislative fiscal bureau, and the year 2000 program office.

12 2. The judicial department shall report monthly on forms
13 as provided by the year 2000 program office on the progress of
14 the department in implementing century date change
15 programming. Such report shall be submitted to the
16 legislative oversight committee.

17 3. The computer support bureau shall report monthly on
18 forms as provided by the year 2000 program office on the
19 progress of the bureau in implementing century date change
20 programming. Such report shall be submitted to the
21 legislative oversight committee.

22 Sec. 8. IOWACCESS FUNDING LIMITATION. Notwithstanding any
23 contrary provision, if an appropriation is made or other
24 funding is provided for purposes of funding IowAccess system
25 providing for electronic access to government records, if
26 enacted by the Seventy-seventh General Assembly, 1998 Regular
27 Session, such appropriated amount or other funding shall not
28 be in excess of \$400,000.

29 Sec. 9. 1997 Iowa Acts, chapter 209, section 2, subsection
30 1, is amended to read as follows:

31 1. For state acquisition in accordance with the
32 competitive bidding requirements of this section and as a
33 condition of the appropriation made in this subsection of new
34 information technology hardware and software which already
35 includes the century date change programming and which

1 achieves additional purposes in replacing state hardware and
2 software for which the century date change programming is
3 required:

4 \$ 2,000,000

5 Moneys appropriated in this subsection shall be used for
6 the purpose designated and notwithstanding section 8.39 are
7 not subject to transfer or use for any other purpose, except
8 that moneys remaining after the purchase of such hardware and
9 software may be used for the purposes designated in subsection
10 2.

11 Sec. 10. 1997 Iowa Acts, chapter 210, section 2,
12 subsection 1, paragraph b, is amended to read as follows:

13 b. There is appropriated from the rebuild Iowa
14 infrastructure fund created in section 8.57, subsection 5, to
15 the Iowa communications network fund under the control of the
16 Iowa telecommunications and technology commission for the
17 fiscal year beginning July 1, 1998, and ending June 30, 1999,
18 the following amount, or so much thereof as is necessary, to
19 be used for the purpose designated:

20 For the connection of Part III authorized users as
21 determined by the commission and communicated to the general
22 assembly:

23 \$ ~~17,704,000~~
24 18,904,000

25 Notwithstanding section 8.33, moneys appropriated in this
26 section which remain unobligated or unexpended at the close of
27 the fiscal year shall not revert to the general fund of the
28 state but shall remain available for the fiscal year beginning
29 July 1, 1999, and ending June 30, 2000, for the purpose of
30 completing the connections of Part III authorized users as
31 approved by the general assembly, whether or not such users
32 were part of the Part III contracts executed in 1995.
33 However, the commission shall only add a new site which was
34 not part of the 1995 contract relating to Part III connections
35 upon the withdrawal of a site included under such contract.

1 The commission is authorized for no more than 100 full-time
2 equivalent positions.

3 Fifteen of the full-time equivalent positions appropriated
4 for in this section relate to the transition of personnel
5 services contractors to full-time equivalent positions. The
6 merit system provisions of chapter 19A and the provisions of
7 the collective bargaining agreements entered into between the
8 state and the respective union or bargaining unit shall not
9 govern movement into these full-time equivalent positions
10 until September 1, 1998.

11 Sec. 11. 1997 Iowa Acts, chapter 210, section 2,
12 subsection 1, is amended by adding the following new
13 paragraph:

14 NEW PARAGRAPH. g. The Iowa telecommunications and
15 technology commission is authorized to use Part III funding to
16 convert any leased analog circuit to a leased DS-3 circuit for
17 a Part III site when the existing contract vendor agrees to
18 upgrade the service.

