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SENATE FILE 2264

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Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of an information technology  
2 department, providing for an appropriation, and providing an  
3 effective date.

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

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SF 2264 STATE GOVERNMENT

1 Section 1. LEGISLATIVE FINDINGS. The general assembly  
2 finds and declares all of the following:

3 1. Information technology resources in state government  
4 are valuable strategic assets belonging to the citizens of  
5 Iowa and must be managed accordingly.

6 2. State agencies independently acquire duplicative  
7 information technologies that would be more appropriately  
8 acquired as part of a coordinated effort for maximum cost-  
9 effectiveness, maximized service, and efficiency.

10 3. Considerations of both cost and the need for the  
11 transfer of information among the various agencies and  
12 branches of state government in the most timely and useful  
13 form possible require a uniform policy and coordinated system  
14 for the use and acquisition of communication and information  
15 technologies.

16 4. The appropriate use of information technology by the  
17 state can improve operational productivity, reduce the cost of  
18 government, enhance service to the citizens of Iowa, and make  
19 government more accessible to the public.

20 5. The use of information technology to provide government  
21 services directly to citizens can be a cost-effective method  
22 of delivering such services.

23 6. Planning, investment, protection, and direction for  
24 information technology resources must be enacted to accomplish  
25 all of the following:

26 a. Ensure the effective application of information  
27 technology on state business operations.

28 b. Ensure the quality, security, and integrity of state  
29 business operations.

30 c. Enhance privacy to the citizens of the state.

31 7. The state must provide information technology  
32 infrastructure, technical directions, and a proficient  
33 organizational management structure to facilitate the  
34 productive application of information technology and resources  
35 to accomplish the missions and goals of state government.

1 8. Oversight of large-scale systems or projects is  
2 necessary to protect the state's investment and to ensure  
3 appropriate integration with existing or planned systems.

4 9. Appropriate public-private partnerships to supplement  
5 existing resources must be developed as a strategy for the  
6 state to comprehensively meet its information technology  
7 needs.

8 10. Establishment of an information technology department  
9 is necessary to achieve the goals identified in this section,  
10 to effectively plan for, develop, and manage information  
11 technology and related resources, and to assure that the needs  
12 of the citizens of this state, as well as the state's needs,  
13 are met.

14 Sec. 2. Section 7E.5, subsection 1, Code 1999, is amended  
15 by adding the following new paragraph:

16 NEW PARAGRAPH. x. The information technology department,  
17 created in chapter 14B, which has primary responsibility for  
18 the development and application of information technology in  
19 state government and the operation of the Iowa communications  
20 network.

21 Sec. 3. NEW SECTION. 14B.101 DEFINITIONS.

22 As used in this chapter, unless the context otherwise  
23 requires:

24 1. "Acquire" means to procure, obtain, purchase, lease-  
25 purchase, or lease information technology.

26 2. "Agency" means a unit of state government, which is an  
27 authority, board, commission, committee, council, department,  
28 examining board, or independent agency as defined in section  
29 7E.4, including but not limited to each principal central  
30 department enumerated in section 7E.5. However, "agency" does  
31 not mean any of the following:

32 a. The office of the governor.

33 b. The general assembly, or any office or unit under its  
34 administrative authority.

35 c. The judicial branch, as provided in section 602.1102.

- 1 d. A political subdivision of the state or its offices or  
2 units, including but not limited to a county, city, or  
3 community college.
- 4 3. "Director" means the director of the information  
5 technology department appointed as provided in section 14B.3.
- 6 4. "Governmental entity" means any unit of government in  
7 the executive, legislative, or judicial branches of  
8 government; an agency or political subdivision; any unit of  
9 another state government, including its political  
10 subdivisions; and any unit of the United States government.
- 11 5. "Information technology" means computing, electronics,  
12 and telecommunications technologies used to process and  
13 distribute information in digital and other forms and includes  
14 information technology devices and information technology  
15 services.
- 16 6. "Information technology council" means the information  
17 technology council established in section 14B.104.
- 18 7. "Information technology device" means equipment or  
19 associated software, including programs, languages,  
20 procedures, or associated documentation, used in operating the  
21 equipment which is designed for utilizing information stored  
22 in an electronic format. "Information technology devices"  
23 includes but is not limited to computer systems, computer  
24 networks, and equipment used for input, output, processing,  
25 storage, display, communication, video transmission, scanning,  
26 and printing.
- 27 8. "Information technology services" means services  
28 designed to do any of the following:
- 29 a. Facilitate the acquisition of information technology  
30 devices.
- 31 b. Provide functions, maintenance, and support of  
32 information technology devices.
- 33 c. Provide services including, but not limited to, any of  
34 the following:
- 35 (1) Computer systems application development and

1 maintenance.

2 (2) Systems integration and interoperability.

3 (3) Operating systems maintenance and design.

4 (4) Computer systems programming.

5 (5) Computer systems software support.

6 (6) Planning and security relating to information  
7 technology devices.

8 (7) Data management consultation.

9 (8) Information technology education and consulting.

10 (9) Information technology planning and standards.

11 (10) Establishment of local area network and workstation  
12 management standards.

13 9. "Participating agency" means any agency other than any  
14 of the following:

15 a. The state board of regents and institutions operated  
16 under the authority of the state board of regents.

17 b. The public broadcasting division of the department of  
18 education.

19 c. The state department of transportation mobile radio  
20 network.

21 d. The department of public safety law enforcement  
22 communications systems.

23 10. "Public records" means the same as defined in section  
24 22.1.

25 Sec. 4. NEW SECTION. 14B.102 DEPARTMENT ESTABLISHED --  
26 MISSION -- POWERS AND DUTIES.

27 1. DEPARTMENT ESTABLISHED. The information technology  
28 department is established as a state department. The mission  
29 of the department is to foster the development and application  
30 of information technology to improve the lives of Iowans.

31 2. POWERS AND DUTIES OF DEPARTMENT. The powers and duties  
32 of the department shall include, but are not limited to, all  
33 of the following:

34 a. Providing information technology to participating  
35 agencies and other governmental entities as provided in this

- 1 chapter.
- 2 b. Implementing the strategic information technology plan  
3 as prepared and updated by the information technology council.
- 4 c. Developing and implementing a business continuity plan,  
5 as the director determines is appropriate, to be used if a  
6 disruption occurs in the provision of information technology  
7 to participating agencies and other governmental entities.
- 8 d. Developing and implementing standards for information  
9 technology, including but not limited to system design and  
10 systems integration and interoperability, which when  
11 implemented shall apply to all participating agencies except  
12 as otherwise provided in this chapter.
- 13 e. Developing and maintaining an information technology  
14 architecture consistent with standards established by the  
15 information technology council.
- 16 f. Developing and maintaining security policies and  
17 systems to ensure the integrity of the state's information  
18 resources and to prevent the disclosure of confidential  
19 records.
- 20 g. Coordinating the use of information technology among  
21 participating agencies and other governmental entities, to  
22 ensure that all components of information technology are  
23 compatible to the extent deemed necessary by the information  
24 technology council.
- 25 h. Developing and implementing effective and efficient  
26 strategies for the use and provision of information technology  
27 for participating agencies and other governmental entities.
- 28 i. Acquiring any information technology device necessary  
29 for participating agencies.
- 30 j. Acquiring or assisting with the acquisition of  
31 information technology for governmental entities other than  
32 participating agencies, if requested by such entities, and  
33 upon entering into an agreement to provide such information  
34 technology.
- 35 k. Establishing criteria by which agencies obtain

1 information technology services from the department.

2 1. Selling or otherwise disposing of information  
3 technology devices not needed by the department.

4 m. Entering into agreements pursuant to chapter 28D or  
5 28E, or memorandums of understanding or other agreements as  
6 necessary and appropriate to administer this chapter.

7 n. Establishing and maintaining, in cooperation with the  
8 department of revenue and finance and the department of  
9 general services, an inventory of information technology  
10 devices used by participating agencies and other governmental  
11 entities using the department's services. The information  
12 technology department may request a participating agency to  
13 provide such information as is necessary to establish and  
14 maintain an inventory as required under this paragraph, and  
15 such participating agency shall provide such information to  
16 the department in a timely manner.

17 3. FEES. The department may charge a reasonable and  
18 necessary fee to a participating agency or other governmental  
19 entity for information technology provided by the department  
20 to such agency or entity. Fees charged pursuant to this  
21 subsection shall be deposited in the Iowa information  
22 technology fund created in section 14B.111.

23 4. DISPUTE RESOLUTION. If a dispute arises between the  
24 department or information technology council and an agency for  
25 which the department provides or refuses to provide  
26 information technology, the dispute shall be resolved as  
27 provided in section 679A.19.

28 Sec. 5. NEW SECTION. 14B.103 DIRECTOR -- POWERS AND  
29 DUTIES.

30 1. DIRECTOR APPOINTED. The chief administrative officer  
31 of the department is the director. The director shall be  
32 appointed by the governor, subject to confirmation by the  
33 senate. The director shall serve at the pleasure of the  
34 governor. The governor shall set the salary of the director  
35 within the applicable salary range established by the general

1 assembly. The director shall be selected on the ability to  
2 administer the duties and functions granted to the director  
3 and the department and shall devote full time to the duties of  
4 the director. If the office of director becomes vacant, the  
5 vacancy shall be filled in the same manner as the original  
6 appointment was made.

7 The director shall also serve as the chief information  
8 officer for the state.

9 2. POWER AND DUTIES. The director of the department shall  
10 do all of the following:

11 a. Plan, direct, coordinate, and execute the functions  
12 necessary to carry out the duties of the department.

13 b. Provide overall supervision, direction, and  
14 coordination of functions of the department.

15 c. Employ personnel as necessary to carry out the  
16 functions vested in the department consistent with chapter 19A  
17 and enhance the recruitment, retention, and training of  
18 professional staff.

19 d. Supervise and manage employees of the department, and  
20 provide for the internal organization of the department and  
21 for the allocation of functions within the department  
22 consistent with section 7E.2.

