

King
DeLukey
Rittmer

SSB-3197

State Government
Succeeded By
SF/HF 2395

SENATE FILE _____
BY (PROPOSED COMMITTEE ON STATE
GOVERNMENT BILL BY
CHAIRPERSON RITTMER)

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

A BILL FOR

1 An Act relating to the creation of an information technology
2 department and making related changes.

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

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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 coordinated for maximum cost-effectiveness, maximized service,
9 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 uniform standards and coordinated
14 systems for the use of information technologies.

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

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

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

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

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

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

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

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

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

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

29 a. The office of the governor.

30 b. The general assembly, or any office or unit under its
31 administrative authority.

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

33 d. A political subdivision of the state or its offices or
34 units, including but not limited to a county, city, or
35 community college.

1 2. "Director" means the director of the information
2 technology department appointed as provided in section
3 14B.103.

4 3. "Governmental entity" means any unit of government in
5 the executive, legislative, or judicial branches of
6 government; an agency or political subdivision; any unit of
7 another state government, including its political
8 subdivisions; and any unit of the United States government.

9 4. "Information technology" means computing and
10 electronics applications used to process and distribute
11 information in digital and other forms and includes
12 information technology devices and information technology
13 services.

14 5. "Information technology council" means the information
15 technology council established in section 14B.104.

16 6. "Information technology device" means equipment or
17 associated software, including programs, languages,
18 procedures, or associated documentation, used in operating the
19 equipment which is designed for utilizing information stored
20 in an electronic format. "Information technology device"
21 includes but is not limited to computer systems, computer
22 networks, and equipment used for input, output, processing,
23 storage, display, scanning, and printing.

24 7. "Information technology services" means services
25 designed to do any of the following:

26 a. Provide functions, maintenance, and support of
27 information technology devices.

28 b. Provide services including, but not limited to, any of
29 the following:

30 (1) Computer systems application development and
31 maintenance.

32 (2) Systems integration and interoperability.

33 (3) Operating systems maintenance and design.

34 (4) Computer systems programming.

35 (5) Computer systems software support.

- 1 (6) Planning and security relating to information
- 2 technology devices.
- 3 (7) Data management consultation.
- 4 (8) Information technology education and consulting.
- 5 (9) Information technology planning and standards.
- 6 (10) Establishment of local area network and workstation
- 7 management standards.

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

- 10 a. The state board of regents and institutions operated
- 11 under the authority of the state board of regents.
- 12 b. The public broadcasting division of the department of
- 13 education.
- 14 c. The state department of transportation mobile radio
- 15 network.
- 16 d. The department of public safety law enforcement
- 17 communications systems.
- 18 e. The Iowa telecommunications and technology commission
- 19 established in section 8D.3.

20 9. "Public records" means the same as defined in section
21 22.1.

22 Sec. 4. NEW SECTION. 14B.102 DEPARTMENT ESTABLISHED --
23 MISSION -- POWERS AND DUTIES.

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

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

- 31 a. Providing information technology to participating
- 32 agencies and other governmental entities as provided in this
- 33 chapter.
- 34 b. Implementing the strategic information technology plan
- 35 as prepared and updated by the information technology council.

1 c. Developing and implementing a business continuity plan,
2 as the director determines is appropriate, to be used if a
3 disruption occurs in the provision of information technology
4 to participating agencies and other governmental entities.

5 d. Developing recommended standards for information
6 technology, including but not limited to system design and
7 systems integration and interoperability, which when
8 implemented shall apply to all participating agencies except
9 as otherwise provided in this chapter.

10 e. Developing and maintaining security policies and
11 systems to ensure the integrity of the state's information
12 resources and to prevent the disclosure of confidential
13 records.

14 f. Developing and implementing effective and efficient
15 strategies for the use and provision of information technology
16 for participating agencies and other governmental entities.

17 g. Entering into agreements pursuant to chapter 28D or
18 28E, or memorandums of understanding or other agreements as
19 necessary and appropriate to administer this chapter.

20 h. Establishing and maintaining, in cooperation with the
21 department of revenue and finance and the department of
22 general services, an inventory of information technology
23 devices used by participating agencies and other governmental
24 entities using the information technology department's
25 services. The information technology department may request a
26 participating agency to provide such information as is
27 necessary to establish and maintain an inventory as required
28 under this paragraph, and such participating agency shall
29 provide such information to the department in a timely manner.

30 3. FEES. The department may charge a reasonable and
31 necessary fee to a participating agency or other governmental
32 entity for information technology provided by the department
33 to such agency or entity. Fees charged pursuant to this
34 subsection shall be deposited in the general fund of the
35 state.

1 4. DISPUTE RESOLUTION. If a dispute arises between the
2 department or information technology council and an agency for
3 which the department provides or refuses to provide
4 information technology, the dispute shall be resolved as
5 provided in section 679A.19.

6 Sec. 5. NEW SECTION. 14B.103 DIRECTOR -- POWERS AND
7 DUTIES.

8 1. DIRECTOR APPOINTED. The chief administrative officer
9 of the department is the director. The director shall be
10 appointed by the governor, subject to confirmation by the
11 senate. The director shall serve at the pleasure of the
12 governor. The governor shall set the salary of the director
13 within the applicable salary range established by the general
14 assembly. The director shall be selected on the ability to
15 administer the duties and functions granted to the director
16 and the department and shall devote full time to the duties of
17 the director. If the office of director becomes vacant, the
18 vacancy shall be filled in the same manner as the original
19 appointment was made.

20 The director shall also serve as the chief information
21 officer for the state.

22 2. POWER AND DUTIES. The director of the department shall
23 do all of the following:

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

26 b. Provide overall supervision, direction, and
27 coordination of functions of the department.

28 c. Employ personnel as necessary to carry out the
29 functions vested in the department consistent with chapter 19A
30 and enhance the recruitment, retention, and training of
31 professional staff.

32 d. Supervise and manage employees of the department, and
33 provide for the internal organization of the department and
34 for the allocation of functions within the department
35 consistent with section 7E.2.

- 1 e. Recommend to the information technology council an
2 annual budget for the department.
- 3 f. Recommend to the information technology council rules
4 deemed necessary for the implementation of this chapter and
5 proper administration of the department.
- 6 g. Recommend to the information technology council
7 information technology standards.
- 8 h. Develop and implement operational policies of the
9 department and be responsible for the day-to-day operations of
10 the department.
- 11 i. Develop and recommend to the information technology
12 council legislative proposals deemed necessary for the
13 continued efficiency of department functions, and review
14 legislative proposals generated outside of the department
15 which are related to matters within the department's purview.
- 16 j. Provide advice to the governor on issues related to
17 information technology.
- 18 k. Consult with agencies and other governmental entities
19 on issues relating to information technology.
- 20 l. Work with all governmental entities in an effort to
21 achieve the information technology goals established by the
22 information technology council.
- 23 3. DELEGATION OF POWERS AND DUTIES. Powers and duties
24 vested in the director may be delegated by the director to an
25 employee of the department, but the director retains the
26 responsibility for an employee's acts within the scope of the
27 delegation.
- 28 4. APPEAL OF DIRECTOR'S DECISION. A decision by the
29 director may be appealed to the information technology
30 council. A person aggrieved by such decision of the director
31 shall provide notice of such appeal to the information
32 technology council within thirty calendar days of the decision
33 of the director. An appeal of a decision of the director
34 shall be treated as a contested case under chapter 17A.
- 35 Sec. 6. NEW SECTION. 14B.104 INFORMATION TECHNOLOGY

1 COUNCIL -- MEMBERS -- POWERS AND DUTIES.

2 1. MEMBERSHIP.

3 a. An information technology council is established with
4 the authority to oversee the department and information
5 technology activities of participating agencies as provided in
6 this chapter. The information technology council is composed
7 of seventeen members including the following:

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

10 (2) The administrator of the public broadcasting division
11 of the department of education.

12 (3) The chairperson of the IowAccess advisory council
13 established in section 14B.201, or the chairperson's designee.

14 (4) The state technology advisor in the department of
15 economic development.

16 (5) The chief operating officer of the Iowa communications
17 network, or the chief operating officer's designee.

18 (6) Two executive branch department heads appointed by the
19 governor.

20 (7) Five persons appointed by the governor who are
21 knowledgeable in information technology matters.

22 (8) One person representing the judicial branch appointed
23 by the chief justice of the supreme court who shall serve in
24 an ex officio, nonvoting capacity.

25 (9) Four members of the general assembly with not more
26 than one member from each chamber being from the same
27 political party. The two senators shall be designated by the
28 president of the senate after consultation with the majority
29 and minority leaders of the senate. The two representatives
30 shall be designated by the speaker of the house of
31 representatives after consultation with the majority and
32 minority leaders of the house of representatives. 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. The members appointed by the governor pursuant to
2 paragraph "a", subparagraphs (3) through (7), shall serve
3 four-year staggered terms as designated by the governor and
4 such appointments to the information technology council are
5 subject to the requirements of sections 69.16, 69.16A, and
6 69.19. Members appointed by the governor pursuant to
7 paragraph "a", subparagraphs (3) through (7), shall not serve
8 consecutive four-year terms. Members appointed by the
9 governor are subject to senate confirmation and shall be
10 reimbursed for actual and necessary expenses incurred in
11 performance of their duties. Such members may also be
12 eligible to receive compensation as provided in section 7E.6.

13 2. DUTIES. The information technology council shall do
14 all of the following:

15 a. Adopt rules in accordance with chapter 17A which are
16 necessary for the exercise of the powers and duties granted by
17 this chapter and the proper administration of the department.

18 b. Develop recommended standards for consideration with
19 respect to the procurement of information technology by all
20 participating agencies.

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

32 d. Prepare and annually update a strategic information
33 technology plan for the use of information technology
34 throughout state government. The plan shall promote
35 participation in cooperative projects with other governmental

1 entities. The plan shall establish a mission, goals, and
2 objectives for the use of information technology, including
3 goals for electronic access to public records, information,
4 and services. The plan shall be submitted annually to the
5 governor and the general assembly.

6 e. Review and recommend to the general assembly, as deemed
7 appropriate by the information technology council, legislative
8 proposals recommended by the director, or other legislative
9 proposals as developed and deemed necessary by the information
10 technology council.

11 f. Review and approve, as deemed appropriate by the
12 information technology council, the annual budget
13 recommendation for the department as proposed by the director.

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

19 Sec. 7. NEW SECTION. 14B.105 DIVISIONS OF THE DEPARTMENT
20 -- RESPONSIBILITIES.

21 1. a. The department shall include the following
22 divisions:

23 (1) A policy and planning division which is responsible
24 for the integration of information technology into all
25 business aspects of state government. The division shall
26 cooperate with the customer liaison division to coordinate the
27 activities of both divisions in promoting, integrating, and
28 supporting information technology in all business aspects of
29 state government.

30 (2) An operations division which is responsible for
31 providing all of the following:

32 (a) Server systems, including mainframe and other server
33 operations.

34 (b) Desktop support.

35 (c) Applications integration.

1 (3) A customer liaison division which is responsible for
2 support and promotion of departmental services and information
3 technology, and for providing applications development,
4 support, and training, and advice and assistance in developing
5 and supporting business applications throughout state
6 government. The division shall cooperate with the policy and
7 planning division to coordinate the activities of both
8 divisions in promoting, integrating, and supporting
9 information technology in all business aspects of state
10 government.

11 (4) An administration division which is responsible for
12 the financial, personnel, and other administrative functions
13 of the department. The administration division is also
14 responsible for all information technology purchasing and
15 contract administration for the information technology
16 department.

17 b. Each division established under paragraph "a" shall be
18 headed by an administrator appointed by the director subject
19 to confirmation by the senate. An administrator appointed
20 pursuant to this paragraph shall serve a three-year term. The
21 term shall begin and end in the same manner as set forth in
22 section 69.19. A vacancy shall be filled for the unexpired
23 portion of the term in the same manner as a full-term
24 appointment is made. An administrator may hire other
25 assistants and employees as necessary to carry out the duties
26 of the division.

27 2. Notwithstanding subsection 1, the department shall also
28 include the following subunits:

29 a. A digital government bureau as provided for in section
30 14B.106.

31 b. An IowAccess advisory council as provided for in
32 section 14B.201.

33 Sec. 8. NEW SECTION. 14B.106 DIGITAL GOVERNMENT BUREAU.

34 1. A digital government bureau is established within the
35 department which shall be headed by an administrator appointed

1 by the director subject to confirmation by the senate. The
 2 administrator shall serve a three-year term. The term shall
 3 begin and end in the same manner as set forth in section
 4 69.19. A vacancy shall be filled for the unexpired portion of
 5 the term in the same manner as a full-term appointment is
 6 made. The administrator may hire other assistants and
 7 employees as necessary to carry out the bureau's duties.

8 2. The bureau is responsible for initiating and supporting
 9 the development of electronic commerce, electronic government,
 10 and internet applications across participating agencies and in
 11 cooperation with other governmental entities.

12 3. The bureau shall do all of the following:

13 a. Recommend standards to the information technology
 14 council, consistent with other state law, for the
 15 implementation of electronic commerce, including standards for
 16 digital signatures, electronic currency, and other items
 17 associated with electronic commerce.

18 b. Recommend guidelines to the information technology
 19 council for the appearance and functioning of applications.

20 c. Recommend standards to the information technology
 21 council for the integration of electronic data across state
 22 agencies.

23 d. Foster joint development of electronic commerce and
 24 electronic government involving the public and private
 25 sectors.

26 e. Develop customer surveys and citizen outreach and
 27 education programs and material, and provide for citizen input
 28 regarding the state's electronic commerce and electronic
 29 government applications.

30 f. Provide staff support for the IowAccess advisory
 31 council.

32 Sec. 9. NEW SECTION. 14B.107 INFORMATION TECHNOLOGY
 33 STANDARDS.

34 The information technology council shall develop
 35 recommended standards for consideration with respect to the

1 procurement of information technology by all participating
2 agencies.

3 Sec. 10. NEW SECTION. 14B.201 IOWACCESS ADVISORY COUNCIL
4 ESTABLISHED -- DUTIES -- MEMBERSHIP.

5 1. ADVISORY COUNCIL ESTABLISHED. An IowAccess advisory
6 council is established within the department for the purpose
7 of creating and providing a service to the citizens of this
8 state that is the gateway for one-stop electronic access to
9 government information and transactions, whether federal,
10 state, or local. IowAccess shall be a fee-for-service,
11 demand-driven service providing enhanced access to government
12 information. The information technology council, in
13 establishing the fees for such service, shall consider the
14 convenience of accessing such government information through
15 IowAccess, whether or not such government information could be
16 accessed free of charge from another source.

17 2. DUTIES.

18 a. The advisory council shall do all of the following:

19 (1) Recommend to the information technology council rates
20 to be charged for access to and for value-added services
21 performed through IowAccess.

22 (2) Recommend to the director and the information
23 technology council the priority of projects associated with
24 IowAccess.

25 (3) Recommend to the director and the information
26 technology council expected outcomes and effects of the use of
27 IowAccess and determine the manner in which such outcomes are
28 to be measured and evaluated.

29 (4) Review and recommend to the director and the
30 information technology council the IowAccess total budget
31 request and ensure that such request reflects the priorities
32 and goals of IowAccess as established by the advisory council.

33 (5) Review and recommend to the director and the
34 information technology council all rules to be adopted by the
35 information technology council that are related to IowAccess.

1 (6) Advocate for access to government information and
2 services through IowAccess and for data privacy protection,
3 information ethics, accuracy, and security in IowAccess
4 programs and services.

5 (7) Receive status and operations reports associated with
6 IowAccess.

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

9 b. The advisory council shall also advise the information
10 technology council and the director with respect to the
11 operation of IowAccess and encourage and implementing access
12 to government and its public records by the citizens of this
13 state.

14 c. The advisory council shall serve as a link between the
15 users of public records, the lawful custodians of such public
16 records, and the citizens of this state who are the owners of
such public records.

18 d. The advisory council shall ensure that IowAccess gives
19 priority to serving the needs of the citizens of this state.

20 3. MEMBERSHIP.

21 a. The advisory council shall be composed of nineteen
22 members including the following:

23 (1) Five persons appointed by the governor representing
24 the primary customers of IowAccess.

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

26 (a) One person representing the legislative branch, who
27 shall not be a legislator, to be appointed jointly by the
28 president of the senate, after consultation with the majority
29 and minority leaders of the senate, and by the speaker of the
30 house of representatives, after consultation with the majority
31 and minority leaders of the house of representatives.

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

34 (c) One person representing the executive branch as
35 designated by the governor.

1 (d) One person to be appointed by the governor
2 representing cities who shall be actively engaged in the
3 administration of a city.

4 (e) One person to be appointed by the governor
5 representing counties who shall be actively engaged in the
6 administration of a county.

7 (f) One person to be appointed by the governor
8 representing the federal government.

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

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

23 b. Members appointed by the governor are subject to
24 confirmation by the senate and shall serve four-year staggered
25 terms as designated by the governor. The advisory council
26 shall elect its own chairperson from among the voting members
27 of the board. Members appointed by the governor are subject
28 to the requirements of sections 69.16, 69.16A, and 69.19.
29 Members appointed by the governor shall be reimbursed for
30 actual and necessary expenses incurred in performance of their
31 duties. Such members may also be eligible to receive
32 compensation as provided in section 7E.6.

33 Sec. 11. Section 8D.3, subsection 1, Code Supplement 1999,
34 is amended to read as follows:

35 1. COMMISSION ESTABLISHED. A telecommunications and

1 technology commission is established with the sole authority
 2 to supervise the management, development, and operation of the
 3 network and ensure that all components of the network are
 4 technically compatible. The management, development, and
 5 operation of the network shall not be subject to the
 6 jurisdiction or control of any other state agency. The
 7 commission shall ensure that the network operates in an
 8 efficient and responsible manner consistent with the
 9 provisions of this chapter for the purpose of providing the
 10 best economic service attainable to the network users
 11 consistent with the state's financial capacity. The
 12 commission shall ensure that educational users and the use,
 13 design, and implementation for educational applications be
 14 given the highest priority concerning use of the network. The
 15 commission shall provide for the centralized, coordinated use
 16 and control of the network.

17 Sec. 12. INITIAL APPOINTMENTS -- IOWACCESS ADVISORY
 18 COUNCIL. The initial appointments to the IowAccess advisory
 19 council pursuant to section 14B.201, subsection 3, paragraph
 20 "a", subparagraph (1), as enacted in this Act, shall be as
 21 follows:

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

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

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

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

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

EXPLANATION

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This bill establishes a new Code chapter 14B, which establishes an information technology department. Section 1 of the bill sets forth the findings of the general assembly with respect to the information technology resources of the state and the need to manage such resources. Code section 7E.5 is amended to add the information technology department to the list of principal central departments of the executive branch. New Code section 14B.101 sets forth the definitions of key terms used in the Code chapter. New Code section 14B.102 establishes the department and sets forth the mission and the powers and duties of the department. New Code section 14B.103 provides for the appointment of the director of the department and sets forth the powers and duties of the director. New Code section 14B.104 establishes an information technology council with the authority to oversee the department and information technology activities of participating agencies as provided in the new Code chapter. The council is comprised of 17 members and is charged with the proper administration of the department. New Code section 14B.105 sets forth the divisions of the department, including a policy and planning division, an operations division, a customer liaison division, and an administration division. New Code section 14B.106 establishes a digital government bureau, which is responsible for initiating and supporting the development of electronic commerce, electronic government, and internet applications across participating agencies and in cooperation with other governmental entities. New Code section 14B.107 provides that the information technology council shall develop recommended standards for consideration with respect to the procurement of information

1 technology by all participating agencies.

2 New Code section 14B.201 establishes an IowAccess advisory
3 council for the purpose of creating and providing a service to
4 the citizens of this state that is the gateway for one-stop
5 electronic access to government information and transactions,
6 whether federal, state, or local.

7 Code section 8D.3 is amended to provide that the
8 management, development, and operation of the Iowa
9 communications network shall not be subject to the
10 jurisdiction or control of any other state agency.

11 The bill provides for the initial appointments to the
12 IowAccess advisory council.

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REPRINTED

H- 3/13/00 State Gov.
FILED FEB 28 '00
H- 3/23/00 Unfinished Business
Columbo
2395

SENATE FILE
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3197)

Passed Senate, Date (P. 610) 3-9-00 Passed House, Date (P. 1278) 4-19-00
Vote: Ayes 37 Nays 10 Vote: Ayes 26 Nays 22
Approved 4-25-00

A BILL FOR

1 An Act relating to the creation of an information technology
2 department and making related changes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2395

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 coordinated for maximum cost-effectiveness, maximized service,
9 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 uniform standards and coordinated
14 systems for the use of information technologies.

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

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

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

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

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

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

30 7. The state must provide information technology
31 infrastructure coordination, technical directions, and a
32 proficient organizational management structure to facilitate
33 the productive application of information technology and
34 resources to accomplish the missions and goals of state
35 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. NEW SECTION. 14B.101 DEFINITIONS.

15 As used in this chapter, unless the context otherwise
16 requires:

17 1. "Agency" means a unit of state government, which is an
18 authority, board, commission, committee, council, department,
19 examining board, or independent agency as defined in section
20 7E.4, including but not limited to each principal central
21 department enumerated in section 7E.5. However, "agency" does
22 not mean any of the following:

23 a. The office of the governor.

24 b. The general assembly, or any office or unit under its
25 administrative authority.

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

27 d. A political subdivision of the state or its offices or
28 units, including but not limited to a county, city, or
29 community college.

30 2. "Director" means the director of the information
31 technology department appointed as provided in section
32 14B.103.

33 3. "Governmental entity" means any unit of government in
34 the executive, legislative, or judicial branches of
35 government; an agency or political subdivision; any unit of

1 another state government, including its political
2 subdivisions; and any unit of the United States government.

3 4. "Information technology" means computing and
4 electronics applications used to process and distribute
5 information in digital and other forms and includes
6 information technology devices and information technology
7 services.

8 5. "Information technology council" means the information
9 technology council established in section 14B.104.

10 6. "Information technology device" means equipment or
11 associated software, including programs, languages,
12 procedures, or associated documentation, used in operating the
13 equipment which is designed for utilizing information stored
14 in an electronic format. "Information technology device"
15 includes but is not limited to computer systems, computer
16 networks, and equipment used for input, output, processing,
17 storage, display, scanning, and printing.

18 7. "Information technology services" means services
19 designed to do any of the following:

20 a. Provide functions, maintenance, and support of
21 information technology devices.

22 b. Provide services including, but not limited to, any of
23 the following:

24 (1) Computer systems application development and
25 maintenance.

26 (2) Systems integration and interoperability.

27 (3) Operating systems maintenance and design.

28 (4) Computer systems programming.

29 (5) Computer systems software support.

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

32 (7) Data management consultation.

33 (8) Information technology education and consulting.

34 (9) Information technology planning and standards.

35 (10) Establishment of local area network and workstation

1 management standards.

2 8. "Participating agency" means any agency other than any
3 of the following:

4 a. The state board of regents and institutions operated
5 under the authority of the state board of regents.

6 b. The public broadcasting division of the department of
7 education.

8 c. The state department of transportation mobile radio
9 network.

10 d. The department of public safety law enforcement
11 communications systems.

12 e. The Iowa telecommunications and technology commission
13 established in section 8D.3.

14 9. "Public records" means the same as defined in section
15 22.1.

16 Sec. 3. NEW SECTION. 14B.102 DEPARTMENT ESTABLISHED --
17 MISSION -- POWERS AND DUTIES.

18 1. DEPARTMENT ESTABLISHED. The information technology
19 department is established as a state department. The mission
20 of the department is to foster the development and application
21 of information technology to improve the lives of Iowans.

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

25 a. Providing information technology to participating
26 agencies and other governmental entities as provided in this
27 chapter.

28 b. Implementing the strategic information technology plan
29 as prepared and updated by the information technology council.

30 c. Developing and implementing a business continuity plan,
31 as the director determines is appropriate, to be used if a
32 disruption occurs in the provision of information technology
33 to participating agencies and other governmental entities.

34 d. Developing recommended standards for information
35 technology, including but not limited to system design and

1 systems integration and interoperability, which when
2 implemented shall apply to all participating agencies except
3 as otherwise provided in this chapter.

4 e. Developing and maintaining security policies and
5 systems to ensure the integrity of the state's information
6 resources and to prevent the disclosure of confidential
7 records.

8 f. Developing and implementing effective and efficient
9 strategies for the use and provision of information technology
10 for participating agencies and other governmental entities.

11 g. Entering into agreements pursuant to chapter 28D or
12 28E, or memorandums of understanding or other agreements as
13 necessary and appropriate to administer this chapter.

14 h. Establishing and maintaining, in cooperation with the
15 department of revenue and finance and the department of
16 general services, an inventory of information technology
17 devices used by participating agencies and other governmental
18 entities using the information technology department's
19 services. The information technology department may request a
20 participating agency to provide such information as is
21 necessary to establish and maintain an inventory as required
22 under this paragraph, and such participating agency shall
23 provide such information to the department in a timely manner.

24 3. FEES. The department may charge a reasonable and
25 necessary fee to a participating agency or other governmental
26 entity for information technology provided by the department
27 to such agency or entity. Fees charged pursuant to this
28 subsection shall be deposited in the general fund of the
29 state.

30 4. DISPUTE RESOLUTION. If a dispute arises between the
31 department or information technology council and an agency for
32 which the department provides or refuses to provide
33 information technology, the dispute shall be resolved as
34 provided in section 679A.19.

35 Sec. 4. NEW SECTION. 14B.103 DIRECTOR -- POWERS AND

1 DUTIES.

2 1. DIRECTOR APPOINTED. The chief administrative officer
3 of the department is the director. The director shall be
4 appointed by the governor, subject to confirmation by the
5 senate. The director shall serve at the pleasure of the
6 governor. The governor shall set the salary of the director
7 within the applicable salary range established by the general
8 assembly. The director shall be selected on the ability to
9 administer the duties and functions granted to the director
10 and the department and shall devote full time to the duties of
11 the director. If the office of director becomes vacant, the
12 vacancy shall be filled in the same manner as the original
13 appointment was made.

14 The director shall also serve as the chief information
15 officer for the state.

16 2. POWER AND DUTIES. The director of the department shall
17 do all of the following:

- 18 a. Plan, direct, coordinate, and execute the functions
19 necessary to carry out the duties of the department.
- 20 b. Provide overall supervision, direction, and
21 coordination of functions of the department.
- 22 c. Employ personnel as necessary to carry out the
23 functions vested in the department consistent with chapter 19A
24 and enhance the recruitment, retention, and training of
25 professional staff.
- 26 d. Supervise and manage employees of the department, and
27 provide for the internal organization of the department and
28 for the allocation of functions within the department
29 consistent with section 7E.2.
- 30 e. Recommend to the information technology council an
31 annual budget for the department.
- 32 f. Recommend to the information technology council rules
33 deemed necessary for the implementation of this chapter and
34 proper administration of the department.
- 35 g. Recommend to the information technology council

1 information technology standards.

2 h. Develop and implement operational policies of the
3 department and be responsible for the day-to-day operations of
4 the department.

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

10 j. Provide advice to the governor on issues related to
11 information technology.

12 k. Consult with agencies and other governmental entities
13 on issues relating to information technology.

14 l. Work with all governmental entities in an effort to
15 achieve the information technology goals established by the
16 information technology council.

17 3. DELEGATION OF POWERS AND DUTIES. Powers and duties
18 vested in the director may be delegated by the director to an
19 employee of the department, but the director retains the
20 responsibility for an employee's acts within the scope of the
21 delegation.

22 4. APPEAL OF DIRECTOR'S DECISION. A decision by the
23 director may be appealed to the information technology
24 council. A person aggrieved by such decision of the director
25 shall provide notice of such appeal to the information
26 technology council within thirty calendar days of the decision
27 of the director. An appeal of a decision of the director
28 shall be treated as a contested case under chapter 17A.

29 Sec. 5. NEW SECTION. 14B.104 INFORMATION TECHNOLOGY
30 COUNCIL -- MEMBERS -- POWERS AND DUTIES.

31 1. MEMBERSHIP.

32 a. An information technology council is established with
33 the authority to oversee the department and information
34 technology activities of participating agencies as provided in
35 this chapter. The information technology council is composed

1 of seventeen members including the following:

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

4 (2) The administrator of the public broadcasting division
5 of the department of education.