19 Sec. 12. 1997 Iowa Acts, chapter 210, section 10,
20 subsection 1, is amended by adding the following new
21 paragraph:

22 NEW PARAGRAPH. g. Notwithstanding other provisions of
23 this section, the year 2000 program office, from funds
24 appropriated to the reversion incentive program fund provided
25 in this section, shall conduct an initial year 2000 compliance
26 assessment of each office of a statewide elected official
27 other than the office of the governor and the lieutenant
28 governor.

29 Sec. 13. EFFECTIVE DATE. Sections 6, 7, 8, 9, 10, 11, 12,
30 and 13 of this Act, being deemed of immediate importance, take
31 effect upon enactment.

32 EXPLANATION

33 This bill relates to state government technology
34 operations, by making appropriations to a number of entities
35 concerned with technology.

1 Specifically, the bill does the following:

2 The bill makes appropriations for the 1998-1999 fiscal year
3 from the general fund of the state for debt service for the
4 Iowa communications network, for subsidization of operations
5 of the network as a result of charging authorized users video
6 rates which generate less revenue than necessary to cover
7 associated costs of the network, for the retention of a
8 consultant to study and review potential options related to
9 the disposition of the network and options related to a change
10 in the management structure of the network, for support
11 functions related to the network provided by the public
12 broadcasting division of the department of education, for
13 information technology services provided by the department of
14 general services to other state agencies, and for the support
15 of specified full-time equivalent positions.

16 The bill creates a reversion technology initiatives account
17 to which reversions from the 1997-1998 fiscal year are to be
18 deposited. Moneys in this account are allocated for the 1998-
19 1999 fiscal year in a priority order for specific projects.

20 The bill provides for monthly reports by state agencies,
21 the judicial department, and computer support bureau with
22 regard to the progress of implementing century date change
23 programming. The bill limits funding IowAccess if enacted
24 during the 1998 legislative session. The bill also directs
25 the year 2000 program office to conduct an initial year 2000
26 compliance assessment of each office of a statewide elected
27 official other than the office of the governor and the
28 lieutenant governor.

29 Portions of the bill are made effective upon enactment.

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Item Vetted

SENATE FILE 2418

AN ACT

RELATING TO STATE GOVERNMENT TECHNOLOGY AND OPERATIONS, BY MAKING AND RELATING TO APPROPRIATIONS TO THE IOWA COMMUNICATIONS NETWORK FOR THE CONNECTION AND SUPPORT OF CERTAIN PART III USERS, MAKING APPROPRIATIONS TO VARIOUS ENTITIES FOR OTHER TECHNOLOGY-RELATED PURPOSES, PROVIDING FOR THE PROCUREMENT OF INFORMATION TECHNOLOGY, ESTABLISHING THE IOWACCESS SYSTEM, PROVIDING FOR THE USE OF THE NETWORK, MAKING MISCELLANEOUS RELATED CHANGES, AND PROVIDING EFFECTIVE DATES.

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

ICN APPROPRIATIONS

Section 1. TREASURER OF STATE. There is appropriated from the general fund of the state to the treasurer of state for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For debt service:
..... \$ 12,782,000

Funds appropriated in this section shall be deposited in a separate fund established in the office of the treasurer of state, to be used solely for debt service for the Iowa communications network. The Iowa telecommunications and technology commission shall certify to the treasurer of state when a debt service payment is due, and upon receipt of the certification the treasurer shall make the payment. The commission shall pay any additional amount due from funds deposited in the Iowa communications network fund.

Sec. 2. PART III NETWORK COSTS -- SUBSIDIZATION FUND.

1. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 1998, and ending June

30, 1999, the following amounts, or so much thereof as is necessary, to be used for the purposes designated in this subsection:

a. For the subsidization of operations of the network as a result of charging authorized users video rates which generate less revenue than necessary to cover associated costs of the network, and consistent with chapter 8D:
..... \$ 3,735,000

b. For the transfer of 2.00 FTEs from the public broadcasting division of the department of education to the Iowa telecommunications and technology commission:
..... \$ 35,134

2. Funds appropriated in subsection 1 shall be deposited in an Iowa communications network operations account established as a separate account in the office of the treasurer of state. Funds deposited in this account shall be under the control of and used by the Iowa telecommunications and technology commission for the operational costs associated with the network.