23 e. Appoint advisory committees as appropriate to assist  
24 the director in developing strategies for the use and  
25 provision of information technology and establish other  
26 advisory committees as necessary to assist the director in  
27 carrying out the director's duties under this chapter. The  
28 number of advisory committees and advisory committee  
29 membership shall be determined by the director to assure that  
30 the public and agencies and other governmental entities have  
31 an opportunity to comment on the services provided and the  
32 service goals and objectives of the department.

33 f. Recommend to the information technology council an  
34 annual budget for the department.

35 g. Recommend to the information technology council rules



1 deemed necessary for the implementation of this chapter and  
2 proper administration of the department.

3 h. Recommend to the information technology council  
4 information technology standards.

5 i. Develop and implement operational policies of the  
6 department and be responsible for the day-to-day operations of  
7 the department.

8 j. Develop and recommend to the information technology  
9 council legislative proposals deemed necessary for the  
10 continued efficiency of department functions, and review  
11 legislative proposals generated outside of the department  
12 which are related to matters within the department's purview.

13 k. Provide advice to the governor on issues related to  
14 information technology.

15 l. Consult with agencies and other governmental entities  
16 on issues relating to information technology.

17 m. Work with all governmental entities in an effort to  
18 achieve the information technology goals established by the  
19 information technology council.

20 3. WAIVER. The director, when such authority is delegated  
21 by the information technology council under section 14B.104,  
22 may grant a waiver from a requirement otherwise applicable to  
23 a participating agency in the same manner as provided for the  
24 information technology council under section 14B.104.

25 4. DELEGATION OF POWERS AND DUTIES. Powers and duties  
26 vested in the director may be delegated by the director to an  
27 employee of the department, but the director retains the  
28 responsibility for an employee's acts within the scope of the  
29 delegation.

30 5. APPEAL OF DIRECTOR'S DECISION. A decision by the  
31 director may be appealed to the information technology  
32 council, if such decision relates to anything which is a  
33 responsibility of or is subject to the authority of the  
34 information technology council. A person aggrieved by such  
35 decision of the director shall provided notice of such appeal

1 to the information technology council within thirty calendar  
2 days of the decision of the director. An appeal of a decision  
3 of the director shall be treated as a contested case under  
4 chapter 17A.

5 Any other decision of the director is a final agency action  
6 as provided under chapter 17A.

7 Sec. 6. NEW SECTION. 14B.104 INFORMATION TECHNOLOGY  
8 COUNCIL -- MEMBERS -- POWERS AND DUTIES.

9 1. MEMBERSHIP.

10 a. An information technology council is established with  
11 the authority to oversee information technology activities of  
12 participating agencies as provided in this chapter. The  
13 information technology council is composed of nineteen members  
14 including the following:

15 (1) The director of the information technology department  
16 who shall be an ex officio, nonvoting member and chairperson.

17 (2) The administrator of the public broadcasting division  
18 of the department of education.

19 (3) The chairperson of the information technology  
20 management council established in section 14B.109, or the  
21 chairperson's designee.

22 (4) The chairperson of the IowAccess board established in  
23 section 14B.201, or the chairperson's designee.

24 (5) The chairperson of the federal executive board, or the  
25 chairperson's designee.

26 (6) Two executive branch department heads appointed by the  
27 governor.

28 (7) Two persons representing education, including the  
29 chairperson of the education telecommunications council and  
30 one person appointed by the governor. An appointment made  
31 pursuant to this subparagraph shall be made so that one person  
32 represents kindergarten through grade twelve and one person  
33 represents higher education.

34 (8) Five persons appointed by the governor who are  
35 knowledgeable in information technology matters, and who shall

1 also serve as members of the information technology council  
2 citizen subcommittee.

3 (9) One person representing the judicial branch appointed  
4 by the chief justice of the supreme court who shall serve in  
5 an ex officio, nonvoting capacity.

6 (10) Four members of the general assembly with not more  
7 than one member from each chamber being from the same  
8 political party. The two senators shall be designated by the  
9 president of the senate after consultation with the majority  
10 and minority leaders of the senate, and with the approval of  
11 the majority party appointee by the majority leader and the  
12 approval of the minority party appointee by the minority  
13 leader. The two representatives shall be designated by the  
14 speaker of the house of representatives after consultation  
15 with the majority and minority leaders of the house of  
16 representatives, and with the approval of the majority party  
17 appointee by the majority leader and the approval of the the  
18 minority party appointee by the minority leader. Legislative  
19 members shall serve in an ex officio, nonvoting capacity. A  
20 legislative member is eligible for per diem and expenses as  
21 provided in section 2.10.

22 b. The members appointed by the governor pursuant to  
23 paragraph "a", subparagraphs (6) through (8), shall serve  
24 three-year staggered terms as designated by the governor and  
25 appointments to the information technology council are subject  
26 to the requirements of sections 69.16A and 69.19. Members  
27 appointed by the governor pursuant to paragraph "a",  
28 subparagraphs (6) through (8), shall not serve consecutive  
29 three-year terms. Members appointed by the governor are  
30 subject to senate confirmation and shall be reimbursed for  
31 actual and necessary expenses incurred in performance of their  
32 duties. Such members may also be eligible to receive  
33 compensation as provided in section 7E.6.

34 2. DUTIES. The information technology council shall do  
35 all of the following:

- 1 a. Adopt rules in accordance with chapter 17A which are  
2 necessary for the exercise of the powers and duties granted by  
3 this chapter and the proper administration of the department.
- 4 b. Establish, by rule, information technology standards  
5 which shall be adhered to in the procurement of information  
6 technology for participating agencies, and, as applicable,  
7 which shall be adhered to by all participating agencies,  
8 unless waived pursuant to section 14B.103 or 14B.104.
- 9 c. Appoint advisory committees as appropriate to assist  
10 the information technology council in developing strategies  
11 for the use and provision of information technology and  
12 establishing other advisory committees as necessary to assist  
13 the information technology council in carrying out its duties  
14 under this chapter. The number of advisory committees and  
15 their membership shall be determined by the information  
16 technology council to assure that the public and agencies and  
17 other governmental entities have an opportunity to comment on  
18 the services provided and the service goals and objectives of  
19 the department.
- 20 d. Prepare and annually update a strategic information  
21 technology plan for the use of information technology  
22 throughout state government. The plan shall promote  
23 participation in cooperative projects with other governmental  
24 entities. The plan shall establish a mission, goals, and  
25 objectives for the use of information technology, including  
26 goals for electronic access to government records,  
27 information, and services. The plan shall be submitted  
28 annually to the governor and the general assembly.
- 29 e. Review and recommend to the general assembly, as deemed  
30 appropriate by the information technology council, legislative  
31 proposals recommended by the director, or other legislative  
32 proposals as developed and deemed necessary by the information  
33 technology council.
- 34 f. Review and approve, as deemed appropriate by the  
35 information technology council, the annual budget

1 recommendation for the department as proposed by the director.

2 3. WAIVER. The information technology council, upon the  
3 written request of a participating agency and for good cause  
4 shown, may grant a waiver from a requirement otherwise  
5 applicable to a participating agency relating to an  
6 information technology standard established by the information  
7 technology council. The information technology council may  
8 delegate its authority to waive a requirement under this  
9 subsection to the director.

10 4. FINAL AGENCY ACTION. A decision by the council is a  
11 final agency action as provided under chapter 17A and an  
12 appeal of the decision shall be made directly to the district  
13 court. Any party to a contested case may appeal the decision  
14 to the district court.

15 Sec. 7. NEW SECTION. 14B.105 DIVISIONS OF THE DEPARTMENT  
16 -- RESPONSIBILITIES.

17 The department shall initially include the following  
18 divisions:

19 1. A policy and planning division which is responsible for  
20 the integration of information technology into all business  
21 aspects of state government.

22 2. An operations division which is responsible for  
23 providing all of the following:

24 a. Server systems, including mainframe and other server  
25 operations.

26 b. Telecommunications.

27 c. Desktop support.

28 d. Applications integration.

29 3. A customer support division which is responsible for  
30 providing applications development and support, and advice and  
31 assistance in developing and supporting business applications.

32 4. An administration division which is responsible for the  
33 financial, personnel, and other administrative functions of  
34 the department. The administration division is also  
35 responsible for all information technology purchasing and

1 contract administration.

2 Sec. 8. NEW SECTION. 14B.106 OFFICE OF INFORMATION  
3 TECHNOLOGY INNOVATION.

4 1. An office of information technology innovation is  
5 established within the department which shall be headed by an  
6 administrator appointed by the director.

7 2. The office is responsible for fostering research and  
8 development activities and innovation in the application and  
9 use of information technology in state government.

10 3. The office shall provide staff support for the  
11 information technology innovation advisory board.

12 4. The office may do any of the following:

13 a. Evaluate internet technologies for use by agencies,  
14 including, but not limited to, systems for internet access,  
15 security, and privacy protection.

16 b. Establish pilot projects for developing and evaluating  
17 information technology applications for use by agencies and  
18 for use in intergovernmental applications.

19 c. Promote collaborative systems development with the  
20 private sector.

21 d. Foster the creation of projects developing new  
22 applications.

23 e. Promote experimental collaborative educational  
24 opportunities with emerging technologies for information  
25 technology professionals in state government.

26 f. Other activities as deemed necessary and appropriate by  
27 the director.

28 Sec. 9. NEW SECTION. 14B.107 INFORMATION TECHNOLOGY  
29 INNOVATION ADVISORY BOARD -- FUND.

30 1. BOARD ESTABLISHED. An information technology  
31 innovation advisory board is established to advise the  
32 director concerning expenditures of funds from, and the  
33 administration of, the information technology innovation fund  
34 created in subsection 2. The board shall be comprised of no  
35 less than four members including the director of the

1 information technology department, the director of the  
2 department of management, the chairperson of the Iowa Access  
3 board, and the chairperson of the information technology  
4 management council. The information technology council may  
5 also appoint additional members to this board as deemed  
6 appropriate.

7 2. FUND CREATED -- PURPOSE.

8 a. An information technology innovation fund is created  
9 within the state treasury under the control of the department.  
10 The fund shall consist of any money appropriated by the  
11 general assembly and any other moneys available to and  
12 obtained or accepted by the department from the federal  
13 government or private sources for placement in the fund. The  
14 assets of the fund shall be used by the department only for  
15 carrying out the purposes of this section.