6 (3) The chairperson of the IowaAccess advisory council
7 established in section 14B.201, or the chairperson's designee.

8 (4) The state technology advisor in the department of
9 economic development.

10 (5) The chief operating officer of the Iowa communications
11 network, or the chief operating officer's designee.

12 (6) Two executive branch department heads appointed by the
13 governor.

14 (7) Five persons appointed by the governor who are
15 knowledgeable in information technology matters.

16 (8) One person representing the judicial branch appointed
17 by the chief justice of the supreme court who shall serve in
18 an ex officio, nonvoting capacity.

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

30 b. The members appointed by the governor pursuant to
31 paragraph "a", subparagraphs (3) through (7), shall serve
32 four-year staggered terms as designated by the governor and
33 such appointments to the information technology council are
34 subject to the requirements of sections 69.16, 69.16A, and
35 69.19. Members appointed by the governor pursuant to

1 paragraph "a", subparagraphs (3) through (7), shall not serve
2 consecutive four-year terms. Members appointed by the
3 governor are subject to senate confirmation and shall be
4 reimbursed for actual and necessary expenses incurred in
5 performance of their duties. Such members may also be
6 eligible to receive compensation as provided in section 7E.6.

7 2. DUTIES. The information technology council shall do
8 all of the following:

9 a. Adopt rules in accordance with chapter 17A which are
10 necessary for the exercise of the powers and duties granted by
11 this chapter and the proper administration of the department.

12 b. Develop recommended standards for consideration with
13 respect to the procurement of information technology by all
14 participating agencies.

15 c. Appoint advisory committees as appropriate to assist
16 the information technology council in developing strategies
17 for the use and provision of information technology and
18 establishing other advisory committees as necessary to assist
19 the information technology council in carrying out its duties
20 under this chapter. The number of advisory committees and
21 their membership shall be determined by the information
22 technology council to assure that the public and agencies and
23 other governmental entities have an opportunity to comment on
24 the services provided and the service goals and objectives of
25 the department.

26 d. Prepare and annually update a strategic information
27 technology plan for the use of information technology
28 throughout state government. The plan shall promote
29 participation in cooperative projects with other governmental
30 entities. The plan shall establish a mission, goals, and
31 objectives for the use of information technology, including
32 goals for electronic access to public records, information,
33 and services. The plan shall be submitted annually to the
34 governor and the general assembly.

35 e. Review and recommend to the general assembly, as deemed

1 appropriate by the information technology council, legislative
2 proposals recommended by the director, or other legislative
3 proposals as developed and deemed necessary by the information
4 technology council.

5 f. Review the recommendations of the IowAccess advisory
6 council regarding rates to be charged for access to and for
7 value-added services performed through IowAccess, and make
8 recommendations to the general assembly regarding such rates.
9 A rate shall not be approved or charged unless approved by act
10 of the general assembly.

11 g. Review and approve, as deemed appropriate by the
12 information technology council, the annual budget
13 recommendation for the department as proposed by the director.

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

19 Sec. 6. NEW SECTION. 14B.105 DIVISIONS OF THE DEPARTMENT
20 -- RESPONSIBILITIES.

21 1. a. The department shall include the following
22 divisions:

23 (1) A policy and planning division which is responsible
24 for the integration of information technology into all
25 business aspects of state government. The division shall
26 cooperate with the customer liaison division to coordinate the
27 activities of both divisions in promoting, integrating, and
28 supporting information technology in all business aspects of
29 state government.

30 (2) An operations division which is responsible for
31 providing all of the following:

32 (a) Server systems, including mainframe and other server
33 operations.

34 (b) Desktop support.

35 (c) Applications integration.

1 (3) A customer liaison division which is responsible for
2 support and promotion of departmental services and information
3 technology, and for providing applications development,
4 support, and training, and advice and assistance in developing
5 and supporting business applications throughout state
6 government. The division shall cooperate with the policy and
7 planning division to coordinate the activities of both
8 divisions in promoting, integrating, and supporting
9 information technology in all business aspects of state
10 government.

11 (4) An administration division which is responsible for
12 the financial, personnel, and other administrative functions
13 of the department. The administration division is also
14 responsible for all information technology purchasing and
15 contract administration for the information technology
16 department.

17 -b. Each division established under paragraph "a" shall be
18 headed by an administrator appointed by the director subject
19 to confirmation by the senate. An administrator appointed
20 pursuant to this paragraph shall serve a three-year term. The
21 term shall begin and end in the same manner as set forth in
22 section 69.19. A vacancy shall be filled for the unexpired
23 portion of the term in the same manner as a full-term
24 appointment is made. An administrator may hire other
25 assistants and employees as necessary to carry out the duties
26 of the division.

27 2. Notwithstanding subsection 1, the department shall also
28 include the following subunits:

29 a. A digital government bureau as provided for in section
30 14B.106.

31 b. An IowAccess advisory council as provided for in
32 section 14B.201.

33 Sec. 7. NEW SECTION. 14B.106 DIGITAL GOVERNMENT BUREAU.

34 1. A digital government bureau is established within the
35 department which shall be headed by an administrator appointed

1 by the director subject to confirmation by the senate. The
2 administrator shall serve a three-year term. The term shall
3 begin and end in the same manner as set forth in section
4 69.19. A vacancy shall be filled for the unexpired portion of
5 the term in the same manner as a full-term appointment is
6 made. The administrator may hire other assistants and
7 employees as necessary to carry out the bureau's duties.

8 2. The bureau is responsible for initiating and supporting
9 the development of electronic commerce, electronic government,
10 and internet applications across participating agencies and in
11 cooperation with other governmental entities.

12 3. The bureau shall do all of the following:

13 a. Recommend standards to the information technology
14 council, consistent with other state law, for the
15 implementation of electronic commerce, including standards for
16 digital signatures, electronic currency, and other items
17 associated with electronic commerce.

18 b. Recommend guidelines to the information technology
19 council for the appearance and functioning of applications.

20 c. Recommend standards to the information technology
21 council for the integration of electronic data across state
22 agencies.

23 d. Foster joint development of electronic commerce and
24 electronic government involving the public and private
25 sectors.

26 e. Develop customer surveys and citizen outreach and
27 education programs and material, and provide for citizen input
28 regarding the state's electronic commerce and electronic
29 government applications.

30 f. Provide staff support for the IowAccess advisory
31 council.

32 Sec. 8. NEW SECTION. 14B.107 INFORMATION TECHNOLOGY
33 STANDARDS.

34 The information technology council shall develop
35 recommended standards for consideration with respect to the

1 procurement of information technology by all participating
2 agencies.

3 Sec. 9. NEW SECTION. 14B.201 IOWACCESS ADVISORY COUNCIL
4 ESTABLISHED -- DUTIES -- MEMBERSHIP.

5 1. ADVISORY COUNCIL ESTABLISHED. An IowAccess advisory
6 council is established within the department for the purpose
7 of creating and providing a service to the citizens of this
8 state that is the gateway for one-stop electronic access to
9 government information and transactions, whether federal,
10 state, or local. IowAccess shall be a fee-for-service,
11 demand-driven service providing enhanced access to government
12 information. The information technology council, in
13 establishing the fees for such service, shall consider the
14 convenience of accessing such government information through
15 IowAccess, whether or not such government information could be
16 accessed free of charge from another source.

17 2. DUTIES.

18 a. The advisory council shall do all of the following:

19 (1) Recommend to the information technology council rates
20 to be charged for access to and for value-added services
21 performed through IowAccess.

22 (2) Recommend to the director and the information
23 technology council the priority of projects associated with
24 IowAccess.

25 (3) Recommend to the director and the information
26 technology council expected outcomes and effects of the use of
27 IowAccess and determine the manner in which such outcomes are
28 to be measured and evaluated.

29 (4) Review and recommend to the director and the
30 information technology council the IowAccess total budget
31 request and ensure that such request reflects the priorities
32 and goals of IowAccess as established by the advisory council.

33 (5) Review and recommend to the director and the
34 information technology council all rules to be adopted by the
35 information technology council that are related to IowAccess.

1 (6) Advocate for access to government information and
2 services through IowAccess and for data privacy protection,
3 information ethics, accuracy, and security in IowAccess
4 programs and services.

5 (7) Receive status and operations reports associated with
6 IowAccess.

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

9 b. The advisory council shall also advise the information
10 technology council and the director with respect to the
11 operation of IowAccess and encourage and implementing access
12 to government and its public records by the citizens of this
13 state.

14 c. The advisory council shall serve as a link between the
15 users of public records, the lawful custodians of such public
16 records, and the citizens of this state who are the owners of
17 such public records.

18 d. The advisory council shall ensure that IowAccess gives
19 priority to serving the needs of the citizens of this state.

20 3. MEMBERSHIP.

21 a. The advisory council shall be composed of nineteen
22 members including the following:

23 (1) Five persons appointed by the governor representing
24 the primary customers of IowAccess.

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

26 (a) One person representing the legislative branch, who
27 shall not be a legislator, to be appointed jointly by the
28 president of the senate, after consultation with the majority
29 and minority leaders of the senate, and by the speaker of the
30 house of representatives, after consultation with the majority
31 and minority leaders of the house of representatives.

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

34 (c) One person representing the executive branch as
35 designated by the governor.

1 (d) One person to be appointed by the governor
2 representing cities who shall be actively engaged in the
3 administration of a city.

4 (e) One person to be appointed by the governor
5 representing counties who shall be actively engaged in the
6 administration of a county.

7 (f) One person to be appointed by the governor
8 representing the federal government.

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

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

23 b. Members appointed by the governor are subject to
24 confirmation by the senate and shall serve four-year staggered
25 terms as designated by the governor. The advisory council
26 shall elect its own chairperson from among the voting members
27 of the board. Members appointed by the governor are subject
28 to the requirements of sections 69.16, 69.16A, and 69.19.
29 Members appointed by the governor shall be reimbursed for
30 actual and necessary expenses incurred in performance of their
31 duties. Such members may also be eligible to receive
32 compensation as provided in section 7E.6.

33 Sec. 10. Section 7E.5, subsection 1, Code 1999, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. x. The information technology department,

1 created in chapter 14B, which has primary responsibility for
2 the development and application of information technology in
3 state government.

4 Sec. 11. Section 8D.3, subsection 1, Code Supplement 1999,
5 is amended to read as follows:

6 1. COMMISSION ESTABLISHED. A telecommunications and
7 technology commission is established with the sole authority
8 to supervise the management, development, and operation of the
9 network and ensure that all components of the network are
10 technically compatible. The management, development, and
11 operation of the network shall not be subject to the
12 jurisdiction or control of any other state agency. The
13 commission shall ensure that the network operates in an
14 efficient and responsible manner consistent with the
15 provisions of this chapter for the purpose of providing the
16 best economic service attainable to the network users
17 consistent with the state's financial capacity. The
18 commission shall ensure that educational users and the use,
19 design, and implementation for educational applications be
20 given the highest priority concerning use of the network. The
21 commission shall provide for the centralized, coordinated use
22 and control of the network.

23 Sec. 12. INITIAL APPOINTMENTS -- IOWACCESS ADVISORY
24 COUNCIL. The initial appointments to the IowAccess advisory
25 council pursuant to section 14B.201, subsection 3, paragraph
26 "a", subparagraph (1), as enacted in this Act, shall be as
27 follows:

28 1. One person to be appointed by the governor representing
29 financial institutions who shall be actively engaged in
30 finance and banking.

31 2. One person to be appointed by the governor representing
32 insurers who shall be actively engaged in the insurance
33 industry.

34 3. One person to be appointed by the governor representing
35 the legal profession who shall be actively engaged in the

1 profession of law.

2 4. One person to be appointed by the governor representing
3 media interests.

4 5. One person to be appointed by the governor representing
5 real estate brokers and salespersons who shall be actively
6 engaged in the real estate business.

7

EXPLANATION

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

10 Section 1 of the bill sets forth the findings of the
11 general assembly with respect to the information technology
12 resources of the state and the need to manage such resources.

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

15 New Code section 14B.102 establishes the department and
16 sets forth the mission and the powers and duties of the
17 department.

18 New Code section 14B.103 provides for the appointment of
19 the director of the department and sets forth the powers and
20 the duties of the director.

21 New Code section 14B.104 establishes an information
22 technology council with the authority to oversee the
23 department and information technology activities of
24 participating agencies as provided in the new Code chapter.
25 The council is comprised of 17 members and is charged with the
26 proper administration of the department.

27 New Code section 14B.105 sets forth the divisions of the
28 department, including a policy and planning division, an
29 operations division, a customer liaison division, and an
30 administration division.

31 New Code section 14B.106 establishes a digital government
32 bureau, which is responsible for initiating and supporting the
33 development of electronic commerce, electronic government, and
34 internet applications across participating agencies and in
35 cooperation with other governmental entities.

1 New Code section 14B.107 provides that the information
2 technology council shall develop recommended standards for
3 consideration with respect to the procurement of information
4 technology by all participating agencies.

5 New Code section 14B.201 establishes an IowAccess advisory
6 council for the purpose of creating and providing a service to
7 the citizens of this state that is the gateway for one-stop
8 electronic access to government information and transactions,
9 whether federal, state, or local.

10 Code section 7E.5 is amended to add the information
11 technology department to the list of principal central
12 departments of the executive branch.

13 Code section 8D.3 is amended to provide that the
14 management, development, and operation of the Iowa
15 communications network shall not be subject to the
16 jurisdiction or control of any other state agency.

17 The bill provides for the initial appointments to the
18 IowAccess advisory council.

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SENATE FILE 2395

S-5118

1 Amend Senate File 2395 as follows:

- DIV 2 1. Page 1, by inserting after line 29 the
A 3 following:
4 "6A. Standards for information technology must be
5 developed and implemented to ensure the appropriate
6 acquisition of information technology and to
7 effectively manage the state's information technology
8 resources."
9 2. Page 2, by striking line 23 and inserting the
10 following:
11 "a. The office of the governor or the office of an
12 elective constitutional or statutory officer."
13 3. Page 5, by inserting after line 3 the
14 following:
15 "_____. Recommending standards for an electronic
16 repository for maintaining mandated agency reports as
17 provided in section 304.13A. Such repository shall be
18 developed and maintained for the purpose of providing
19 public access to such mandated reports. The
20 department shall develop such standards in
21 consultation with the state librarian."
22 4. Page 5, by inserting after line 10 the
23 following:
24 "_____. Coordinating the acquisition of information
25 technology by participating agencies in furtherance of
26 the purposes of this chapter."
27 5. Page 5, line 29, by inserting after the word
28 "state." the following: "It is the intent of the
29 general assembly that the general assembly make
30 amounts collected as fees pursuant to this subsection
31 available to the department for the department's
32 operational expenses. Such amounts shall not be
33 available to the department except pursuant to
34 enactment by the general assembly which is signed by
35 the governor."
36 6. Page 8, line 3, by striking the words "and
37 chairperson".
38 7. Page 9, by inserting after line 6 the
39 following:
40 "The information technology council shall elect its
41 own chairperson from among the voting members of the
42 council."
43 8. Page 11, line 18, by striking the word
44 "director" and inserting the following: "governor".
45 9. Page 11, line 20, by striking the words "a
46 three-year term" and inserting the following: "at the
47 pleasure of the governor, except that an administrator
48 shall not serve for a term greater than three years
49 unless reappointed by the governor".
50 10. Page 13, by inserting after line 2 the

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Page 2

DIV 1 following: "It is the intent of the general assembly
 A 2 that information technology standards be established
 3 for the purpose of guiding such procurements, but such
 4 standards shall not be mandatory on any participating
 5 agency until approved by act of the general assembly
 6 affirmatively approving such standards.
 7 The office of the governor or the office of an
 8 elective constitutional or statutory officer shall
 9 consult with the department prior to procuring
 10 information technology and consider the standards
 11 recommended by the council, and provide a written
 12 report to the department relating to the office's
 13 decision regarding such acquisitions."

DIV 14 11. Page 13, line 13, by striking the word
 B 15 "establishing" and inserting the following:
 16 "recommending".
 17 12. Page 13, line 16, by inserting after the word
 18 "source." the following: "The information technology
 19 council, in recommending such fees, shall also
 20 consider the collection of an enhanced fee for
 21 accessing government information or engaging in
 22 transactions with governmental entities which occur
 23 through IowAccess and where a fee is already charged
 24 for such access or transaction. It is the intent of
 25 the general assembly that the fees charged for
 26 services provided through IowAccess be reasonable, but
 27 set at levels necessary to generate sufficient revenue
 28 to cover the operational costs of IowAccess. It is
 29 also the intent of the general assembly that fees be
 30 charged for a sufficient number of differing types of
 31 access or transactions in an effort to maintain a
 32 lower overall level of the fees to be charged."

DIV 33 13. Page 16, by inserting after line 22 the
 A 34 following:
 35 "Sec. _____. Section 11.5B, Code 1999, is amended by
 36 adding the following new subsection:
 37 NEW SUBSECTION. 14. Information technology
 38 department.
 39 Sec. _____. Section 304.3, Code 1999, is amended by
 40 adding the following new subsection:
 41 NEW SUBSECTION. 9. The director of the
 42 information technology department.
 43 Sec. _____. Section 304.7, Code 1999, is amended by
 44 adding the following new subsection:
 45 NEW SUBSECTION. 1A. Public records policies for
 46 an electronic repository for mandated agency reports.
 47 Sec. _____. NEW SECTION. 304.13A ELECTRONIC
 48 RECORDS.

49 1. An agency required to compile and maintain a
 50 report, on and after July 1, 2001, shall maintain such
 S-5118 -2-

S-5118

Page 3

DIV A

1 report in an electronic form, giving consideration to
 2 the standards for electronic records recommended by
 3 the information technology department. Such agency,
 4 by itself, or with the assistance of the information
 5 technology department, shall also make the report
 6 accessible to the public through the internet as
 7 provided in subsection 2 and through other electronic
 8 means.

9 2. A copy of all required agency reports shall be
 10 located at an internet site maintained by the
 11 information technology department in consultation with
 12 the state librarian, and all required reports shall be
 13 placed on electronic media. The state librarian shall
 14 provide for the distribution of such copies to a
 15 public library in this state requesting such copy.

16 For purposes of this section, "public library"
 17 means a city library, a regional library as provided
 18 in chapter 256, or a county library as provided in
 19 chapter 336.

20 3. It is the intent of the general assembly that
 21 this section be interpreted to reduce, to the greatest
 22 extent possible, printed copies of agency reports
 23 while protecting the public's right to have access to
 24 such reports. It is the intent of the general
 25 assembly that the distribution of a printed mandatory
 26 report be used only when it is the most efficient and
 27 cost-effective method for providing public access to
 28 such report. It is the intent of the general assembly
 29 that agency reports subject to this section be made
 30 available, to the greatest extent possible, to the
 31 public by electronic means.

32 4. The commission, in consultation with the
 33 information technology department, shall make
 34 recommendations to the governor and the general
 35 assembly for the continued reduction of printed
 36 reports throughout state government in a manner that
 37 protects the public's right to access such reports."

38 14. By renumbering as necessary.

By STEVE KING

S-5118 FILED MARCH 9, 2000

DIV A - ADOPTED; DIV B - RULED OUT OF ORDER

P. 609

P. 610

SENATE FILE 2395

S-5122

1 Amend Senate File 2395 as follows:
 2 1. Page 13, by striking lines 10 through 16 and
 3 inserting the following: "state, or local. Except as
 4 provided in this section, IowAccess shall be a state
 5 funded service providing access, including enhanced
 6 access, to government information and transactions.
 7 The information technology council, in establishing
 8 the fees for enhanced access, shall consider the
 9 reasonable cost of accessing such government
 10 information through IowAccess. A fee for enhanced
 11 access shall not exceed the direct cost of accessing
 12 government information and transactions, and shall be
 13 set in accordance with section 22.3A, subsection 2,
 14 paragraph "b".
 15 For purposes of this section, "enhanced access"
 16 means access to government information which is not
 17 currently available to the public and which requires
 18 special sorts or formatting, or other action to
 19 provide such information, access to government
 20 information which is responsive to special requests
 21 for multiple government records in customized formats,
 22 or routine batch processing requests for information
 23 databases that would permit a recipient to obtain and
 24 commercially market available government information.
 25 A fee shall not be charged for government
 26 information or access to government information on or
 27 after the effective date of this section if a fee is
 28 not charged for such information or access to such
 29 information prior to that date.
 30 This section shall not be construed to impair the
 31 right of a person to contract to purchase information
 32 or data from the Iowa court information system or any
 33 other governmental entity. This section shall not be
 34 construed to affect a data purchase agreement or
 35 contract in existence on the effective date of this
 36 section."

By DONALD B. REDFERN
 JOANN JOHNSON
 JEFF LAMBERTI
 PATRICIA HARPER
 MATT MCCOY

PATRICK J. DELUHERY
 LARRY MCKIBBEN
 ROBERT E. DVORSKY
 TOM FLYNN
 MICHAEL E. GRONSTAL

S-5122 FILED MARCH 9, 2000
 ADOPTED

SENATE FILE 2395

p. 616

S-5124

1 Amend the amendment, S-5122, to Senate File 2395,
 2 as follows:
 3 1. Page 1, by striking lines 10 through 24 and
 4 inserting the following: "information through
 5 IowAccess."

By JEFF LAMBERTI

S-5124 FILED MARCH 9, 2000
 ADOPTED (p. 609)

H. 3/20/00 Amend/Do Pass
w/H-8405

SENATE FILE **2395**
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3197)

(AS AMENDED AND PASSED BY THE SENATE MARCH 9, 2000)

_____ - New Language by the Senate

* - Language Stricken by the Senate

Passed Senate, Date ^(P. 1278) 4-19-00 Passed House, Date ^(P. 1303) 4-6-00
Vote: Ayes 26 Nays 22 Vote: Ayes 94 Nays 3
Approved 4-25-00

A BILL FOR

1 An Act relating to the creation of an information technology
2 department and making related changes.

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

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S.F. 2395

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 coordinated for maximum cost-effectiveness, maximized service,
9 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 uniform standards and coordinated
14 systems for the use of information technologies.

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

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

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

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

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

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

30 7. Standards for information technology must be developed
31 and implemented to ensure the appropriate acquisition of
32 information technology and to effectively manage the state's
33 information technology resources.

34 8. The state must provide information technology
35 infrastructure coordination, technical directions, and a

1 proficient organizational management structure to facilitate
2 the productive application of information technology and
3 resources to accomplish the missions and goals of state
4 government.

5 9. Oversight of large-scale systems or projects is
6 necessary to protect the state's investment and to ensure
7 appropriate integration with existing or planned systems.

8 10. Appropriate public-private partnerships to supplement
9 existing resources must be developed as a strategy for the
10 state to comprehensively meet its information technology
11 needs.

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

18 Sec. 2. NEW SECTION. 14B.101 DEFINITIONS.

19 As used in this chapter, unless the context otherwise
20 requires:

21 1. "Agency" means a unit of state government, which is an
22 authority, board, commission, committee, council, department,
23 examining board, or independent agency as defined in section
24 7E.4, including but not limited to each principal central
25 department enumerated in section 7E.5. However, "agency" does
26 not mean any of the following:

27 a. The office of the governor or the office of an elective
28 constitutional or statutory officer.

29 b. The general assembly, or any office or unit under its
30 administrative authority.

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

32 d. A political subdivision of the state or its offices or
33 units, including but not limited to a county, city, or
34 community college.

35 2. "Director" means the director of the information

1 technology department appointed as provided in section
2 14B.103.

3 3. "Governmental entity" means any unit of government in
4 the executive, legislative, or judicial branches of
5 government; an agency or political subdivision; any unit of
6 another state government, including its political
7 subdivisions; and any unit of the United States government.

8 4. "Information technology" means computing and
9 electronics applications used to process and distribute
10 information in digital and other forms and includes
11 information technology devices and information technology
12 services.

13 5. "Information technology council" means the information
14 technology council established in section 14B.104.

15 6. "Information technology device" means equipment or
16 associated software, including programs, languages,
17 procedures, or associated documentation, used in operating the
18 equipment which is designed for utilizing information stored
19 in an electronic format. "Information technology device"
20 includes but is not limited to computer systems, computer
21 networks, and equipment used for input, output, processing,
22 storage, display, scanning, and printing.

23 7. "Information technology services" means services
24 designed to do any of the following:

25 a. Provide functions, maintenance, and support of
26 information technology devices.

27 b. Provide services including, but not limited to, any of
28 the following:

29 (1) Computer systems application development and
30 maintenance.

31 (2) Systems integration and interoperability.

32 (3) Operating systems maintenance and design.

33 (4) Computer systems programming.

34 (5) Computer systems software support.

35 (6) Planning and security relating to information

1 technology devices.

2 (7) Data management consultation.

3 (8) Information technology education and consulting.

4 (9) Information technology planning and standards.

5 (10) Establishment of local area network and workstation
6 management standards.

7 8. "Participating agency" means any agency other than any
8 of the following:

9 a. The state board of regents and institutions operated
10 under the authority of the state board of regents.

11 b. The public broadcasting division of the department of
12 education.

13 c. The state department of transportation mobile radio
14 network.

15 d. The department of public safety law enforcement
16 communications systems.

17 e. The Iowa telecommunications and technology commission
18 established in section 8D.3.

19 9. "Public records" means the same as defined in section
20 22.1.

21 Sec. 3. NEW SECTION. 14B.102 DEPARTMENT ESTABLISHED --
22 MISSION -- POWERS AND DUTIES.

23 1. DEPARTMENT ESTABLISHED. The information technology
24 department is established as a state department. The mission
25 of the department is to foster the development and application
26 of information technology to improve the lives of Iowans.

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

30 a. Providing information technology to participating
31 agencies and other governmental entities as provided in this
32 chapter.

33 b. Implementing the strategic information technology plan
34 as prepared and updated by the information technology council.

35 c. Developing and implementing a business continuity plan,

1 as the director determines is appropriate, to be used if a
2 disruption occurs in the provision of information technology
3 to participating agencies and other governmental entities.

4 d. Developing recommended standards for information
5 technology, including but not limited to system design and
6 systems integration and interoperability, which when
7 implemented shall apply to all participating agencies except
8 as otherwise provided in this chapter.

9 e. Recommending standards for an electronic repository for
10 maintaining mandated agency reports as provided in section
11 304.13A. Such repository shall be developed and maintained
12 for the purpose of providing public access to such mandated
13 reports. The department shall develop such standards in
14 consultation with the state librarian.

15 f. Developing and maintaining security policies and
16 systems to ensure the integrity of the state's information
17 resources and to prevent the disclosure of confidential
18 records.

19 g. Developing and implementing effective and efficient
20 strategies for the use and provision of information technology
21 for participating agencies and other governmental entities.

22 h. Coordinating the acquisition of information technology
23 by participating agencies in furtherance of the purposes of
24 this chapter.

25 i. Entering into agreements pursuant to chapter 28D or
26 28E, or memorandums of understanding or other agreements as
27 necessary and appropriate to administer this chapter.

28 j. Establishing and maintaining, in cooperation with the
29 department of revenue and finance and the department of
30 general services, an inventory of information technology
31 devices used by participating agencies and other governmental
32 entities using the information technology department's
33 services. The information technology department may request a
34 participating agency to provide such information as is
35 necessary to establish and maintain an inventory as required

1 under this paragraph, and such participating agency shall
2 provide such information to the department in a timely manner.

3 3. FEES. The department may charge a reasonable and
4 necessary fee to a participating agency or other governmental
5 entity for information technology provided by the department
6 to such agency or entity. Fees charged pursuant to this
7 subsection shall be deposited in the general fund of the
8 state. It is the intent of the general assembly that the
9 general assembly make amounts collected as fees pursuant to
10 this subsection available to the department for the
11 department's operational expenses. Such amounts shall not be
12 available to the department except pursuant to enactment by
13 the general assembly which is signed by the governor.

14 4. DISPUTE RESOLUTION. If a dispute arises between the
15 department or information technology council and an agency for
16 which the department provides or refuses to provide
17 information technology, the dispute shall be resolved as
18 provided in section 679A.19.