3. Notwithstanding section 8.33 or 8.39, any balance remaining from the appropriation in this section shall not revert to the general fund of the state but shall remain in the Iowa communications network operations account and be available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

4. Notwithstanding any contrary provisions, all receipts collected for sales and services provided by the network shall be deposited in the Iowa communications network operations account.

5. a. Except as provided in paragraph "b", the commission shall not expend funds from the Iowa communications network operations account in excess of \$32,000,000 for the fiscal year beginning on July 1, 1998, and ending June 30, 1999.

b. (1) Notwithstanding paragraph "a", if an amount up to \$4,000,000 is deposited pursuant to section 6 of this Act into

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the Iowa communications network operations account in excess of the \$32,000,000 limitation, the commission shall expend such funds for the replacement of optical components of the network as provided in section 6, subsection 3, paragraph "m", of this Act.

(2) Notwithstanding paragraph "a", if any amount is deposited into the Iowa communications network operations account, or appropriated to the Iowa telecommunications and technology commission or to the network, pursuant to any other Act enacted by the general assembly during the 1998 regular session, the commission may expend such funds only for the purpose designated in such Act.

(3) Notwithstanding paragraph "a", if any amount is deposited into the Iowa communications network operations account from a federal grant or other federal source for a specific purpose, the commission may expend such funds only for the purpose designated for such funds.

(4) Notwithstanding paragraph "a", amounts expended by the commission for the purchase of equipment on behalf of other state agencies or departments which are reimbursed by such state agency or department shall not be included in the total for purposes of the expenditure limit established in paragraph "a". The commission shall file a report electronically within 15 days of the end of each calendar quarter which shall include amounts expended during such calendar quarter by the commission as identified in this subparagraph. The report shall include information relating to each state agency or department for which such equipment was purchased, the equipment purchased, the cost of such equipment, and the amount received from the state agency or department as reimbursement for such purchases. The reports shall be filed electronically with the legislative fiscal bureau, with the initial report filed on or before October 30, 1998, for the calendar quarter beginning July 1, 1998.

6. The staff of the Iowa telecommunications and technology commission shall establish budget units and accounts using the

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state budget system and the Iowa finance and accounting system as determined jointly by the department of management and the legislative fiscal bureau.

Sec. 3. LEGISLATIVE COUNCIL. There is appropriated from the general fund of the state to the legislative council for use by the legislative oversight committee for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

..... \$ 75,000

The legislative oversight committee shall use funds appropriated in this section to retain a consultant to study and review potential options related to the disposition of the Iowa communications network, and potential options related to a change in the management structure of the network, including but not limited to, the privatization of all or a portion of the management functions of the network. For purposes of this study, the consultant shall assume that such disposition or change in management structure shall not occur until such time as the build-out of Part III is complete. The consultant shall provide a written final report to the general assembly no later than January 11, 1999. The co-chairpersons of the committee are authorized to appoint an advisory committee composed of members as deemed appropriate by the co-chairpersons to assist the consultant as appropriate. The study authorized in this section shall also include, but not be limited to, a determination as to the appropriate number of Iowa communications network classrooms which should be established per capita.

Sec. 4. PUBLIC BROADCASTING. There is appropriated from the general fund of the state to the public broadcasting division of the department of education for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purposes designated in subsections 1 and 2 and for the following full-time equivalent positions:

..... \$ 2,312,853
 FTEs 9.00

1. Of the amount appropriated, \$454,661 shall be expended by the public broadcasting division of the department of education to provide support for functions related to the network, including but not limited to the following functions: scheduling for video classrooms; development of distance learning applications; development of a central information source on the Internet relating to educational uses of the network; second-line technical support for network sites; testing and initializing sites onto the network; and coordinating the work of the education telecommunications council.