16 b. The information technology innovation advisory board  
17 may award grants from the fund as appropriate and consistent  
18 with rules adopted by the information technology council. The  
19 rules shall provide that moneys in the fund be used primarily  
20 for research and development efforts directly related to  
21 information technology and the applications of such  
22 technology.

23 Sec. 10. NEW SECTION. 14B.108 OFFICE OF DIGITAL  
24 GOVERNMENT.

25 1. An office of digital government is established which  
26 shall be headed by an administrator appointed by the director.

27 2. The office is responsible for initiating and supporting  
28 the development of electronic commerce, electronic government,  
29 and internet applications across participating agencies and in  
30 cooperation with other governmental agencies.

31 3. The office shall do all of the following:

32 a. Recommend standards to the information technology  
33 council, consistent with other state law, for the  
34 implementation of electronic commerce, including standards for  
35 digital signatures, electronic currency, and other items

1 associated with electronic commerce.

2 b. Recommend guidelines to the information technology  
3 council for the appearance and functioning of applications.

4 c. Recommend standards to the information technology  
5 council for the integration of electronic data across state  
6 agencies.

7 d. Foster joint development of electronic commerce and  
8 electronic government involving the public and private  
9 sectors.

10 e. Develop customer surveys and citizen outreach and  
11 education programs and material, and provide for citizen input  
12 regarding the state's electronic commerce and electronic  
13 government applications.

14 f. Provide staff support for the IowAccess board.

15 Sec. 11. NEW SECTION. 14B.109 INFORMATION TECHNOLOGY  
16 MANAGEMENT COUNCIL.

17 1. An information technology management council is  
18 established to promote policies and practices that will foster  
19 the effective use and management of governmental information  
20 technology resources. The council may assist government  
21 employees responsible for achieving the efficient use of such  
22 resources by providing leadership and fostering collaboration  
23 regarding information technology and information management  
24 among all governmental entities.

25 2. The information technology management council shall  
26 consist of representatives of governmental entities who choose  
27 to participate in the council. Each governmental entity shall  
28 be permitted ~~one~~ vote for the purposes of any action taken by  
29 the council necessitating a vote. The head of each  
30 governmental entity shall designate such governmental entity's  
31 representative. A person designated as a representative to  
32 the council should be knowledgeable concerning the information  
33 technology and information system needs of the designee's  
34 governmental entity.

35 3. The information technology management council shall be



1 chaired by a person appointed by the governor. An individual  
2 appointed as chairperson shall serve for a period of no more  
3 than two years without being reappointed. A vice chairperson  
4 shall be selected by a vote of the voting members of the  
5 council. The council may elect such other officers as deemed  
6 necessary by the council.

7 4. The information technology management council shall do  
8 all of the following:

9 a. Promote the exchange of information among governmental  
10 entities to facilitate the development of technical knowledge  
11 and understanding regarding information technology and  
12 information management.

13 b. Develop guidelines and foster the continued expansion  
14 of projects that result in the sharing of information  
15 technology resources that facilitate information technology  
16 transfer and systems integration within this state.

17 c. Promote research, development, evaluation, and use of  
18 advanced information technologies appropriate to state  
19 government in cooperation with the information technology  
20 innovation advisory board established under section 14B.107.

21 d. Maintain active contact with private organizations  
22 having demonstrated expertise relevant to the use and  
23 management of information technology resources.

24 e. Promote education and training in management of  
25 information technologies and resources as essential components  
26 of professional development of the state work force.

27 f. Advise the information technology council regarding the  
28 operation and activities of the department.

29 Sec. 12. NEW SECTION. 14B.110 INFORMATION TECHNOLOGY  
30 STANDARDS -- PROCUREMENT.

31 1. Notwithstanding the provisions of this section, the  
32 information technology department and the department of  
33 general services shall enter into an interagency agreement  
34 regarding the division of responsibilities between the  
35 departments associated with the procurement of information

1 technology which is acceptable to both departments. The  
2 interagency agreement shall be subject to renegotiation at  
3 least every two years, unless an earlier time is provided for  
4 in the interagency agreement. If the departments are unable  
5 to agree on the terms of an interagency agreement or upon a  
6 failure of either department to satisfy the terms of the  
7 agreement, the departments shall inform the department of  
8 management that an agreement has not been reached or that one  
9 of the departments has failed to satisfy the terms of the  
10 agreement. The department of management, upon receipt and  
11 review of such information, may direct the information  
12 technology department to proceed with the procurement of  
13 information technology as provided in subsections 2 through 6.

14 2. a. Standards established by the council, unless waived  
15 pursuant to section 14B.103 or 14B.104, shall apply to all  
16 information technology procurements for participating  
17 agencies.

18 b. A participating agency shall submit a request to the  
19 department for the procurement of any information technology.  
20 The department, prior to any acquisition of such information  
21 technology, shall make a determination whether the requested  
22 information technology complies with the information  
23 technology standards established by the information technology  
24 council. If a determination is made that the information  
25 technology complies with such standards, the department shall  
26 procure the information technology. If a determination is  
27 made that the information technology does not comply with such  
28 standards, the department shall disapprove the request and  
29 such information technology shall not be procured unless a  
30 waiver is granted pursuant to section 14B.103 or 14B.104.

31 The information technology department, at the request of a  
32 participating agency other than the state department of  
33 transportation, the department for the blind, or the lottery  
34 division of the department of revenue and finance, shall  
35 acquire the information technology for the participating

1 agency requesting such information technology if it is  
2 determined to be compliant with the standards established by  
3 the information technology council.

4 The state department of transportation, the department for  
5 the blind, or the lottery division of the department of  
6 revenue and finance, upon a determination by the information  
7 technology department that a proposed information technology  
8 acquisition complies with the information technology standards  
9 established by the information technology council, may proceed  
10 with such acquisition. The information technology department  
11 shall provide advice to such participating agency regarding  
12 the procurement of such information technology, including any  
13 opportunity to aggregate such purchases with other  
14 participating agencies.

15 3. The information technology department, by rule, may  
16 implement a prequalification procedure for contractors which  
17 the department has entered or intends to enter into agreements  
18 regarding the procurement of information technology.

19 4. Notwithstanding the provisions of chapter 18, the  
20 department may procure information technology as provided in  
21 this section. The department may cooperate with other  
22 governmental entities in the procurement of information  
23 technology in an effort to make such procurements in a cost-  
24 effective, efficient manner as provided in this section. The  
25 department, as deemed appropriate and cost-effective, may  
26 procure information technology using any of the following  
27 methods:

28 a. Cooperative procurement agreement. The department may  
29 enter into a cooperative procurement agreement with another  
30 governmental entity for the purpose of pooling funds for the  
31 purchase of information technology, whether such information  
32 technology is for the use of the department or multiple  
33 governmental entities. The cooperative procurement agreement  
34 shall clearly specify the purpose of the agreement and the  
35 method by which such purpose will be accomplished. Any power

1 exercised under such agreement shall not exceed the power  
2 granted to any party to the agreement.

3 b. Negotiated contract. The department may enter into an  
4 agreement for the purchase of information technology if any of  
5 the following applies:

6 (1) The contract price, terms, and conditions are pursuant  
7 to the current federal supply contract, and the purchase order  
8 adequately identifies the federal supply contract under which  
9 the procurement is to be made.

10 (2) The contract price, terms, and conditions are no less  
11 favorable than the contractor's current federal supply  
12 contract price, terms, and conditions; the contractor has  
13 indicated in writing a willingness to extend such price,  
14 terms, and conditions to the department; and the purchase  
15 order adequately identifies the contract relied upon.

16 (3) The contract is with a vendor which has a current  
17 exclusive or nonexclusive price agreement with the state for  
18 the information technology to be procured, and such  
19 information technology meets the same standards and  
20 specifications as the items to be procured and both of the  
21 following apply:

22 (a) The quantity purchased does not exceed the quantity  
23 which may be purchased under the applicable price agreement.

24 (b) The purchase order adequately identifies the price  
25 agreement relied upon.

26 c. Contracts let by another government entity. The  
27 department, on its own behalf or on the behalf of another  
28 participating agency, may procure information technology under  
29 a contract let by another state agency or political  
30 subdivision of this state, or approve such procurement in the  
31 same manner by a participating agency.

32 d. Reverse auction.

33 (1) The department may enter into an agreement for the  
34 purchase of information technology utilizing a reverse auction  
35 process. Such process shall result in the purchase of

1 information technology from the vendor submitting the lowest  
2 responsible bid amount for the information technology to be  
3 acquired. The department, in establishing a reverse auction  
4 process shall do all of the following:

5 (a) Determine the specifications and requirements of the  
6 information technology to be acquired.

7 (b) Identify and provide notice to potential vendors  
8 concerning the proposed acquisition.

9 (c) Establish prequalification requirements to be met by a  
10 vendor to be eligible to participate in the reverse auction.

11 (d) Conduct the reverse auction in a manner as deemed  
12 appropriate by the department, and consistent with rules  
13 adopted by the department.

14 (2) Prior to conducting a reverse auction, the department  
15 shall establish a threshold amount which shall be the maximum  
16 amount which the department is willing to pay for the  
17 information technology to be acquired.

18 (3) The department shall enter into an agreement with a  
19 vendor who is the lowest responsible bidder which meets the  
20 specifications or description of the information technology to  
21 be procured, or the department may reject all bids and begin  
22 the process again. In determining the lowest responsible  
23 bidder, the department may consider various factors,  
24 including, but not limited to, the past performance of the  
25 vendor relative to quality of product or service, the past  
26 experience of the department in relation to the product or  
27 service, the relative quality of products or services, the  
28 proposed terms of delivery, and the best interest of the  
29 state.

30 e. Competitive bidding. The department may enter into an  
31 agreement for the purchase of information technology in the  
32 same manner as provided under section 18.6, with respect to  
33 the department of general services.