19 Sec. 4. NEW SECTION. 14B.103 DIRECTOR -- POWERS AND
20 DUTIES.

21 1. DIRECTOR APPOINTED. The chief administrative officer
22 of the department is the director. The director shall be
23 appointed by the governor, subject to confirmation by the
24 senate. The director shall serve at the pleasure of the
25 governor. The governor shall set the salary of the director
26 within the applicable salary range established by the general
27 assembly. The director shall be selected on the ability to
28 administer the duties and functions granted to the director
29 and the department and shall devote full time to the duties of
30 the director. If the office of director becomes vacant, the
31 vacancy shall be filled in the same manner as the original
32 appointment was made.

33 The director shall also serve as the chief information
34 officer for the state.

35 2. POWER AND DUTIES. The director of the department shall

- 1 do all of the following:
- 2 a. Plan, direct, coordinate, and execute the functions
3 necessary to carry out the duties of the department.
- 4 b. Provide overall supervision, direction, and
5 coordination of functions of the department.
- 6 c. Employ personnel as necessary to carry out the
7 functions vested in the department consistent with chapter 19A
8 and enhance the recruitment, retention, and training of
9 professional staff.
- 10 d. Supervise and manage employees of the department, and
11 provide for the internal organization of the department and
12 for the allocation of functions within the department
13 consistent with section 7E.2.
- 14 e. Recommend to the information technology council an
15 annual budget for the department.
- 16 f. Recommend to the information technology council rules
17 deemed necessary for the implementation of this chapter and
18 proper administration of the department.
- 19 g. Recommend to the information technology council
20 information technology standards.
- 21 h. Develop and implement operational policies of the
22 department and be responsible for the day-to-day operations of
23 the department.
- 24 i. Develop and recommend to the information technology
25 council legislative proposals deemed necessary for the
26 continued efficiency of department functions, and review
27 legislative proposals generated outside of the department
28 which are related to matters within the department's purview.
- 29 j. Provide advice to the governor on issues related to
30 information technology.
- 31 k. Consult with agencies and other governmental entities
32 on issues relating to information technology.
- 33 l. Work with all governmental entities in an effort to
34 achieve the information technology goals established by the
35 information technology council.

1 3. DELEGATION OF POWERS AND DUTIES. Powers and duties
2 vested in the director may be delegated by the director to an
3 employee of the department, but the director retains the
4 responsibility for an employee's acts within the scope of the
5 delegation.

6 4. APPEAL OF DIRECTOR'S DECISION. A decision by the
7 director may be appealed to the information technology
8 council. A person aggrieved by such decision of the director
9 shall provide notice of such appeal to the information
10 technology council within thirty calendar days of the decision
11 of the director. An appeal of a decision of the director
12 shall be treated as a contested case under chapter 17A.

13 Sec. 5. NEW SECTION. 14B.104 INFORMATION TECHNOLOGY
14 COUNCIL -- MEMBERS -- POWERS AND DUTIES.

15 1. MEMBERSHIP.

16 a. An information technology council is established with
17 the authority to oversee the department and information
18 technology activities of participating agencies as provided in
19 this chapter. The information technology council is composed
20 of seventeen members including the following:

21 (1) The director of the information technology department
*22 who shall be an ex officio, nonvoting member.

23 (2) The administrator of the public broadcasting division
24 of the department of education.

25 (3) The chairperson of the IowaAccess advisory council
26 established in section 14B.201, or the chairperson's designee.

27 (4) The state technology advisor in the department of
28 economic development.

29 (5) The chief operating officer of the Iowa communications
30 network, or the chief operating officer's designee.

31 (6) Two executive branch department heads appointed by the
32 governor.

33 (7) Five persons appointed by the governor who are
34 knowledgeable in information technology matters.

35 (8) One person representing the judicial branch appointed

1 by the chief justice of the supreme court who shall serve in
2 an ex officio, nonvoting capacity.

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

14 b. The members appointed by the governor pursuant to
15 paragraph "a", subparagraphs (3) through (7), shall serve
16 four-year staggered terms as designated by the governor and
17 such appointments to the information technology council are
18 subject to the requirements of sections 69.16, 69.16A, and
19 69.19. Members appointed by the governor pursuant to
20 paragraph "a", subparagraphs (3) through (7), shall not serve
21 consecutive four-year terms. Members appointed by the
22 governor are subject to senate confirmation and shall be
23 reimbursed for actual and necessary expenses incurred in
24 performance of their duties. Such members may also be
25 eligible to receive compensation as provided in section 7E.6.

26 The information technology council shall elect its own
27 chairperson from among the voting members of the council.

28 2. DUTIES. The information technology council shall do
29 all of the following:

30 a. Adopt rules in accordance with chapter 17A which are
31 necessary for the exercise of the powers and duties granted by
32 this chapter and the proper administration of the department.

33 b. Develop recommended standards for consideration with
34 respect to the procurement of information technology by all
35 participating agencies.

1 c. Appoint advisory committees as appropriate to assist
2 the information technology council in developing strategies
3 for the use and provision of information technology and
4 establishing other advisory committees as necessary to assist
5 the information technology council in carrying out its duties
6 under this chapter. The number of advisory committees and
7 their membership shall be determined by the information
8 technology council to assure that the public and agencies and
9 other governmental entities have an opportunity to comment on
10 the services provided and the service goals and objectives of
11 the department.

12 d. Prepare and annually update a strategic information
13 technology plan for the use of information technology
14 throughout state government. The plan shall promote
15 participation in cooperative projects with other governmental
16 entities. The plan shall establish a mission, goals, and
17 objectives for the use of information technology, including
18 goals for electronic access to public records, information,
19 and services. The plan shall be submitted annually to the
20 governor and the general assembly.

21 e. Review and recommend to the general assembly, as deemed
22 appropriate by the information technology council, legislative
23 proposals recommended by the director, or other legislative
24 proposals as developed and deemed necessary by the information
25 technology council.

26 f. Review the recommendations of the IowAccess advisory
27 council regarding rates to be charged for access to and for
28 value-added services performed through IowAccess, and make
29 recommendations to the general assembly regarding such rates.
30 A rate shall not be approved or charged unless approved by act
31 of the general assembly.

32 g. Review and approve, as deemed appropriate by the
33 information technology council, the annual budget
34 recommendation for the department as proposed by the director.

35 3. FINAL AGENCY ACTION. A decision by the council is a

1 final agency action as provided under chapter 17A and an
2 appeal of the decision shall be made directly to the district
3 court. Any party to a contested case may appeal the decision
4 to the district court.

5 Sec. 6. NEW SECTION. 14B.105 DIVISIONS OF THE DEPARTMENT
6 -- RESPONSIBILITIES.

7 1. a. The department shall include the following
8 divisions:

9 (1) A policy and planning division which is responsible
10 for the integration of information technology into all
11 business aspects of state government. The division shall
12 cooperate with the customer liaison division to coordinate the
13 activities of both divisions in promoting, integrating, and
14 supporting information technology in all business aspects of
15 state government.

16 (2) An operations division which is responsible for
17 providing all of the following:

18 (a) Server systems, including mainframe and other server
19 operations.

20 (b) Desktop support.

21 (c) Applications integration.

22 (3) A customer liaison division which is responsible for
23 support and promotion of departmental services and information
24 technology, and for providing applications development,
25 support, and training, and advice and assistance in developing
26 and supporting business applications throughout state
27 government. The division shall cooperate with the policy and
28 planning division to coordinate the activities of both
29 divisions in promoting, integrating, and supporting
30 information technology in all business aspects of state
31 government.

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

1 contract administration for the information technology
2 department.

3 b. Each division established under paragraph "a" shall be
4 headed by an administrator appointed by the governor subject
5 to confirmation by the senate. An administrator appointed
6 pursuant to this paragraph shall serve at the pleasure of the
7 governor, except that an administrator shall not serve for a
8 term greater than three years unless reappointed by the
9 governor. The term shall begin and end in the same manner as
10 set forth in section 69.19. A vacancy shall be filled for the
11 unexpired portion of the term in the same manner as a full-
12 term appointment is made. An administrator may hire other
13 assistants and employees as necessary to carry out the duties
14 of the division.

15 2. Notwithstanding subsection 1, the department shall also
16 include the following subunits:

17 a. A digital government bureau as provided for in section
18 14B.106.

19 b. An IowAccess advisory council as provided for in
20 section 14B.201.

21 Sec. 7. NEW SECTION. 14B.106 DIGITAL GOVERNMENT BUREAU.

22 1. A digital government bureau is established within the
23 department which shall be headed by an administrator appointed
24 by the director subject to confirmation by the senate. The
25 administrator shall serve a three-year term. The term shall
26 begin and end in the same manner as set forth in section
27 69.19. A vacancy shall be filled for the unexpired portion of
28 the term in the same manner as a full-term appointment is
29 made. The administrator may hire other assistants and
30 employees as necessary to carry out the bureau's duties.

31 2. The bureau is responsible for initiating and supporting
32 the development of electronic commerce, electronic government,
33 and internet applications across participating agencies and in
34 cooperation with other governmental entities.

35 3. The bureau shall do all of the following:

- 1 a. Recommend standards to the information technology
- 2 council, consistent with other state law, for the
- 3 implementation of electronic commerce, including standards for
- 4 digital signatures, electronic currency, and other items
- 5 associated with electronic commerce.
- 6 b. Recommend guidelines to the information technology
- 7 council for the appearance and functioning of applications.
- 8 c. Recommend standards to the information technology
- 9 council for the integration of electronic data across state
- 10 agencies.
- 11 d. Foster joint development of electronic commerce and
- 12 electronic government involving the public and private
- 13 sectors.
- 14 e. Develop customer surveys and citizen outreach and
- 15 education programs and material, and provide for citizen input
- 16 regarding the state's electronic commerce and electronic
- 17 government applications.
- 18 f. Provide staff support for the IowAccess advisory
- 19 council.

20 Sec. 8. NEW SECTION. 14B.107 INFORMATION TECHNOLOGY

21 STANDARDS.

22 The information technology council shall develop

23 recommended standards for consideration with respect to the

24 procurement of information technology by all participating

25 agencies. It is the intent of the general assembly that

26 information technology standards be established for the

27 purpose of guiding such procurements, but such standards shall

28 not be mandatory on any participating agency until approved by

29 act of the general assembly affirmatively approving such

30 standards.

31 The office of the governor or the office of an elective

32 constitutional or statutory officer shall consult with the

33 department prior to procuring information technology and

34 consider the standards recommended by the council, and provide

35 a written report to the department relating to the office's

1 decision regarding such acquisitions.

2 Sec. 9. NEW SECTION. 14B.201 IOWACCESS ADVISORY COUNCIL
3 ESTABLISHED -- DUTIES -- MEMBERSHIP.

4 1. ADVISORY COUNCIL ESTABLISHED. An IowAccess advisory
5 council is established within the department for the purpose
6 of creating and providing a service to the citizens of this
7 state that is the gateway for one-stop electronic access to
8 government information and transactions, whether federal,
9 state, or local. Except as provided in this section,
10 IowAccess shall be a state funded service providing access,
11 including enhanced access, to government information and
12 transactions. The information technology council, in
13 establishing the fees for enhanced access, shall consider the
14 reasonable cost of accessing such government information
15 through IowAccess.

16 A fee shall not be charged for government information or
17 access to government information on or after the effective
18 date of this section if a fee is not charged for such
19 information or access to such information prior to that date.

20 This section shall not be construed to impair the right of
21 a person to contract to purchase information or data from the
22 Iowa court information system or any other governmental
23 entity. This section shall not be construed to affect a data
24 purchase agreement or contract in existence on the effective
25 date of this section.

26 2. DUTIES.

27 a. The advisory council shall do all of the following:

28 (1) Recommend to the information technology council rates
29 to be charged for access to and for value-added services
30 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 advisory council.

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 information technology
17 council or the director.

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

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

27 d. The advisory council shall ensure that IowAccess gives
28 priority to serving the needs of the citizens of this state.

29 3. MEMBERSHIP.

30 a. The advisory council shall be composed of nineteen
31 members including the following:

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

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

35 (a) One person representing the legislative branch, who

1 shall not be a legislator, to be appointed jointly by the
2 president of the senate, after consultation with the majority
3 and minority leaders of the senate, and by the speaker of the
4 house of representatives, after consultation with the majority
5 and minority leaders of the house of representatives.

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

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

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

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

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

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

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

32 b. Members appointed by the governor are subject to
33 confirmation by the senate and shall serve four-year staggered
34 terms as designated by the governor. The advisory council
35 shall elect its own chairperson from among the voting members

1 of the board. Members appointed by the governor are subject
2 to the requirements of sections 69.16, 69.16A, and 69.19.
3 Members appointed by the governor shall be reimbursed for
4 actual and necessary expenses incurred in performance of their
5 duties. Such members may also be eligible to receive
6 compensation as provided in section 7E.6.

7 Sec. 10. Section 7E.5, subsection 1, Code 1999, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. x. The information technology department,
10 created in chapter 14B, which has primary responsibility for
11 the development and application of information technology in
12 state government.

13 Sec. 11. Section 8D.3, subsection 1, Code Supplement 1999,
14 is amended to read as follows:

15 1. COMMISSION ESTABLISHED. A telecommunications and
16 technology commission is established with the sole authority
17 to supervise the management, development, and operation of the
18 network and ensure that all components of the network are
19 technically compatible. The management, development, and
20 operation of the network shall not be subject to the
21 jurisdiction or control of any other state agency. The
22 commission shall ensure that the network operates in an
23 efficient and responsible manner consistent with the
24 provisions of this chapter for the purpose of providing the
25 best economic service attainable to the network users
26 consistent with the state's financial capacity. The
27 commission shall ensure that educational users and the use,
28 design, and implementation for educational applications be
29 given the highest priority concerning use of the network. The
30 commission shall provide for the centralized, coordinated use
31 and control of the network.

32 Sec. 12. Section 11.5B, Code 1999, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 14. Information technology department.

35 Sec. 13. Section 304.3, Code 1999, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 9. The director of the information
3 technology department.

4 Sec. 14. Section 304.7, Code 1999, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 1A. Public records policies for an
7 electronic repository for mandated agency reports.

8 Sec. 15. NEW SECTION. 304.13A ELECTRONIC RECORDS.

9 1. An agency required to compile and maintain a report, on
10 and after July 1, 2001, shall maintain such report in an
11 electronic form, giving consideration to the standards for
12 electronic records recommended by the information technology
13 department. Such agency, by itself, or with the assistance of
14 the information technology department, shall also make the
15 report accessible to the public through the internet as
16 provided in subsection 2 and through other electronic means.

17 2. A copy of all required agency reports shall be located
18 at an internet site maintained by the information technology
19 department in consultation with the state librarian, and all
20 required reports shall be placed on electronic media. The
21 state librarian shall provide for the distribution of such
22 copies to a public library in this state requesting such copy.

23 For purposes of this section, "public library" means a city
24 library, a regional library as provided in chapter 256, or a
25 county library as provided in chapter 336.

26 3. It is the intent of the general assembly that this
27 section be interpreted to reduce, to the greatest extent
28 possible, printed copies of agency reports while protecting
29 the public's right to have access to such reports. It is the
30 intent of the general assembly that the distribution of a
31 printed mandatory report be used only when it is the most
32 efficient and cost-effective method for providing public
33 access to such report. It is the intent of the general
34 assembly that agency reports subject to this section be made
35 available, to the greatest extent possible, to the public by

1 electronic means.

2 4. The commission, in consultation with the information
3 technology department, shall make recommendations to the
4 governor and the general assembly for the continued reduction
5 of printed reports throughout state government in a manner
6 that protects the public's right to access such reports.

7 Sec. 16. INITIAL APPOINTMENTS -- IOWACCESS ADVISORY
8 COUNCIL. The initial appointments to the IowAccess advisory
9 council pursuant to section 14B.201, subsection 3, paragraph
10 "a", subparagraph (1), as enacted in this Act, shall be as
11 follows:

12 1. One person to be appointed by the governor representing
13 financial institutions who shall be actively engaged in
14 finance and banking.

15 2. One person to be appointed by the governor representing
16 insurers who shall be actively engaged in the insurance
17 industry.

18 3. One person to be appointed by the governor representing
19 the legal profession who shall be actively engaged in the
20 profession of law.

21 4. One person to be appointed by the governor representing
22 media interests.

23 5. One person to be appointed by the governor representing
24 real estate brokers and salespersons who shall be actively
25 engaged in the real estate business.

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SENATE FILE 2395

H-8405

- 1 Amend Senate File 2395, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 20 the
4 following:
5 "____. "Value-added services" means government
6 information which requires special sorts or
7 formatting, or other action to provide such
8 information, access to government information which is
9 responsive to special requests for multiple government
10 records in customized formats, or routine batch
11 processing requests for information databases that
12 would permit a recipient to obtain and commercially
13 market available government information."
14 2. Page 12, line 24, by striking the word
15 "director" and inserting the following: "governor".
16 3. Page 14, lines 10 and 11, by striking the
17 words "access, including enhanced access," and
18 inserting the following: "access".
19 4. Page 14, line 13, by striking the words
20 "enhanced access" and inserting the following:
21 "value-added services".
22 5. Page 14, line 14, by striking the word
23 "accessing" and inserting the following: "creating
24 and organizing".
25 6. Page 14, by striking lines 16 through 19.

By COMMITTEE ON STATE GOVERNMENT
MARTIN of Scott, Chairperson

H-8405 FILED MARCH 20, 2000

Adopted
4-6-00 (p. 1296)

SENATE FILE 2395

H-8561

1 Amend Senate File 2395, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

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

7 1. Information technology resources in state
8 government are valuable strategic assets belonging to
9 the citizens of Iowa and must be managed accordingly.

10 2. State agencies independently acquire
11 duplicative information technologies that would be
12 more appropriately acquired as part of a coordinated
13 effort for maximum cost-effectiveness, maximized
14 service, and efficiency.

15 3. Considerations of both cost and the need for
16 the transfer of information among the various agencies
17 and branches of state government in the most timely
18 and useful form possible require a uniform policy and
19 coordinated system for the use and acquisition of
20 communication and information technologies.

21 4. The appropriate use of information technology
22 by the state can improve operational productivity,
23 reduce the cost of government, enhance service to the
24 citizens of Iowa, and make government more accessible
25 to the public.

26 5. The use of information technology to provide
27 government services directly to citizens can be a
28 cost-effective method of delivering such services.

29 6. Planning, investment, protection, and direction
30 for information technology resources must be enacted
31 to accomplish all of the following:

32 a. Ensure the effective application of information
33 technology on state business operations.

34 b. Ensure the quality, security, and integrity of
35 state business operations.

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

37 7. The state must provide information technology
38 infrastructure, technical directions, and a proficient
39 organizational management structure to facilitate the
40 productive application of information technology and
41 resources to accomplish the missions and goals of
42 state government.

43 8. Oversight of large-scale systems or projects is
44 necessary to protect the state's investment and to
45 ensure appropriate integration with existing or
46 planned systems.

47 9. Appropriate public-private partnerships to
48 supplement existing resources must be developed as a
49 strategy for the state to comprehensively meet its
50 information technology needs.

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1 10. Establishment of an information technology
2 department is necessary to achieve the goals
3 identified in this section, to effectively plan for,
4 develop, and manage information technology and related
5 resources, and to assure that the needs of the
6 citizens of this state, as well as the state's needs,
7 are met.

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

10 NEW PARAGRAPH. x. The information technology
11 department, created in chapter 14B, which has primary
12 responsibility for the development and application of
13 information technology in state government and the
14 operation of the Iowa communications network.

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

16 As used in this chapter, unless the context
17 otherwise requires:

18 1. "Acquire" means to procure, obtain, purchase,
19 lease-purchase, or lease information technology.

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

27 a. The office of the governor.

28 b. The general assembly, or any office or unit
29 under its administrative authority.

30 c. The judicial branch, as provided in section
31 602.1102.

32 d. A political subdivision of the state or its
33 offices or units, including but not limited to a
34 county, city, or community college.

35 3. "Director" means the director of the
36 information technology department appointed as
37 provided in section 14B.103.

38 4. "Governmental entity" means any unit of
39 government in the executive, legislative, or judicial
40 branches of government; an agency or political
41 subdivision; any unit of another state government,
42 including its political subdivisions; and any unit of
43 the United States government.

44 5. "Information technology" means computing,
45 electronics, and telecommunications technologies used
46 to process and distribute information in digital and
47 other forms and includes information technology
48 devices and information technology services.

49 6. "Information technology council" means the
50 information technology council established in section

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1 14B.104.
2 7. "Information technology device" means equipment
3 or associated software, including programs, languages,
4 procedures, or associated documentation, used in
5 operating the equipment which is designed for
6 utilizing information stored in an electronic format.
7 "Information technology devices" includes but is not
8 limited to computer systems, computer networks, and
9 equipment used for input, output, processing, storage,
10 display, communication, video transmission, scanning,
11 and printing.
12 8. "Information technology services" means
13 services designed to do any of the following:
14 a. Facilitate the acquisition of information
15 technology devices.
16 b. Provide functions, maintenance, and support of
17 information technology devices.
18 c. Provide services including, but not limited to,
19 any of the following:
20 (1) Computer systems application development and
21 maintenance.
22 (2) Systems integration and interoperability.
23 (3) Operating systems maintenance and design.
24 (4) Computer systems programming.
25 (5) Computer systems software support.
26 (6) Planning and security relating to information
27 technology devices.
28 (7) Data management consultation.
29 (8) Information technology education and
30 consulting.
31 (9) Information technology planning and standards.
32 (10) Establishment of local area network and
33 workstation management standards.
34 9. "Participating agency" means any agency other
35 than any of the following:
36 a. The state board of regents and institutions
37 operated under the authority of the state board of
38 regents.
39 b. The public broadcasting division of the
40 department of education.
41 c. The state department of transportation mobile
42 radio network.
43 d. The department of public safety law enforcement
44 communications systems.
45 10. "Public records" means the same as defined in
46 section 22.1.
47 Sec. 4. NEW SECTION. 14B.102 DEPARTMENT
48 ESTABLISHED -- MISSION -- POWERS AND DUTIES.
49 1. DEPARTMENT ESTABLISHED. The information
50 technology department is established as a state

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1 department. The mission of the department is to
2 foster the development and application of information
3 technology to improve the lives of Iowans.

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

7 a. Providing information technology to
8 participating agencies and other governmental entities
9 as provided in this chapter.

10 b. Implementing the strategic information
11 technology plan as prepared and updated by the
12 information technology council.

13 c. Developing and implementing a business
14 continuity plan, as the director determines is
15 appropriate, to be used if a disruption occurs in the
16 provision of information technology to participating
17 agencies and other governmental entities.

18 d. Developing and implementing standards for
19 information technology, including but not limited to
20 system design and systems integration and
21 interoperability, which when implemented shall apply
22 to all participating agencies except as otherwise
23 provided in this chapter.

24 e. Developing and maintaining an information
25 technology architecture consistent with standards
26 established by the information technology council.

27 f. Developing and maintaining security policies
28 and systems to ensure the integrity of the state's
29 information resources and to prevent the disclosure of
30 confidential records.

31 g. Coordinating the use of information technology
32 among participating agencies and other governmental
33 entities, to ensure that all components of information
34 technology are compatible to the extent deemed
35 necessary by the information technology council.

36 h. Developing and implementing effective and
37 efficient strategies for the use and provision of
38 information technology for participating agencies and
39 other governmental entities.

40 i. Acquiring any information technology device
41 necessary for participating agencies.

42 j. Acquiring or assisting with the acquisition of
43 information technology for governmental entities other
44 than participating agencies, if requested by such
45 entities, and upon entering into an agreement to
46 provide such information technology.

47 k. Establishing criteria by which agencies obtain
48 information technology services from the department.

49 l. Selling or otherwise disposing of information
50 technology devices not needed by the department.

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1 m. Entering into agreements pursuant to chapter
2 28D or 28E, or memorandums of understanding or other
3 agreements as necessary and appropriate to administer
4 this chapter.

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

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

23 4. DISPUTE RESOLUTION. If a dispute arises
24 between the department or information technology
25 council and an agency for which the department
26 provides or refuses to provide information technology,
27 the dispute shall be resolved as provided in section
28 679A.19.

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

31 1. DIRECTOR APPOINTED. The chief administrative
32 officer of the department is the director. The
33 director shall be appointed by the governor, subject
34 to confirmation by the senate. The director shall
35 serve at the pleasure of the governor. The governor
36 shall set the salary of the director within the
37 applicable salary range established by the general
38 assembly. The director shall be selected on the
39 ability to administer the duties and functions granted
40 to the director and the department and shall devote
41 full time to the duties of the director. If the
42 office of director becomes vacant, the vacancy shall
43 be filled in the same manner as the original
44 appointment was made.

45 The director shall also serve as the chief
46 information officer for the state.

47 2. POWER AND DUTIES. The director of the
48 department shall do all of the following:

49 a. Plan, direct, coordinate, and execute the
50 functions necessary to carry out the duties of the

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1 department.

2 b. Provide overall supervision, direction, and
3 coordination of functions of the department.

4 c. Employ personnel as necessary to carry out the
5 functions vested in the department consistent with
6 chapter 19A and enhance the recruitment, retention,
7 and training of professional staff.

8 d. Supervise and manage employees of the
9 department, and provide for the internal organization
10 of the department and for the allocation of functions
11 within the department consistent with section 7E.2.

12 e. Appoint advisory committees as appropriate to
13 assist the director in developing strategies for the
14 use and provision of information technology and
15 establish other advisory committees as necessary to
16 assist the director in carrying out the director's
17 duties under this chapter. The number of advisory
18 committees and advisory committee membership shall be
19 determined by the director to assure that the public
20 and agencies and other governmental entities have an
21 opportunity to comment on the services provided and
22 the service goals and objectives of the department.

23 f. Recommend to the information technology council
24 an annual budget for the department.

25 g. Recommend to the information technology council
26 rules deemed necessary for the implementation of this
27 chapter and proper administration of the department.

28 h. Recommend to the information technology council
29 information technology standards.

30 i. Develop and implement operational policies of
31 the department and be responsible for the day-to-day
32 operations of the department.

33 j. Develop and recommend to the information
34 technology council legislative proposals deemed
35 necessary for the continued efficiency of department
36 functions, and review legislative proposals generated
37 outside of the department which are related to matters
38 within the department's purview.

39 k. Provide advice to the governor on issues
40 related to information technology.

41 l. Consult with agencies and other governmental
42 entities on issues relating to information technology.

43 m. Work with all governmental entities in an
44 effort to achieve the information technology goals
45 established by the information technology council.

46 3. WAIVER. The director, when such authority is
47 delegated by the information technology council under
48 section 14B.104, may grant a waiver from a requirement
49 otherwise applicable to a participating agency in the
50 same manner as provided for the information technology

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1 council under section 14B.104.

2 4. DELEGATION OF POWERS AND DUTIES. Powers and
3 duties vested in the director may be delegated by the
4 director to an employee of the department, but the
5 director retains the responsibility for an employee's
6 acts within the scope of the delegation.

7 5. APPEAL OF DIRECTOR'S DECISION. A decision by
8 the director may be appealed to the information
9 technology council, if such decision relates to
10 anything which is a responsibility of or is subject to
11 the authority of the information technology council.
12 A person aggrieved by such decision of the director
13 shall provided notice of such appeal to the
14 information technology council within thirty calendar
15 days of the decision of the director. An appeal of a
16 decision of the director shall be treated as a
17 contested case under chapter 17A.

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

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

22 1. MEMBERSHIP.

23 a. An information technology council is
24 established with the authority to oversee information
25 technology activities of participating agencies as
26 provided in this chapter. The information technology
27 council is composed of nineteen members including the
28 following:

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

32 (2) The administrator of the public broadcasting
33 division of the department of education.

34 (3) The chairperson of the information technology
35 management council established in section 14B.109, or
36 the chairperson's designee.

37 (4) The chairperson of the IowaAccess board
38 established in section 14B.201, or the chairperson's
39 designee.

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

42 (6) Two executive branch department heads
43 appointed by the governor.

44 (7) Two persons representing education, including
45 the chairperson of the education telecommunications
46 council and one person appointed by the governor. An
47 appointment made pursuant to this subparagraph shall
48 be made so that one person represents kindergarten
49 through grade twelve and one person represents higher
50 education.

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1 (8) Five persons appointed by the governor who are
2 knowledgeable in information technology matters, and
3 who shall also serve as members of the information
4 technology council citizen subcommittee.