2. Of the amount appropriated, \$1,858,192 shall be allocated by the public broadcasting division of the department of education to the regional telecommunications councils established in section 8D.5. The regional telecommunications councils shall use the funds to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

Sec. 5. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the division of information technology services of the department of general services for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of providing information technology services to state agencies and for the following full-time equivalent positions:

..... \$ 4,660,013
 FTEs 158.00

One of the full-time equivalent positions appropriated for in this section relates to the transition of personnel services contractors to full-time equivalent positions. The

merit system provisions of chapter 19A and the provisions of the collective bargaining agreements entered into between the state and the respective union or bargaining unit shall not govern movement into this full-time equivalent position until September 1, 1998

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Sec. 6. DIVISION OF INFORMATION TECHNOLOGY SERVICES HEAD -- SENATE CONFIRMATION. Notwithstanding any contrary provision, the individual appointed by the director of the department of general services as the head of the division of information technology services in the department shall be subject to senate confirmation.

Sec. 7. REVERSION TECHNOLOGY INITIATIVES ACCOUNT.

1. A reversion technology initiatives account is established in the office of the treasurer of state under the control of the division of information technology services of the department of general services and for the purpose of supporting various technology programs as provided in this section.

Notwithstanding the distribution formula contained in section 8.62 for an operational appropriation which remains unexpended or unencumbered for the fiscal year beginning July 1, 1997, 75 percent of the unexpended or unencumbered moneys subject to section 8.62 are appropriated to the reversion technology initiatives account. The remaining 25 percent of such moneys shall remain with the entity to which the operational appropriation was made. Notwithstanding section 8.33, for an appropriation other than an operational appropriation as provided in section 8.62 which remains unencumbered for the fiscal year beginning July 1, 1997, 100 percent of the unexpended or unencumbered moneys are appropriated to the reversion technology initiatives account.

2. Moneys in the reversion technology initiatives account are allocated, to the extent available, in the descending priority order for use during the fiscal year beginning July 1, 1998, and ending June 30, 1999, as follows:

- a. To the department of human services for a welfare reform systems development: \$ 1,000,000
 - b. To the department of human services for a child support recovery systems development: \$ 1,131,976
 - c. To the department of workforce development for an integrated information system: \$ 2,513,000
 - d. To the department of education for a teacher examiners records imaging system: \$ 475,000
 - e. To the department of corrections for ICN connections at Newton and Fort Dodge: \$ 600,000
 - f. To Iowa public television to begin the digital television broadcasting conversion: \$ 2,000,000
- Notwithstanding section 8.33, moneys allocated to Iowa public television in this paragraph which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for the purpose designated in this paragraph in the succeeding fiscal year.
- g. To the department of economic development for a sustaining first stop business/licensing center pilot project: \$ 100,000
 - h. To the department of education for an electronic data exchange: \$ 500,000
- If the funds available for this allocation are insufficient, there is appropriated from the school improvement and technology fund to the department of education \$230,000 to continue pilot projects.
- i. To the department of revenue and finance for a sustaining tax and wage reporting system (STAWRS):

- \$ 125,000
 - j. To the department of revenue and finance for a remittance processing system: \$ 1,500,000
 - k. To the department of revenue and finance for telefiling of tax returns: \$ 150,000
 - l. To the state board of regents for technology improvement: \$ 450,000
 - m. To the Iowa communications network operations account for use by the Iowa telecommunications and technology commission only for the replacement of optical components of the network which become unusable and which are necessary for the continued operation and use of the network: \$ 4,000,000
- The commission, prior to obligating any funds under this paragraph, shall submit the proposed expenditure to the legislative oversight committee of the legislative council for review and approval. The commission, in submitting such proposal, shall also make a recommendation as to whether such replacement optical components should be purchased, leased, or procured in some other manner, in an effort to minimize the cost to the state.
- n. To the department of workforce development for a sustaining community resource directory pilot project: \$ 178,000
 - o. To the department of human rights for the division of criminal and juvenile justice for a justice data analysis/warehouse project: \$ 175,000
 - p. To the department of inspections and appeals for the office of public defender for an indigent defense claims processing redesign project: \$ 75,000