34 f. In addition to the competitive bidding procedure  
35 provided for under paragraph "e", the information technology

1 department may enter into an agreement for the purchase,  
2 disposal, or other disposition of information technology in  
3 any other manner provided under chapter 18, in the same manner  
4 and subject to the same limitations as the department of  
5 general services. The information technology department, by  
6 rule, shall provide for such procedures.

7 5. The department shall adopt rules pursuant to chapter  
8 17A to implement the procurement methods provided for in  
9 subsections 2 through 4.

10 Sec. 13. NEW SECTION. 14B.111 IOWA INFORMATION  
11 TECHNOLOGY REVOLVING FUND -- APPROPRIATION.

12 An Iowa information technology revolving fund is created in  
13 the state treasury under the control of the department. The  
14 revolving fund shall consist of moneys appropriated by the  
15 general assembly and any other moneys obtained or accepted by  
16 the department for deposit in the revolving fund. Moneys in  
17 the revolving fund are appropriated to the department for  
18 purposes as may be necessary to provide for appropriate  
19 information technology as provided in this chapter. The  
20 department shall submit an annual report not later than  
21 January 31, to the members of the general assembly and the  
22 legislative fiscal bureau, of the activities funded and  
23 expenditures made from the revolving fund during the preceding  
24 fiscal year. Section 8.33 does not apply to any moneys in the  
25 revolving fund and, notwithstanding section 12C.7, subsection  
26 2, earnings or interest on moneys deposited in the revolving  
27 fund shall be credited to the revolving fund.

28 Sec. 14. NEW SECTION. 14B.112 INFORMATION TECHNOLOGY  
29 PURCHASES BY GOVERNMENTAL ENTITIES HAVING INDEPENDENT  
30 PURCHASING AUTHORITY.

31 1. The state department of transportation, the department  
32 for the blind, or the lottery division of the department of  
33 revenue and finance may utilize contracts established by the  
34 information technology department for the acquisition of  
35 information technology, request the assistance of the

1 information technology department, or acquire information  
2 technology for and on its own behalf in accordance with the  
3 authority granted to such agency. However, the proposed  
4 acquisition of the information technology must comply with the  
5 standards established by the information technology  
6 department, unless waived pursuant to section 14B.103 or  
7 14B.104.

8 2. A governmental entity other than a participating agency  
9 or an agency subject to subsection 1 may utilize contracts  
10 established by the information technology department for the  
11 acquisition of information technology or request the  
12 assistance of the information technology department in making  
13 such acquisition. A proposed acquisition of information  
14 technology under this subsection is not subject to the  
15 standards established by the information technology council.  
16 Such acquisition or assistance is subject to the fee schedule  
17 of the department with respect to such services in the same  
18 manner as a participating agency.

19 Sec. 15. NEW SECTION. 14B.201 IOWACCESS BOARD  
20 ESTABLISHED -- DUTIES -- MEMBERSHIP.

21 1. BOARD ESTABLISHED. An IowAccess board is established  
22 for the purpose of creating and providing a service to the  
23 citizens of this state that is the gateway for one-stop  
24 electronic access to government information and transactions,  
25 whether federal, state, or local.

26 2. DUTIES.

27 a. The board shall do all of the following:

28 (1) Recommend to the information technology council  
29 citizen subcommittee rates to be charged for access to and for  
30 value-added services performed through IowAccess.

31 (2) Recommend to the director and the information  
32 technology council the priority of projects associated with  
33 IowAccess.

34 (3) Recommend to the director and the information  
35 technology council expected outcomes and effects of the use of

1 IowAccess and determine the manner in which such outcomes are  
2 to be measured and evaluated.

3 (4) Review and recommend to the director and the  
4 information technology council the IowAccess total budget  
5 request and ensure that such request reflects the priorities  
6 and goals of IowAccess as established by the board.

7 (5) Review and recommend to the director and the  
8 information technology council all rules to be adopted by the  
9 information technology council that are related to IowAccess.

10 (6) Advocate for access to government information and  
11 services through IowAccess and for data privacy protection,  
12 information ethics, accuracy, and security in IowAccess  
13 programs and services.

14 (7) Receive status and operations reports associated with  
15 IowAccess.

16 (8) Other duties as assigned by the director or the  
17 information technology council.

18 b. The board shall also advise the governor and the  
19 director with respect to the operation of IowAccess and  
20 encourage and implementing access to government and its public  
21 records by the citizens of this state.

22 c. The board shall serve as a link between the users of  
23 public records, the lawful custodians of such public records,  
24 and the citizens of this state who are the owners of such  
25 public records.

26 d. The board shall ensure that IowAccess gives priority to  
27 serving the needs of the citizens of this state.

28 3. MEMBERSHIP.

29 a. The board shall be composed of nineteen members  
30 including the following:

31 (1) Five persons appointed by the governor representing  
32 the primary customers of IowAccess.

33 (2) Six persons representing lawful custodians as follows:

34 (a) One person representing the legislative branch, who  
35 shall not be a legislator, to be appointed jointly by the



1 president of the senate, after consultation with the majority  
2 and minority leaders of the senate, and the speaker of the  
3 house of representatives, after consultation with the majority  
4 and minority leaders of the house of representatives.

5 (b) One person representing the judicial branch as  
6 designated by the chief justice of the supreme court.

7 (c) One person representing the executive branch as  
8 designated by the governor.

9 (d) One person to be appointed by the governor  
10 representing cities who shall be actively engaged in the  
11 administration of a city.

12 (e) One person to be appointed by the governor  
13 representing counties who shall be actively engaged in the  
14 administration of a county.

15 (f) One person to be appointed by the governor  
16 representing the federal government.

17 (3) Four members to be appointed by the governor  
18 representing a cross section of the citizens of the state.

19 (4) Four members of the general assembly, two from the  
20 senate and two from the house of representatives, with not  
21 more than one member from each chamber being from the same  
22 political party. The two senators shall be designated by the  
23 president of the senate after consultation with the majority  
24 and minority leaders of the senate, and with the approval of  
25 the majority party appointee by the majority leader and the  
26 approval of the minority party appointee by the minority  
27 leader. The two representatives shall be designated by the  
28 speaker of the house of representatives after consultation  
29 with the majority and minority leaders of the house of  
30 representatives, and with the approval of the majority party  
31 appointee by the majority leader and the approval of the  
32 minority party appointee by the minority leader. Legislative  
33 members shall serve in an ex officio, nonvoting capacity. A  
34 legislative member is eligible for per diem and expenses as  
35 provided in section 2.10.

1 b. Members appointed by the governor are subject to  
2 confirmation by the senate and shall serve three-year  
3 staggered terms as designated by the governor. The governor  
4 shall appoint a member as the chairperson of the board from  
5 the voting members of the board, subject to confirmation by  
6 the senate. Members appointed by the governor are subject to  
7 the requirements of sections 69.16, 69.16A, and 69.19.  
8 Members appointed by the governor shall be reimbursed for  
9 actual and necessary expenses incurred in performance of their  
10 duties. Such members may also be eligible to receive  
11 compensation as provided in section 7E.6.

12 Sec. 16. NEW SECTION. 14B.301 INFORMATION TECHNOLOGY  
13 COUNCIL CITIZEN SUBCOMMITTEE -- DUTIES.

14 1. An information technology council citizen subcommittee  
15 is established comprised of the five members of the  
16 information technology council appointed pursuant to section  
17 14B.104, subsection 1, paragraph "a", subparagraph (8).

18 Members of the citizen subcommittee shall not serve in any  
19 manner or be employed by an authorized user of the network or  
20 by an entity seeking to do or doing business with the network.  
21 The governor shall appoint a member as the chairperson of the  
22 citizen subcommittee from the five members appointed by the  
23 governor, subject to confirmation by the senate. Members of  
24 the citizen subcommittee shall be reimbursed for all actual  
25 and necessary expenses incurred in the performance of duties  
26 as members. Meetings of the citizen subcommittee shall be  
27 held at the call of the chairperson of the citizen  
28 subcommittee or by a majority of the members of the citizen  
29 subcommittee. In addition to the members appointed by the  
30 governor, the auditor of state or the auditor's designee shall  
31 serve as a nonvoting, ex officio member of the citizen  
32 subcommittee.

33 Beginning July 1, 2002, members of the citizen subcommittee  
34 shall be paid a salary as determined by the general assembly.  
35 It is the intent of the general assembly that the salary paid

1 to the members of the citizen subcommittee, beginning July 1,  
2 2002, be commensurate with the salary which would have been  
3 paid at that time to members of the Iowa telecommunications  
4 and technology commission if such commission were to continue  
5 to exist on and after July 1, 2002.

6 2. Beginning July 1, 2000, the citizen subcommittee shall  
7 establish all rates to be charged for access to and for value-  
8 added services performed through IowAccess.

9 3. On July 1, 2002, the citizen subcommittee shall do all  
10 of the following:

11 a. Adopt rules pursuant to chapter 17A as deemed  
12 appropriate and necessary, and directly related to the  
13 implementation and administration of the duties of the citizen  
14 subcommittee under this subchapter.

15 b. Establish an appeal process for review by the citizen  
16 subcommittee of a scheduling conflict decision, including a  
17 scheduling conflict involving an educational user, or the  
18 establishment of a fee associated with the network upon the  
19 request of a person affected by such decision or fee. An  
20 appeal of a fee associated with the network shall be pursuant  
21 to a contested case proceeding pursuant to chapter 17A. The  
22 citizen subcommittee shall issue a written decision including  
23 findings of fact and conclusions of law. A determination made  
24 by the citizen subcommittee pursuant to this paragraph shall  
25 be final.

26 c. Review and approve for adoption, rules as proposed and  
27 submitted by an authorized user group necessary for the  
28 authorized user group's access and use of the network. The  
29 citizen subcommittee may refuse to approve and adopt a  
30 proposed rule, and upon such refusal, shall return the  
31 proposed rule to the respective authorized user group  
32 proposing the rule with a statement indicating the citizen  
33 subcommittee's reason for refusing to approve and adopt the  
34 rule.

35 d. Establish mechanisms to encourage and receive citizen

1 input regarding the operation of the network and other issues  
2 associated with the duties of the citizen subcommittee.