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

8 (10) Four members of the general assembly with not
9 more than one member from each chamber being from the
10 same political party. The two senators shall be
11 designated by the president of the senate after
12 consultation with the majority and minority leaders of
13 the senate, and with the approval of the majority
14 party appointee by the majority leader and the
15 approval of the minority party appointee by the
16 minority leader. The two representatives shall be
17 designated by the speaker of the house of
18 representatives after consultation with the majority
19 and minority leaders of the house of representatives,
20 and with the approval of the majority party appointee
21 by the majority leader and the approval of the
22 minority party appointee by the minority leader.

23 Legislative members shall serve in an ex officio,
24 nonvoting capacity. A legislative member is eligible
25 for per diem and expenses as provided in section 2.10.

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

39 2. DUTIES. The information technology council
40 shall do all of the following:

41 a. Adopt rules in accordance with chapter 17A
42 which are necessary for the exercise of the powers and
43 duties granted by this chapter and the proper
44 administration of the department.

45 b. Establish, by rule, information technology
46 standards which shall be adhered to in the procurement
47 of information technology for participating agencies,
48 and, as applicable, which shall be adhered to by all
49 participating agencies, unless waived pursuant to
50 section 14B.103 or 14B.104.

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1 c. Appoint advisory committees as appropriate to
2 assist the information technology council in
3 developing strategies for the use and provision of
4 information technology and establishing other advisory
5 committees as necessary to assist the information
6 technology council in carrying out its duties under
7 this chapter. The number of advisory committees and
8 their membership shall be determined by the
9 information technology council to assure that the
10 public and agencies and other governmental entities
11 have an opportunity to comment on the services
12 provided and the service goals and objectives of the
13 department.

14 d. Prepare and annually update a strategic
15 information technology plan for the use of information
16 technology throughout state government. The plan
17 shall promote participation in cooperative projects
18 with other governmental entities. The plan shall
19 establish a mission, goals, and objectives for the use
20 of information technology, including goals for
21 electronic access to government records, information,
22 and services. The plan shall be submitted annually to
23 the governor and the general assembly.

24 e. Review and recommend to the general assembly,
25 as deemed appropriate by the information technology
26 council, legislative proposals recommended by the
27 director, or other legislative proposals as developed
28 and deemed necessary by the information technology
29 council.

30 f. Review and approve, as deemed appropriate by
31 the information technology council, the annual budget
32 recommendation for the department as proposed by the
33 director.

34 3. WAIVER. The information technology council,
35 upon the written request of a participating agency and
36 for good cause shown, may grant a waiver from a
37 requirement otherwise applicable to a participating
38 agency relating to an information technology standard
39 established by the information technology council.
40 The information technology council may delegate its
41 authority to waive a requirement under this subsection
42 to the director.

43 4. FINAL AGENCY ACTION. A decision by the council
44 is a final agency action as provided under chapter 17A
45 and an appeal of the decision shall be made directly
46 to the district court. Any party to a contested case
47 may appeal the decision to the district court.

48 Sec. 7. NEW SECTION. 14B.105 DIVISIONS OF THE
49 DEPARTMENT -- RESPONSIBILITIES.

50 The department shall initially include the

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1 following divisions:

2 1. A policy and planning division which is
3 responsible for the integration of information
4 technology into all business aspects of state
5 government.

6 2. An operations division which is responsible for
7 providing all of the following:

8 a. Server systems, including mainframe and other
9 server operations.

10 b. Telecommunications.

11 c. Desktop support.

12 d. Applications integration.

13 3. A customer support division which is
14 responsible for providing applications development and
15 support, and advice and assistance in developing and
16 supporting business applications.

17 4. An administration division which is responsible
18 for the financial, personnel, and other administrative
19 functions of the department. The administration
20 division is also responsible for all information
21 technology purchasing and contract administration.

22 Sec. 8. NEW SECTION. 14B.106 OFFICE OF
23 INFORMATION TECHNOLOGY INNOVATION.

24 1. An office of information technology innovation
25 is established within the department which shall be
26 headed by an administrator appointed by the director.

27 2. The office is responsible for fostering
28 research and development activities and innovation in
29 the application and use of information technology in
30 state government.

31 3. The office shall provide staff support for the
32 information technology innovation advisory board.

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

34 a. Evaluate internet technologies for use by
35 agencies, including, but not limited to, systems for
36 internet access, security, and privacy protection.

37 b. Establish pilot projects for developing and
38 evaluating information technology applications for use
39 by agencies and for use in intergovernmental
40 applications.

41 c. Promote collaborative systems development with
42 the private sector.

43 d. Foster the creation of projects developing new
44 applications.

45 e. Promote experimental collaborative educational
46 opportunities with emerging technologies for
47 information technology professionals in state
48 government.

49 f. Other activities as deemed necessary and
50 appropriate by the director.

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1 Sec. 9. NEW SECTION. 14B.107 INFORMATION

2 TECHNOLOGY INNOVATION ADVISORY BOARD -- FUND.

3 1. BOARD ESTABLISHED. An information technology
4 innovation advisory board is established to advise the
5 director concerning expenditures of funds from, and
6 the administration of, the information technology
7 innovation fund created in subsection 2. The board
8 shall be comprised of no less than four members
9 including the director of the information technology
10 department, the director of the department of
11 management, the chairperson of the IowaAccess board,
12 and the chairperson of the information technology
13 management council. The information technology
14 council may also appoint additional members to this
15 board as deemed appropriate.

16 2. FUND CREATED -- PURPOSE.

17 a. An information technology innovation fund is
18 created within the state treasury under the control of
19 the department. The fund shall consist of any money
20 appropriated by the general assembly and any other
21 moneys available to and obtained or accepted by the
22 department from the federal government or private
23 sources for placement in the fund. The assets of the
24 fund shall be used by the department only for carrying
25 out the purposes of this section.

26 b. The information technology innovation advisory
27 board may award grants from the fund as appropriate
28 and consistent with rules adopted by the information
29 technology council. The rules shall provide that
30 moneys in the fund be used primarily for research and
31 development efforts directly related to information
32 technology and the applications of such technology.

33 Sec. 10. NEW SECTION. 14B.108 OFFICE OF DIGITAL
34 GOVERNMENT.

35 1. An office of digital government is established
36 which shall be headed by an administrator appointed by
37 the director.

38 2. The office is responsible for initiating and
39 supporting the development of electronic commerce,
40 electronic government, and internet applications
41 across participating agencies and in cooperation with
42 other governmental agencies.

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

44 a. Recommend standards to the information
45 technology council, consistent with other state law,
46 for the implementation of electronic commerce,
47 including standards for digital signatures, electronic
48 currency, and other items associated with electronic
49 commerce.

50 b. Recommend guidelines to the information

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1 technology council for the appearance and functioning
2 of applications.

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

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

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

13 f. Provide staff support for the IowAccess board.

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

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

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

36 3. The information technology management council
37 shall be chaired by a person appointed by the
38 governor. An individual appointed as chairperson
39 shall serve for a period of no more than two years
40 without being reappointed. A vice chairperson shall
41 be selected by a vote of the voting members of the
42 council. The council may elect such other officers as
43 deemed necessary by the council.

44 4. The information technology management council
45 shall do all of the following:

46 a. Promote the exchange of information among
47 governmental entities to facilitate the development of
48 technical knowledge and understanding regarding
49 information technology and information management.

50 b. Develop guidelines and foster the continued

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1 expansion of projects that result in the sharing of
2 information technology resources that facilitate
3 information technology transfer and systems
4 integration within this state.

5 c. Promote research, development, evaluation, and
6 use of advanced information technologies appropriate
7 to state government in cooperation with the
8 information technology innovation advisory board
9 established under section 14B.107.

10 d. Maintain active contact with private
11 organizations having demonstrated expertise relevant
12 to the use and management of information technology
13 resources.

14 e. Promote education and training in management of
15 information technologies and resources as essential
16 components of professional development of the state
17 work force.

18 f. Advise the information technology council
19 regarding the operation and activities of the
20 department.

21 Sec. 12. NEW SECTION. 14B.110 INFORMATION
22 TECHNOLOGY STANDARDS -- PROCUREMENT.

23 1. Notwithstanding the provisions of this section,
24 the information technology department and the
25 department of general services shall enter into an
26 interagency agreement regarding the division of
27 responsibilities between the departments associated
28 with the procurement of information technology which
29 is acceptable to both departments. The interagency
30 agreement shall be subject to renegotiation at least
31 every two years, unless an earlier time is provided
32 for in the interagency agreement. If the departments
33 are unable to agree on the terms of an interagency
34 agreement or upon a failure of either department to
35 satisfy the terms of the agreement, the departments
36 shall inform the department of management that an
37 agreement has not been reached or that one of the
38 departments has failed to satisfy the terms of the
39 agreement. The department of management, upon receipt
40 and review of such information, may direct the
41 information technology department to proceed with the
42 procurement of information technology as provided in
43 subsections 2 through 5.

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

48 b. A participating agency shall submit a request
49 to the department for the procurement of any
50 information technology. The department, prior to any

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1 acquisition of such information technology, shall make
2 a determination whether the requested information
3 technology complies with the information technology
4 standards established by the information technology
5 council. If a determination is made that the
6 information technology complies with such standards,
7 the department shall procure the information
8 technology. If a determination is made that the
9 information technology does not comply with such
10 standards, the department shall disapprove the request
11 and such information technology shall not be procured
12 unless a waiver is granted pursuant to section 14B.103
13 or 14B.104.

14 The information technology department, at the
15 request of a participating agency other than the state
16 department of transportation, the department for the
17 blind, or the lottery division of the department of
18 revenue and finance, shall acquire the information
19 technology for the participating agency requesting
20 such information technology if it is determined to be
21 compliant with the standards established by the
22 information technology council.

23 The state department of transportation, the
24 department for the blind, or the lottery division of
25 the department of revenue and finance, upon a
26 determination by the information technology department
27 that a proposed information technology acquisition
28 complies with the information technology standards
29 established by the information technology council, may
30 proceed with such acquisition. The information
31 technology department shall provide advice to such
32 participating agency regarding the procurement of such
33 information technology, including any opportunity to
34 aggregate such purchases with other participating
35 agencies.

36 3. The information technology department, by rule,
37 may implement a prequalification procedure for
38 contractors which the department has entered or
39 intends to enter into agreements regarding the
40 procurement of information technology.

41 4. Notwithstanding the provisions of chapter 18,
42 the department may procure information technology as
43 provided in this section. The department may
44 cooperate with other governmental entities in the
45 procurement of information technology in an effort to
46 make such procurements in a cost-effective, efficient
47 manner as provided in this section. The department,
48 as deemed appropriate and cost-effective, may procure
49 information technology using any of the following
50 methods:

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1 a. Cooperative procurement agreement. The
2 department may enter into a cooperative procurement
3 agreement with another governmental entity for the
4 purpose of pooling funds for the purchase of
5 information technology, whether such information
6 technology is for the use of the department or
7 multiple governmental entities. The cooperative
8 procurement agreement shall clearly specify the
9 purpose of the agreement and the method by which such
10 purpose will be accomplished. Any power exercised
11 under such agreement shall not exceed the power
12 granted to any party to the agreement.

13 b. Negotiated contract. The department may enter
14 into an agreement for the purchase of information
15 technology if any of the following applies:

16 (1) The contract price, terms, and conditions are
17 pursuant to the current federal supply contract, and
18 the purchase order adequately identifies the federal
19 supply contract under which the procurement is to be
20 made.

21 (2) The contract price, terms, and conditions are
22 no less favorable than the contractor's current
23 federal supply contract price, terms, and conditions;
24 the contractor has indicated in writing a willingness
25 to extend such price, terms, and conditions to the
26 department; and the purchase order adequately
27 identifies the contract relied upon.

28 (3) The contract is with a vendor which has a
29 current exclusive or nonexclusive price agreement with
30 the state for the information technology to be
31 procured, and such information technology meets the
32 same standards and specifications as the items to be
33 procured and both of the following apply:

34 (a) The quantity purchased does not exceed the
35 quantity which may be purchased under the applicable
36 price agreement.

37 (b) The purchase order adequately identifies the
38 price agreement relied upon.

39 c. Contracts let by another government entity.
40 The department, on its own behalf or on the behalf of
41 another participating agency, may procure information
42 technology under a contract let by another state
43 agency or political subdivision of this state, or
44 approve such procurement in the same manner by a
45 participating agency.

46 d. Reverse auction.

47 (1) The department may enter into an agreement for
48 the purchase of information technology utilizing a
49 reverse auction process. Such process shall result in
50 the purchase of information technology from the vendor

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

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

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

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

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

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

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

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

38 f. In addition to the competitive bidding
39 procedure provided for under paragraph "e", the
40 information technology department may enter into an
41 agreement for the purchase, disposal, or other
42 disposition of information technology in any other
43 manner provided under chapter 18, in the same manner
44 and subject to the same limitations as the department
45 of general services. The information technology
46 department, by rule, shall provide for such
47 procedures.

48 5. The department shall adopt rules pursuant to
49 chapter 17A to implement the procurement methods
50 provided for in subsections 2 through 4.

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1 Sec. 13. NEW SECTION. 14B.111 IOWA INFORMATION
2 TECHNOLOGY REVOLVING FUND -- APPROPRIATION.

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

22 Sec. 14. NEW SECTION. 14B.112 INFORMATION
23 TECHNOLOGY PURCHASES BY GOVERNMENTAL ENTITIES HAVING
24 INDEPENDENT PURCHASING AUTHORITY.

25 1. The state department of transportation, the
26 department for the blind, or the lottery division of
27 the department of revenue and finance may utilize
28 contracts established by the information technology
29 department for the acquisition of information
30 technology, request the assistance of the information
31 technology department, or acquire information
32 technology for and on its own behalf in accordance
33 with the authority granted to such agency. However,
34 the proposed acquisition of the information technology
35 must comply with the standards established by the
36 information technology department, unless waived
37 pursuant to section 14B.103 or 14B.104.

38 2. A governmental entity other than a
39 participating agency or an agency subject to
40 subsection 1 may utilize contracts established by the
41 information technology department for the acquisition
42 of information technology or request the assistance of
43 the information technology department in making such
44 acquisition. A proposed acquisition of information
45 technology under this subsection is not subject to the
46 standards established by the information technology
47 council. Such acquisition or assistance is subject to
48 the fee schedule of the department with respect to
49 such services in the same manner as a participating
50 agency.

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1 Sec. 15. NEW SECTION. 14B.201 IOWACCESS BOARD
2 ESTABLISHED -- DUTIES -- MEMBERSHIP.

3 1. BOARD ESTABLISHED. An IowAccess board is
4 established for the purpose of creating and providing
5 a service to the citizens of this state that is the
6 gateway for one-stop electronic access to government
7 information and transactions, whether federal, state,
8 or local.

9 2. DUTIES.

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

11 (1) Recommend to the information technology
12 council citizen subcommittee rates to be charged for
13 access to and for value-added services performed
14 through IowAccess.

15 (2) Recommend to the director and the information
16 technology council the priority of projects associated
17 with IowAccess.

18 (3) Recommend to the director and the information
19 technology council expected outcomes and effects of
20 the use of IowAccess and determine the manner in which
21 such outcomes are to be measured and evaluated.

22 (4) Review and recommend to the director and the
23 information technology council the IowAccess total
24 budget request and ensure that such request reflects
25 the priorities and goals of IowAccess as established
26 by the board.

27 (5) Review and recommend to the director and the
28 information technology council all rules to be adopted
29 by the information technology council that are related
30 to IowAccess.

31 (6) Advocate for access to government information
32 and services through IowAccess and for data privacy
33 protection, information ethics, accuracy, and security
34 in IowAccess programs and services.

35 (7) Receive status and operations reports
36 associated with IowAccess.

37 (8) Other duties as assigned by the director or
38 the information technology council.

39 b. The board shall also advise the governor and
40 the director with respect to the operation of
41 IowAccess and encourage and implementing access to
42 government and its public records by the citizens of
43 this state.

44 c. The board shall serve as a link between the
45 users of public records, the lawful custodians of such
46 public records, and the citizens of this state who are
47 the owners of such public records.

48 d. The board shall ensure that IowAccess gives
49 priority to serving the needs of the citizens of this
50 state.

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1 3. MEMBERSHIP.

2 a. The board shall be composed of nineteen members
3 including the following:

4 (1) Five persons appointed by the governor
5 representing the primary customers of IowAccess.

6 (2) Six persons representing lawful custodians as
7 follows:

8 (a) One person representing the legislative
9 branch, who shall not be a legislator, to be appointed
10 jointly by the president of the senate, after
11 consultation with the majority and minority leaders of
12 the senate, and the speaker of the house of
13 representatives, after consultation with the majority
14 and minority leaders of the house of representatives.

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

17 (c) One person representing the executive branch
18 as designated by the governor.

19 (d) One person to be appointed by the governor
20 representing cities who shall be actively engaged in
21 the administration of a city.

22 (e) One person to be appointed by the governor
23 representing counties who shall be actively engaged in
24 the administration of a county.

25 (f) One person to be appointed by the governor
26 representing the federal government.

27 (3) Four members to be appointed by the governor
28 representing a cross section of the citizens of the
29 state.

30 (4) Four members of the general assembly, two from
31 the senate and two from the house of representatives,
32 with not more than one member from each chamber being
33 from the same political party. The two senators shall
34 be designated by the president of the senate after
35 consultation with the majority and minority leaders of
36 the senate, and with the approval of the majority
37 party appointee by the majority leader and the
38 approval of the minority party appointee by the
39 minority leader. The two representatives shall be
40 designated by the speaker of the house of
41 representatives after consultation with the majority
42 and minority leaders of the house of representatives,
43 and with the approval of the majority party appointee
44 by the majority leader and the approval of the
45 minority party appointee by the minority leader.

46 Legislative members shall serve in an ex officio,
47 nonvoting capacity. A legislative member is eligible
48 for per diem and expenses as provided in section 2.10.

49 b. Members appointed by the governor are subject
50 to confirmation by the senate and shall serve three-

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

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

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

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

36 Beginning July 1, 2002, members of the citizen
37 subcommittee shall be paid a salary as determined by
38 the general assembly. It is the intent of the general
39 assembly that the salary paid to the members of the
40 citizen subcommittee, beginning July 1, 2002, be
41 commensurate with the salary which would have been
42 paid at that time to members of the Iowa
43 telecommunications and technology commission if such
44 commission were to continue to exist on and after July
45 1, 2002.

46 2. Beginning July 1, 2000, the citizen
47 subcommittee shall establish all rates to be charged
48 for access to and for value-added services performed
49 through IowAccess.

50 3. On July 1, 2002, the citizen subcommittee shall

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1 do all of the following:

2 a. Adopt rules pursuant to chapter 17A as deemed
3 appropriate and necessary, and directly related to the
4 implementation and administration of the duties of the
5 citizen subcommittee under this subchapter.

6 b. Establish an appeal process for review by the
7 citizen subcommittee of a scheduling conflict
8 decision, including a scheduling conflict involving an
9 educational user, or the establishment of a fee
10 associated with the network upon the request of a
11 person affected by such decision or fee. An appeal of
12 a fee associated with the network shall be pursuant to
13 a contested case proceeding pursuant to chapter 17A.
14 The citizen subcommittee shall issue a written
15 decision including findings of fact and conclusions of
16 law. A determination made by the citizen subcommittee
17 pursuant to this paragraph shall be final.

18 c. Review and approve for adoption, rules as
19 proposed and submitted by an authorized user group
20 necessary for the authorized user group's access and
21 use of the network. The citizen subcommittee may
22 refuse to approve and adopt a proposed rule, and upon
23 such refusal, shall return the proposed rule to the
24 respective authorized user group proposing the rule
25 with a statement indicating the citizen subcommittee's
26 reason for refusing to approve and adopt the rule.

27 d. Establish mechanisms to encourage and receive
28 citizen input regarding the operation of the network
29 and other issues associated with the duties of the
30 citizen subcommittee.

31 e. Make recommendations to the department to
32 ensure that rural communities have access to
33 comparable services to the services provided in urban
34 areas resulting from any plans to construct, install,
35 repair, or maintain any part of the network.

36 f. Annually prepare a written five-year financial
37 plan for the network which shall be provided to the
38 information technology council who shall deliver the
39 plan to the general assembly and the governor no later
40 than January 15 of each year. The plan shall include
41 estimates for income and expenses for the network for
42 the five-year period and the actual income and
43 expenses for the preceding fiscal year.

44 g. (1) Evaluate existing and projected rates for
45 use of the system and ensure that rates are sufficient
46 to pay for the operation of the system, excluding the
47 cost of construction and lease costs for Parts I, II,
48 and III. The citizen subcommittee shall establish all
49 hourly rates to be charged to all authorized users for
50 the use of the network. A fee established by the

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1 citizen subcommittee to be charged to a hospital
2 licensed pursuant to chapter 135B, a physician clinic,
3 or the federal government shall be at an appropriate
4 rate so that, at a minimum, there is no state subsidy
5 related to the costs of the connection or use of the
6 network related to such user.

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

12 h. Make recommendations to the information
13 technology council and the department, as deemed
14 appropriate by the citizen subcommittee, concerning
15 the operation of the network and other issues as
16 deemed appropriate by the citizen subcommittee, or as
17 requested by the information technology council or the
18 department.

19 Sec. 17. NEW SECTION. 14B.302 NETWORK RATES --
20 APPEAL PROCESS.

21 1. A rate or fee established by the citizen
22 subcommittee pursuant to section 14B.301, subsection
23 3, paragraph "g", shall be subject to appeal by any
24 person adversely affected with respect to such rate or
25 fee.

26 2. A person who intends to appeal a rate or fee
27 pursuant to this section shall file a written notice
28 of appeal with the utilities board, with the written
29 decision of the citizen subcommittee attached, within
30 thirty days of the final action of the citizen
31 subcommittee establishing the rate or fee which is the
32 subject of the appeal. The utilities board, upon
33 receipt of the notice of appeal, shall forward a copy
34 of such notice to the citizen subcommittee. The
35 utilities board shall set times for transmittal of the
36 record, filing of exceptions and briefs, and, with the
37 consent of the utilities board, oral arguments. The
38 utilities board shall notify the parties of such
39 deadlines. The utilities board shall issue a final
40 ruling on the appeal within ninety days of receipt of
41 the notice of appeal. The utilities board, in
42 conducting such appeal, shall hear the case on the
43 evidentiary record made in a contested case
44 proceeding, and not de novo. The utilities board
45 shall review only the cost analysis and justifications
46 for the rates or fees appealed, and make its ruling
47 solely on whether the rates or fees have been
48 established consistent with applicable law and the
49 rules adopted for establishing such rates or fees.
50 The utilities board shall either uphold the action of

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1 the citizen subcommittee with respect to such rate or
2 fee, or direct the rate or fee back to the citizen
3 subcommittee for further consideration.

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

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

8 8D.2 DEFINITIONS.

9 When used in this chapter subchapter, unless the
10 context otherwise requires:

11 1. "Citizen subcommittee" means the information
12 technology council citizen subcommittee appointed by
13 the governor pursuant to section 14B.104.

14 ~~1. 2.~~ "Commission" means the Iowa
15 telecommunications and technology commission
16 established in section 8D.3.

17 ~~2. "Director" means the executive director~~
18 ~~appointed pursuant to section 8D.4.~~

19 3. "Network" means the Iowa or state
20 communications network.

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

26 5. "Public agency" means a state agency, an
27 institution under the control of the board of regents,
28 the judicial branch as provided in section 8D.13,
29 subsection 17, a school corporation, a city library, a
30 regional library as provided in chapter 256, a county
31 library as provided in chapter 336, or a judicial
32 district department of correctional services
33 established in section 905.2, to the extent provided
34 in section 8D.13, subsection 15, an agency of the
35 federal government, or a United States post office
36 which receives a federal grant for pilot and
37 demonstration projects.

38 6. "State communications" refers to the
39 transmission of voice, data, video, the written word
40 or other visual signals by electronic means but does
41 not include radio and television facilities and other
42 educational telecommunications systems and services
43 including narrowcast and broadcast systems under the
44 public broadcasting division of the department of
45 education, department of transportation distributed
46 data processing and mobile radio network, or law
47 enforcement communications systems.

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

50 1. COMMISSION ESTABLISHED. A telecommunications

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

24 3. DUTIES. The commission shall do all of the
25 following:

26 a. ~~Enter into agreements pursuant to chapter 28E~~
27 ~~as necessary and appropriate for the purposes of the~~
28 ~~commission. However, the commission shall not enter~~
29 ~~into an agreement with an unauthorized user or any~~
30 ~~other person pursuant to chapter 28E for the purpose~~
31 ~~of providing such user or person access to the~~
32 ~~network.~~

33 b. a. Adopt rules pursuant to chapter 17A as
34 deemed appropriate and necessary, and directly related
35 to the implementation and administration of the duties
36 of the commission under this subchapter. The
37 commission, in consultation with the department of
38 general services, shall also adopt and provide for
39 standard communications procedures and policies
40 relating to the use of the network which recognize, at
41 a minimum, the need for reliable communications
42 services.

43 c. b. Establish an appeal process for review by
44 the commission of a scheduling conflict decision,
45 including a scheduling conflict involving an
46 educational user, or the establishment of a fee
47 associated with the network upon the request of a
48 person affected by such decision or fee. A
49 determination made by the commission pursuant to this
50 paragraph shall be final.

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1 d. c. Review and approve for adoption, rules as
2 proposed and submitted by an authorized user group
3 necessary for the authorized user group's access and
4 use of the network. The commission may refuse to
5 approve and adopt a proposed rule, and upon such
6 refusal, shall return the proposed rule to the
7 respective authorized user group proposing the rule
8 with a statement indicating the commission's reason
9 for refusing to approve and adopt the rule.

10 ~~e. (1) Develop and issue for response all~~
11 ~~requests for proposals for any construction,~~
12 ~~installation, repair, maintenance, or equipment and~~
13 ~~parts necessary for the network. In preparing the~~
14 ~~request for proposals, the commission shall do all of~~
15 ~~the following:~~

16 ~~(a) Review existing requests for proposals related~~
17 ~~to the network.~~

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

21 ~~(c) Allow flexibility for proposals to be~~
22 ~~submitted in response to a request for proposals~~
23 ~~issued by the commission such that any qualified~~
24 ~~provider may submit a bid on a site-by-site basis, or~~
25 ~~on a merged area or defined geographic area basis, or~~
26 ~~both, and by permitting proposals to be submitted for~~
27 ~~use of competing or alternative technologies in each~~
28 ~~defined area.~~

29 ~~(d) Ensure that rural communities have access to~~
30 ~~comparable services to the services provided in urban~~
31 ~~areas resulting from any plans to construct, install,~~
32 ~~repair, or maintain any part of the network.~~

33 ~~(2) In determining which proposal to recommend to~~
34 ~~the general assembly to accept, consider what is in~~
35 ~~the long-term best interests of the citizens of the~~
36 ~~state and the network, and utilize, if possible, the~~
37 ~~provision of services with existing service providers~~
38 ~~consistent with those best interests. In determining~~
39 ~~what is in the long-term best interests of the~~
40 ~~citizens of the state and the network, the commission~~
41 ~~at a minimum, shall consider the cost to taxpayers of~~
42 ~~the state.~~

43 ~~(3) Deliver a written report and all proposals~~
44 ~~submitted in response to the request for proposals for~~
45 ~~Part III to the general assembly no later than January~~
46 ~~17, 1995. The commission shall not enter into any~~
47 ~~agreement related to such proposals without prior~~
48 ~~authorization by a constitutional majority of each~~
49 ~~house of the general assembly and approval by the~~
50 ~~governor.~~

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1 f. d. Annually prepare a written five-year
2 financial plan for the network which shall be provided
3 to the information technology council which shall
4 deliver the plan to the general assembly and the
5 governor no later than January 15 of each year. The
6 plan shall include estimates for income and expenses
7 for the network for the five-year period and the
8 actual income and expenses for the preceding fiscal
9 year. ~~The plan shall include the amount of general~~
10 ~~fund appropriations to be requested for the payment of~~
11 ~~operating expenses and debt service. The plan shall~~
12 ~~also include any recommendations of the commission~~
13 ~~related to changes in the system and other items as~~
14 ~~deemed appropriate by the commission. The~~
15 ~~recommendations of the commission contained in the~~
16 ~~plan shall include a detailed plan for the connection~~
17 ~~of all public schools to the network, including a~~
18 ~~discussion and evaluation of all potential financing~~
19 ~~options, an estimate of all costs incurred in~~
20 ~~providing such connections, and a schedule for~~
21 ~~completing such connections, including the anticipated~~
22 ~~final completion date for such connections.~~

23 g. ~~Review existing maintenance contracts and past~~
24 ~~contracts to determine vendor capability to perform~~
25 ~~the obligations under such contracts. The commission~~
26 ~~shall report to the general assembly prior to January~~
27 ~~1 of each year as to the performance of all vendors~~
28 ~~under each contract and shall make recommendations~~
29 ~~concerning continued funding for the contracts.~~

30 h. ~~Pursue available opportunities to cooperate and~~
31 ~~coordinate with the federal government for the use and~~
32 ~~potential expansion of the network and for the~~
33 ~~financing of any such expansion.~~

34 i. e. Evaluate existing and projected rates for
35 use of the system and ensure that rates are sufficient
36 to pay for the operation of the system excluding the
37 cost of construction and lease costs for Parts I, II,
38 and III. The commission shall establish all hourly
39 rates to be charged to all authorized users for the
40 use of the network. A fee established by the
41 commission to be charged to a hospital licensed
42 pursuant to chapter 135B, a physician clinic, or the
43 federal government shall be at an appropriate rate so
44 that, at a minimum, there is no state subsidy related
45 to the costs of the connection or use of the network
46 related to such user.