- q. To the department of human services for an institutional central area network:
..... \$ 1,181,400
- r. To the department of general services for a purchasing system:
..... \$ 2,500,000
- s. To the department of public defense for a preventive maintenance system:
..... \$ 50,000
- t. To the department of public health for a telephone verification system:
..... \$ 400,000
- u. To the department of human services for a family and children's services (FACS) and statewide tracking of abuse reports (STAR) system upgrades:
..... \$ 265,750

Setback

3. Effective July 1, 1999, the division of information technology in the department of general services shall not deposit any additional moneys into the reversion technology initiatives account, unless reauthorized to do so by the general assembly during the 1999 regular session. Funds allocated to a project pursuant to this section which are encumbered prior to July 1, 1999, may be spent for the specified purpose as provided in this Act. Funds which are allocated but unencumbered as of July 1, 1999, shall revert to the general fund.

4. The department of management, in cooperation with the information technology services division of the department of general services, shall develop a standard budget request form for technology or business reengineering projects. A department requesting funding for projects which will cost more than \$100,000 shall use the request form. The form shall require consistent reporting criteria including, but not limited to, project description, project goals, project performance measures, return on investment, cost, time frame, funding sources, and customer base.

Sec. 8. YEAR 2000 REPORTING.

1. Every department, institution under the control of the board of regents, and office of a statewide elected official, other than the governor, shall report monthly on forms as provided by the year 2000 program office on the progress of such department, regents institution, or office in implementing century date change programming. Such reports shall be submitted to the legislative oversight committee, the legislative fiscal bureau, and the year 2000 program office.

2. The judicial department shall report monthly on forms as provided by the year 2000 program office on the progress of the department in implementing century date change programming. Such report shall be submitted to the legislative oversight committee.

3. The computer support bureau shall report monthly on forms as provided by the year 2000 program office on the progress of the bureau in implementing century date change programming. Such report shall be submitted to the legislative oversight committee.

Setback

Sec. 9. YEAR 2000 PROGRESS AUDIT. The legislative council shall initiate a progress audit concerning the implementation of century date change programming. The legislative council shall retain a person knowledgeable in the area of century date change programming to conduct the progress audit and such person shall not be associated with or performing any tasks under the direction of the department of management, the year 2000 program office, or any other state agency. The person retained to conduct the progress audit shall provide a written report to the legislative council on or before November 1, 1998, including the results of the audit and any information as deemed necessary by the legislative council.

Setback

Sec. 10. PROHIBITION ON PRIVATIZATION OF IOWACCESS. Notwithstanding any contrary provision, the IowAccess system for providing electronic access to government records, if enacted by the Seventy-seventh General Assembly, 1998 Regular Session, shall not be privatized, if at all, prior to February 1, 1999, and shall remain under the direction and control of the appropriate state agency, as provided in such enactment.

Sec. 11. NEW SECTION. 18.181 IOWACCESS ADVISORY COUNCIL.

1. An IOWAccess advisory council is created within the division of information technology services of the department. At a minimum, the advisory council shall be composed of all of the following:

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

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

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

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

e. (1) Seven individuals to be appointed as follows:

(a) Three members appointed by the governor.

(b) Two members appointed by the majority leader of the senate in consultation with the minority leader of the senate.

(c) Two members appointed by the speaker of the house of representatives in consultation with the majority and minority leaders of the house of representatives.

(2) Members appointed pursuant to subparagraph (1) shall include the following:

(a) One member representing financial institutions who shall be actively engaged in finance and banking.

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

(c) One person representing attorneys who shall be actively engaged in the profession of law.

(d) One person representing media interests.

(e) One person representing cities who shall be actively engaged in the administration of a city.