3 e. Make recommendations to the department to ensure that  
4 rural communities have access to comparable services to the  
5 services provided in urban areas resulting from any plans to  
6 construct, install, repair, or maintain any part of the  
7 network.

8 f. Annually prepare a written five-year financial plan for  
9 the network which shall be provided to the information  
10 technology council who shall deliver the plan to the general  
11 assembly and the governor no later than January 15 of each  
12 year. The plan shall include estimates for income and  
13 expenses for the network for the five-year period and the  
14 actual income and expenses for the preceding fiscal year.

15 g. (1) Evaluate existing and projected rates for use of  
16 the system and ensure that rates are sufficient to pay for the  
17 operation of the system, excluding the cost of construction  
18 and lease costs for Parts I, II, and III. The citizen  
19 subcommittee shall establish all hourly rates to be charged to  
20 all authorized users for the use of the network. A fee  
21 established by the citizen subcommittee to be charged to a  
22 hospital licensed pursuant to chapter 135B, a physician  
23 clinic, or the federal government shall be at an appropriate  
24 rate so that, at a minimum, there is no state subsidy related  
25 to the costs of the connection or use of the network related  
26 to such user.

27 (2) It is the intent of the general assembly that the  
28 guidelines and policies to be used by the citizen subcommittee  
29 in establishing a rate-setting methodology for the network be  
30 established by law by no later than July 1, 2002.

31 h. Make recommendations to the information technology  
32 council and the department, as deemed appropriate by the  
33 citizen subcommittee, concerning the operation of the network  
34 and other issues as deemed appropriate by the citizen  
35 subcommittee, or as requested by the information technology

1 council or the department.

2 Sec. 17. NEW SECTION. 14B.302 NETWORK RATES -- APPEAL  
3 PROCESS.

4 1. A rate or fee established by the citizen subcommittee  
5 pursuant to section 14B.301, subsection 3, paragraph "g",  
6 shall be subject to appeal by any person adversely affected  
7 with respect to such rate or fee.

8 2. A person who intends to appeal a rate or fee pursuant  
9 to this section shall file a written notice of appeal with the  
10 utilities board, with the written decision of the citizen  
11 subcommittee attached, within thirty days of the final action  
12 of the citizen subcommittee establishing the rate or fee which  
13 is the subject of the appeal. The utilities board, upon  
14 receipt of the notice of appeal, shall forward a copy of such  
15 notice to the citizen subcommittee. The utilities board shall  
16 set times for transmittal of the record, filing of exceptions  
17 and briefs, and, with the consent of the utilities board, oral  
18 arguments. The utilities board shall notify the parties of  
19 such deadlines. The utilities board shall issue a final  
20 ruling on the appeal within ninety days of receipt of the  
21 notice of appeal. The utilities board, in conducting such  
22 appeal, shall hear the case on the evidentiary record made in  
23 a contested case proceeding, and not de novo. The utilities  
24 board shall review only the cost analysis and justifications  
25 for the rates or fees appealed, and make its ruling solely on  
26 whether the rates or fees have been established consistent  
27 with applicable law and the rules adopted for establishing  
28 such rates or fees. The utilities board shall either uphold  
29 the action of the citizen subcommittee with respect to such  
30 rate or fee, or direct the rate or fee back to the citizen  
31 subcommittee for further consideration.

32 3. The utilities board, by rule, shall establish a review  
33 procedure for the hearing of such appeals.

34 Sec. 18. Section 8D.2, Code 1999, is amended to read as  
35 follows:

1 8D.2 DEFINITIONS.

2 When used in this chapter subchapter, unless the context  
3 otherwise requires:

4 1. "Citizen subcommittee" means the information technology  
5 council citizen subcommittee appointed by the governor  
6 pursuant to section 14B.104.

7 ~~1-~~ 2. "Commission" means the Iowa telecommunications and  
8 technology commission established in section 8D.3.

9 ~~2---"Director"--means--the--executive--director--appointed~~  
10 ~~pursuant--to--section--8D-4-~~

11 3. "Network" means the Iowa or state communications  
12 network.

13 4. "Private agency" means an accredited nonpublic school,  
14 a nonprofit institution of higher education eligible for  
15 tuition grants, or a hospital licensed pursuant to chapter  
16 135B or a physician clinic to the extent provided in section  
17 8D.13, subsection 16.

18 5. "Public agency" means a state agency, an institution  
19 under the control of the board of regents, the judicial branch  
20 as provided in section 8D.13, subsection 17, a school  
21 corporation, a city library, a regional library as provided in  
22 chapter 256, a county library as provided in chapter 336, or a  
23 judicial district department of correctional services  
24 established in section 905.2, to the extent provided in  
25 section 8D.13, subsection 15, an agency of the federal  
26 government, or a United States post office which receives a  
27 federal grant for pilot and demonstration projects.

28 6. "State communications" refers to the transmission of  
29 voice, data, video, the written word or other visual signals  
30 by electronic means but does not include radio and television  
31 facilities and other educational telecommunications systems  
32 and services including narrowcast and broadcast systems under  
33 the public broadcasting division of the department of  
34 education, department of transportation distributed data  
35 processing and mobile radio network, or law enforcement

1 communications systems.

2 Sec. 19. Section 8D.3, subsections 1 and 3, Code  
3 Supplement 1999, are amended to read as follows:

4 1. COMMISSION ESTABLISHED. A telecommunications and  
5 technology commission is established ~~with the sole authority~~  
6 ~~to supervise the management, development, and operation of the~~  
7 ~~network and ensure that all components of the network are~~  
8 technically compatible to establish policies and rates and to  
9 resolve disputes as provided in this subchapter. The  
10 ~~commission shall ensure that the network operates in an~~  
11 ~~efficient and responsible manner consistent with the~~  
12 ~~provisions of this chapter for the purpose of providing the~~  
13 ~~best economic service attainable to the network users~~  
14 ~~consistent with the state's financial capacity.~~ The  
15 commission and the director shall ensure that educational  
16 users and the use, design, and implementation for educational  
17 applications be given the highest priority concerning use of  
18 the network. ~~The commission shall provide for the~~  
19 ~~centralized, coordinated use and control of the network.~~  
20 Effective July 1, 2002, the telecommunications and technology  
21 commission established in this section shall be disbanded and  
22 the powers and duties of the commission under this section  
23 shall be transferred to the information technology council  
24 citizen subcommittee established under section 14B.301.

25 3. DUTIES. The commission shall do all of the following:  
26 a. ~~Enter into agreements pursuant to chapter 28E as~~  
27 ~~necessary and appropriate for the purposes of the commission.~~  
28 ~~However, the commission shall not enter into an agreement with~~  
29 ~~an unauthorized user or any other person pursuant to chapter~~  
30 ~~28E for the purpose of providing such user or person access to~~  
31 ~~the network.~~  
32 b. a. Adopt rules pursuant to chapter 17A as deemed  
33 appropriate and necessary, and directly related to the  
34 implementation and administration of the duties of the  
35 commission under this subchapter. ~~The commission, in~~

1 consultation-with-the-department-of-general-services, shall  
2 also-adopt-and-provide-for-standard-communications-procedures  
3 and-policies-relating-to-the-use-of-the-network-which  
4 recognize, at-a-minimum, the-need-for-reliable-communications  
5 services.

6 e. b. Establish an appeal process for review by the  
7 commission of a scheduling conflict decision, including a  
8 scheduling conflict involving an educational user, or the  
9 establishment of a fee associated with the network upon the  
10 request of a person affected by such decision or fee. A  
11 determination made by the commission pursuant to this  
12 paragraph shall be final.

13 d. c. Review and approve for adoption, rules as proposed  
14 and submitted by an authorized user group necessary for the  
15 authorized user group's access and use of the network. The  
16 commission may refuse to approve and adopt a proposed rule,  
17 and upon such refusal, shall return the proposed rule to the  
18 respective authorized user group proposing the rule with a  
19 statement indicating the commission's reason for refusing to  
20 approve and adopt the rule.

21 e. ~~(1) Develop and issue for response all requests for~~  
22 ~~proposals for any construction, installation, repair,~~  
23 ~~maintenance, or equipment and parts necessary for the network.~~  
24 ~~In preparing the request for proposals, the commission shall~~  
25 ~~do all of the following:~~

26 ~~(a) Review existing requests for proposals related to the~~  
27 ~~network.~~

28 ~~(b) Consider and evaluate all competing technologies which~~  
29 ~~could be used in any construction, installation, repair, or~~  
30 ~~maintenance project.~~

31 ~~(c) Allow flexibility for proposals to be submitted in~~  
32 ~~response to a request for proposals issued by the commission~~  
33 ~~such that any qualified provider may submit a bid on a site-~~  
34 ~~by-site basis, or on a merged area or defined geographic area~~  
35 ~~basis, or both, and by permitting proposals to be submitted~~



1 for-use-of-competing-or-alternative-technologies-in-each  
2 defined-area:

3 (d)--Ensure-that-rural-communities-have-access-to  
4 comparable-services-to-the-services-provided-in-urban-areas  
5 resulting-from-any-plans-to-construct,-install,-repair,-or  
6 maintain-any-part-of-the-network:

7 (2)--In-determining-which-proposal-to-recommend-to-the  
8 general-assembly-to-accept,-consider-what-is-in-the-long-term  
9 best-interests-of-the-citizens-of-the-state-and-the-network,  
10 and-utilize,-if-possible,-the-provision-of-services-with  
11 existing-service-providers-consistent-with-those-best  
12 interests.--In-determining-what-is-in-the-long-term-best  
13 interests-of-the-citizens-of-the-state-and-the-network,-the  
14 commission,-at-a-minimum,-shall-consider-the-cost-to-taxpayers  
15 of-the-state:

16 (3)--Deliver-a-written-report-and-all-proposals-submitted  
17 in-response-to-the-request-for-proposals-for-Part-III-to-the  
18 general-assembly-no-later-than-January-1,-1995.--The  
19 commission-shall-not-enter-into-any-agreement-related-to-such  
20 proposals-without-prior-authorization-by-a-constitutional  
21 majority-of-each-house-of-the-general-assembly-and-approval-by  
22 the-governor:

23 f. d. Annually prepare a written five-year financial plan  
24 for the network which shall be provided to the information  
25 technology council which shall deliver the plan to the general  
26 assembly and the governor no later than January 15 of each  
27 year. The plan shall include estimates for income and  
28 expenses for the network for the five-year period and the  
29 actual income and expenses for the preceding fiscal year. The  
30 plan-shall-include-the-amount-of-general-fund-appropriations  
31 to-be-requested-for-the-payment-of-operating-expenses-and-debt  
32 service.--The-plan-shall-also-include-any-recommendations-of  
33 the-commission-related-to-changes-in-the-system-and-other  
34 items-as-deemed-appropriate-by-the-commission.--The  
35 recommendations-of-the-commission-contained-in-the-plan-shall

1 include-a-detailed-plan-for-the-connection-of-all-public  
2 schools-to-the-network,-including-a-discussion-and-evaluation  
3 of-all-potential-financing-options,-an-estimate-of-all-costs  
4 incurred-in-providing-such-connections,-and-a-schedule-for  
5 completing-such-connections,-including-the-anticipated-final  
6 completion-date-for-such-connections,-

7 g.--Review-existing-maintenance-contracts-and-past  
8 contracts-to-determine-vendor-capability-to-perform-the  
9 obligations-under-such-contracts.--The-commission-shall-report  
10 to-the-general-assembly-prior-to-January-1-of-each-year-as-to  
11 the-performance-of-all-vendors-under-each-contract-and-shall  
12 make-recommendations-concerning-continued-funding-for-the  
13 contracts,-

14 h.--Pursue-available-opportunities-to-cooperate-and  
15 coordinate-with-the-federal-government-for-the-use-and  
16 potential-expansion-of-the-network-and-for-the-financing-of  
17 any-such-expansion,-

18 i: e. Evaluate existing and projected rates for use of the  
19 system and ensure that rates are sufficient to pay for the  
20 operation of the system excluding the cost of construction and  
21 lease costs for Parts I, II, and III. The commission shall  
22 establish all hourly rates to be charged to all authorized  
23 users for the use of the network. A fee established by the  
24 commission to be charged to a hospital licensed pursuant to  
25 chapter 135B, a physician clinic, or the federal government  
26 shall be at an appropriate rate so that, at a minimum, there  
27 is no state subsidy related to the costs of the connection or  
28 use of the network related to such user.

29 j: f. Make recommendations to the general-assembly  
30 director and the information technology council, as deemed  
31 appropriate by the commission, concerning the operation of the  
32 network.

33 k.--Provide-necessary-telecommunications-cabling-to-provide  
34 state-communications,-

35 Sec. 20. NEW SECTION. 8D.3A DEPARTMENT DUTIES.

1 For the purposes of this subchapter, the department shall  
2 do all of the following:

3 1. Supervise the management, development, and operation of  
4 the network and ensure that all components of the network are  
5 technically compatible consistent with the standards  
6 established by the information technology council pursuant to  
7 section 14B.104.

8 2. Provide for the centralized, coordinated use and  
9 control of the network.

10 3. Enter into agreements pursuant to chapter 28E as  
11 necessary and appropriate for the purposes of the department.  
12 However, the department shall not enter into an agreement with  
13 an unauthorized user or any other person pursuant to chapter  
14 28E for the purpose of providing such user or person access to  
15 the network.

16 4. a. Develop and issue for response all requests for  
17 proposals for any construction, installation, repair,  
18 maintenance, or equipment and parts necessary for the network.  
19 In preparing the request for proposals, the department shall  
20 do all of the following:

21 (1) Review existing requests for proposals related to the  
22 network.

23 (2) Consider and evaluate all competing technologies which  
24 could be used in any construction, installation, repair, or  
25 maintenance project.

26 (3) Allow flexibility for proposals to be submitted in  
27 response to a request for proposals issued by the department  
28 such that any qualified provider may submit a bid on a site-  
29 by-site basis, or on a merged area or defined geographic area  
30 basis, or both, and by permitting proposals to be submitted  
31 for use of competing or alternative technologies in each  
32 defined area.

33 (4) Ensure that rural communities have access to  
34 comparable services to the services provided in urban areas  
35 resulting from any plans to construct, install, repair, or

1 maintain any part of the network.

2     b. In determining which proposal to recommend to the  
3 general assembly to accept, consider what is in the long-term  
4 best interests of the citizens of the state and the network,  
5 and utilize, if possible, the provision of services with  
6 existing service providers consistent with those best  
7 interests. In determining what is in the long-term best  
8 interests of the citizens of the state and the network, the  
9 department, at a minimum, shall consider the cost to taxpayers  
10 of the state.

11     c. Deliver a written report and all proposals submitted in  
12 response to the request for proposals for Part III to the  
13 general assembly no later than January 1, 1995. The  
14 department shall not enter into any agreement related to such  
15 proposals without prior authorization by a constitutional  
16 majority of each house of the general assembly and approval by  
17 the governor.

18     5. Annually provide to the general assembly the amount of  
19 general fund appropriations to be requested for the payment of  
20 operating expenses and debt service. The department shall  
21 also provide to the general assembly any recommendations  
22 related to changes in the system and other items as deemed  
23 appropriate by the department. The recommendations of the  
24 department shall include a detailed plan for the connection of  
25 all public schools to the network, including a discussion and  
26 evaluation of all potential financing options, an estimate of  
27 all costs incurred in providing such connections, and a  
28 schedule for completing such connections, including the  
29 anticipated final completion date for such connections.

30     6. Review existing maintenance contracts and past  
31 contracts to determine vendor capability to perform the  
32 obligations under such contracts. The department shall report  
33 to the general assembly prior to January 1 of each year as to  
34 the performance of all vendors under each contract and shall  
35 make recommendations concerning continued funding for the

1 contracts.

2 7. Pursue available opportunities to cooperate and  
3 coordinate with the federal government for the use and  
4 potential expansion of the network and for the financing of  
5 any such expansion.

6 8. Provide necessary telecommunications cabling to provide  
7 state communications.

8 Sec. 21. NEW SECTION. 8D.3B INFORMATION TECHNOLOGY  
9 COUNCIL DUTIES.

10 For purposes of this subchapter, the information technology  
11 council shall do all of the following:

12 1. Ensure that the network operates in an efficient and  
13 responsible manner consistent with the provisions of this  
14 division for the purpose of providing the best economic  
15 service attainable to the network users consistent with the  
16 state's financial capacity.

17 2. In consultation with the department of general  
18 services, adopt and provide for standard communications  
19 procedures and policies relating to the use of the network  
20 which recognize, at a minimum, the need for reliable  
21 communications services.

22 Sec. 22. Section 8D.5, subsection 1, Code 1999, is amended  
23 to read as follows:

24 1. An education telecommunications council is established.  
25 The council consists of eighteen members and shall include the  
26 following: two persons appointed by the state board of  
27 regents; two persons appointed by the Iowa association of  
28 community college trustees; two persons appointed by the area  
29 education agency boards; two persons appointed by the Iowa  
30 association of school boards; two persons appointed by the  
31 school administrators of Iowa; two persons appointed by the  
32 Iowa association of independent colleges and universities; two  
33 persons appointed by the Iowa state education association;  
34 three persons appointed by the director of the department of  
35 education including one person representing libraries and one

1 person representing the Iowa association of nonpublic school  
2 administrators; and one person appointed by the administrator  
3 of the public broadcasting division of the department of  
4 education. The council shall establish scheduling and site  
5 usage policies for educational users of the network,  
6 coordinate the activities of the regional telecommunications  
7 councils, and develop proposed rules and changes to rules for  
8 recommendation to the commission, the department, and the  
9 information technology council, as appropriate. The council  
10 shall also recommend long-range plans for enhancements needed  
11 for educational applications. Administrative support and  
12 staffing for the council shall be provided by the department  
13 of education.

14 Sec. 23. Section 8D.6, Code 1999, is amended to read as  
15 follows:

16 8D.6 ADVISORY GROUPS ESTABLISHED.

17 1. The commission shall establish an advisory group to  
18 examine the use of the network for telemedicine applications.  
19 The advisory group shall consist of representatives of  
20 hospitals and other health care facilities as determined by  
21 the commission. The advisory group shall provide advice to  
22 the commission, the department, and the information technology  
23 council.

24 2. The commission may establish other advisory committees  
25 as necessary representing authorized users of the network. An  
26 advisory committee established by the commission shall provide  
27 advice to the commission, the department, and the information  
28 technology council.

29 Sec. 24. Section 8D.7, Code 1999, is amended to read as  
30 follows:

31 8D.7 TELECOMMUNICATIONS ADVISORY COMMITTEE.

32 A telecommunications advisory committee is established to  
33 advise the commission, the department, and the information  
34 technology council on telecommunications matters. The  
35 commission shall appoint five members to the advisory

1 committee who shall represent specific telecommunications  
2 industries or persons with technical expertise related to the  
3 network.

4 Sec. 25. Section 8D.10, Code 1999, is amended to read as  
5 follows:

6 8D.10 REPORT OF SAVINGS BY STATE AGENCIES.

7 A state agency which is a part of the network shall  
8 annually provide a written report to the general assembly and  
9 the information technology council certifying the identified  
10 savings associated with the state agency's use of the network.  
11 The report shall be delivered on or before January 15 for the  
12 previous fiscal year of the state agency.

13 Sec. 26. Section 8D.11, Code 1999, is amended to read as  
14 follows:

15 8D.11 POWERS -- FACILITIES -- LEASES.

16 1. The commission department may purchase, lease, and  
17 improve property, equipment, and services for  
18 telecommunications for public and private agencies and may  
19 dispose of property and equipment when not necessary for its  
20 purposes. However, for purposes of this subchapter, the  
21 commission department shall not enter into a contract for the  
22 purchase, lease, or improvement of property, equipment, or  
23 services for telecommunications pursuant to this subsection in  
24 an amount greater than one million dollars without prior  
25 authorization by a constitutional majority of each house of  
26 the general assembly, or approval by the legislative council  
27 if the general assembly is not in session. The commission  
28 department shall not issue any bonding or other long-term  
29 financing arrangements as defined in section 12.30, subsection  
30 1, paragraph "b". Real or personal property to be purchased  
31 by the commission department through the use of a financing  
32 agreement shall be done in accordance with the provisions of  
33 section 12.28, provided, however, that the commission  
34 department shall not purchase property, equipment, or services  
35 for telecommunications pursuant to this subsection in an

1 amount greater than one million dollars without prior  
2 authorization by a constitutional majority of each house of  
3 the general assembly, or approval by the legislative council  
4 if the general assembly is not in session.

5 2. The commission department also shall not provide or  
6 resell communications services to entities other than public  
7 and private agencies. The public or private agency shall not  
8 provide communication services of the network to another  
9 entity unless otherwise authorized pursuant to this chapter.  
10 The commission department may arrange for joint use of  
11 available services and facilities, and may enter into leases  
12 and agreements with private and public agencies with respect  
13 to the Iowa communications network, and public agencies are  
14 authorized to enter into leases and agreements with respect to  
15 the network for their use and operation. Rentals and other  
16 amounts due under the agreements or leases entered into  
17 pursuant to this section by a state agency are payable from  
18 funds annually appropriated by the general assembly or from  
19 other funds legally available. Other public agencies may pay  
20 the rental costs and other amounts due under an agreement or  
21 lease from their annual budgeted funds or other funds legally  
22 available or to become available.

23 3. This section comprises a complete and independent  
24 authorization and procedure for a public agency, with the  
25 approval of the commission department, to enter into a lease  
26 or agreement and this section is not a qualification of any  
27 other powers which a public agency may possess and the  
28 authorizations and powers granted under this section are not  
29 subject to the terms, requirements, or limitations of any  
30 other provisions of law, except that the commission department  
31 must comply with the provisions of section 12.28 when entering  
32 into financing agreements for the purchase of real or personal  
33 property. All moneys received by the commission department  
34 from agreements and leases entered into pursuant to this  
35 section with private and public agencies shall be deposited in



1 the Iowa communications network fund.

2 4. A political subdivision receiving communications  
3 services from the state as of April 1, 1986, may continue to  
4 do so but communications services shall not be provided or  
5 resold to additional political subdivisions other than a  
6 school corporation, a city library, a regional library as  
7 provided in chapter 256, and a county library as provided in  
8 chapter 336. The rates charged to the political subdivision  
9 shall be the same as the rates charged to state agencies.

10 Sec. 27. Section 8D.12, Code 1999, is amended to read as  
11 follows:

12 8D.12 DISPOSITION OF NETWORK -- APPROVAL OF GENERAL  
13 ASSEMBLY AND GOVERNOR.

14 Notwithstanding any provision to the contrary, the  
15 ~~commission~~ information technology department or the department  
16 of general services shall not sell, lease, or otherwise  
17 dispose of the network without prior authorization by a  
18 constitutional majority of each house of the general assembly  
19 and approval by the governor.

20 Sec. 28. Section 8D.13, subsections 1, 3, 4, 7, 8, 9, 10,  
21 13, and 18, Code Supplement 1999, are amended to read as  
22 follows:

23 1. Moneys in the Iowa communications network fund are  
24 appropriated to the ~~Iowa-telecommunications-and-technology~~  
25 ~~commission~~ department for purposes of providing financing for  
26 the procurement, operation, and maintenance of the Iowa  
27 communications network with sufficient capacity to serve the  
28 video, data, and voice requirements of the educational  
29 telecommunications system consisting of Part I, Part II, and  
30 Part III, and other public and private agencies.

31 3. The financing for the procurement costs for the  
32 entirety of Part I except for the communications connections  
33 between central switching and institutions under the control  
34 of the board of regents, and nonprofit institutions of higher  
35 education eligible for tuition grants, and for the video,

1 data, and voice capacity for state agencies and for Part II  
2 and Part III, shall be provided by the state. The financing  
3 for the procurement and maintenance costs for Part III shall  
4 be provided by the state. A local school board, governing  
5 authority of a nonpublic school, or an area education agency  
6 board may elect to provide one hundred percent of the  
7 financing for the procurement and maintenance costs for Part  
8 III to become part of the network. The basis for the amount  
9 of state financing is one hundred percent of a single  
10 interactive audio and interactive video connection for Part  
11 III, and such data and voice capacity as is necessary. If a  
12 school board, governing authority of a nonpublic school, or  
13 area education agency board elects to provide one hundred  
14 percent of the financing for the leasing costs for Part III,  
15 the school district or area education agency may become part  
16 of the network as soon as the network can reasonably connect  
17 the district or agency. A local school board, governing  
18 authority of a nonpublic school, or an area education agency  
19 board may also elect not to become part of the network.  
20 Construction of Part III, related to a school board, governing  
21 authority of a nonpublic school, or area education agency  
22 board which provides one hundred percent of the financing for  
23 the leasing costs for Part III, may proceed as determined by  
24 the commission information technology council and consistent  
25 with the purpose of this chapter.

26 4. The commission department shall develop the requests  
27 for proposals that are needed for the Iowa communications  
28 network with sufficient capacity to serve the video, data, and  
29 voice requirements of state agencies and for educational  
30 telecommunications applications. The commission department  
31 shall develop a request for proposals for each of the systems  
32 that will make up the network. The commission department may  
33 develop a request for proposals for each definitive component  
34 of the network or the commission department may provide in the  
35 request for proposals for each such system that separate

1 contracts may be entered into for each definitive component  
2 covered by the request for proposals. The requests for  
3 proposals may be for the purchase, lease-purchase, or lease of  
4 the component parts of the network consistent with the  
5 provisions of this chapter subchapter, may require maintenance  
6 costs to be identified, and the resulting contract may provide  
7 for maintenance for parts of the network. The master contract  
8 may provide for electronic classrooms, satellite equipment,  
9 receiving equipment, studio and production equipment, and  
10 other associated equipment as required.

11 7. ~~The commission shall be~~ department is responsible for  
12 the network design and shall be responsible for the  
13 implementation of each component of the network as it is  
14 incorporated into the network. The final design selected  
15 shall optimize the routing for all users in order to assure  
16 maximum utilization by all agencies of the state.  
17 Efficiencies achieved in the implementation of the network  
18 shall be used to fund further implementation and enhancement  
19 of the network, and shall be considered part of the  
20 operational cost of the network. ~~The commission shall be~~  
21 department is responsible for all management, operations,  
22 control switching, diagnostics, and maintenance functions of  
23 network operations as provided in this chapter subchapter.  
24 The performance of these duties is intended to provide optimal  
25 utilization of the facilities, and the assurance that future  
26 growth requirements will be provided for, and that sufficient  
27 network capacity will be available to meet the needs of all  
28 users.

29 8. The education telecommunications council shall review  
30 all requests for grants for educational telecommunications  
31 applications, if they are a part of the Iowa communications  
32 network, to ensure that the educational telecommunications  
33 application is consistent with the telecommunications plan.  
34 All other grant requests shall be reviewed as determined by  
35 the commission information technology council. If the

1 education telecommunications council finds that a grant  
2 request is inconsistent with the telecommunications plan, the  
3 grant request shall not be allowed.

4 9. The procurement and maintenance of electronic equipment  
5 including, but not limited to, master receiver antenna  
6 systems, studio and production equipment, and broadcast system  
7 components shall be provided for under the commission's  
8 department's contracts. The Iowa public broadcasting board  
9 and other educational entities within the state have the  
10 option to use their existing or replacement resources and  
11 agreements in the operation and maintenance of these systems.

12 10. In addition to the other evaluation criteria specified  
13 in the request for proposals issued pursuant to this section,  
14 the commission department, in evaluating proposals, shall base  
15 up to two percent of the total possible points on the public  
16 benefit that can be derived from a given proposal due to the  
17 increased private telecommunications capacity available to  
18 Iowa citizens located in rural Iowa. For purposes of this  
19 subsection, an area of the state is considered rural if it is  
20 not part of a federally designated standard metropolitan  
21 statistical area.

22 13. The auditor of state shall, no less than annually,  
23 examine the financial condition and transactions of the  
24 commission network as provided in chapter 11. A copy of the  
25 auditor's report concerning such examination shall be provided  
26 to the general assembly.

27 18. Notwithstanding chapter 476, the provisions of chapter  
28 476 shall not apply to a public utility in furnishing a  
29 telecommunications service or facility to the commission  
30 department for the Iowa communications network or to any  
31 authorized user of the Iowa communications network for such  
32 authorized user's connection to the network.

33 Sec. 29. Section 8D.14, Code 1999, is amended to read as  
34 follows:

35 8D.14 IOWA COMMUNICATIONS NETWORK FUND.

1 There is created in the office of the treasurer of state a  
2 fund to be known as the Iowa communications network fund under  
3 the control of the ~~Iowa-telecommunications-and-technology~~  
4 commission department. There shall be deposited into the Iowa  
5 communications network fund proceeds from bonds issued for  
6 purposes of projects authorized pursuant to section 8D.13,  
7 funds received from leases pursuant to section 8D.11, and  
8 other moneys by law credited to or designated by a person for  
9 deposit into the fund.

10 Sec. 30. Section 18.3, subsection 1, unnumbered paragraph  
11 1, Code 1999, is amended to read as follows:

12 Establishing and developing, in co-operation with the  
13 various state agencies, a system of uniform standards and  
14 specifications for purchasing. When the system is developed,  
15 all items of general use shall be purchased through the  
16 department, except information technology, as defined in  
17 section 14B.101, and procured by the information technology  
18 department, and except items used by the state department of  
19 transportation, institutions under the control of the board of  
20 regents, the department for the blind, and any other agencies  
21 exempted by law.

22 Sec. 31. Section 18.183, subsections 1 and 2, Code  
23 Supplement 1999, are amended to read as follows:

24 1. The government agency that is the lawful custodian of a  
25 public record shall be responsible for determining whether a  
26 record is required by state statute to be confidential. The  
27 transmission of a record by a government agency by use of  
28 electronic means established, maintained, or managed by the  
29 ~~division-of-information-technology-services~~ department shall  
30 not constitute a transfer of the legal custody of the record  
31 from the individual government agency to the ~~division-of~~  
32 ~~information-technology-services~~ department or to any other  
33 person or entity.

34 2. The ~~division-of-information-technology-services~~  
35 department shall not have authority to determine whether an

1 individual government agency should automate records of which  
2 the individual government agency is the lawful custodian.  
3 However, the division department may encourage governmental  
4 agencies to implement electronic access to government records.

5 Sec. 32. Section 18.184, Code 1999, is amended to read as  
6 follows:

7 18.184 FINANCIAL TRANSACTIONS.

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

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

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

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

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

30 3. The ~~division-of-information-technology-services~~  
31 department shall serve as the agent of the governmental entity  
32 in collecting moneys for receipt by governmental entities.  
33 The moneys shall be transferred to governmental entities  
34 directly or to the treasurer of state for disbursement to  
35 governmental entities as required by the treasurer of state in

1 cooperation with the auditor of state.

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

12 Sec. 33. Section 18.185, Code 1999, is amended to read as  
13 follows:

14 18.185 AUDITS REQUIRED.

15 A technology audit of the electronic transmission system by  
16 which government records are transmitted electronically to the  
17 public shall be conducted not less than once annually for the  
18 purpose of determining that government records and other  
19 electronic data are not misappropriated or misused by the  
20 ~~division-of-information-technology-services~~ department or a  
21 contractor of the ~~division~~ department. A financial audit  
22 shall be conducted not less than once annually to determine  
23 the financial condition of the ~~division-of-information~~  
24 ~~technology-services~~ department and to make other relevant  
25 inquiries.

26 Sec. 34. Section 18.187, Code Supplement 1999, is amended  
27 to read as follows:

28 18.187 IOWACCESS REVOLVING FUND.

29 An IowAccess revolving fund is created in the state  
30 treasury under the control of the department. The revolving  
31 fund ~~shall be administered by the division and~~ shall consist  
32 of moneys collected by the ~~division~~ department as fees, moneys  
33 appropriated by the general assembly, and any other moneys  
34 obtained or accepted by the ~~division~~ department for deposit in  
35 the revolving fund. The proceeds of the revolving fund are

1 appropriated to and shall be used by the division department  
2 to maintain, develop, operate, and expand the IowAccess  
3 network consistent with this chapter subchapter. The division  
4 department shall submit an annual report not later than  
5 January 31, to the members of the general assembly and the  
6 legislative fiscal bureau, of the activities funded by and  
7 expenditures made from the revolving fund during the preceding  
8 fiscal year. Section 8.33 does not apply to any moneys in the  
9 revolving fund and, notwithstanding section 12C.7, subsection  
10 2, earnings or interest on moneys deposited in the revolving  
11 fund shall be credited to the revolving fund.

12 Sec. 35. INFORMATION TECHNOLOGY COUNCIL TEMPORARY EX  
13 OFFICIO MEMBER. Notwithstanding section 14B.104, as enacted  
14 in this Act, one member of the Iowa telecommunications and  
15 technology commission established in section 8D.3 shall serve  
16 as the twentieth member and as an ex officio, nonvoting member  
17 of the information technology council established in section  
18 14B.104 through June 30, 2002.

19 Sec. 36. INITIAL APPOINTMENTS -- IOWACCESS BOARD. The  
20 initial appointments to the IowAccess board pursuant to  
21 section 14B.201, subsection 3, paragraph "a", subparagraph  
22 (1), as enacted in this Act, shall be as follows:

23 1. One person to be appointed by the governor representing  
24 financial institutions who shall be actively engaged in  
25 finance and banking.

26 2. One person to be appointed by the governor representing  
27 insurers who shall be actively engaged in the insurance  
28 industry.

29 3. One person to be appointed by the governor representing  
30 the legal profession who shall be actively engaged in the  
31 profession of law.

32 4. One person to be appointed by the governor representing  
33 media interests.

34 5. One person to be appointed by the governor representing  
35 real estate brokers and salespersons who shall be actively



1 engaged in the real estate business.

2     Sec. 37. TRANSFER OF FUNCTIONS AND EMPLOYEES. The  
3 director of the information technology department and the  
4 administrator of the public broadcasting division of the  
5 department of education, in consultation with the director of  
6 the department of education, shall make recommendations to the  
7 general assembly by no later than January 12, 2001, concerning  
8 the functions and full-time equivalent positions to be  
9 transferred from the public broadcasting division to the  
10 information technology department.

11     Sec. 38. RULES CONTINUED. Notwithstanding any contrary  
12 provision, a rule adopted by the Iowa telecommunications and  
13 technology commission pursuant to chapter 8D and effective on  
14 July 1, 2000, with respect to any duty or responsibility of  
15 the commission which is transferred to the citizen  
16 subcommittee established pursuant to section 14B.301, shall be  
17 deemed to be a rule of the citizen subcommittee and remain  
18 effective until such time as the citizen subcommittee modifies  
19 or repeals such rule, or until such time as the general  
20 assembly nullifies such rule.

21     Sec. 39. RULES CONTINUED. Notwithstanding any contrary  
22 provision, a rule adopted by the Iowa telecommunications and  
23 technology commission pursuant to chapter 8D and effective on  
24 July 1, 2002, shall be deemed to be a rule of the citizen  
25 subcommittee established pursuant to section 14B.301 and  
26 remain effective until such time as the citizen subcommittee  
27 modifies or repeals such rule, or until such time as the  
28 general assembly nullifies such rule.

29     Sec. 40. CONTRACTS CONTINUED. Notwithstanding any  
30 contrary provision, a contract or agreement entered into by  
31 the Iowa telecommunications and technology commission pursuant  
32 to its authority under chapter 8D and in existence on July 1,  
33 2002, shall remain effective for the term of such contract or  
34 agreement. The citizen subcommittee established pursuant to  
35 section 14B.301, for purposes of such contract or agreement,

1 shall be considered the commission's successor in interest and  
2 shall have all the rights and responsibilities under such  
3 contract or agreement as if the citizen subcommittee were the  
4 commission, unless otherwise provided by law.

5 Sec. 41. DIRECTIONS TO CODE EDITOR.

6 1. The Code editor shall transfer the provisions of  
7 chapter 8D to chapter 14B, as enacted in this Act, and codify  
8 these sections as a separate subchapter in chapter 14B.

9 2. The Code editor shall transfer sections 18.183 through  
10 18.187 to chapter 14B, as enacted in this Act, and codify  
11 those sections as a separate subchapter in chapter 14B.

12 EXPLANATION

13 This bill establishes a new Code chapter 14B, which  
14 establishes an information technology department.

15 Section 1 of the bill sets forth the findings of the  
16 general assembly with respect to the information technology  
17 resources of the state and the need to manage such resources.

18 Code section 7E.5 is amended to add the information  
19 technology department to the list of principal central  
20 departments of the executive branch.

21 New Code section 14B.101 sets forth the definitions of key  
22 terms used in the Code chapter.

23 New Code section 14B.102 establishes the department and  
24 sets forth the mission and the powers and duties of the  
25 department.

26 New Code section 14B.103 provides for the appointment of  
27 the director of the department and sets forth the powers and  
28 the duties of the director.

29 New Code section 14B.104 establishes an information  
30 technology council with the authority to oversee information  
31 technology activities of participating agencies as provided in  
32 the new Code chapter. The council is comprised of 19 members  
33 and is charged with the proper administration of the  
34 department.

35 New Code section 14B.105 sets forth the initial divisions

1 of the department, including a policy and planning division,  
2 an operations division, a customer support division, and an  
3 administration division.

4 New Code section 14B.106 establishes an office of  
5 information technology innovation, which is responsible for  
6 fostering research and development activities and innovation  
7 in the application and use of information technology in state  
8 government.

9 New Code section 14B.107 establishes an information  
10 technology innovation advisory board and an information  
11 technology innovation fund.

12 New Code section 14B.108 establishes an office of digital  
13 government, which is responsible for initiating and supporting  
14 the development of electronic commerce, electronic government,  
15 and internet applications across participating agencies and in  
16 cooperation with other governmental agencies.

17 New Code section 14B.109 establishes an information  
18 technology management council, which is to promote policies  
19 and practices that will foster the effective use and  
20 management of governmental information technology resources.

21 New Code section 14B.110 provides that information  
22 technology procurement and approval is vested in the  
23 information technology department, subject to an interagency  
24 agreement with the department of general services and that all  
25 information technology for a participating agency shall  
26 generally be procured through the information technology  
27 department. The section sets forth the methods by which such  
28 procurements may be made.

29 New Code section 14B.111 establishes an Iowa information  
30 technology revolving fund to be administered by the  
31 department.

32 New Code section 14B.112 sets forth the manner for the  
33 procurement of information technology by governmental entities  
34 having independent purchasing authority.

35 New Code section 14B.201 establishes an IowaAccess board for

1 the purpose of creating and providing a service to the  
2 citizens of this state that is the gateway for one-stop  
3 electronic access to government information and transactions,  
4 whether federal, state, or local.

5 New Code section 14B.301 establishes an information  
6 technology council citizen subcommittee and sets forth the  
7 duties of the citizen subcommittee.

8 New Code section 14B.302 establishes an appeal process for  
9 a rate or fee associated with the Iowa communications network  
10 established by the citizen subcommittee.

11 The bill amends provisions of Code chapter 8D to conform to  
12 the creation of the new Code chapter and the transfer of the  
13 administration and supervision of the Iowa communications  
14 network to the new department. The bill sunsets the Iowa  
15 telecommunications and technology commission as of July 1,  
16 2002. The bill provides that the duties of the commission are  
17 transferred to the information technology council citizen  
18 subcommittee.

19 The bill amends provisions of Code chapter 18 relating to  
20 IowAccess to conform to the creation of the department and the  
21 transfer of the administration of IowAccess to the department.

22 The bill provides for certain transitional matters relating  
23 to the initial appointments to the IowAccess board, the  
24 continuation of rules, the continuation of contracts, and the  
25 transfer of existing Code sections to the new Code chapter  
26 14B.

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