47 j. f. Make recommendations to the ~~general assembly~~
48 director and the information technology council, as
49 deemed appropriate by the commission, concerning the
50 operation of the network.

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1 k. ~~---Provide-necessary-telecommunications-cabling-to~~
2 ~~provide-state-communications.~~

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

4 For the purposes of this subchapter, the department
5 shall do all of the following:

6 1. Supervise the management, development, and
7 operation of the network and ensure that all
8 components of the network are technically compatible
9 consistent with the standards established by the
10 information technology council pursuant to section
11 14B.104.

12 2. Provide for the centralized, coordinated use
13 and control of the network.

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

21 4. a. Develop and issue for response all requests
22 for proposals for any construction, installation,
23 repair, maintenance, or equipment and parts necessary
24 for the network. In preparing the request for
25 proposals, the department shall do all of the
26 following:

27 (1) Review existing requests for proposals related
28 to the network.

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

32 (3) Allow flexibility for proposals to be
33 submitted in response to a request for proposals
34 issued by the department such that any qualified
35 provider may submit a bid on a site-by-site basis, or
36 on a merged area or defined geographic area basis, or
37 both, and by permitting proposals to be submitted for
38 use of competing or alternative technologies in each
39 defined area.

40 (4) Ensure that rural communities have access to
41 comparable services to the services provided in urban
42 areas resulting from any plans to construct, install,
43 repair, or maintain any part of the network.

44 b. In determining which proposal to recommend to
45 the general assembly to accept, consider what is in
46 the long-term best interests of the citizens of the
47 state and the network, and utilize, if possible, the
48 provision of services with existing service providers
49 consistent with those best interests. In determining
50 what is in the long-term best interests of the

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1 citizens of the state and the network, the department,
2 at a minimum, shall consider the cost to taxpayers of
3 the state.

4 c. Deliver a written report and all proposals
5 submitted in response to the request for proposals for
6 Part III to the general assembly no later than January
7 1, 1995. The department shall not enter into any
8 agreement related to such proposals without prior
9 authorization by a constitutional majority of each
10 house of the general assembly and approval by the
11 governor.

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

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

33 7. Pursue available opportunities to cooperate and
34 coordinate with the federal government for the use and
35 potential expansion of the network and for the
36 financing of any such expansion.

37 8. Provide necessary telecommunications cabling to
38 provide state communications.

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

41 For purposes of this subchapter, the information
42 technology council shall do all of the following:

43 1. Ensure that the network operates in an
44 efficient and responsible manner consistent with the
45 provisions of this division for the purpose of
46 providing the best economic service attainable to the
47 network users consistent with the state's financial
48 capacity.

49 2. In consultation with the department of general
50 services, adopt and provide for standard

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1 communications procedures and policies relating to the
2 use of the network which recognize, at a minimum, the
3 need for reliable communications services.

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

6 1. An education telecommunications council is
7 established. The council consists of eighteen members
8 and shall include the following: two persons
9 appointed by the state board of regents; two persons
10 appointed by the Iowa association of community college
11 trustees; two persons appointed by the area education
12 agency boards; two persons appointed by the Iowa
13 association of school boards; two persons appointed by
14 the school administrators of Iowa; two persons
15 appointed by the Iowa association of independent
16 colleges and universities; two persons appointed by
17 the Iowa state education association; three persons
18 appointed by the director of the department of
19 education including one person representing libraries
20 and one person representing the Iowa association of
21 nonpublic school administrators; and one person
22 appointed by the administrator of the public
23 broadcasting division of the department of education.
24 The council shall establish scheduling and site usage
25 policies for educational users of the network,
26 coordinate the activities of the regional
27 telecommunications councils, and develop proposed
28 rules and changes to rules for recommendation to the
29 commission, the department, and the information
30 technology council, as appropriate. The council shall
31 also recommend long-range plans for enhancements
32 needed for educational applications. Administrative
33 support and staffing for the council shall be provided
34 by the department of education.

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

37 8D.6 ADVISORY GROUPS ESTABLISHED.

38 1. The commission shall establish an advisory
39 group to examine the use of the network for
40 telemedicine applications. The advisory group shall
41 consist of representatives of hospitals and other
42 health care facilities as determined by the
43 commission. The advisory group shall provide advice
44 to the commission, the department, and the information
45 technology council.

46 2. The commission may establish other advisory
47 committees as necessary representing authorized users
48 of the network. An advisory committee established by
49 the commission shall provide advice to the commission,
50 the department, and the information technology

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1 council.

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

4 8D.7 TELECOMMUNICATIONS ADVISORY COMMITTEE.

5 A telecommunications advisory committee is
6 established to advise the commission, the department,
7 and the information technology council on
8 telecommunications matters. The commission shall
9 appoint five members to the advisory committee who
10 shall represent specific telecommunications industries
11 or persons with technical expertise related to the
12 network.

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

15 8D.10 REPORT OF SAVINGS BY STATE AGENCIES.

16 A state agency which is a part of the network shall
17 annually provide a written report to the general
18 assembly and the information technology council
19 certifying the identified savings associated with the
20 state agency's use of the network. The report shall
21 be delivered on or before January 15 for the previous
22 fiscal year of the state agency.

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

25 8D.11 POWERS -- FACILITIES -- LEASES.

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

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1 assembly, or approval by the legislative council if
2 the general assembly is not in session.

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

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

41 4. A political subdivision receiving
42 communications services from the state as of April 1,
43 1986, may continue to do so but communications
44 services shall not be provided or resold to additional
45 political subdivisions other than a school
46 corporation, a city library, a regional library as
47 provided in chapter 256, and a county library as
48 provided in chapter 336. The rates charged to the
49 political subdivision shall be the same as the rates
50 charged to state agencies.

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

3 8D.12 DISPOSITION OF NETWORK -- APPROVAL OF
4 GENERAL ASSEMBLY AND GOVERNOR.

5 Notwithstanding any provision to the contrary, the
6 ~~commission~~ information technology department or the
7 department of general services shall not sell, lease,
8 or otherwise dispose of the network without prior
9 authorization by a constitutional majority of each
10 house of the general assembly and approval by the
11 governor.

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

15 1. Moneys in the Iowa communications network fund
16 are appropriated to the ~~Iowa-telecommunications-and~~
17 ~~technology-commission department~~ for purposes of
18 providing financing for the procurement, operation,
19 and maintenance of the Iowa communications network
20 with sufficient capacity to serve the video, data, and
21 voice requirements of the educational
22 telecommunications system consisting of Part I, Part
23 II, and Part III, and other public and private
24 agencies.

25 3. The financing for the procurement costs for the
26 entirety of Part I except for the communications
27 connections between central switching and institutions
28 under the control of the board of regents, and
29 nonprofit institutions of higher education eligible
30 for tuition grants, and for the video, data, and voice
31 capacity for state agencies and for Part II and Part
32 III, shall be provided by the state. The financing
33 for the procurement and maintenance costs for Part III
34 shall be provided by the state. A local school board,
35 governing authority of a nonpublic school, or an area
36 education agency board may elect to provide one
37 hundred percent of the financing for the procurement
38 and maintenance costs for Part III to become part of
39 the network. The basis for the amount of state
40 financing is one hundred percent of a single
41 interactive audio and interactive video connection for
42 Part III, and such data and voice capacity as is
43 necessary. If a school board, governing authority of
44 a nonpublic school, or area education agency board
45 elects to provide one hundred percent of the financing
46 for the leasing costs for Part III, the school
47 district or area education agency may become part of
48 the network as soon as the network can reasonably
49 connect the district or agency. A local school board,
50 governing authority of a nonpublic school, or an area

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1 education agency board may also elect not to become
2 part of the network. Construction of Part III,
3 related to a school board, governing authority of a
4 nonpublic school, or area education agency board which
5 provides one hundred percent of the financing for the
6 leasing costs for Part III, may proceed as determined
7 by the commission information technology council and
8 consistent with the purpose of this chapter.

9 4. The commission department shall develop the
10 requests for proposals that are needed for the Iowa
11 communications network with sufficient capacity to
12 serve the video, data, and voice requirements of state
13 agencies and for educational telecommunications
14 applications. The commission department shall develop
15 a request for proposals for each of the systems that
16 will make up the network. The commission department
17 may develop a request for proposals for each
18 definitive component of the network or the commission
19 department may provide in the request for proposals
20 for each such system that separate contracts may be
21 entered into for each definitive component covered by
22 the request for proposals. The requests for proposals
23 may be for the purchase, lease-purchase, or lease of
24 the component parts of the network consistent with the
25 provisions of this chapter subchapter, may require
26 maintenance costs to be identified, and the resulting
27 contract may provide for maintenance for parts of the
28 network. The master contract may provide for
29 electronic classrooms, satellite equipment, receiving
30 equipment, studio and production equipment, and other
31 associated equipment as required.

32 7. The ~~commission-shall-be~~ department is
33 responsible for the network design and shall be
34 responsible for the implementation of each component
35 of the network as it is incorporated into the network.
36 The final design selected shall optimize the routing
37 for all users in order to assure maximum utilization
38 by all agencies of the state. Efficiencies achieved
39 in the implementation of the network shall be used to
40 fund further implementation and enhancement of the
41 network, and shall be considered part of the
42 operational cost of the network. The ~~commission-shall~~
43 ~~be~~ department is responsible for all management,
44 operations, control switching, diagnostics, and
45 maintenance functions of network operations as
46 provided in this chapter subchapter. The performance
47 of these duties is intended to provide optimal
48 utilization of the facilities, and the assurance that
49 future growth requirements will be provided for, and
50 that sufficient network capacity will be available to

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1 meet the needs of all users.

2 8. The education telecommunications council shall
3 review all requests for grants for educational
4 telecommunications applications, if they are a part of
5 the Iowa communications network, to ensure that the
6 educational telecommunications application is
7 consistent with the telecommunications plan. All
8 other grant requests shall be reviewed as determined
9 by the commission information technology council. If
10 the education telecommunications council finds that a
11 grant request is inconsistent with the
12 telecommunications plan, the grant request shall not
13 be allowed.

14 9. The procurement and maintenance of electronic
15 equipment including, but not limited to, master
16 receiver antenna systems, studio and production
17 equipment, and broadcast system components shall be
18 provided for under the commission's department's
19 contracts. The Iowa public broadcasting board and
20 other educational entities within the state have the
21 option to use their existing or replacement resources
22 and agreements in the operation and maintenance of
23 these systems.

24 10. In addition to the other evaluation criteria
25 specified in the request for proposals issued pursuant
26 to this section, the commission department, in
27 evaluating proposals, shall base up to two percent of
28 the total possible points on the public benefit that
29 can be derived from a given proposal due to the
30 increased private telecommunications capacity
31 available to Iowa citizens located in rural Iowa. For
32 purposes of this subsection, an area of the state is
33 considered rural if it is not part of a federally
34 designated standard metropolitan statistical area.

35 13. The auditor of state shall, no less than
36 annually, examine the financial condition and
37 transactions of the commission network as provided in
38 chapter 11. A copy of the auditor's report concerning
39 such examination shall be provided to the general
40 assembly.

41 18. Notwithstanding chapter 476, the provisions of
42 chapter 476 shall not apply to a public utility in
43 furnishing a telecommunications service or facility to
44 the commission department for the Iowa communications
45 network or to any authorized user of the Iowa
46 communications network for such authorized user's
47 connection to the network.

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

50 8D.14 IOWA COMMUNICATIONS NETWORK FUND.

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

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

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

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

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

37 2. The ~~division-of-information-technology-services~~
38 department shall not have authority to determine
39 whether an individual government agency should
40 automate records of which the individual government
41 agency is the lawful custodian. However, the ~~division~~
42 department may encourage governmental agencies to
43 implement electronic access to government records.

44 Sec. 32. Section 18.184, Code 1999, is amended to
45 read as follows:

46 18.184 FINANCIAL TRANSACTIONS.

47 1. The ~~division-of-information-technology-services~~
48 department shall collect moneys paid to participating
49 governmental entities from persons who complete an
50 electronic financial transaction with the governmental

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1 entity by accessing the IowAccess network. The moneys
2 may include all of the following:

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

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

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

13 2. Moneys transferred using the IowAccess network
14 may include amounts owed by a governmental entity to a
15 person accessing the IowAccess network in order to
16 satisfy a liability of the governmental entity. The
17 moneys may include the payment of tax refunds, and the
18 disbursement of support payments as defined in section
19 252D.16 or 598.1 as required for orders issued
20 pursuant to section 252B.14.

21 3. ~~The division-of-information-technology-services~~
22 department shall serve as the agent of the
23 governmental entity in collecting moneys for receipt
24 by governmental entities. The moneys shall be
25 transferred to governmental entities directly or to
26 the treasurer of state for disbursement to
27 governmental entities as required by the treasurer of
28 state in cooperation with the auditor of state.

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

41 Sec. 33. Section 18.185, Code 1999, is amended to
42 read as follows:

43 18.185 AUDITS REQUIRED.

44 A technology audit of the electronic transmission
45 system by which government records are transmitted
46 electronically to the public shall be conducted not
47 less than once annually for the purpose of determining
48 that government records and other electronic data are
49 not misappropriated or misused by the ~~division-of~~
50 information-technology-services department or a

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1 contractor of the division department. A financial
2 audit shall be conducted not less than once annually
3 to determine the financial condition of the division
4 of-information-technology-services department and to
5 make other relevant inquiries.

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

8 18.187 IOWACCESS REVOLVING FUND.

9 An IowAccess revolving fund is created in the state
10 treasury under the control of the department. The
11 revolving fund ~~shall be administered by the division~~
12 and shall consist of moneys collected by the division
13 department as fees, moneys appropriated by the general
14 assembly, and any other moneys obtained or accepted by
15 the division department for deposit in the revolving
16 fund. The proceeds of the revolving fund are
17 appropriated to and shall be used by the division
18 department to maintain, develop, operate, and expand
19 the IowAccess network consistent with this chapter
20 subchapter. The division department shall submit an
21 annual report not later than January 31, to the
22 members of the general assembly and the legislative
23 fiscal bureau, of the activities funded by and
24 expenditures made from the revolving fund during the
25 preceding fiscal year. Section 8.33 does not apply to
26 any moneys in the revolving fund and, notwithstanding
27 section 12C.7, subsection 2, earnings or interest on
28 moneys deposited in the revolving fund shall be
29 credited to the revolving fund.

30 Sec. 35. INFORMATION TECHNOLOGY COUNCIL TEMPORARY
31 EX OFFICIO MEMBER. Notwithstanding section 14B.104,
32 as enacted in this Act, one member of the Iowa
33 telecommunications and technology commission
34 established in section 8D.3 shall serve as the
35 twentieth member and as an ex officio, nonvoting
36 member of the information technology council
37 established in section 14B.104 through June 30, 2002.

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

43 1. One person to be appointed by the governor
44 representing financial institutions who shall be
45 actively engaged in finance and banking.

46 2. One person to be appointed by the governor
47 representing insurers who shall be actively engaged in
48 the insurance industry.

49 3. One person to be appointed by the governor
50 representing the legal profession who shall be

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1 actively engaged in the profession of law.

2 4. One person to be appointed by the governor
3 representing media interests.

4 5. One person to be appointed by the governor
5 representing real estate brokers and salespersons who
6 shall be actively engaged in the real estate business.

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

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

29 Sec. 39. RULES CONTINUED. Notwithstanding any
30 contrary provision, a rule adopted by the Iowa
31 telecommunications and technology commission pursuant
32 to chapter 8D and effective on July 1, 2002, shall be
33 deemed to be a rule of the citizen subcommittee
34 established pursuant to section 14B.301 and remain
35 effective until such time as the citizen subcommittee
36 modifies or repeals such rule, or until such time as
37 the general assembly nullifies such rule.

38 Sec. 40. CONTRACTS CONTINUED. Notwithstanding any
39 contrary provision, a contract or agreement entered
40 into by the Iowa telecommunications and technology
41 commission pursuant to its authority under chapter 8D
42 and in existence on July 1, 2002, shall remain
43 effective for the term of such contract or agreement.
44 The citizen subcommittee established pursuant to
45 section 14B.301, for purposes of such contract or
46 agreement, shall be considered the commission's
47 successor in interest and shall have all the rights
48 and responsibilities under such contract or agreement
49 as if the citizen subcommittee were the commission,
50 unless otherwise provided by law.

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- 1 Sec. 41. DIRECTIONS TO CODE EDITOR.
 2 1. The Code editor shall transfer the provisions
 3 of chapter 8D to chapter 14B, as enacted in this Act,
 4 and codify these sections as a separate subchapter in
 5 chapter 14B.
 6 2. The Code editor shall transfer sections 18.183
 7 through 18.187 to chapter 14B, as enacted in this Act,
 8 and codify those sections as a separate subchapter in
 9 chapter 14B."

By FALCK of Fayette

H-8561 FILED MARCH 27, 2000

W/D
4/6/00 (P. 1296)

SENATE FILE 2395

H-8617

- 1 Amend Senate File 2395, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 12, by striking lines 4 through 14 and
 4 inserting the following: "headed by an administrator
 5 appointed by the director. Each administrator shall
 6 serve at the pleasure of the director."
 7 2. Page 12, by striking lines 24 through 30 and
 8 inserting the following: "by the director. The
 9 administrator shall serve at the pleasure of the
 10 director."

By FALCK of Fayette

H-8617 FILED MARCH 28, 2000

W/D
4/6/00
(P. 1296)

SENATE FILE 2395

H-8618

- 1 Amend Senate File 2395, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 19, by inserting after line 6 the
 4 following:
 5 "Sec. ____ . LEGISLATIVE INTENT -- IOWA
 6 COMMUNICATIONS NETWORK. It is the intent of the
 7 general assembly that the Iowa communications network
 8 be incorporated into the structure of the information
 9 technology department by no later than July 1, 2002."
 10 2. By renumbering as necessary.

By FALCK of Fayette

H-8618 FILED MARCH 28, 2000

W/D
4/6/00 (P. 1296)

SENATE FILE 2395

H-8619

- 1 Amend Senate File 2395, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, line 4, by inserting after the word
 4 "Developing" the following: "and implementing".

By FALCK of Fayette

H-8619 FILED MARCH 28, 2000

4/6/00
(P. 180/1296)

SENATE FILE 2395

H-8648

1 Amend Senate File 2395, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 2 the
4 following:

5 "k. Acquiring any information technology device
6 necessary for participating agencies.

7 1. Acquiring or assisting with the acquisition of
8 information technology for governmental entities other
9 than participating agencies, if requested by such
10 entities, and upon entering into an agreement to
11 provide such information technology."

12 2. Page 9, by striking lines 33 through 35 and
13 inserting the following:

14 "b. Establish, by rule, information technology
15 standards which shall be adhered to in the procurement
16 of information technology for participating agencies,
17 and, as applicable, which shall be adhered to by all
18 participating agencies, unless waived pursuant to
19 section 14B.104."

20 3. Page 10, by inserting after line 34 the
21 following:

22 "3. WAIVER. The information technology council,
23 upon the written request of a participating agency and
24 for good cause shown, may grant a waiver from a
25 requirement otherwise applicable to a participating
26 agency relating to an information technology standard
27 established by the information technology council.
28 The information technology council may delegate its
29 authority to waive a requirement under this subsection
30 to the director."

31 4. By striking page 13, line 20 through page 14,
32 line 1, and inserting the following:

33 "Sec. ____ . NEW SECTION. 14B.110 INFORMATION
34 TECHNOLOGY STANDARDS -- PROCUREMENT.

35 1. Notwithstanding the provisions of this section,
36 the information technology department and the
37 department of general services shall enter into an
38 interagency agreement regarding the division of
39 responsibilities between the departments associated
40 with the procurement of information technology which
41 is acceptable to both departments. The interagency
42 agreement shall be subject to renegotiation at least
43 every two years, unless an earlier time is provided
44 for in the interagency agreement. If the departments
45 are unable to agree on the terms of an interagency
46 agreement or upon a failure of either department to
47 satisfy the terms of the agreement, the departments
48 shall inform the department of management that an
49 agreement has not been reached or that one of the
50 departments has failed to satisfy the terms of the

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1 agreement. The department of management, upon receipt
2 and review of such information, may direct the
3 information technology department to proceed with the
4 procurement of information technology as provided in
5 subsections 2 through 5.

6 2. a. Standards established by the council,
7 unless waived pursuant to section 14B.104, shall apply
8 to all information technology procurements for
9 participating agencies.

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

26 The information technology department, at the
27 request of a participating agency other than the state
28 department of transportation, the department for the
29 blind, or the lottery division of the department of
30 revenue and finance, shall acquire the information
31 technology for the participating agency requesting
32 such information technology if it is determined to be
33 compliant with the standards established by the
34 information technology council.

35 The state department of transportation, the
36 department for the blind, or the lottery division of
37 the department of revenue and finance, upon a
38 determination by the information technology department
39 that a proposed information technology acquisition
40 complies with the information technology standards
41 established by the information technology council, may
42 proceed with such acquisition. The information
43 technology department shall provide advice to such
44 participating agency regarding the procurement of such
45 information technology, including any opportunity to
46 aggregate such purchases with other participating
47 agencies.

48 3. The information technology department, by rule,
49 may implement a prequalification procedure for
50 contractors which the department has entered or

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1 intends to enter into agreements regarding the
2 procurement of information technology.

3 4. Notwithstanding the provisions of chapter 18,
4 the department may procure information technology as
5 provided in this section. The department may
6 cooperate with other governmental entities in the
7 procurement of information technology in an effort to
8 make such procurements in a cost-effective, efficient
9 manner as provided in this section. The department,
10 as deemed appropriate and cost-effective, may procure
11 information technology using any of the following
12 methods:

13 a. Cooperative procurement agreement. The
14 department may enter into a cooperative procurement
15 agreement with another governmental entity for the
16 purpose of pooling funds for the purchase of
17 information technology, whether such information
18 technology is for the use of the department or
19 multiple governmental entities. The cooperative
20 procurement agreement shall clearly specify the
21 purpose of the agreement and the method by which such
22 purpose will be accomplished. Any power exercised
23 under such agreement shall not exceed the power
24 granted to any party to the agreement.

25 b. Negotiated contract. The department may enter
26 into an agreement for the purchase of information
27 technology if any of the following applies:

28 (1) The contract price, terms, and conditions are
29 pursuant to the current federal supply contract, and
30 the purchase order adequately identifies the federal
31 supply contract under which the procurement is to be
32 made.

33 (2) The contract price, terms, and conditions are
34 no less favorable than the contractor's current
35 federal supply contract price, terms, and conditions;
36 the contractor has indicated in writing a willingness
37 to extend such price, terms, and conditions to the
38 department; and the purchase order adequately
39 identifies the contract relied upon.

40 (3) The contract is with a vendor which has a
41 current exclusive or nonexclusive price agreement with
42 the state for the information technology to be
43 procured, and such information technology meets the
44 same standards and specifications as the items to be
45 procured and both of the following apply:

46 (a) The quantity purchased does not exceed the
47 quantity which may be purchased under the applicable
48 price agreement.

49 (b) The purchase order adequately identifies the
50 price agreement relied upon.

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- 1 c. Contracts let by another government entity.
2 The department, on its own behalf or on the behalf of
3 another participating agency, may procure information
4 technology under a contract let by another state
5 agency or political subdivision of this state, or
6 approve such procurement in the same manner by a
7 participating agency.
- 8 d. Reverse auction.
9 (1) The department may enter into an agreement for
10 the purchase of information technology utilizing a
11 reverse auction process. Such process shall result in
12 the purchase of information technology from the vendor
13 submitting the lowest responsible bid amount for the
14 information technology to be acquired. The
15 department, in establishing a reverse auction process
16 shall do all of the following:
17 (a) Determine the specifications and requirements
18 of the information technology to be acquired.
19 (b) Identify and provide notice to potential
20 vendors concerning the proposed acquisition.
21 (c) Establish prequalification requirements to be
22 met by a vendor to be eligible to participate in the
23 reverse auction.
24 (d) Conduct the reverse auction in a manner as
25 deemed appropriate by the department, and consistent
26 with rules adopted by the department.
- 27 (2) Prior to conducting a reverse auction, the
28 department shall establish a threshold amount which
29 shall be the maximum amount which the department is
30 willing to pay for the information technology to be
31 acquired.
- 32 (3) The department shall enter into an agreement
33 with a vendor who is the lowest responsible bidder
34 which meets the specifications or description of the
35 information technology to be procured, or the
36 department may reject all bids and begin the process
37 again. In determining the lowest responsible bidder,
38 the department may consider various factors,
39 including, but not limited to, the past performance of
40 the vendor relative to quality of product or service,
41 the past experience of the department in relation to
42 the product or service, the relative quality of
43 products or services, the proposed terms of delivery,
44 and the best interest of the state.
- 45 e. Competitive bidding. The department may enter
46 into an agreement for the purchase of information
47 technology in the same manner as provided under
48 section 18.6, with respect to the department of
49 general services.
- 50 f. In addition to the competitive bidding

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

10 5. The department shall adopt rules pursuant to
 11 chapter 17A to implement the procurement methods
 12 provided for in subsections 2 through 4."

13 5. By renumbering as necessary.

By FALCK of Fayette

H-8648 FILED MARCH 29, 2000

w/d
4-6-00
(P. 1296)

SENATE FILE 2395

H-8651

1 Amend Senate File 2395, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 16, line 33, by striking the word "four-
 4 year" and inserting the following: "three-year".
 5 2. Page 16, by striking lines 34 and 35 and
 6 inserting the following: "terms as designated by the
 7 governor. The governor shall appoint a member as the
 8 chairperson of the advisory council from the
 9 membership of the advisory council."
 10 3. Page 17, line 1, by striking the words "of the
 11 board."

By FALCK of Fayette

H-8651 FILED MARCH 29, 2000

w/d
4-6-00
(P. 1296)

SENATE FILE 2395

H-8661

1 Amend Senate File 2395, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 17, line 12, by inserting after the word
4 "government" the following: "and for the operation of
5 the Iowa communications network".

6 2. Page 17, by striking lines 19 through 21 and
7 inserting the following: "technically compatible.
8 The".

9 3. Page 17, line 22, by inserting after the word
10 "commission" the following: "and the department".

11 4. Page 17, by inserting after line 31 the
12 following:

13 "Sec. ____ . Section 8D.3, subsection 3, paragraph
14 f, Code Supplement 1999, is amended to read as
15 follows:

16 f. Annually prepare a written five-year financial
17 plan for the network which shall be provided to the
18 information technology council for delivery to the
19 general assembly and the governor by no later than
20 January 15 of each year. The plan shall include
21 estimates for income and expenses for the network for
22 the five-year period and the actual income and
23 expenses for the preceding fiscal year. The plan
24 shall include the amount of general fund
25 appropriations to be requested for the payment of
26 operating expenses and debt service. The plan shall
27 also include any recommendations of the commission
28 related to changes in the system and other items as
29 deemed appropriate by the commission. The
30 recommendations of the commission contained in the
31 plan shall include a detailed plan for the connection
32 of all public schools to the network, including a
33 discussion and evaluation of all potential financing
34 options, an estimate of all costs incurred in
35 providing such connections, and a schedule for
36 completing such connections, including the anticipated
37 final completion date for such connections.

38 Sec. ____ . Section 8D.6, Code 1999, is amended to
39 read as follows:

40 8D.6 ADVISORY GROUPS ESTABLISHED.

41 1. The commission shall establish an advisory
42 group to examine the use of the network for
43 telemedicine applications. The advisory group shall
44 consist of representatives of hospitals and other
45 health care facilities as determined by the
46 commission. The advisory group shall provide advice
47 to the commission, the department, and the information
48 technology council.

49 2. The commission may establish other advisory
50 committees as necessary representing authorized users

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1 of the network. An advisory committee established by
2 the commission shall provide advice to the commission,
3 the department, and the information technology
4 council.

5 Sec. _____. Section 8D.7, Code 1999, is amended to
6 read as follows:

7 8D.7 TELECOMMUNICATIONS ADVISORY COMMITTEE.

8 A telecommunications advisory committee is
9 established to advise the commission, the department,
10 and the information technology council on
11 telecommunications matters. The commission shall
12 appoint five members to the advisory committee who
13 shall represent specific telecommunications industries
14 or persons with technical expertise related to the
15 network.

16 Sec. _____. Section 8D.10, Code 1999, is amended to
17 read as follows:

18 8D.10 REPORT OF SAVINGS BY STATE AGENCIES.

19 A state agency which is a part of the network shall
20 annually provide a written report to the general
21 assembly and the information technology council
22 certifying the identified savings associated with the
23 state agency's use of the network. The report shall
24 be delivered on or before January 15 for the previous
25 fiscal year of the state agency.

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

28 8D.12 DISPOSITION OF NETWORK -- APPROVAL OF
29 GENERAL ASSEMBLY AND GOVERNOR.

30 Notwithstanding any provision to the contrary, the
31 commission information technology department or the
32 department of general services shall not sell, lease,
33 or otherwise dispose of the network without prior
34 authorization by a constitutional majority of each
35 house of the general assembly and approval by the
36 governor."

37 5. Page 19, by inserting after line 25 the
38 following:

39 "Sec. _____. DIRECTIONS TO CODE EDITOR. The Code
40 editor shall transfer the provisions of chapter 8D to
41 chapter 14B, as enacted in this Act, and codify the
42 provisions as a separate subchapter in chapter 14B."

43 6. By renumbering as necessary.

By FALCK of Fayette

H-8661 FILED MARCH 29, 2000

W/D

4/6/00

(p. 1296)

SENATE FILE 2395

H-8748

1 Amend Senate File 2395, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 18, by inserting after the figure
4 "8D.3" the following: ", with respect to information
5 technology that is unique to the Iowa communications
6 network".

7 2. Page 5, line 4, by inserting after the word
8 "Developing" the following: "and implementing".

9 3. Page 5, line 8, by inserting after the word
10 "chapter." the following: "The department shall
11 implement information technology standards as
12 established pursuant to this chapter which are
13 applicable to information technology procurements for
14 participating agencies."

15 4. Page 5, line 9, by inserting after the word
16 "Recommending" the following: "and implementing".

17 5. Page 5, line 24, by inserting after the word
18 "chapter." the following: "The information technology
19 department shall review a request for information
20 technology submitted by a participating agency for
21 purposes of determining whether such request meets the
22 applicable standards established pursuant to this
23 chapter. Upon a determination that the request meets
24 such standards, the information technology shall be
25 procured for the participating agency by the
26 department of general services. Nothing in this
27 chapter shall be construed to prohibit or limit a
28 participating agency from entering into an agreement
29 or contract for information technology with a
30 qualified private entity."

31 6. Page 6, by striking lines 3 through 6 and
32 inserting the following:

33 "3. SERVICE CHARGES. The department shall render
34 a statement to a participating agency or other
35 governmental entity for a reasonable and necessary
36 amount for information technology provided by the
37 department to such agency or entity. An amount
38 indicated on a statement rendered to a participating
39 agency or other governmental entity shall be paid by
40 such agency or entity in a manner determined by the
41 department of revenue and finance. Amounts charged
42 and paid pursuant to this".

43 7. Page 6, line 9, by striking the words "as
44 fees".

45 8. Page 8, by striking lines 21 and 22 and
46 inserting the following:

47 "(1) The director of the information technology
48 department."

49 9. Page 8, line 29, by striking the words "chief
50 operating officer" and inserting the following:

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1 "executive director".

2 10. Page 8, line 30, by striking the words "chief
3 operating officer's" and inserting the following:

4 "executive director's".

5 11. Page 9, line 26, by inserting after the word
6 "shall" the following: "annually".

7 12. Page 9, line 27, by inserting after the word
8 "council" the following: "other than the director of
9 the information technology department".

10 13. Page 10, by inserting after line 34 the
11 following:

12 "2A. WAIVER. The information technology council,
13 upon the written request of a participating agency and
14 for good cause shown, may grant a waiver from a
15 requirement otherwise applicable to a participating
16 agency relating to an information technology standard
17 established by the information technology council."

18 14. Page 12, line 9, by inserting after the word
19 "governor." the following: "An administrator shall
20 report to the director regarding the day-to-day
21 operations of the division headed by the
22 administrator, and the performance of the
23 administrator's duties."

24 15. Page 12, line 24, by striking the word
25 "director" and inserting the following: "governor".

26 16. Page 12, line 29, by inserting after the word
27 "made." the following: "The administrator shall
28 report to the director regarding the day-to-day
29 operations of the bureau and the performance of the
30 administrator's duties."

31 17. Page 13, by striking lines 27 through 30 and
32 inserting the following: "purpose of guiding such
33 procurements. Such standards, unless waived by the
34 council, shall apply to all information technology
35 procurements for participating agencies."

36 18. Page 14, by inserting after line 1 the
37 following:

38 "Sec. ____ . NEW SECTION. 14B.108 PROCUREMENT OF
39 INFORMATION TECHNOLOGY.

40 1. Notwithstanding the provisions of this section,
41 the information technology department and the
42 department of general services shall enter into an
43 interagency agreement regarding the division of
44 responsibilities between the departments associated
45 with the procurement of information technology which
46 is acceptable to both departments. The interagency
47 agreement shall be subject to renegotiation at least
48 every two years, unless an earlier time is provided
49 for in the interagency agreement. If the departments
50 are unable to agree on the terms of an interagency

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1 agreement or upon a failure of either department to
2 satisfy the terms of the agreement, the departments
3 shall inform the department of management that an
4 agreement has not been reached or that one of the
5 departments has failed to satisfy the terms of the
6 agreement. The department of management, upon receipt
7 and review of such information, may direct the
8 information technology department to proceed with the
9 procurement of information technology as provided in
10 subsections 2 through 5.

11 2. a. Standards established by the council,
12 unless waived pursuant to section 14B.104, shall apply
13 to all information technology procurements for
14 participating agencies.

15 b. A participating agency shall submit a request
16 to the department for the procurement of any
17 information technology. The department, prior to any
18 acquisition of such information technology, shall make
19 a determination whether the requested information
20 technology complies with the information technology
21 standards established by the information technology
22 council.

23 The information technology department, at the
24 request of a participating agency other than a
25 participating agency that is granted independent
26 procurement authority, shall acquire the information
27 technology for the participating agency requesting
28 such information technology if it is determined to be
29 compliant with the standards established by the
30 information technology council.

31 A participating agency that is granted independent
32 procurement authority, upon a determination by the
33 information technology department that a proposed
34 information technology acquisition complies with the
35 information technology standards established by the
36 information technology council, may proceed with such
37 acquisition. The information technology department
38 shall provide advice to such participating agency
39 regarding the procurement of such information
40 technology, including any opportunity to aggregate
41 such purchases with other participating agencies.

42 c. If a determination is made that the information
43 technology does not comply with such standards, the
44 department shall disapprove the request and such
45 information technology shall not be procured unless a
46 waiver is granted pursuant to section 14B.104.

47 3. The information technology department, by rule,
48 may implement a prequalification procedure for
49 contractors which the department has entered or
50 intends to enter into agreements regarding the

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1 procurement of information technology.

2 4. Notwithstanding the provisions of chapter 18,
3 the department may procure information technology as
4 provided in this section. The department may
5 cooperate with other governmental entities in the
6 procurement of information technology in an effort to
7 make such procurements in a cost-effective, efficient
8 manner as provided in this section. The department,
9 as deemed appropriate and cost-effective, may procure
10 information technology using any of the following
11 methods:

12 a. Cooperative procurement agreement. The
13 department may enter into a cooperative procurement
14 agreement with another governmental entity for the
15 purpose of pooling funds for the purchase of
16 information technology, whether such information
17 technology is for the use of the department or
18 multiple governmental entities. The cooperative
19 procurement agreement shall clearly specify the
20 purpose of the agreement and the method by which such
21 purpose will be accomplished. Any power exercised
22 under such agreement shall not exceed the power
23 granted to any party to the agreement.

24 b. Negotiated contract. The department may enter
25 into an agreement for the purchase of information
26 technology if any of the following applies:

27 (1) The contract price, terms, and conditions are
28 pursuant to the current federal supply contract, and
29 the purchase order adequately identifies the federal
30 supply contract under which the procurement is to be
31 made.

32 (2) The contract price, terms, and conditions are
33 no less favorable than the contractor's current
34 federal supply contract price, terms, and conditions;
35 the contractor has indicated in writing a willingness
36 to extend such price, terms, and conditions to the
37 department; and the purchase order adequately
38 identifies the contract relied upon.

39 (3) The contract is with a vendor which has a
40 current exclusive or nonexclusive price agreement with
41 the state for the information technology to be
42 procured, and such information technology meets the
43 same standards and specifications as the items to be
44 procured and both of the following apply:

45 (a) The quantity purchased does not exceed the
46 quantity which may be purchased under the applicable
47 price agreement.

48 (b) The purchase order adequately identifies the
49 price agreement relied upon.

50 c. Contracts let by another government entity.

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1 The department, on its own behalf or on the behalf of
2 another participating agency, may procure information
3 technology under a contract let by another state
4 agency or political subdivision of this state, or
5 approve such procurement in the same manner by a
6 participating agency.

7 d. Reverse auction.

8 (1) The department may enter into an agreement for
9 the purchase of information technology utilizing a
10 reverse auction process. Such process shall result in
11 the purchase of information technology from the vendor
12 submitting the lowest responsible bid amount for the
13 information technology to be acquired. The
14 department, in establishing a reverse auction process
15 shall do all of the following:

16 (a) Determine the specifications and requirements
17 of the information technology to be acquired.

18 (b) Identify and provide notice to potential
19 vendors concerning the proposed acquisition.

20 (c) Establish prequalification requirements to be
21 met by a vendor to be eligible to participate in the
22 reverse auction.

23 (d) Conduct the reverse auction in a manner as
24 deemed appropriate by the department, and consistent
25 with rules adopted by the department.

26 (2) Prior to conducting a reverse auction, the
27 department shall establish a threshold amount which
28 shall be the maximum amount which the department is
29 willing to pay for the information technology to be
30 acquired.

31 (3) The department shall enter into an agreement
32 with a vendor who is the lowest responsible bidder
33 which meets the specifications or description of the
34 information technology to be procured, or the
35 department may reject all bids and begin the process
36 again. In determining the lowest responsible bidder,
37 the department may consider various factors,
38 including, but not limited to, the past performance of
39 the vendor relative to quality of product or service,
40 the past experience of the department in relation to
41 the product or service, the relative quality of
42 products or services, the proposed terms of delivery,
43 and the best interest of the state.

44 e. Competitive bidding. The department may enter
45 into an agreement for the purchase of information
46 technology in the same manner as provided under
47 section 18.6, with respect to the department of
48 general services.

49 f. In addition to the competitive bidding
50 procedure provided for under paragraph "e", the

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

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

12 19. Page 16, line 35, by inserting after the word
13 "shall" the following: "annually".

14 20. Page 17, by striking lines 19 through 21 and
15 inserting the following: "technically compatible.
16 The".

17 21. Page 19, by inserting after line 6 the
18 following:

19 "Sec. ____ . IOWA COMMUNICATIONS NETWORK STATUS. It
20 is the intent of the general assembly that the general
21 assembly, during the 2002 regular session, review the
22 operations of the Iowa communications network and the
23 information technology department for the purpose of
24 determining whether the oversight and administration
25 of the network should be under the authority of the
26 department."

27 22. Page 19, by inserting after line 25 the
28 following:

29 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
30 of immediate importance, takes effect upon enactment."

31 23. Title page, line 2, by inserting after the
32 word "changes" the following: "and providing an
33 effective date".

34 24. By renumbering, relettering, or redesignating
35 and correcting internal references as necessary.

By JACOBS of Polk

H-8748 FILED APRIL 5, 2000

A. Adopted 4-6-00 (p. 1303)
B. 0/0 4-6-00

SENATE FILE 2395

H-8749

1 Amend the amendment, H-8405, to Senate File 2395,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, line 8, by inserting after the word
5 "information," the following: "or to provide".
- 6 2. Page 1, by striking lines 10 through 13 and
7 inserting the following: "records in customized
8 formats."

By JACOBS of Polk

H-8749 FILED APRIL 6, 2000

Adopted
4-6-00 (P. 1296)

SENATE FILE 2395

H-8760

1 Amend the amendment, H-8748, to Senate File 2395,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 6, by striking lines 14 through 16 and
5 inserting the following:
- 6 "____. Page 17, line 21, by inserting after the
7 word "agency." the following: "However, the
8 commission is subject to the general operations
9 practices and procedures which are generally
10 applicable to other state agencies.
- 11 PARAGRAPH DIVIDED."

By JACOBS of Polk

H-8760 FILED APRIL 6, 2000

Adopted
4/6/00
(P. 1303)

HOUSE AMENDMENT TO
SENATE FILE 2395

S-5380

1 Amend Senate File 2395, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 4, line 18, by inserting after the figure
4 "8D.3" the following: ", with respect to information
5 technology that is unique to the Iowa communications
6 network".

7 2. Page 4, by inserting after line 20 the
8 following:

9 "____. "Value-added services" means government
10 information which requires special sorts or
11 formatting, or other action to provide such
12 information, or to provide access to government
13 information which is responsive to special requests
14 for multiple government records in customized
15 formats."

16 3. Page 5, line 4, by inserting after the word
17 "Developing" the following: "and implementing".

18 4. Page 5, line 8, by inserting after the word
19 "chapter." the following: "The department shall
20 implement information technology standards as
21 established pursuant to this chapter which are
22 applicable to information technology procurements for
23 participating agencies."

24 5. Page 5, line 9, by inserting after the word
25 "Recommending" the following: "and implementing".

26 6. Page 5, line 24, by inserting after the word
27 "chapter." the following: "The information technology
28 department shall review a request for information
29 technology submitted by a participating agency for
30 purposes of determining whether such request meets the
31 applicable standards established pursuant to this
32 chapter. Upon a determination that the request meets
33 such standards, the information technology shall be
34 procured for the participating agency by the
35 department of general services. Nothing in this
36 chapter shall be construed to prohibit or limit a
37 participating agency from entering into an agreement
38 or contract for information technology with a
39 qualified private entity."

40 7. Page 6, by striking lines 3 through 6 and
41 inserting the following:

42 "3. SERVICE CHARGES. The department shall render
43 a statement to a participating agency or other
44 governmental entity for a reasonable and necessary
45 amount for information technology provided by the
46 department to such agency or entity. An amount
47 indicated on a statement rendered to a participating
48 agency or other governmental entity shall be paid by
49 such agency or entity in a manner determined by the
50 department of revenue and finance. Amounts charged

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1 and paid pursuant to this".

2 8. Page 6, line 9, by striking the words "as
3 fees".

4 9. Page 8, by striking lines 21 and 22 and
5 inserting the following:

6 "(1) The director of the information technology
7 department."

8 10. Page 8, line 29, by striking the words "chief
9 operating officer" and inserting the following:
10 "executive director".

11 11. Page 8, line 30, by striking the words "chief
12 operating officer's" and inserting the following:
13 "executive director's".

14 12. Page 9, line 26, by inserting after the word
15 "shall" the following: "annually".

16 13. Page 9, line 27, by inserting after the word
17 "council" the following: "other than the director of
18 the information technology department".

19 14. Page 10, by inserting after line 34 the
20 following:

21 "2A. WAIVER. The information technology council,
22 upon the written request of a participating agency and
23 for good cause shown, may grant a waiver from a
24 requirement otherwise applicable to a participating
25 agency relating to an information technology standard
26 established by the information technology council."

27 15. Page 12, line 9, by inserting after the word
28 "governor." the following: "An administrator shall
29 report to the director regarding the day-to-day
30 operations of the division headed by the
31 administrator, and the performance of the
32 administrator's duties."

33 16. Page 12, line 24, by striking the word
34 "director" and inserting the following: "governor".

35 17. Page 12, line 29, by inserting after the word
36 "made." the following: "The administrator shall
37 report to the director regarding the day-to-day
38 operations of the bureau and the performance of the
39 administrator's duties."

40 18. Page 13, by striking lines 27 through 30 and
41 inserting the following: "purpose of guiding such
42 procurements. Such standards, unless waived by the
43 council, shall apply to all information technology
44 procurements for participating agencies."

45 19. Page 14, by inserting after line 1 the
46 following:

47 "Sec. ____ . NEW SECTION. 14B.108 PROCUREMENT OF
48 INFORMATION TECHNOLOGY.

49 1. Notwithstanding the provisions of this section,
50 the information technology department and the

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

20 2. a. Standards established by the council,
21 unless waived pursuant to section 14B.104, shall apply
22 to all information technology procurements for
23 participating agencies.

24 b. A participating agency shall submit a request
25 to the department for the procurement of any
26 information technology. The department, prior to any
27 acquisition of such information technology, shall make
28 a determination whether the requested information
29 technology complies with the information technology
30 standards established by the information technology
31 council.

32 The information technology department, at the
33 request of a participating agency other than a
34 participating agency that is granted independent
35 procurement authority, shall acquire the information
36 technology for the participating agency requesting
37 such information technology if it is determined to be
38 compliant with the standards established by the
39 information technology council.

40 A participating agency that is granted independent
41 procurement authority, upon a determination by the
42 information technology department that a proposed
43 information technology acquisition complies with the
44 information technology standards established by the
45 information technology council, may proceed with such
46 acquisition. The information technology department
47 shall provide advice to such participating agency
48 regarding the procurement of such information
49 technology, including any opportunity to aggregate
50 such purchases with other participating agencies.

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1 c. If a determination is made that the information
2 technology does not comply with such standards, the
3 department shall disapprove the request and such
4 information technology shall not be procured unless a
5 waiver is granted pursuant to section 14B.104.

6 3. The information technology department, by rule,
7 may implement a prequalification procedure for
8 contractors which the department has entered or
9 intends to enter into agreements regarding the
10 procurement of information technology.

11 4. Notwithstanding the provisions of chapter 18,
12 the department may procure information technology as
13 provided in this section. The department may
14 cooperate with other governmental entities in the
15 procurement of information technology in an effort to
16 make such procurements in a cost-effective, efficient
17 manner as provided in this section. The department,
18 as deemed appropriate and cost-effective, may procure
19 information technology using any of the following
20 methods:

21 * a. Cooperative procurement agreement. The
22 department may enter into a cooperative procurement
23 agreement with another governmental entity for the
24 purpose of pooling funds for the purchase of
25 information technology, whether such information
26 technology is for the use of the department or
27 multiple governmental entities. The cooperative
28 procurement agreement shall clearly specify the
29 purpose of the agreement and the method by which such
30 purpose will be accomplished. Any power exercised
31 under such agreement shall not exceed the power
32 granted to any party to the agreement.

33 b. Negotiated contract. The department may enter
34 into an agreement for the purchase of information
35 technology if any of the following applies:

36 (1) The contract price, terms, and conditions are
37 pursuant to the current federal supply contract, and
38 the purchase order adequately identifies the federal
39 supply contract under which the procurement is to be
40 made.

41 (2) The contract price, terms, and conditions are
42 no less favorable than the contractor's current
43 federal supply contract price, terms, and conditions;
44 the contractor has indicated in writing a willingness
45 to extend such price, terms, and conditions to the
46 department; and the purchase order adequately
47 identifies the contract relied upon.

48 (3) The contract is with a vendor which has a
49 current exclusive or nonexclusive price agreement with
50 the state for the information technology to be

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1 procured, and such information technology meets the
2 same standards and specifications as the items to be
3 procured and both of the following apply:

4 (a) The quantity purchased does not exceed the
5 quantity which may be purchased under the applicable
6 price agreement.

7 (b) The purchase order adequately identifies the
8 price agreement relied upon.

9 c. Contracts let by another government entity.
10 The department, on its own behalf or on the behalf of
11 another participating agency, may procure information
12 technology under a contract let by another state
13 agency or political subdivision of this state, or
14 approve such procurement in the same manner by a
15 participating agency.

16 d. Reverse auction.

17 (1) The department may enter into an agreement for
18 the purchase of information technology utilizing a
19 reverse auction process. Such process shall result in
20 the purchase of information technology from the vendor
21 submitting the lowest responsible bid amount for the
22 information technology to be acquired. The
23 department, in establishing a reverse auction process
24 shall do all of the following:

25 (a) Determine the specifications and requirements
26 of the information technology to be acquired.

27 (b) Identify and provide notice to potential
28 vendors concerning the proposed acquisition.

29 (c) Establish prequalification requirements to be
30 met by a vendor to be eligible to participate in the
31 reverse auction.

32 (d) Conduct the reverse auction in a manner as
33 deemed appropriate by the department, and consistent
34 with rules adopted by the department.

35 (2) Prior to conducting a reverse auction, the
36 department shall establish a threshold amount which
37 shall be the maximum amount which the department is
38 willing to pay for the information technology to be
39 acquired.

40 (3) The department shall enter into an agreement
41 with a vendor who is the lowest responsible bidder
42 which meets the specifications or description of the
43 information technology to be procured, or the
44 department may reject all bids and begin the process
45 again. In determining the lowest responsible bidder,
46 the department may consider various factors,
47 including, but not limited to, the past performance of
48 the vendor relative to quality of product or service,
49 the past experience of the department in relation to
50 the product or service, the relative quality of

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1 products or services, the proposed terms of delivery,
2 and the best interest of the state.

3 e. Competitive bidding. The department may enter
4 into an agreement for the purchase of information
5 technology in the same manner as provided under
6 section 18.6, with respect to the department of
7 general services.

8 f. In addition to the competitive bidding
9 procedure provided for under paragraph "e", the
10 information technology department may enter into an
11 agreement for the purchase, disposal, or other
12 disposition of information technology in any other
13 manner provided under chapter 18, in the same manner
14 and subject to the same limitations as the department
15 of general services. The information technology
16 department, by rule, shall provide for such
17 procedures.

18 5. The department shall adopt rules pursuant to
19 chapter 17A to implement the procurement methods
20 provided for in subsections 2 through 4."

21 20. Page 14, lines 10 and 11, by striking the
22 words "access, including enhanced access," and
23 inserting the following: "access".

24 21. Page 14, line 13, by striking the words
25 "enhanced access" and inserting the following:
26 "value-added services".

27 22. Page 14, line 14, by striking the word
28 "accessing" and inserting the following: "creating
29 and organizing".

30 23. Page 14, by striking lines 16 through 19.

31 24. Page 16, line 35, by inserting after the word
32 "shall" the following: "annually".

33 25. Page 17, line 21, by inserting after the word
34 "agency." the following: "However, the commission is
35 subject to the general operations practices and
36 procedures which are generally applicable to other
37 state agencies."

38 PARAGRAPH DIVIDED.

39 26. Page 19, by inserting after line 6 the
40 following:

41 "Sec. ____ . IOWA COMMUNICATIONS NETWORK STATUS. It
42 is the intent of the general assembly that the general
43 assembly, during the 2002 regular session, review the
44 operations of the Iowa communications network and the
45 information technology department for the purpose of
46 determining whether the oversight and administration
47 of the network should be under the authority of the
48 department."

49 27. Page 19, by inserting after line 25 the
50 following:

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1 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
2 of immediate importance, takes effect upon enactment."

3 28. Title page, line 2, by inserting after the
4 word "changes" the following: "and providing an
5 effective date".

6 29. By renumbering, relettering, or redesignating
7 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5380 FILED APRIL 11, 2000

Senate Concurred

4-19-00

(P. 1278)

SENATE FILE 2395

S-5508

- 1 Amend the amendment, S-5380, to Senate File 2395,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking lines 8 through 13 and
5 inserting the following:
6 " . Page 8, by striking lines 29 and 30 and
7 inserting the following:
8 "(5) The chairperson of the Iowa
9 telecommunications and technology commission or the
10 chairperson's designee."
11 2. By renumbering as necessary.

By ROBERT E. DVORSKY

S-5508 FILED APRIL 19, 2000

LOST

(P. 1276)

SENATE FILE 2395

S-5509

- 1 Amend the amendment, S-5380, to Senate File 2395,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by inserting after line 3 the
5 following:
6 " . Page 7, by inserting after line 35 the
7 following:
8 "2A. WAIVER. The director, when such authority is
9 delegated by the information technology council under
10 section 14B.104, may grant a waiver from a requirement
11 otherwise applicable to a participating agency in the
12 same manner as provided for the information technology
13 council under section 14B.104."
14 2. Page 2, line 26, by inserting after the word
15 "council." the following: "The information technology
16 council may delegate its authority to waive a
17 requirement under this subsection to the director."
18 3. By renumbering as necessary.

By ROBERT E. DVORSKY

S-5509 FILED APRIL 19, 2000

WITHDRAWN

(P. 1276)

SENATE FILE 2395

S-5507

- 1 Amend the amendment, S-5380, to Senate File 2395,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking lines 16 through 18.
5 2. By renumbering as necessary.

By ROBERT E. DVORSKY

S-5507 FILED APRIL 19, 2000

LOST

(P. 1276)

SENATE FILE 2395

S-5510

1 Amend the amendment, S-5380, to Senate File 2395,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 40, by striking the word and
5 figure "through 6" and inserting the following:
6 "through 8".

7 2. Page 2, by line 1, by striking the word
8 "this"" and inserting the following: "this subsection
9 shall be deposited in the operations revolving fund
10 created in section 14B.102A. It is the intent of the
11 general assembly that the"".

12 3. Page 2, by inserting after line 3 the
13 following:

14 "SEC. ____ . NEW SECTION. 14B.102A OPERATIONS
15 REVOLVING FUND.

16 An operations revolving fund is created in the
17 state treasury. The operations revolving fund shall
18 be administered by the department and shall consist of
19 moneys collected by the department as fees, moneys
20 appropriated by the general assembly, and any other
21 moneys obtained or accepted by the department for
22 deposit in the revolving fund. The proceeds of the
23 revolving fund are appropriated to and shall be used
24 by the department for the operations of the department
25 consistent with this chapter. The department shall
26 submit an annual report not later than January 31, to
27 the members of the general assembly and the
28 legislative fiscal bureau, of the activities funded by
29 and expenditures made from the revolving fund during
30 the preceding fiscal year. Section 8.33 does not
31 apply to any moneys in the revolving fund and,
32 notwithstanding section 12C.7, subsection 2, earnings
33 or interest on moneys deposited in the revolving fund
34 shall be credited to the revolving fund."

35 4. By renumbering as necessary.

By PATRICK J. DELUHERY

S-5510 FILED APRIL 19, 2000
LOST

(p. 1276)

SENATE FILE 2395

S-5511

1 Amend the amendment, S-5380, to Senate File 2395,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 7 through 15.

5 2. Page 6, by striking lines 21 through 38 and
6 inserting the following:

7 "_____. By striking page 14, line 2, through page
8 17, line 6, and inserting the following:

9 "Sec. _____. NEW SECTION. 14B.201 IOWACCESS BOARD
10 ESTABLISHED -- DUTIES -- MEMBERSHIP.

11 1. BOARD ESTABLISHED. An IowAccess board is
12 established for the purpose of creating and providing
13 a service to the citizens of this state that is the
14 gateway for one-stop electronic access to government
15 information and transactions, whether federal, state,
16 or local.

17 2. DUTIES.

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

19 (1) Recommend to the information technology
20 council citizen subcommittee rates to be charged for
21 access to and for value-added services performed
22 through IowAccess.

23 (2) Recommend to the director and the information
24 technology council the priority of projects associated
25 with IowAccess.

26 (3) Recommend to the director and the information
27 technology council expected outcomes and effects of
28 the use of IowAccess and determine the manner in which
29 such outcomes are to be measured and evaluated.

30 (4) Review and recommend to the director and the
31 information technology council the IowAccess total
32 budget request and ensure that such request reflects
33 the priorities and goals of IowAccess as established
34 by the board.

35 (5) Review and recommend to the director and the
36 information technology council all rules to be adopted
37 by the information technology council that are related
38 to IowAccess.

39 (6) Advocate for access to government information
40 and services through IowAccess and for data privacy
41 protection, information ethics, accuracy, and security
42 in IowAccess programs and services.

43 (7) Receive status and operations reports
44 associated with IowAccess.

45 (8) Other duties as assigned by the director or
46 the information technology council.

47 b. The board shall also advise the governor and
48 the director with respect to the operation of
49 IowAccess and encouraging and implementing access to
50 government and its public records by the citizens of

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1 this state.

2 c. The board shall serve as a link between the
3 users of public records, the lawful custodians of such
4 public records, and the citizens of this state who are
5 the owners of such public records.

6 d. The board shall ensure that IowAccess gives
7 priority to serving the needs of the citizens of this
8 state.

9 3. MEMBERSHIP.

10 a. The board shall be composed of nineteen members
11 including the following:

12 (1) Five persons appointed by the governor
13 representing the primary customers of IowAccess.

14 (2) Six persons representing lawful custodians as
15 follows:

16 (a) One person representing the legislative
17 branch, who shall not be a legislator, to be appointed
18 jointly by the president of the senate, after
19 consultation with the majority and minority leaders of
20 the senate, and the speaker of the house of
21 representatives, after consultation with the majority
22 and minority leaders of the house of representatives.

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

25 (c) One person representing the executive branch
26 as designated by the governor.

27 (d) One person to be appointed by the governor
28 representing cities who shall be actively engaged in
29 the administration of a city.

30 (e) One person to be appointed by the governor
31 representing counties who shall be actively engaged in
32 the administration of a county.

33 (f) One person to be appointed by the governor
34 representing the federal government.

35 (3) Four members to be appointed by the governor
36 representing a cross section of the citizens of the
37 state.

38 (4) Four members of the general assembly, two from
39 the senate and two from the house of representatives,
40 with not more than one member from each chamber being
41 from the same political party. The two senators shall
42 be designated by the president of the senate after
43 consultation with the majority and minority leaders of
44 the senate, and with the approval of the majority
45 party appointee by the majority leader and the
46 approval of the minority party appointee by the
47 minority leader. The two representatives shall be
48 designated by the speaker of the house of
49 representatives after consultation with the majority
50 and minority leaders of the house of representatives,

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1 and with the approval of the majority party appointee
2 by the majority leader and the approval of the
3 minority party appointee by the minority leader.
4 Legislative members shall serve in an ex officio,
5 nonvoting capacity. A legislative member is eligible
6 for per diem and expenses as provided in section 2.10.
7 b. Members appointed by the governor are subject
8 to confirmation by the senate and shall serve three-
9 year staggered terms as designated by the governor.
10 The governor shall appoint a member as the chairperson
11 of the board from the voting members of the board,
12 subject to confirmation by the senate. Members
13 appointed by the governor are subject to the
14 requirements of sections 69.16, 69.16A, and 69.19.
15 Members appointed by the governor shall be reimbursed
16 for actual and necessary expenses incurred in
17 performance of their duties. Such members may also be
18 eligible to receive compensation as provided in
19 section 7E.6.""
20 3. By renumbering as necessary.

By PATRICK J. DELUHERY

S-5511 FILED APRIL 19, 2000
WITHDRAWN

(P. 1275)

SENATE FILE 2395

S-5514

1 Amend the amendment, S-5380, to Senate File 2395,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 6, by striking lines 33 through 38.

5 2. Page 6, by striking lines 39 through 48 and
6 inserting the following:

7 "____. Page 17, by inserting before line 7 the
8 following:

9 "Sec. ____ NEW SECTION. 14B.301 INFORMATION
10 TECHNOLOGY COUNCIL CITIZEN SUBCOMMITTEE -- DUTIES.

11 1. An information technology council citizen
12 subcommittee is established comprised of the five
13 members of the information technology council
14 appointed pursuant to section 14B.104, subsection 1,
15 paragraph "a", subparagraph (7).

16 Members of the citizen subcommittee shall not serve
17 in any manner or be employed by an authorized user of
18 the network or by an entity seeking to do or doing
19 business with the network. The governor shall appoint
20 a member as the chairperson of the citizen
21 subcommittee from the five members appointed by the
22 governor, subject to confirmation by the senate.

23 Members of the citizen subcommittee shall be
24 reimbursed for all actual and necessary expenses
25 incurred in the performance of duties as members.
26 Meetings of the citizen subcommittee shall be held at
27 the call of the chairperson of the citizen
28 subcommittee or by a majority of the members of the
29 citizen subcommittee. In addition to the members
30 appointed by the governor, the auditor of state or the
31 auditor's designee shall serve as a nonvoting, ex
32 officio member of the citizen subcommittee.

33 Beginning July 1, 2002, members of the citizen
34 subcommittee shall be paid a salary as determined by
35 the general assembly. It is the intent of the general
36 assembly that the salary paid to the members of the
37 citizen subcommittee, beginning July 1, 2002, be
38 commensurate with the salary which would have been
39 paid at that time to members of the Iowa
40 telecommunications and technology commission if such
41 commission were to continue to exist on and after July
42 1, 2002.

43 2. Beginning July 1, 2000, the citizen
44 subcommittee shall establish all rates to be charged
45 for access to and for value-added services performed
46 through IowAccess.

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

49 a. Adopt rules pursuant to chapter 17A as deemed
50 appropriate and necessary, and directly related to the

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1 implementation and administration of the duties of the
2 citizen subcommittee under this subchapter.

3 b. Establish an appeal process for review by the
4 citizen subcommittee of a scheduling conflict
5 decision, including a scheduling conflict involving an
6 educational user, or the establishment of a fee
7 associated with the network upon the request of a
8 person affected by such decision or fee. An appeal of
9 a fee associated with the network shall be pursuant to
10 a contested case proceeding pursuant to chapter 17A.

11 The citizen subcommittee shall issue a written
12 decision including findings of fact and conclusions of
13 law. A determination made by the citizen subcommittee
14 pursuant to this paragraph shall be final.

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

24 d. Establish mechanisms to encourage and receive
25 citizen input regarding the operation of the network
26 and other issues associated with the duties of the
27 citizen subcommittee.

28 e. Make recommendations to the department to
29 ensure that rural communities have access to
30 comparable services to the services provided in urban
31 areas resulting from any plans to construct, install,
32 repair, or maintain any part of the network.

33 f. Annually prepare a written five-year financial
34 plan for the network which shall be provided to the
35 information technology council who shall deliver the
36 plan to the general assembly and the governor no later
37 than January 15 of each year. The plan shall include
38 estimates for income and expenses for the network for
39 the five-year period and the actual income and
40 expenses for the preceding fiscal year.

41 g. (1) Evaluate existing and projected rates for
42 use of the system and ensure that rates are sufficient
43 to pay for the operation of the system, excluding the
44 cost of construction and lease costs for Parts I, II,
45 and III. The citizen subcommittee shall establish all
46 hourly rates to be charged to all authorized users for
47 the use of the network. A fee established by the
48 citizen subcommittee to be charged to a hospital
49 licensed pursuant to chapter 135B, a physician clinic,
50 or the federal government shall be at an appropriate

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1 rate so that, at a minimum, there is no state subsidy
2 related to the costs of the connection or use of the
3 network related to such user.

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

9 h. Make recommendations to the information
10 technology council and the department, as deemed
11 appropriate by the citizen subcommittee, concerning
12 the operation of the network and other issues as
13 deemed appropriate by the citizen subcommittee, or as
14 requested by the information technology council or the
15 department.

16 Sec. ____ . NEW SECTION. 14B.302 NETWORK RATES --
17 APPEAL PROCESS.

18 1. A rate or fee established by the citizen
19 subcommittee pursuant to section 14B.301, subsection
20 3, paragraph "g", shall be subject to appeal by any
21 person adversely affected with respect to such rate or
22 fee.

23 2. A person who intends to appeal a rate or fee
24 pursuant to this section shall file a written notice
25 of appeal with the utilities board, with the written
26 decision of the citizen subcommittee attached, within
27 thirty days of the final action of the citizen
28 subcommittee establishing the rate or fee which is the
29 subject of the appeal. The utilities board, upon
30 receipt of the notice of appeal, shall forward a copy
31 of such notice to the citizen subcommittee. The
32 utilities board shall set times for transmittal of the
33 record, filing of exceptions and briefs, and, with the
34 consent of the utilities board, oral arguments. The
35 utilities board shall notify the parties of such
36 deadlines. The utilities board shall issue a final
37 ruling on the appeal within ninety days of receipt of
38 the notice of appeal. The utilities board, in
39 conducting such appeal, shall hear the case on the
40 evidentiary record made in a contested case
41 proceeding, and not de novo. The utilities board
42 shall review only the cost analysis and justifications
43 for the rates or fees appealed, and make its ruling
44 solely on whether the rates or fees have been
45 established consistent with applicable law and the
46 rules adopted for establishing such rates or fees.
47 The utilities board shall either uphold the action of
48 the citizen subcommittee with respect to such rate or
49 fee, or direct the rate or fee back to the citizen
50 subcommittee for further consideration.

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1 3. The utilities board, by rule, shall establish a
2 review procedure for the hearing of such appeals."

3 _____. Page 17, by striking lines 13 through 31 and
4 inserting the following:

5 "Sec. _____. Section 8D.2, Code 1999, is amended to
6 read as follows:

7 8D.2 DEFINITIONS.

8 When used in this ~~chapter~~ subchapter, unless the
9 context otherwise requires:

10 1. "Citizen subcommittee" means the information
11 technology council citizen subcommittee appointed by
12 the governor pursuant to section 14B.104.

13 ~~1. 2. "Commission" means the Iowa~~
14 ~~telecommunications and technology commission~~
15 ~~established in section 8D.3.~~

16 ~~2. "Director" means the executive director~~
17 ~~appointed pursuant to section 8D.4.~~

18 3. "Network" means the Iowa or state
19 communications network.

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

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

37 6. "State communications" refers to the
38 transmission of voice, data, video, the written word
39 or other visual signals by electronic means but does
40 not include radio and television facilities and other
41 educational telecommunications systems and services
42 including narrowcast and broadcast systems under the
43 public broadcasting division of the department of
44 education, department of transportation distributed
45 data processing and mobile radio network, or law
46 enforcement communications systems.

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

49 1. COMMISSION ESTABLISHED. A telecommunications
50 and technology commission is established ~~with the sole~~

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~~1 authority-to-supervise-the-management,-development,-~~
~~2 and-operation-of-the-network-and-ensure-that-all~~
~~3 components-of-the-network-are-technically-compatible~~
~~4 to establish policies and rates and to resolve~~
~~5 disputes as provided in this subchapter. The~~
~~6 commission-shall-ensure-that-the-network-operates-in~~
~~7 an-efficient-and-responsible-manner-consistent-with~~
~~8 the-provisions-of-this-chapter-for-the-purpose-of~~
~~9 providing-the-best-economic-service-attainable-to-the~~
~~10 network-users-consistent-with-the-state's-financial~~
~~11 capacity. The commission and the director shall~~
~~12 ensure that educational users and the use, design, and~~
~~13 implementation for educational applications be given~~
~~14 the highest priority concerning use of the network.~~
~~15 The-commission-shall-provide-for-the-centralized,~~
~~16 coordinated-use-and-control-of-the-network. Effective~~
~~17 July 1, 2002, the telecommunications and technology~~
~~18 commission established in this section shall be~~
~~19 disbanded and the powers and duties of the commission~~
~~20 under this section shall be transferred to the~~
~~21 information technology council citizen subcommittee~~
~~22 established under section 14B.301.~~

23 3. DUTIES. The commission shall do all of the
24 following:

25 a. ~~---Enter-into-agreements-pursuant-to-chapter-28E~~
26 ~~as-necessary-and-appropriate-for-the-purposes-of-the~~
27 ~~commission.---However,-the-commission-shall-not-enter~~
28 ~~into-an-agreement-with-an-unauthorized-user-or-any~~
29 ~~other-person-pursuant-to-chapter-28E-for-the-purpose~~
30 ~~of-providing-such-user-or-person-access-to-the~~
31 ~~network.~~

32 b. a. Adopt rules pursuant to chapter 17A as
33 deemed appropriate and necessary, and directly related
34 to the implementation and administration of the duties
35 of the commission under this subchapter. The
36 ~~commission,-in-consultation-with-the-department-of~~
37 ~~general-services,-shall-also-adopt-and-provide-for~~
38 ~~standard-communications-procedures-and-policies~~
39 ~~relating-to-the-use-of-the-network-which-recognize,-at~~
40 ~~a-minimum,-the-need-for-reliable-communications~~
41 ~~services.~~

42 c. b. Establish an appeal process for review by
43 the commission of a scheduling conflict decision,
44 including a scheduling conflict involving an
45 educational user, or the establishment of a fee
46 associated with the network upon the request of a
47 person affected by such decision or fee. A
48 determination made by the commission pursuant to this
49 paragraph shall be final.

50 d. c. Review and approve for adoption, rules as

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1 proposed and submitted by an authorized user group
2 necessary for the authorized user group's access and
3 use of the network. The commission may refuse to
4 approve and adopt a proposed rule, and upon such
5 refusal, shall return the proposed rule to the
6 respective authorized user group proposing the rule
7 with a statement indicating the commission's reason
8 for refusing to approve and adopt the rule.

9 ~~e. (1) Develop and issue for response all~~
10 ~~requests for proposals for any construction,~~
11 ~~installation, repair, maintenance, or equipment and~~
12 ~~parts necessary for the network. In preparing the~~
13 ~~request for proposals, the commission shall do all of~~
14 ~~the following:~~

15 ~~(a) Review existing requests for proposals related~~
16 ~~to the network.~~

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

20 ~~(c) Allow flexibility for proposals to be~~
21 ~~submitted in response to a request for proposals~~
22 ~~issued by the commission such that any qualified~~
23 ~~provider may submit a bid on a site-by-site basis, or~~
24 ~~on a merged area or defined geographic area basis, or~~
25 ~~both, and by permitting proposals to be submitted for~~
26 ~~use of competing or alternative technologies in each~~
27 ~~defined area.~~

28 ~~(d) Ensure that rural communities have access to~~
29 ~~comparable services to the services provided in urban~~
30 ~~areas resulting from any plans to construct, install,~~
31 ~~repair, or maintain any part of the network.~~

32 ~~(2) In determining which proposal to recommend to~~
33 ~~the general assembly to accept, consider what is in~~
34 ~~the long-term best interests of the citizens of the~~
35 ~~state and the network, and utilize, if possible, the~~
36 ~~provision of services with existing service providers~~
37 ~~consistent with those best interests. In determining~~
38 ~~what is in the long-term best interests of the~~
39 ~~citizens of the state and the network, the commission,~~
40 ~~at a minimum, shall consider the cost to taxpayers of~~
41 ~~the state.~~

42 ~~(3) Deliver a written report and all proposals~~
43 ~~submitted in response to the request for proposals for~~
44 ~~Part III to the general assembly no later than January~~
45 ~~17, 1995. The commission shall not enter into any~~
46 ~~agreement related to such proposals without prior~~
47 ~~authorization by a constitutional majority of each~~
48 ~~house of the general assembly and approval by the~~
49 ~~governor.~~

50 ~~f. d. Annually prepare a written five-year~~

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1 financial plan for the network which shall be provided
2 to the information technology council which shall
3 deliver the plan to the general assembly and the
4 governor no later than January 15 of each year. The
5 plan shall include estimates for income and expenses
6 for the network for the five-year period and the
7 actual income and expenses for the preceding fiscal
8 year. ~~The plan shall include the amount of general
9 fund appropriations to be requested for the payment of
10 operating expenses and debt service. The plan shall
11 also include any recommendations of the commission
12 related to changes in the system and other items as
13 deemed appropriate by the commission. The
14 recommendations of the commission contained in the
15 plan shall include a detailed plan for the connection
16 of all public schools to the network, including a
17 discussion and evaluation of all potential financing
18 options, an estimate of all costs incurred in
19 providing such connections, and a schedule for
20 completing such connections, including the anticipated
21 final completion date for such connections.~~
22 g. ~~Review existing maintenance contracts and past
23 contracts to determine vendor capability to perform
24 the obligations under such contracts. The commission
25 shall report to the general assembly prior to January
26 1 of each year as to the performance of all vendors
27 under each contract and shall make recommendations
28 concerning continued funding for the contracts.~~
29 h. ~~Pursue available opportunities to cooperate and
30 coordinate with the federal government for the use and
31 potential expansion of the network and for the
32 financing of any such expansion.~~
33 i. e. Evaluate existing and projected rates for
34 use of the system and ensure that rates are sufficient
35 to pay for the operation of the system excluding the
36 cost of construction and lease costs for Parts I, II,
37 and III. The commission shall establish all hourly
38 rates to be charged to all authorized users for the
39 use of the network. A fee established by the
40 commission to be charged to a hospital licensed
41 pursuant to chapter 135B, a physician clinic, or the
42 federal government shall be at an appropriate rate so
43 that, at a minimum, there is no state subsidy related
44 to the costs of the connection or use of the network
45 related to such user.
46 j. f. Make recommendations to the general assembly
47 director and the information technology council, as
48 deemed appropriate by the commission, concerning the
49 operation of the network.

50 k. ~~Provide necessary telecommunications cabling to~~

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1 provide-state-communications-
2 Sec. ____ . NEW SECTION. 8D.3A DEPARTMENT DUTIES.
3 For the purposes of this subchapter, the department
4 shall do all of the following:
5 1. Supervise the management, development, and
6 operation of the network and ensure that all
7 components of the network are technically compatible
8 consistent with the standards established by the
9 information technology council pursuant to section
10 14B.104.
11 2. Provide for the centralized, coordinated use
12 and control of the network.
13 3. Enter into agreements pursuant to chapter 28E
14 as necessary and appropriate for the purposes of the
15 department. However, the department shall not enter
16 into an agreement with an unauthorized user or any
17 other person pursuant to chapter 28E for the purpose
18 of providing such user or person access to the
19 network.
20 4. a. Develop and issue for response all requests
21 for proposals for any construction, installation,
22 repair, maintenance, or equipment and parts necessary
23 for the network. In preparing the request for
24 proposals, the department shall do all of the
25 following:
26 (1) Review existing requests for proposals related
27 to the network.
28 (2) Consider and evaluate all competing
29 technologies which could be used in any construction,
30 installation, repair, or maintenance project.
31 (3) Allow flexibility for proposals to be
32 submitted in response to a request for proposals
33 issued by the department such that any qualified
34 provider may submit a bid on a site-by-site basis, or
35 on a merged area or defined geographic area basis, or
36 both, and by permitting proposals to be submitted for
37 use of competing or alternative technologies in each
38 defined area.
39 (4) Ensure that rural communities have access to
40 comparable services to the services provided in urban
41 areas resulting from any plans to construct, install,
42 repair, or maintain any part of the network.
43 b. In determining which proposal to recommend to
44 the general assembly to accept, consider what is in
45 the long-term best interests of the citizens of the
46 state and the network, and utilize, if possible, the
47 provision of services with existing service providers
48 consistent with those best interests. In determining
49 what is in the long-term best interests of the
50 citizens of the state and the network, the department,
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1 at a minimum, shall consider the cost to taxpayers of
2 the state.

3 c. Deliver a written report and all proposals
4 submitted in response to the request for proposals for
5 Part III to the general assembly no later than January
6 1, 1995. The department shall not enter into any
7 agreement related to such proposals without prior
8 authorization by a constitutional majority of each
9 house of the general assembly and approval by the
10 governor.

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

25 6. Review existing maintenance contracts and past
26 contracts to determine vendor capability to perform
27 the obligations under such contracts. The department
28 shall report to the general assembly prior to January
29 1 of each year as to the performance of all vendors
30 under each contract and shall make recommendations
31 concerning continued funding for the contracts.

32 7. Pursue available opportunities to cooperate and
33 coordinate with the federal government for the use and
34 potential expansion of the network and for the
35 financing of any such expansion.

36 8. Provide necessary telecommunications cabling to
37 provide state communications.

38 Sec. ____ . NEW SECTION. 8D.3B INFORMATION
39 TECHNOLOGY COUNCIL DUTIES.

40 For purposes of this subchapter, the information
41 technology council shall do all of the following:

42 1. Ensure that the network operates in an
43 efficient and responsible manner consistent with the
44 provisions of this division for the purpose of
45 providing the best economic service attainable to the
46 network users consistent with the state's financial
47 capacity.

48 2. In consultation with the department of general
49 services, adopt and provide for standard
50 communications procedures and policies relating to the

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1 use of the network which recognize, at a minimum, the
2 need for reliable communications services.

3 Sec. _____. Section 8D.5, subsection 1, Code 1999,
4 is amended to read as follows:

5 1. An education telecommunications council is
6 established. The council consists of eighteen members
7 and shall include the following: two persons
8 appointed by the state board of regents; two persons
9 appointed by the Iowa association of community college
10 trustees; two persons appointed by the area education
11 agency boards; two persons appointed by the Iowa
12 association of school boards; two persons appointed by
13 the school administrators of Iowa; two persons
14 appointed by the Iowa association of independent
15 colleges and universities; two persons appointed by
16 the Iowa state education association; three persons
17 appointed by the director of the department of
18 education including one person representing libraries
19 and one person representing the Iowa association of
20 nonpublic school administrators; and one person
21 appointed by the administrator of the public
22 broadcasting division of the department of education.
23 The council shall establish scheduling and site usage
24 policies for educational users of the network,
25 coordinate the activities of the regional
26 telecommunications councils, and develop proposed
27 rules and changes to rules for recommendation to the
28 commission, the department, and the information
29 technology council, as appropriate. The council shall
30 also recommend long-range plans for enhancements
31 needed for educational applications. Administrative
32 support and staffing for the council shall be provided
33 by the department of education.

34 Sec. _____. Section 8D.6, Code 1999, is amended to
35 read as follows:

36 8D.6 ADVISORY GROUPS ESTABLISHED.

37 1. The commission shall establish an advisory
38 group to examine the use of the network for
39 telemedicine applications. The advisory group shall
40 consist of representatives of hospitals and other
41 health care facilities as determined by the
42 commission. The advisory group shall provide advice
43 to the commission, the department, and the information
44 technology council.

45 2. The commission may establish other advisory
46 committees as necessary representing authorized users
47 of the network. An advisory committee established by
48 the commission shall provide advice to the commission,
49 the department, and the information technology
50 council.

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1 Sec. ____ . Section 8D.7, Code 1999, is amended to
2 read as follows:

3 8D.7 TELECOMMUNICATIONS ADVISORY COMMITTEE.

4 A telecommunications advisory committee is
5 established to advise the commission, the department,
6 and the information technology council on
7 telecommunications matters. The commission shall
8 appoint five members to the advisory committee who
9 shall represent specific telecommunications industries
10 or persons with technical expertise related to the
11 network.

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

14 8D.10 REPORT OF SAVINGS BY STATE AGENCIES.

15 A state agency which is a part of the network shall
16 annually provide a written report to the general
17 assembly and the information technology council
18 certifying the identified savings associated with the
19 state agency's use of the network. The report shall
20 be delivered on or before January 15 for the previous
21 fiscal year of the state agency.

22 Sec. ____ . Section 8D.11, Code 1999, is amended to
23 read as follows:

24 8D.11 POWERS -- FACILITIES -- LEASES.

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

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1 the general assembly is not in session.

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

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

40 4. A political subdivision receiving
41 communications services from the state as of April 1,
42 1986, may continue to do so but communications
43 services shall not be provided or resold to additional
44 political subdivisions other than a school
45 corporation, a city library, a regional library as
46 provided in chapter 256, and a county library as
47 provided in chapter 336. The rates charged to the
48 political subdivision shall be the same as the rates
49 charged to state agencies.

50 Sec. _____. Section 8D.12, Code 1999, is amended to

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1 read as follows:

2 8D.12 DISPOSITION OF NETWORK -- APPROVAL OF
3 GENERAL ASSEMBLY AND GOVERNOR.

4 Notwithstanding any provision to the contrary, the
5 commission information technology department or the
6 department of general services shall not sell, lease,
7 or otherwise dispose of the network without prior
8 authorization by a constitutional majority of each
9 house of the general assembly and approval by the
10 governor.

11 Sec. ____ . Section 8D.13, subsections 1, 3, 4, 7,
12 8, 9, 10, 13, and 18, Code Supplement 1999, are
13 amended to read as follows:

14 1. Moneys in the Iowa communications network fund
15 are appropriated to the ~~Iowa-telecommunications-and~~
16 technology-commission department for purposes of
17 providing financing for the procurement, operation,
18 and maintenance of the Iowa communications network
19 with sufficient capacity to serve the video, data, and
20 voice requirements of the educational
21 telecommunications system consisting of Part I, Part
22 II, and Part III, and other public and private
23 agencies.

24 3. The financing for the procurement costs for the
25 entirety of Part I except for the communications
26 connections between central switching and institutions
27 under the control of the board of regents, and
28 nonprofit institutions of higher education eligible
29 for tuition grants, and for the video, data, and voice
30 capacity for state agencies and for Part II and Part
31 III, shall be provided by the state. The financing
32 for the procurement and maintenance costs for Part III
33 shall be provided by the state. A local school board,
34 governing authority of a nonpublic school, or an area
35 education agency board may elect to provide one
36 hundred percent of the financing for the procurement
37 and maintenance costs for Part III to become part of
38 the network. The basis for the amount of state
39 financing is one hundred percent of a single
40 interactive audio and interactive video connection for
41 Part III, and such data and voice capacity as is
42 necessary. If a school board, governing authority of
43 a nonpublic school, or area education agency board
44 elects to provide one hundred percent of the financing
45 for the leasing costs for Part III, the school
46 district or area education agency may become part of
47 the network as soon as the network can reasonably
48 connect the district or agency. A local school board,
49 governing authority of a nonpublic school, or an area
50 education agency board may also elect not to become

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1 part of the network. Construction of Part III,
2 related to a school board, governing authority of a
3 nonpublic school, or area education agency board which
4 provides one hundred percent of the financing for the
5 leasing costs for Part III, may proceed as determined
6 by the commission information technology council and
7 consistent with the purpose of this chapter.

8 4. The commission department shall develop the
9 requests for proposals that are needed for the Iowa
10 communications network with sufficient capacity to
11 serve the video, data, and voice requirements of state
12 agencies and for educational telecommunications
13 applications. The commission department shall develop
14 a request for proposals for each of the systems that
15 will make up the network. The commission department
16 may develop a request for proposals for each
17 definitive component of the network or the commission
18 department may provide in the request for proposals
19 for each such system that separate contracts may be
20 entered into for each definitive component covered by
21 the request for proposals. The requests for proposals
22 may be for the purchase, lease-purchase, or lease of
23 the component parts of the network consistent with the
24 provisions of this chapter subchapter, may require
25 maintenance costs to be identified, and the resulting
26 contract may provide for maintenance for parts of the
27 network. The master contract may provide for
28 electronic classrooms, satellite equipment, receiving
29 equipment, studio and production equipment, and other
30 associated equipment as required.

31 7. The ~~commission-shall-be~~ department is
32 responsible for the network design and shall be
33 responsible for the implementation of each component
34 of the network as it is incorporated into the network.
35 The final design selected shall optimize the routing
36 for all users in order to assure maximum utilization
37 by all agencies of the state. Efficiencies achieved
38 in the implementation of the network shall be used to
39 fund further implementation and enhancement of the
40 network, and shall be considered part of the
41 operational cost of the network. The ~~commission-shall~~
42 ~~be~~ department is responsible for all management,
43 operations, control switching, diagnostics, and
44 maintenance functions of network operations as
45 provided in this chapter subchapter. The performance
46 of these duties is intended to provide optimal
47 utilization of the facilities, and the assurance that
48 future growth requirements will be provided for, and
49 that sufficient network capacity will be available to
50 meet the needs of all users.

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1 8. The education telecommunications council shall
2 review all requests for grants for educational
3 telecommunications applications, if they are a part of
4 the Iowa communications network, to ensure that the
5 educational telecommunications application is
6 consistent with the telecommunications plan. All
7 other grant requests shall be reviewed as determined
8 by the commission information technology council. If
9 the education telecommunications council finds that a
10 grant request is inconsistent with the
11 telecommunications plan, the grant request shall not
12 be allowed.

13 9. The procurement and maintenance of electronic
14 equipment including, but not limited to, master
15 receiver antenna systems, studio and production
16 equipment, and broadcast system components shall be
17 provided for under the commission's department's
18 contracts. The Iowa public broadcasting board and
19 other educational entities within the state have the
20 option to use their existing or replacement resources
21 and agreements in the operation and maintenance of
22 these systems.

23 10. In addition to the other evaluation criteria
24 specified in the request for proposals issued pursuant
25 to this section, the commission department, in
26 evaluating proposals, shall base up to two percent of
27 the total possible points on the public benefit that
28 can be derived from a given proposal due to the
29 increased private telecommunications capacity
30 available to Iowa citizens located in rural Iowa. For
31 purposes of this subsection, an area of the state is
32 considered rural if it is not part of a federally
33 designated standard metropolitan statistical area.

34 13. The auditor of state shall, no less than
35 annually, examine the financial condition and
36 transactions of the commission network as provided in
37 chapter 11. A copy of the auditor's report concerning
38 such examination shall be provided to the general
39 assembly.

40 18. Notwithstanding chapter 476, the provisions of
41 chapter 476 shall not apply to a public utility in
42 furnishing a telecommunications service or facility to
43 the commission department for the Iowa communications
44 network or to any authorized user of the Iowa
45 communications network for such authorized user's
46 connection to the network.

47 Sec. ____ . Section 8D.14, Code 1999, is amended to
48 read as follows:

49 8D.14 IOWA COMMUNICATIONS NETWORK FUND.

50 There is created in the office of the treasurer of

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

10 _____. Page 19, by inserting after line 6 the

11 following:

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

20 Sec. _____. TRANSFER OF FUNCTIONS AND EMPLOYEES.
21 The director of the information technology department
22 and the administrator of the public broadcasting
23 division of the department of education, in
24 consultation with the director of the department of
25 education, shall make recommendations to the general
26 assembly by no later than January 12, 2001, concerning
27 the functions and full-time equivalent positions to be
28 transferred from the public broadcasting division to
29 the information technology department.

30 Sec. _____. RULES CONTINUED. Notwithstanding any
31 contrary provision, a rule adopted by the Iowa
32 telecommunications and technology commission pursuant
33 to chapter 8D and effective on July 1, 2000, with
34 respect to any duty or responsibility of the
35 commission which is transferred to the citizen
36 subcommittee established pursuant to section 14B.301,
37 shall be deemed to be a rule of the citizen
38 subcommittee and remain effective until such time as
39 the citizen subcommittee modifies or repeals such
40 rule, or until such time as the general assembly
41 nullifies such rule.

42 Sec. _____. RULES CONTINUED. Notwithstanding any
43 contrary provision, a rule adopted by the Iowa
44 telecommunications and technology commission pursuant
45 to chapter 8D and effective on July 1, 2002, shall be
46 deemed to be a rule of the citizen subcommittee
47 established pursuant to section 14B.301 and remain
48 effective until such time as the citizen subcommittee
49 modifies or repeals such rule, or until such time as
50 the general assembly nullifies such rule.

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1 Sec. ____ . CONTRACTS CONTINUED. Notwithstanding
 2 any contrary provision, a contract or agreement
 3 entered into by the Iowa telecommunications and
 4 technology commission pursuant to its authority under
 5 chapter 8D and in existence on July 1, 2002, shall
 6 remain effective for the term of such contract or
 7 agreement. The citizen subcommittee established
 8 pursuant to section 14B.301, for purposes of such
 9 contract or agreement, shall be considered the
 10 commission's successor in interest and shall have all
 11 the rights and responsibilities under such contract or
 12 agreement as if the citizen subcommittee were the
 13 commission, unless otherwise provided by law.

14 Sec. ____ . DIRECTIONS TO CODE EDITOR. The Code
 15 editor shall transfer the provisions of chapter 8D to
 16 chapter 14B, as enacted in this Act, and codify these
 17 sections as a separate subchapter in chapter 14B."

18 3. By renumbering as necessary.

By ROBERT E. DVORSKY

S-5514 FILED APRIL 19, 2000

LOST

(P. 1277)

SENATE FILE 2395

S-5535

1 Amend the amendment, S-5380, to Senate File 2395,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:

4 1. Page 2, by inserting after line 26 the
 5 following:

6 " ____ . Page 12, by striking lines 4 and 5 and
 7 inserting the following: "headed by an administrator
 8 appointed by the governor. An administrator
 9 appointed"."

10 2. Page 2, by striking lines 33 and 34 and
 11 inserting the following:

12 " ____ . Page 12, by striking line 24 and inserting
 13 the following: "by the governor. The"."

By ROBERT E. DVORSKY

S-5535 FILED APRIL 19, 2000

LOST

(P. 1277)

SENATE FILE 2395

AN ACT

RELATING TO THE CREATION OF AN INFORMATION TECHNOLOGY DEPARTMENT
AND MAKING RELATED CHANGES AND PROVIDING AN EFFECTIVE DATE.

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

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

1. Information technology resources in state government are valuable strategic assets belonging to the citizens of Iowa and must be managed accordingly.
2. State agencies independently acquire duplicative information technologies that would be more appropriately coordinated for maximum cost-effectiveness, maximized service, and efficiency.
3. Considerations of both cost and the need for the transfer of information among the various agencies and branches of state government in the most timely and useful form possible require uniform standards and coordinated systems for the use of information technologies.
4. The appropriate use of information technology by the state can improve operational productivity, reduce the cost of government, enhance service to the citizens of Iowa, and make government more accessible to the public.
5. The use of information technology to provide government services directly to citizens can be a cost-effective method of delivering such services.
6. Planning, protection, and direction for information technology resources must be enacted to accomplish all of the following:
 - a. Ensure the effective application of information technology on state business operations.
 - b. Ensure the quality, security, and integrity of state business operations.

- c. Enhance privacy to the citizens of the state.
7. Standards for information technology must be developed and implemented to ensure the appropriate acquisition of information technology and to effectively manage the state's information technology resources.
8. The state must provide information technology infrastructure coordination, technical directions, and a proficient organizational management structure to facilitate the productive application of information technology and resources to accomplish the missions and goals of state government.
9. Oversight of large-scale systems or projects is necessary to protect the state's investment and to ensure appropriate integration with existing or planned systems.
10. Appropriate public-private partnerships to supplement existing resources must be developed as a strategy for the state to comprehensively meet its information technology needs.
11. Establishment of an information technology department is necessary to achieve the goals identified in this section, to effectively plan for, develop, and manage information technology and related resources, and to assure that the needs of the citizens of this state, as well as the state's needs, are met.

Sec. 2. NEW SECTION. 14B.101 DEFINITIONS.

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

1. "Agency" means a unit of state government, which is an authority, board, commission, committee, council, department, examining board, or independent agency as defined in section 7E.4, including but not limited to each principal central department enumerated in section 7E.5. However, "agency" does not mean any of the following:
 - a. The office of the governor or the office of an elective constitutional or statutory officer.
 - b. The general assembly, or any office or unit under its administrative authority.

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

d. A political subdivision of the state or its offices or units, including but not limited to a county, city, or community college.

2. "Director" means the director of the information technology department appointed as provided in section 14B.103.

3. "Governmental entity" means any unit of government in the executive, legislative, or judicial branches of government; an agency or political subdivision; any unit of another state government, including its political subdivisions; and any unit of the United States government.

4. "Information technology" means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices and information technology services.

5. "Information technology council" means the information technology council established in section 14B.104.

6. "Information technology device" means equipment or associated software, including programs, languages, procedures, or associated documentation, used in operating the equipment which is designed for utilizing information stored in an electronic format. "Information technology device" includes but is not limited to computer systems, computer networks, and equipment used for input, output, processing, storage, display, scanning, and printing.

7. "Information technology services" means services designed to do any of the following:

- a. Provide functions, maintenance, and support of information technology devices.
- b. Provide services including, but not limited to, any of the following:
 - (1) Computer systems application development and maintenance.
 - (2) Systems integration and interoperability.

- (3) Operating systems maintenance and design.
- (4) Computer systems programming.
- (5) Computer systems software support.
- (6) Planning and security relating to information technology devices.
- (7) Data management consultation.
- (8) Information technology education and consulting.
- (9) Information technology planning and standards.
- (10) Establishment of local area network and workstation management standards.

8. "Participating agency" means any agency other than any of the following:

- a. The state board of regents and institutions operated under the authority of the state board of regents.
- b. The public broadcasting division of the department of education.
- c. The state department of transportation mobile radio network.
- d. The department of public safety law enforcement communications systems.
- e. The Iowa telecommunications and technology commission established in section 8D.3, with respect to information technology that is unique to the Iowa communications network.

9. "Public records" means the same as defined in section 22.1.

10. "Value-added services" means government information which requires special sorts or formatting, or other action to provide such information, or to provide access to government information which is responsive to special requests for multiple government records in customized formats.

Sec. 3. NEW SECTION. 14B.102 DEPARTMENT ESTABLISHED -- MISSION -- POWERS AND DUTIES.

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

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

- a. Providing information technology to participating agencies and other governmental entities as provided in this chapter.
- b. Implementing the strategic information technology plan as prepared and updated by the information technology council.
- c. Developing and implementing a business continuity plan, as the director determines is appropriate, to be used if a disruption occurs in the provision of information technology to participating agencies and other governmental entities.
- d. Developing and implementing recommended standards for information technology, including but not limited to system design and systems integration and interoperability, which when implemented shall apply to all participating agencies except as otherwise provided in this chapter. The department shall implement information technology standards as established pursuant to this chapter which are applicable to information technology procurements for participating agencies.
- e. Recommending and implementing standards for an electronic repository for maintaining mandated agency reports as provided in section 304.13A. Such repository shall be developed and maintained for the purpose of providing public access to such mandated reports. The department shall develop such standards in consultation with the state librarian.
- f. Developing and maintaining security policies and systems to ensure the integrity of the state's information resources and to prevent the disclosure of confidential records.
- g. Developing and implementing effective and efficient strategies for the use and provision of information technology for participating agencies and other governmental entities.
- h. Coordinating the acquisition of information technology by participating agencies in furtherance of the purposes of this chapter. The information technology department shall

review a request for information technology submitted by a participating agency for purposes of determining whether such request meets the applicable standards established pursuant to this chapter. Upon a determination that the request meets such standards, the information technology shall be procured for the participating agency by the department of general services. Nothing in this chapter shall be construed to prohibit or limit a participating agency from entering into an agreement or contract for information technology with a qualified private entity.

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

- j. Establishing and maintaining, in cooperation with the department of revenue and finance and the department of general services, an inventory of information technology devices used by participating agencies and other governmental entities using the information technology department's services. The information technology department may request a participating agency to provide such information as is necessary to establish and maintain an inventory as required under this paragraph, and such participating agency shall provide such information to the department in a timely manner.

3. SERVICE CHARGES. The department shall render a statement to a participating agency or other governmental entity for a reasonable and necessary amount for information technology provided by the department to such agency or entity. An amount indicated on a statement rendered to a participating agency or other governmental entity shall be paid by such agency or entity in a manner determined by the department of revenue and finance. Amounts charged and paid pursuant to this subsection shall be deposited in the general fund of the state. It is the intent of the general assembly that the general assembly make amounts collected pursuant to this subsection available to the department for the department's operational expenses. Such amounts shall not be available to the department except pursuant to enactment by the general assembly which is signed by the governor.

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

Sec. 4. NEW SECTION. 14B.103 DIRECTOR -- POWERS AND DUTIES.

1. DIRECTOR APPOINTED. The chief administrative officer of the department is the director. The director shall be appointed by the governor, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The governor shall set the salary of the director within the applicable salary range established by the general assembly. The director shall be selected on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

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

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

- a. Plan, direct, coordinate, and execute the functions necessary to carry out the duties of the department.
- b. Provide overall supervision, direction, and coordination of functions of the department.
- c. Employ personnel as necessary to carry out the functions vested in the department consistent with chapter 19A and enhance the recruitment, retention, and training of professional staff.
- d. Supervise and manage employees of the department, and provide for the internal organization of the department and for the allocation of functions within the department consistent with section 7E.2.
- e. Recommend to the information technology council an annual budget for the department.

f. Recommend to the information technology council rules deemed necessary for the implementation of this chapter and proper administration of the department.

g. Recommend to the information technology council information technology standards.

h. Develop and implement operational policies of the department and be responsible for the day-to-day operations of the department.

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

j. Provide advice to the governor on issues related to information technology.

k. Consult with agencies and other governmental entities on issues relating to information technology.

1. Work with all governmental entities in an effort to achieve the information technology goals established by the information technology council.

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

4. APPEAL OF DIRECTOR'S DECISION. A decision by the director may be appealed to the information technology council. A person aggrieved by such decision of the director shall provide notice of such appeal to the information technology council within thirty calendar days of the decision of the director. An appeal of a decision of the director shall be treated as a contested case under chapter 17A.

Sec. 5. NEW SECTION. 14B.104 INFORMATION TECHNOLOGY COUNCIL -- MEMBERS -- POWERS AND DUTIES.

1. MEMBERSHIP.

a. An information technology council is established with the authority to oversee the department and information

technology activities of participating agencies as provided in this chapter. The information technology council is composed of seventeen members including the following:

- (1) The director of the information technology department.
- (2) The administrator of the public broadcasting division of the department of education.
- (3) The chairperson of the IowaAccess advisory council established in section 14B.201, or the chairperson's designee.
- (4) The state technology advisor in the department of economic development.
- (5) The executive director of the Iowa communications network, or the executive director's designee.
- (6) Two executive branch department heads appointed by the governor.
- (7) Five persons appointed by the governor who are knowledgeable in information technology matters.
- (8) One person representing the judicial branch appointed by the chief justice of the supreme court who shall serve in an ex officio, nonvoting capacity.
- (9) Four members of the general assembly with not more than one member from each chamber being from the same political party. The two senators shall be designated by the president of the senate after consultation with the majority and minority leaders of the senate. The two representatives shall be designated by the speaker of the house of representatives after consultation with the majority and minority leaders of the house of representatives. Legislative members shall serve in an ex officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10.

b. The members appointed by the governor pursuant to paragraph "a", subparagraphs (3) through (7), shall serve four-year staggered terms as designated by the governor and such appointments to the information technology council are subject to the requirements of sections 69.16, 69.16A, and 69.19. Members appointed by the governor pursuant to paragraph "a", subparagraphs (3) through (7), shall not serve

consecutive four-year terms. Members appointed by the governor are subject to senate confirmation and shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Such members may also be eligible to receive compensation as provided in section 7E.6.

The information technology council shall annually elect its own chairperson from among the voting members of the council other than the director of the information technology department.

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

a. Adopt rules in accordance with chapter 17A which are necessary for the exercise of the powers and duties granted by this chapter and the proper administration of the department.

b. Develop recommended standards for consideration with respect to the procurement of information technology by all participating agencies.

c. Appoint advisory committees as appropriate to assist the information technology council in developing strategies for the use and provision of information technology and establishing other advisory committees as necessary to assist the information technology council in carrying out its duties under this chapter. The number of advisory committees and their membership shall be determined by the information technology council to assure that the public and agencies and other governmental entities have an opportunity to comment on the services provided and the service goals and objectives of the department.

d. Prepare and annually update a strategic information technology plan for the use of information technology throughout state government. The plan shall promote participation in cooperative projects with other governmental entities. The plan shall establish a mission, goals, and objectives for the use of information technology, including goals for electronic access to public records, information, and services. The plan shall be submitted annually to the governor and the general assembly.

e. Review and recommend to the general assembly, as deemed appropriate by the information technology council, legislative proposals recommended by the director, or other legislative proposals as developed and deemed necessary by the information technology council.

f. Review the recommendations of the IowAccess advisory council regarding rates to be charged for access to and for value-added services performed through IowAccess, and make recommendations to the general assembly regarding such rates. A rate shall not be approved or charged unless approved by act of the general assembly.

g. Review and approve, as deemed appropriate by the information technology council, the annual budget recommendation for the department as proposed by the director.

3. WAIVER. The information technology council, upon the written request of a participating agency and for good cause shown, may grant a waiver from a requirement otherwise applicable to a participating agency relating to an information technology standard established by the information technology council.

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

Sec. 6. NEW SECTION. 14B.105 DIVISIONS OF THE DEPARTMENT -- RESPONSIBILITIES.

1. a. The department shall include the following divisions:

(1) A policy and planning division which is responsible for the integration of information technology into all business aspects of state government. The division shall cooperate with the customer liaison division to coordinate the activities of both divisions in promoting, integrating, and supporting information technology in all business aspects of state government.

(2) An operations division which is responsible for providing all of the following:

(a) Server systems, including mainframe and other server operations.

(b) Desktop support.

(c) Applications integration.

(3) A customer liaison division which is responsible for support and promotion of departmental services and information technology, and for providing applications development, support, and training, and advice and assistance in developing and supporting business applications throughout state government. The division shall cooperate with the policy and planning division to coordinate the activities of both divisions in promoting, integrating, and supporting information technology in all business aspects of state government.

(4) An administration division which is responsible for the financial, personnel, and other administrative functions of the department. The administration division is also responsible for all information technology purchasing and contract administration for the information technology department.

b. Each division established under paragraph "a" shall be headed by an administrator appointed by the governor subject to confirmation by the senate. An administrator appointed pursuant to this paragraph shall serve at the pleasure of the governor, except that an administrator shall not serve for a term greater than three years unless reappointed by the governor. An administrator shall report to the director regarding the day-to-day operations of the division headed by the administrator, and the performance of the administrator's duties. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. An administrator may hire other assistants and employees as necessary to carry out the duties of the division.

2. Notwithstanding subsection 1, the department shall also include the following subunits:

a. A digital government bureau as provided for in section 14B.106.

b. An IowaAccess advisory council as provided for in section 14B.201.

Sec. 7. NEW SECTION. 14B.106 DIGITAL GOVERNMENT BUREAU.

1. A digital government bureau is established within the department which shall be headed by an administrator appointed by the governor subject to confirmation by the senate. The administrator shall serve a three-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator shall report to the director regarding the day-to-day operations of the bureau and the performance of the administrator's duties. The administrator may hire other assistants and employees as necessary to carry out the bureau's duties.

2. The bureau is responsible for initiating and supporting the development of electronic commerce, electronic government, and internet applications across participating agencies and in cooperation with other governmental entities.

3. The bureau shall do all of the following:

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

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

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

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

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

f. Provide staff support for the IowaAccess advisory council.

Sec. 8. NEW SECTION. 14B.107 INFORMATION TECHNOLOGY STANDARDS.

The information technology council shall develop recommended standards for consideration with respect to the procurement of information technology by all participating agencies. It is the intent of the general assembly that information technology standards be established for the purpose of guiding such procurements. Such standards, unless waived by the council, shall apply to all information technology procurements for participating agencies.

The office of the governor or the office of an elective constitutional or statutory officer shall consult with the department prior to procuring information technology and consider the standards recommended by the council, and provide a written report to the department relating to the office's decision regarding such acquisitions.

Sec. 9. NEW SECTION. 14B.108 PROCUREMENT OF INFORMATION TECHNOLOGY.

1. Notwithstanding the provisions of this section, the information technology department and the department of general services shall enter into an interagency agreement regarding the division of responsibilities between the departments associated with the procurement of information technology which is acceptable to both departments. The interagency agreement shall be subject to renegotiation at least every two years, unless an earlier time is provided for in the interagency agreement. If the departments are unable to agree on the terms of an interagency agreement or upon a failure of either department to satisfy the terms of the agreement, the departments shall inform the department of management that an agreement has not been reached or that one

of the departments has failed to satisfy the terms of the agreement. The department of management, upon receipt and review of such information, may direct the information technology department to proceed with the procurement of information technology as provided in subsections 2 through 5.

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

b. A participating agency shall submit a request to the department for the procurement of any information technology. The department, prior to any acquisition of such information technology, shall make a determination whether the requested information technology complies with the information technology standards established by the information technology council.

The information technology department, at the request of a participating agency other than a participating agency that is granted independent procurement authority, shall acquire the information technology for the participating agency requesting such information technology if it is determined to be compliant with the standards established by the information technology council.

A participating agency that is granted independent procurement authority, upon a determination by the information technology department that a proposed information technology acquisition complies with the information technology standards established by the information technology council, may proceed with such acquisition. The information technology department shall provide advice to such participating agency regarding the procurement of such information technology, including any opportunity to aggregate such purchases with other participating agencies.

c. If a determination is made that the information technology does not comply with such standards, the department shall disapprove the request and such information technology shall not be procured unless a waiver is granted pursuant to section 14B.104.

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

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

a. Cooperative procurement agreement. The department may enter into a cooperative procurement agreement with another governmental entity for the purpose of pooling funds for the purchase of information technology, whether such information technology is for the use of the department or multiple governmental entities. The cooperative procurement agreement shall clearly specify the purpose of the agreement and the method by which such purpose will be accomplished. Any power exercised under such agreement shall not exceed the power granted to any party to the agreement.

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

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

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

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

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

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

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

d. Reverse auction.

(1) The department may enter into an agreement for the purchase of information technology utilizing a reverse auction process. Such process shall result in the purchase of information technology from the vendor submitting the lowest responsible bid amount for the information technology to be acquired. The department, in establishing a reverse auction process shall do all of the following:

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

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

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

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

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

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

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

f. In addition to the competitive bidding procedure provided for under paragraph "e", the information technology department may enter into an agreement for the purchase, disposal, or other disposition of information technology in any other manner provided under chapter 18, in the same manner and subject to the same limitations as the department of general services. The information technology department, by rule, shall provide for such procedures.

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

Sec. 10. NEW SECTION. 14B.201 IOWACCESS ADVISORY COUNCIL ESTABLISHED -- DUTIES -- MEMBERSHIP.

1. ADVISORY COUNCIL ESTABLISHED. An IowaAccess advisory council is established within the department for the purpose of creating and providing a service to the citizens of this state that is the gateway for one-stop electronic access to government information and transactions, whether federal, state, or local. Except as provided in this section, IowaAccess shall be a state funded service providing access to government information and transactions. The information

technology council, in establishing the fees for value-added services, shall consider the reasonable cost of creating and organizing such government information through IowaAccess.

This section shall not be construed to impair the right of a person to contract to purchase information or data from the Iowa court information system or any other governmental entity. This section shall not be construed to affect a data purchase agreement or contract in existence on the effective date of this section.

2. DUTIES.

a. The advisory council shall do all of the following:

(1) Recommend to the information technology council rates to be charged for access to and for value-added services performed through IowaAccess.

(2) Recommend to the director and the information technology council the priority of projects associated with IowaAccess.

(3) Recommend to the director and the information technology council expected outcomes and effects of the use of IowaAccess and determine the manner in which such outcomes are to be measured and evaluated.

(4) Review and recommend to the director and the information technology council the IowaAccess total budget request and ensure that such request reflects the priorities and goals of IowaAccess as established by the advisory council.

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

(6) Advocate for access to government information and services through IowaAccess and for data privacy protection, information ethics, accuracy, and security in IowaAccess programs and services.

(7) Receive status and operations reports associated with IowaAccess.

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

f. The advisory council shall also advise the information technology council and the director with respect to the operation of IowaAccess and encourage and implement access to government and its public records by the citizens of this state.

g. The advisory council shall serve as a link between the users of public records, the lawful custodians of such public records, and the citizens of this state who are the owners of such public records.

h. The advisory council shall ensure that IowaAccess gives priority to serving the needs of the citizens of this state.

3. MEMBERSHIP.

a. The advisory council shall be composed of nineteen members including the following:

(1) Five persons appointed by the governor representing the primary customers of IowaAccess.

(2) Six persons representing lawful custodians as follows:

(a) One person representing the legislative branch, who shall not be a legislator, to be appointed jointly by the president of the senate, after consultation with the majority and minority leaders of the senate, and by the speaker of the house of representatives, after consultation with the majority and minority leaders of the house of representatives.

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

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

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

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

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

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

(4) Four members of the general assembly, two from the senate and two from the house of representatives, with not more than one member from each chamber being from the same political party. The two senators shall be designated by the president of the senate after consultation with the majority and minority leaders of the senate. The two representatives shall be designated by the speaker of the house of representatives after consultation with the majority and minority leaders of the house of representatives. Legislative members shall serve in an ex officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10.

b. Members appointed by the governor are subject to confirmation by the senate and shall serve four-year staggered terms as designated by the governor. The advisory council shall annually elect its own chairperson from among the voting members of the board. Members appointed by the governor are subject to the requirements of sections 69.16, 69.16A, and 69.19. Members appointed by the governor shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Such members may also be eligible to receive compensation as provided in section 7E.6.

Sec. 11. Section 7E.5, subsection 1, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. x. The information technology department, created in chapter 14B, which has primary responsibility for the development and application of information technology in state government.

Sec. 12. Section 8D.3, subsection 1, Code Supplement 1999, is amended to read as follows:

1. COMMISSION ESTABLISHED. A telecommunications and technology commission is established with the sole authority to supervise the management, development, and operation of the network and ensure that all components of the network are technically compatible. The management, development, and operation of the network shall not be subject to the jurisdiction or control of any other state agency. However,

the commission is subject to the general operations practices and procedures which are generally applicable to other state agencies.

PARAGRAPH DIVIDED. The commission shall ensure that the network operates in an efficient and responsible manner consistent with the provisions of this chapter for the purpose of providing the best economic service attainable to the network users consistent with the state's financial capacity. The commission shall ensure that educational users and the use, design, and implementation for educational applications be given the highest priority concerning use of the network. The commission shall provide for the centralized, coordinated use and control of the network.

Sec. 13. Section 11.5B, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 14. Information technology department.

Sec. 14. Section 304.3, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The director of the information technology department.

Sec. 15. Section 304.7, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Public records policies for an electronic repository for mandated agency reports.

Sec. 16. NEW SECTION. 304.13A ELECTRONIC RECORDS.

1. An agency required to compile and maintain a report, on and after July 1, 2001, shall maintain such report in an electronic form, giving consideration to the standards for electronic records recommended by the information technology department. Such agency, by itself, or with the assistance of the information technology department, shall also make the report accessible to the public through the internet as provided in subsection 2 and through other electronic means.

2. A copy of all required agency reports shall be located at an internet site maintained by the information technology department in consultation with the state librarian, and all required reports shall be placed on electronic media. The

state librarian shall provide for the distribution of such copies to a public library in this state requesting such copy.

For purposes of this section, "public library" means a city library, a regional library as provided in chapter 256, or a county library as provided in chapter 336.

3. It is the intent of the general assembly that this section be interpreted to reduce, to the greatest extent possible, printed copies of agency reports while protecting the public's right to have access to such reports. It is the intent of the general assembly that the distribution of a printed mandatory report be used only when it is the most efficient and cost-effective method for providing public access to such report. It is the intent of the general assembly that agency reports subject to this section be made available, to the greatest extent possible, to the public by electronic means.

4. The commission, in consultation with the information technology department, shall make recommendations to the governor and the general assembly for the continued reduction of printed reports throughout state government in a manner that protects the public's right to access such reports.

Sec. 17. IOWA COMMUNICATIONS NETWORK STATUS. It is the intent of the general assembly that the general assembly, during the 2002 regular session, review the operations of the Iowa communications network and the information technology department for the purpose of determining whether the oversight and administration of the network should be under the authority of the department.

Sec. 18. INITIAL APPOINTMENTS -- IOWACCESS ADVISORY COUNCIL. The initial appointments to the IowaAccess advisory council pursuant to section 14B.201, subsection 3, paragraph "a", subparagraph (1), as enacted in this Act, shall be as follows:

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

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

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

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

5. One person to be appointed by the governor representing real estate brokers and salespersons who shall be actively engaged in the real estate business.

Sec. 19. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2395, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/25, 2000

THOMAS J. WILSACK
Governor