(f) One person representing counties who shall be actively engaged in the administration of a county.

(g) One person with technical expertise who shall provide guidance and advice on the status of technology and anticipated technological developments.

(3) A person appointed pursuant to this paragraph shall not directly or indirectly have a conflict of interest.

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

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

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

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

Sec. 12. NEW SECTION. 18.182 POWERS AND DUTIES OF THE IOWACCESS ADVISORY COUNCIL.

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

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

2. Establishing priorities for implementing electronic access to government records.

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

4. Budgeting, funding, and operating expenses related to developing, implementing, and maintaining electronic access to government records.

5. Reviewing, inspecting, and evaluating the technology and financial audits as required in section 18.185, for the purpose of recommending program improvements, efficiencies, and priorities to the division of information technology services.

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

7. Reviewing requests for proposals, proposals, and contracts which involve the management and operation of the IowAccess network by a private entity.

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

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Sec. 13. NEW SECTION. 18.183 POWERS AND RESPONSIBILITIES VESTED IN INDIVIDUAL GOVERNMENT AGENCIES.

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

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

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

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

Sec. 14. NEW SECTION. 18.184 FINANCIAL TRANSACTIONS.

1. The division of information technology services shall collect moneys paid to participating governmental entities from persons who complete an electronic financial transaction with the governmental entity by accessing the IowAccess network. The moneys may include all of the following:

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

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

c. Moneys owed to a governmental entity by a person accessing the IowAccess network in order to satisfy a liability arising from the operation of law, including the payment of assessments, taxes, fines, and civil penalties.

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

3. The division of information technology services shall serve as the agent of the governmental entity in collecting

moneys for receipt by governmental entities. The moneys shall be transferred to governmental entities directly or to the treasurer of state for disbursement to governmental entities as required by the treasurer of state in cooperation with the auditor of state.

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

Sec. 15. NEW SECTION. 18.185 AUDITS REQUIRED.

A technology audit of the electronic transmission system by which government records are transmitted electronically to the public shall be conducted not less than once annually for the purpose of determining that government records and other electronic data are not misappropriated or misused by the division of information technology services or a contractor of the division. A financial audit shall be conducted not less than once annually to determine the financial condition of the division of information technology services and to make other relevant inquiries.

Sec. 16. NEW SECTION. 18.186 CREDIT CARDS ACCEPTED.

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

Sec. 17. Section 22.2, subsection 1, Code 1997, is amended to read as follows:

1. Every person shall have the right to examine and copy a public records record and to publish or otherwise disseminate a public records record or the information contained therein in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public records record shall include the right to make photographs or photographic copies while the records are public record is in the possession of the custodian of the records public record. All rights under this section are in addition to the right to obtain a certified copies copy of records a public record under section 622.46.

Sec. 18. Section 22.3A, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. If access to the data processing software is provided to a person solely for the purpose of accessing a public record, the amount shall be not more than that required to recover direct publication costs, including but not limited to editing, compilation, and media production costs, incurred by the government body in developing the data processing software, and preparing the data processing software for transfer to the person. The amount shall be in addition to any other fee required to be paid under this chapter for the examination and copying of a public record. If a person requests the reproduction of a public record stored in an electronic format that does not require formatting, editing, or compiling to reproduce the public record, the charge for providing the reproduced public record shall not exceed the reasonable cost of reproducing and transmitting that public record. The government body shall, if requested, provide documentation which explains and justifies the amount charged. This paragraph shall not apply to any publication for which a

price has been established pursuant to another section, including section 7A.22.

Sec. 19. PUNDING FOR IOWACCESS. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 1998, in an amount not to exceed four hundred thousand dollars, up to one dollar of each five dollar transaction shall be transferred to the division of information technology services of the department of general services for the purposes of developing, implementing, maintaining, and expanding electronic access to government records in accordance with the requirements as set forth in chapter 18, division VII. For fiscal years beginning on or after July 1, 1999, funding for the purposes of developing, implementing, maintaining, and expanding electronic access to government records in accordance with the requirements as set forth in chapter 18, division VII, shall be provided through the general assembly's appropriation process and the department of general services shall include a line item request for such funding in the department's annual budget request.

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

Sec. 20. IOWACCESS INTENT. It is the intent of the general assembly that the IowAccess advisory council, established in this Act, review the performance of a vendor acting as a network manager at intervals not to exceed five years.

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Sec. 21. IOWACCESS CODIFICATION. The Code editor shall codify the amendments to chapter 18 in this Act as division VII of chapter 18.

Sec. 22. 1997 Iowa Acts, chapter 209, section 2, subsections 1 and 2, are amended to read as follows:

1. For state acquisition in accordance with the competitive bidding requirements of this section and as a

condition of the appropriation made in this subsection of new devices, equipment, or systems that are date or time sensitive, and information technology hardware and software which already includes the century date change programming and which achieves additional purposes in replacing state hardware, and software, and devices, equipment, or systems that are date or time sensitive for which the century date change programming or other related corrective action is required:

..... \$ 2,000,000

Moneys appropriated in this subsection shall be used for the purpose designated and notwithstanding section 8.39 are not subject to transfer or use for any other purpose, except that moneys remaining after the purchase of such hardware and software may be used for the purposes designated in subsection 2.

2. For the costs of century date change programming or other related corrective action in existing state devices, equipment, or systems and information technology software that are date or time sensitive to the century date change when state acquisition of new information technology hardware, and software, and devices, equipment, or systems that are date or time sensitive which already includes the century date change programming and which achieves additional purposes to incorporate the century date change, is not cost effective, provided the programming or other related corrective action is acquired in accordance with the competitive bidding requirements of this section and as a condition of the appropriation made in this subsection:

..... \$ 3,000,000

Moneys appropriated in this subsection shall be used for the purpose designated and notwithstanding section 8.39 are not subject to transfer or use except for the purposes of additional acquisitions under subsection 1.

The department shall not enter into a contract or any other obligation for the purpose of addressing the need for century

date programming or other corrective action related to devices, equipment, or systems that are date or time sensitive to the century date change which would require the need for funding in excess of the amount appropriated in this section. The department shall utilize, to the greatest extent possible, students and other knowledgeable persons connected with Iowa's colleges and universities in developing or acquiring hardware, software, and programming funded under this section. Otherwise, any acquisition for the purposes described in this section is subject to competitive bidding requirements in rule adopted under law and in accordance with the requirements of this section. In order to maintain maximum open and free competition among bidders, an eligible bidder shall have been organized or doing business prior to January 1, 1997. In addition, an eligible bidder shall not have a relationship with the state for assessment of bids or for preparation of a request for proposals under this section. A bidder with an actual or organizational conflict of interest shall be disqualified. A bidder shall be considered to have a conflict of interest if the organization, or a parent, subsidiary, or affiliated organization, of which the bidder is a shareholder, partner, limited partner, or member, has a conflict of interest. A bidder shall provide assurances of compliance with the requirements of this paragraph at the time of submitting a bid or proposal for any acquisition for the purposes of information technology hardware, software, or programming described in this section.

Notwithstanding section 8.33, moneys appropriated in this section which remain unexpended or unencumbered at the close of the fiscal year shall not revert to the general fund of the state but shall remain available to be used for the purposes designated until the close of the fiscal year beginning July 1, 1999.

Sec. 23. 1997 Iowa Acts, chapter 210, section 2, subsection 1, paragraph b, is amended to read as follows:

b. There is appropriated from the rebuild Iowa infrastructure fund created in section 8.57, subsection 5, to the Iowa communications network fund under the control of the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 1998, and ending June 30, 1999, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the connection of Part III authorized users as determined by the commission and communicated to the general assembly:
 \$ 17,794,800
 18,904,000

Notwithstanding section 8.33, moneys appropriated in this section which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for the fiscal year beginning July 1, 1999, and ending June 30, 2000, for the purpose of completing the connections of Part III authorized users as approved by the general assembly, whether or not such users were part of the Part III contracts executed in 1995. However, the commission shall only add a new site which was not part of the 1995 contract relating to Part III connections upon the withdrawal of a site included under such contract.

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Notwithstanding any contrary provision, the commission shall not permit any new connections to the network after June 30, 1999, except for a connection where the construction associated with such connection has commenced on or before June 30, 1999.

The commission is authorized for no more than 100 full-time equivalent positions.

Fifteen of the full-time equivalent positions appropriated for in this section relate to the transition of personnel services contractors to full-time equivalent positions. The merit system provisions of chapter 19A and the provisions of the collective bargaining agreements entered into between the state and the respective union or bargaining unit shall not

govern movement into these full-time equivalent positions until September 1, 1998.

Sec. 24. 1997 Iowa Acts, chapter 210, section 2, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The Iowa telecommunications and technology commission is authorized to use Part III funding to convert any leased analog circuit to a leased DS-3 circuit for a Part III site when the existing contract vendor agrees to upgrade the service.

Sec. 25. 1997 Iowa Acts, chapter 210, section 10, subsection 1, unnumbered paragraph 1, is amended to read as follows:

The department of general services shall establish a reversion incentive program fund for purposes of supporting the implementation of century date change programming and other corrective action related to devices, equipment, or systems that are date or time sensitive to the century date change, and shall be funded as follows:

Sec. 26. 1997 Iowa Acts, chapter 210, section 10, subsection 1, paragraph e, is amended to read as follows:

e. An agency expending moneys from the fund for implementing century date change programming and other corrective action related to devices, equipment, or systems that are date or time sensitive to the century date change and which receives moneys from another source, including but not limited to the United States government, for the same purpose shall deposit an amount equal to the amount received from the other source into the general fund of the state up to the amount expended from the fund.

Sec. 27. 1997 Iowa Acts, chapter 210, section 10, subsection 1, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Notwithstanding other provisions of this section, the year 2000 program office, from funds appropriated to the reversion incentive program fund provided

In this section, shall conduct an initial year 2000 compliance assessment of each office of a statewide elected official other than the office of the governor and the lieutenant governor.

Sec. 28. 1997 Iowa Acts, chapter 210, section 10, subsection 2, unnumbered paragraph 1, is amended to read as follows:

The department shall not enter into a contract or any other obligation for the purpose of addressing the need for century date programming or other corrective action related to devices, equipment, or systems that are date or time sensitive to the century date change which would require the need for funding in excess of the amount appropriated in this section. The department shall utilize, to the greatest extent possible, students and other knowledgeable persons connected with Iowa's colleges and universities in developing or acquiring hardware, software, and programming funded under this section. Otherwise, any acquisition for the purposes described in this section is subject to competitive bidding requirements in rule adopted under law and in accordance with the requirements of this section. In order to maintain maximum open and free competition among bidders, an eligible bidder shall have been organized or doing business prior to January 1, 1997. In addition, an eligible bidder shall not have a relationship with the state for assessment of bids or for preparation of a request for proposals under this section. A bidder with an actual or organizational conflict of interest shall be disqualified. A bidder shall be considered to have a conflict of interest if the organization, or a parent, subsidiary, or affiliated organization, of which the bidder is a shareholder, partner, limited partner, or member, has a conflict of interest. A bidder shall provide assurances of compliance with the requirements of this paragraph at the time of submitting a bid or proposal for any acquisition for the purposes of information technology hardware, software, or programming described in this section.

Sec. 29. EFFECTIVE DATE. Sections 7, 8, 22, 23, 24, 25, 26, 27, and 28, and this section of this Act, being deemed of immediate importance, take effect upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2418, Seventy-seventh General Assembly.

Jam Wood

Approved May 21, 1998

MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor