

King, Peltmer, Delaney

SSB 3171
State Government

SENATE/HOUSE FILE _____
BY (PROPOSED INFORMATION
TECHNOLOGY DEPARTMENT BILL)

Succeeded By
HF 2295

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

A BILL FOR

1 An Act providing for miscellaneous substantive and technical
2 changes relating to the operations and functions of the
3 information technology department.

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

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1 Section 1. Section 14B.101, subsection 1, Code Supplement
2 2001, is amended to read as follows:

3 1. "Agency" means a unit of state government, which is an
4 authority, board, commission, committee, council, department,
5 examining board, or independent agency, or establishment of
6 state government as defined in ~~section-7E-4,--including-but-not~~
7 ~~limited-to-each-principal-central-department-enumerated-in~~
8 ~~section-7E-5~~ sections 7E.4, 7E.5, and 8.2, subsection 5.

9 However, "agency" does not mean any of the following:

10 a. The office of the governor or the office of an elective
11 constitutional or statutory officer.

12 b. The general assembly, or any office or unit under its
13 administrative authority.

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

15 d. A political subdivision of the state or its offices or
16 units, including but not limited to a county, city, or
17 community college.

18 Sec. 2. Section 14B.101, subsection 3, Code Supplement
19 2001, is amended to read as follows:

20 3. "Governmental entity" means any unit of government in
21 the executive, legislative, or judicial branch of government;
22 an agency or political subdivision; any unit of another state
23 government, including its political subdivisions; or any unit
24 of the United States government or a foreign government, or
25 any association or other organization whose membership
26 consists primarily of one or more of any of the foregoing.

27 Sec. 3. Section 14B.101, subsection 8, paragraph e, Code
28 Supplement 2001, is amended by striking the paragraph.

29 Sec. 4. Section 14B.101, subsection 10, Code Supplement
30 2001, is amended to read as follows:

31 10. "Value-added services" means services which include,
32 but are not limited to, government information which-requires
33 special-sorts or services requiring processing, formatting,
34 enhancement, or other action to provide such information or
35 services, or to provide access to government information which

1 is responsive to special requests for multiple government
2 records in customized formats.

3 Sec. 5. Section 14B.102, subsection 2, Code Supplement
4 2001, is amended to read as follows:

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

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

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

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

17 d. (1) Developing-and-implementing-recommended-standards
18 for Prescribing standards and adopting rules relating to
19 information technology and procurement, including but not
20 limited to system design and systems integration and
21 interoperability, which ~~when-implemented~~ shall apply to all
22 participating agencies except as otherwise provided in this
23 chapter.

24 (2) Prescribing standards and adopting rules relating to
25 the implementation of electronic commerce, including standards
26 for digital signatures, electronic currency, integration of
27 electronic data across state agencies, and other items
28 associated with electronic commerce.

29 PARAGRAPH DIVIDED. The department shall implement
30 ~~information-technology-standards-as-established-pursuant-to~~
31 ~~this-chapter-which-are-applicable-to-information-technology~~
32 ~~procurements-for-participating-agencies~~ the standards and
33 rules it prescribes and adopts pursuant to this chapter.

34 Participating agencies shall comply with the department's
35 prescribed standards and adopted rules unless, upon the

1 written request of a participating agency and for good cause
2 shown, compliance is waived by the department.

3 e. ~~Recommending-and-implementing~~ Prescribing standards and
4 adopting rules relating to standards for an electronic
5 repository for maintaining mandated agency reports as provided
6 in section 304.13A. Such repository shall be developed and
7 maintained for the purpose of providing public access to such
8 mandated reports. The department shall ~~develop~~ prescribe such
9 standards and adopt rules relating to such standards in
10 consultation with the state librarian.

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

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

18 h. Coordinating the acquisition of information technology
19 by participating agencies in furtherance of the purposes of
20 this chapter. The information technology department shall
21 review a request for information technology submitted by a
22 participating agency for purposes of determining whether such
23 request meets the applicable standards and complies with rules
24 established pursuant to this chapter. ~~Upon-a-determination~~
25 ~~that-the-request-meets-such-standards,-the-information~~
26 ~~technology-shall-be-procured-for-the-participating-agency-by~~
27 ~~the-department-of-general-services,--Nothing-in-this-chapter~~
28 ~~shall-be-construed-to-prohibit-or-limit-a-participating-agency~~
29 ~~from-entering-into-an-agreement-or-contract-for-information~~
30 ~~technology-with-a-qualified-private-entity.~~

31 i. Entering into ~~agreements-pursuant-to-chapter-28B-or~~
32 ~~28E,-or~~ contracts, leases, licensing agreements, royalty
33 agreements, marketing agreements, memorandums of understanding
34 or other agreements as necessary and appropriate to administer
35 this chapter.

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

15 k. Receiving and accepting donations, grants, gifts, and
 16 contributions in the form of money, services, materials, or
 17 otherwise, from the United States or any of its agencies, from
 18 this state or any of its agencies, or from any other person,
 19 and to using or expending such moneys, services, materials, or
 20 other contributions, or issuing grants, in carrying on
 21 information technology operations.

22 l. Charging a-negotiated-fee, to-recover-a-share-of-the
 23 costs-related-to-the-research-and-development, initial
 24 production, and-derivative-products-of-the-department's
 25 proprietary-software-and-hardware, information-technology
 26 architecture-design, and-proprietary-technology-applications
 27 developed-to-support-authorized-users, to-private-vendors-and
 28 to-other-political-entities-and-subdivisions, including-but
 29 not-limited-to-states, territories, protectorates, and-foreign
 30 countries reasonable fees, costs, expenses, charges, or other
 31 amounts to an agency, governmental entity, public official, or
 32 person or entity related to the provision, sale, use, or
 33 utilization of, or cost sharing with respect to, information
 34 technology and any intellectual property interests related
 35 thereto, research and development, proprietary hardware,

1 software and applications, and information technology
2 architecture and design. The department may enter into
3 nondisclosure agreements and take any other legal action
4 reasonably necessary to secure a right or an interest in
5 information technology developed by or on behalf of the state
6 of Iowa and to protect the state of Iowa's proprietary
7 information technology and intellectual property interests.
8 ~~The provisions of chapter 23A relating to noncompetition by~~
9 ~~state agencies and political subdivisions with private~~
10 ~~enterprise shall not apply to department activities authorized~~
11 ~~under this paragraph.~~

12 m. Charging reasonable fees, costs, expenses, charges, or
13 other amounts to an agency, governmental entity, public
14 official, or other person or entity to or for whom information
15 technology or other services have been provided by or on
16 behalf of, or otherwise made available through, the
17 department.

18 n. Providing, selling, leasing, licensing, transferring,
19 or otherwise conveying or disposing of information technology,
20 or any intellectual property or other rights with respect
21 thereto, to agencies, governmental entities, public officials,
22 or other persons or entities.

23 o. Entering into partnerships, contracts, leases, or other
24 agreements with public and private entities for the evaluation
25 and development of information technology pilot projects.

26 p. Initiating and supporting the development of electronic
27 commerce, electronic government, and internet applications
28 across participating agencies and in cooperation with other
29 governmental entities. The department shall foster joint
30 development of electronic commerce and electronic government
31 involving the public and private sectors, develop customer
32 surveys and citizen outreach and education programs and
33 material, and provide for citizen input regarding the state's
34 electronic commerce and electronic government applications.

35 g. Establishing rates to be charged for access to, and for

1 value-added services provided through, IowAccess.

2 Sec. 6. Section 14B.102, subsection 3, Code Supplement
3 2001, is amended to read as follows:

4 3. SERVICE INFORMATION TECHNOLOGY CHARGES. The department
5 shall render a statement to a-participating an agency, or
6 other governmental entity for-a-reasonable-and-necessary
7 amount-for-information-technology-provided-by-the-department
8 to-such-agency-or-entity, public official, or other person or
9 entity to or for whom information technology, value-added
10 services, or other items or services have been provided by or
11 on behalf of, or otherwise made available through, the
12 department. An Such an agency, governmental entity, public
13 official, or other person or entity shall pay an amount
14 indicated on a such statement rendered-to-a-participating
15 agency-or-other-governmental-entity-shall-be-paid-by-such
16 agency-or-entity in a manner determined by the department of
17 revenue and finance. Amounts-charged-and-paid-pursuant-to
18 this-subsection-shall-be-deposited-in-the-operations-revolving
19 fund-created-in-section-14B.103-

20 Sec. 7. Section 14B.103, Code 2001, is amended to read as
21 follows:

22 14B.103 OPERATIONS REVOLVING FUND.

23 An operations revolving fund is created in the state
24 treasury. The operations revolving fund shall be administered
25 by the department and shall consist of moneys collected by the
26 department as fees, moneys appropriated by the general
27 assembly, and any other moneys obtained or accepted by the
28 department for-deposit-in-the-revolving-fund, including but
29 not limited to gifts, loans, donations, grants, and
30 contributions. The proceeds of the revolving fund are
31 appropriated to and shall be used by the department for the
32 operations of the department consistent with this chapter;
33 provided, however, that this usage requirement shall not limit
34 or restrict the department from using proceeds from gifts,
35 loans, donations, grants, and contributions in conformance

1 with any conditions, directions, limitations, or instructions
2 attached or related thereto. The department shall submit an
3 annual report not later than January 31 to the members of the
4 general assembly and the legislative fiscal bureau, of the
5 activities funded by and expenditures made from the revolving
6 fund during the preceding fiscal year. Section 8.33 does not
7 apply to any moneys in the revolving fund and, notwithstanding
8 section 12C.7, subsection 2, earnings or interest on moneys
9 deposited in the revolving fund shall be credited to the
10 revolving fund.

11 Sec. 8. Section 14B.104, subsection 2, Code 2001, is
12 amended to read as follows:

13 2. POWERS AND DUTIES. The powers and duties of the
14 director of the department shall ~~do-all-of~~ include, but are
15 not limited to, all of the following:

16 a. ~~Plan, direct, coordinate, and execute~~ Planning,
17 directing, coordinating, and executing the functions necessary
18 to carry out the duties of the department.

19 b. ~~Provide~~ Providing overall supervision, direction, and
20 coordination of functions of the department.

21 c. ~~Employ~~ Employing personnel as necessary to carry out
22 the functions vested in the department consistent with chapter
23 19A and ~~enhance~~ enhancing the recruitment, retention, and
24 training of professional staff.

25 d. ~~Supervise~~ Supervising and ~~manage~~ managing employees of
26 the department, and ~~provide~~ providing for the internal
27 organization of the department and for the allocation of
28 functions within the department consistent with section 7E.2.

29 e. ~~Recommend-to~~ Preparing the ~~information-technology~~
30 ~~council~~-an annual budget for the department.

31 f. ~~Recommend-to-the-information-technology-council~~
32 Adopting, pursuant to chapter 17A, rules deemed necessary for
33 the implementation of this chapter and proper administration
34 of the department.

35 g. ~~Recommend-to-the-information-technology-council~~

1 ~~information-technology-standards-~~

2 h- g. ~~Develop~~ Establishing, prescribing, and implement
3 implementing operational policies of the department and be
4 being responsible for the day-to-day operations of the
5 department.

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

12 j- i. ~~Provide~~ Providing advice to the governor on issues
13 related to information technology.

14 k- j. ~~Consult~~ Consulting with agencies and other
15 governmental entities on issues relating to information
16 technology.

17 i- k. ~~Work-with-all-governmental-entities-in-an-effort-to~~
18 ~~achieve-the-information-technology-goals-established-by-the~~
19 ~~information-technology-council-~~ Preparing and submitting to
20 the information technology council a strategic information
21 technology plan which shall promote participation in
22 cooperative projects with other governmental entities. The
23 plan shall establish a mission, goals, and objectives for the
24 use of information technology, including goals for electronic
25 access to public records, information, and services, and shall
26 be prepared biennially, in odd-numbered years, to coincide
27 with the beginning of the convening of the first regular
28 session of the general assembly.

29 Sec. 9. Section 14B.104, subsection 4, Code 2001, is
30 amended by striking the subsection.

31 Sec. 10. Section 14B.105, subsection 1, paragraph a, Code
32 Supplement 2001, is amended to read as follows:

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

1 this chapter. The information technology council is composed
2 of ~~seventeen~~ fourteen members including the following:

3 ~~{1}--The-director-of-the-information-technology-department--~~

4 ~~{2}--The-administrator-of-the-public-broadcasting-division~~
5 ~~of-the-department-of-education--~~

6 ~~{3}~~ (1) 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-executive-director-of-the-Iowa-communications~~
11 ~~network--or-the-executive-director's-designee--~~

12 ~~{6}~~ (2) Two executive branch department heads appointed by
13 the governor.

14 ~~{7}~~ (3) ~~Five~~ Six persons appointed by the governor who are
15 knowledgeable in information technology matters.

16 ~~{8}~~ (4) One person representing the judicial branch
17 appointed by the chief justice of the supreme court who shall
18 serve in an ex officio, nonvoting capacity.

19 ~~{9}~~ (5) 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 Sec. 11. Section 14B.105, subsection 1, paragraph b, Code
31 Supplement 2001, is amended to read as follows:

32 b. The members appointed by the governor pursuant to
33 paragraph "a"--subparagraphs-~~{3}~~-through-~~{7}~~-- shall serve
34 four-year staggered terms as designated by the governor and
35 such appointments to the information technology council are

1 subject to the requirements of sections 69.16, 69.16A, and
 2 69.19. ~~Members appointed by the governor pursuant to~~
 3 ~~paragraph "a", subparagraphs (3) through (7), shall not serve~~
 4 ~~consecutive four-year terms.~~ Members appointed by the
 5 governor are subject to senate confirmation and shall be
 6 reimbursed for actual and necessary expenses incurred in
 7 performance of their duties. Such members may also be
 8 eligible to receive compensation as provided in section 7E.6.

9 The information technology council shall annually elect its
 10 own chairperson from among the voting members of the council
 11 ~~other than the director of the information technology~~
 12 ~~department.~~ A majority of the voting members of the council
 13 constitutes a quorum.

14 Sec. 12. Section 14B.105, subsection 2, Code Supplement
 15 2001, is amended to read as follows:

16 2. DUTIES. The information technology council shall do
 17 ~~all of~~ the following:

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

21 ~~b. Develop recommended standards for consideration with~~
 22 ~~respect to the procurement of information technology by all~~
 23 ~~participating agencies.~~

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

35 ~~d. a. Prepare and annually update a~~ Biennially adopt the

1 strategic information technology plan for the use of
2 information technology throughout state government developed
3 by the director of the department pursuant to section 14B.104,
4 subsection 2, paragraph "k". ~~The plan shall promote~~
5 ~~participation in cooperative projects with other governmental~~
6 ~~entities.---The plan shall establish a mission, goals, and~~
7 ~~objectives for the use of information technology, including~~
8 ~~goals for electronic access to public records, information,~~
9 ~~and services.~~ The plan shall be submitted annually biennially
10 to the governor and the general assembly.

11 ~~e.---Review and recommend to the general assembly, as deemed~~
12 ~~appropriate by the information technology council, legislative~~
13 ~~proposals recommended by the director, or other legislative~~
14 ~~proposals as developed and deemed necessary by the information~~
15 ~~technology council.~~

16 ~~f. b.~~ Review the recommendations of the IowAccess advisory
17 council regarding rates to be charged for access to and for
18 value-added services performed through IowAccess, and submit
19 recommendations to the department for review and establishment
20 of rates. The ~~information technology council~~ department shall
21 report the establishment of a new rate or change in the level
22 of an existing rate to the department of management, and the
23 department of management shall notify the legislative fiscal
24 bureau regarding the rate establishment or change.

25 ~~g.---Review and approve, as deemed appropriate by the~~
26 ~~information technology council, the annual budget~~
27 ~~recommendation for the department as proposed by the director.~~

28 Sec. 13. Section 14B.105, subsections 3 and 4, Code
29 Supplement 2001, are amended by striking the subsections.

30 Sec. 14. Section 14B.109, subsection 1, Code Supplement
31 2001, is amended by striking the subsection.

32 Sec. 15. Section 14B.109, subsection 2, Code Supplement
33 2001, is amended to read as follows:

34 2. a. Standards established prescribed and rules adopted
35 by the ~~information technology council~~ department, unless

1 waived pursuant to section ~~14B.105~~ 14B.102, shall apply to all
2 information technology procurements by or for participating
3 agencies.

4 b. A participating agency shall submit a request to the
5 department for the procurement of any information technology.
6 The department, prior to any acquisition of such information
7 technology, shall make a determination whether the requested
8 information technology complies with the ~~information~~
9 ~~technology department's~~ standards ~~established-by-the~~
10 ~~information-technology-council~~ and rules and with applicable
11 provisions of this chapter.

12 The information technology department, at the request of a
13 participating agency other than a participating agency that is
14 granted independent procurement authority, ~~shall~~ may acquire
15 the information technology for the participating agency
16 requesting such information technology if it is determined to
17 be compliant with the standards ~~established-by-the-information~~
18 ~~technology-council~~ prescribed by the department, rules adopted
19 by the department, and applicable provisions of this chapter.

20 A participating agency that is granted independent
21 procurement authority, upon a determination by the information
22 technology department that a proposed information technology
23 acquisition complies with the ~~information-technology-by-the~~
24 ~~information-technology-council~~ standards ~~established~~
25 prescribed by the department, rules adopted by the department,
26 and applicable provisions of this chapter, may proceed with
27 such acquisition. The ~~information-technology~~ department ~~shall~~
28 may provide advice to such participating agency regarding the
29 procurement of such information technology, including any
30 opportunity to aggregate such purchases with other
31 participating agencies.

32 c. If a determination is made that the information
33 technology does not comply with ~~such~~ standards prescribed by
34 the department, rules adopted by the department, and
35 applicable provisions of this chapter, the department shall

1 disapprove the request and such information technology shall
2 not be procured unless a waiver is granted pursuant to section
3 ~~14B-105~~ 14B.102.

4 d. The department, at the request of a governmental entity
5 other than a participating agency, may acquire information
6 technology for the governmental entity.

7 Sec. 16. Section 14B.109, subsection 3, Code Supplement
8 2001, is amended to read as follows:

9 3. The information technology department, by rule, may
10 implement a prequalification procedure for contractors with
11 regarding agreements which the department has entered into or
12 intends to enter into agreements regarding the procurement of
13 information technology. Entering into an agreement with, or
14 procuring information technology from, a prequalified vendor
15 shall not be considered a sole source contract.

16 Sec. 17. Section 14B.109, subsection 4, unnumbered
17 paragraph 1, Code Supplement 2001, is amended to read as
18 follows:

19 Notwithstanding the provisions of chapter 18, or any
20 administrative rules adopted pursuant to that chapter, the
21 department has independent procurement authority and may
22 procure information technology as provided in this section.
23 The department may cooperate with other governmental entities
24 in the procurement of information technology in an effort to
25 make such procurements in a cost-effective, and efficient
26 ~~manner as provided in this section.~~ The department, ~~as deemed~~
27 ~~appropriate and cost-effective,~~ may procure information
28 technology using any method it determines to be appropriate,
29 cost-effective, or efficient, including but not limited to any
30 of the following methods:

31 Sec. 18. Section 14B.109, subsection 4, paragraph a, Code
32 Supplement 2001, is amended to read as follows:

33 a. COOPERATIVE PROCUREMENT AGREEMENT. The department may
34 enter into a cooperative procurement agreement with another
35 governmental entity ~~for the purpose of pooling funds for~~

1 relating to the purchase procurement of information
 2 technology, whether such information technology is for the use
 3 of the department or ~~multiple~~ other governmental entities.
 4 The cooperative procurement agreement shall clearly specify
 5 the purpose of the agreement and the method by which such
 6 purpose will be accomplished. Any power exercised under such
 7 agreement shall not exceed the power granted to any party to
 8 the agreement.

9 Sec. 19. Section 14B.109, subsection 4, paragraph c, Code
 10 Supplement 2001, is amended to read as follows:

11 c. CONTRACTS LET BY ANOTHER GOVERNMENT ENTITY. The
 12 department, on its own behalf or on the behalf of another
 13 participating agency or governmental entity, may procure
 14 information technology under a contract let by another ~~state~~
 15 ~~agency-or-political-subdivision-of-this-state~~ agency or other
 16 governmental entity, or approve such procurement in the same
 17 manner by a participating agency or governmental entity.

18 Sec. 20. Section 14B.109, subsection 4, paragraph e, Code
 19 Supplement 2001, is amended to read as follows:

20 e. COMPETITIVE BIDDING. The department may enter into an
 21 agreement for the purchase procurement or acquisition of
 22 information technology in the same manner as provided under
 23 section 18.6, with respect to the department of general
 24 service, in addition to any other procedures provided pursuant
 25 to this chapter. The department, by rule, shall provide
 26 procedures governing such procurements or acquisitions.

27 Sec. 21. Section 14B.109, subsection 4, paragraph f, Code
 28 Supplement 2001, is amended to read as follows:

29 f. OTHER AGREEMENTS. In addition to the competitive
 30 bidding procedure provided for under paragraph "e", and any
 31 other procedures provided pursuant to this chapter, the
 32 information technology department may enter into an agreement
 33 for the purchase, disposal, sale, lease, transfer, auction,
 34 zero-cost acquisition, or other disposition of information
 35 technology in any other manner provided under chapter 18, in

1 ~~the same manner and subject to the same limitations as the~~
2 ~~department of general services~~ subject to procedures
3 established by the information technology department. The
4 information technology department, by rule, shall provide for
5 such procedures. The department may dispose of information
6 technology by transferring the ownership of the information
7 technology to another agency or governmental entity in this
8 state in any manner the department determines appropriate.

9 Sec. 22. Section 14B.201, subsection 1, unnumbered
10 paragraph 1, Code Supplement 2001, is amended to read as
11 follows:

12 An IowAccess advisory council is established within the
13 department for the purpose of creating and providing a service
14 to the citizens of this state that is the gateway for one-stop
15 electronic access to government information and transactions,
16 whether federal, state, or local. Except as provided in this
17 section, IowAccess shall be a state-funded service providing
18 access to government information and transactions. ~~The~~
19 ~~information-technology-council, in establishing the fees for~~
20 ~~value-added services, shall consider the reasonable cost of~~
21 ~~creating and organizing such government information through~~
22 ~~IowAccess.~~ The advisory council shall provide advice and
23 counsel to the department and the information technology
24 council regarding fees and services provided through IowAccess
25 and other electronic services to citizens of this state. A
26 recommendation by the advisory council shall require an
27 affirmative action approved and communicated to the department
28 and the information technology council by the advisory
29 council.

30 Sec. 23. Section 14B.201, subsection 2, Code Supplement
31 2001, is amended to read as follows:

32 2. DUTIES.

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

34 (1) Recommend Provide advice and make recommendations to
35 the information technology council regarding rates to be

1 charged for access to and for value-added services performed
2 provided through IowAccess and other electronic services.

3 (2) ~~Recommend~~ Provide advice and make recommendations to
4 the director and the information technology council regarding
5 the priority of projects associated with IowAccess and other
6 electronic services.

7 (3) ~~Recommend~~ Provide advice and make recommendations to
8 the director and the information technology council expected
9 outcomes and effects of the use of IowAccess and other
10 electronic services and determine the manner in which such
11 outcomes are to be measured and evaluated.

12 (4) ~~Review-and-recommend~~ Provide advice, conduct a review,
13 and make recommendations to the director and the information
14 technology council regarding the IowAccess total budget
15 request and ensure that such request reflects the priorities
16 and goals of IowAccess and other electronic services as
17 established by the advisory council.

18 ~~{5}--Review-and-recommend-to-the-director-and-the~~
19 ~~information-technology-council--all-rules-to-be-adopted-by-the~~
20 ~~information-technology-council--that-are-related-to-IowAccess--~~

21 {6} (5) Advocate for access to government information and
22 services through IowAccess and other electronic services and
23 for data privacy protection, information ethics, accuracy, and
24 security in IowAccess and other electronic programs and
25 services.

26 {7} (6) Receive status and operations reports associated
27 with IowAccess and other electronic services.

28 {8} (7) ~~Other~~ Perform other duties as assigned by the
29 information technology council or the director.

30 b. The advisory council shall ~~also-advise,~~ in the course
31 of providing advice to the information technology council and
32 the director with respect to the operation of IowAccess and
33 other electronic services, and encourage and implement access
34 to government and its public records by the citizens of this
35 state in a manner which shall reflect the diversity of users

1 of electronic services so that the views and needs of all the
2 citizens of this state shall be represented.

3 c. The advisory council shall serve as a link between the
4 users of public records, the lawful custodians of such public
5 records, and the citizens of this state who are the owners of
6 such public records.

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

9 Sec. 24. Section 14B.201, subsection 3, paragraph a, Code
10 Supplement 2001, is amended by striking the paragraph and
11 inserting in lieu thereof the following:

12 a. The advisory council shall be composed of fifteen
13 members including the following:

14 (1) Nine persons appointed by the governor representing
15 the primary customers of IowAccess and lawful custodians of
16 IowAccess public records, five of whom shall represent primary
17 customers of IowAccess and four of whom shall represent lawful
18 custodians. The four lawful custodians ~~of IowAccess~~ shall
19 represent the following:

20 (a) One person representing the executive branch as
21 designated by the governor.

22 (b) One person to be appointed by the governor
23 representing cities, who shall be actively engaged in the
24 administration of city government.

25 (c) One person to be appointed by the governor
26 representing counties, who shall be actively engaged in the
27 administration of county government.

28 (d) One person to be appointed by the governor
29 representing the federal government.

30 (2) One person representing the legislative branch, who
31 shall be designated by the legislative council.

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

34 (4) Four persons appointed by the department.

35 Sec. 25. Section 14B.202, subsections 2 and 4, Code 2001,

1 are amended by striking the subsections.

2 Sec. 26. Section 14B.203, subsection 3, Code Supplement
3 2001, is amended to read as follows:

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

15 Sec. 27. Sections 14B.106, 14B.107, and 14B.108, Code
16 2001, are repealed.

17 EXPLANATION

18 This bill provides for miscellaneous substantive and
19 technical changes relating to the operation and function of
20 the information technology department.

21 The bill provides expanded definitions for the terms
22 "agency", "governmental entity", and "value-added services",
23 and deletes the limited exclusion of the Iowa
24 telecommunications and technology commission as a
25 "participating agency".

26 The bill provides several modifications regarding the
27 powers and duties of the department, including prescribing
28 standards and adopting rules relating to standards for
29 information technology and procurement, and for the
30 implementation of electronic commerce. The bill provides that
31 the department shall implement the information technology
32 standards which are applicable to information technology
33 procurements for participating agencies, and that
34 participating agencies shall comply with the prescribed
35 standards and adopted rules relating to standards unless, upon

1 the written request of a participating agency and for good
2 cause shown, compliance is waived by the department.

3 The bill provides an expanded list of authorized
4 departmental agreements, including entering into contracts,
5 leases, licensing agreements, royalty agreements, marketing
6 agreements, memorandums of understanding, or other agreements.
7 The bill provides for several additional or expanded powers
8 and duties. The department may charge reasonable fees, costs,
9 expenses, charges, or other amounts to an agency, governmental
10 entity, public official, or other person or entity to or for
11 whom information technology, intellectual property and
12 proprietary interests related to information technology, or
13 other services have been provided. The department may also
14 provide, sell, lease, license, transfer, or otherwise convey
15 or dispose of information technology, intellectual property,
16 or other rights with respect thereto to agencies, governmental
17 entities, public officials, or other persons or entities. The
18 department may additionally establish rates to be charged for
19 access to and services provided through IowaAccess, enter into
20 partnerships, contracts, leases, or other agreements with
21 public and private entities for the evaluation and development
22 of information technology, including the creation and
23 implementation of pilot projects, and initiate and support the
24 development of electronic commerce, electronic government, and
25 internet applications across participating agencies and other
26 governmental entities.

27 The bill provides that the department may render an
28 information technology charge statement to a list broadened to
29 include a public official, or other person or entity to or for
30 whom information technology or other services have been
31 rendered for a reasonable and necessary amount for information
32 technology, value-added services, licenses, or fees for other
33 items or services provided by or available through the
34 department to the agency or entity.

35 The bill provides that the operations revolving fund

1 created in the state treasury pursuant to Code section 14B.103
 2 shall include, in addition to amounts currently authorized,
 3 gifts, loans, donations, grants, and contributions. The bill
 4 provides that proceeds of the revolving fund are appropriated
 5 to and shall be used by the department for operations,
 6 provided that this shall not limit or restrict the department
 7 from using proceeds from gifts, loans, donations, grants, and
 8 contributions to comply with any related instructions.

9 The bill provides that powers and duties of the director of
 10 the department shall include preparing the department's annual
 11 budget, adopting rules pursuant to Code chapter 17A, and
 12 recommending legislative proposals directly, rather than in
 13 the form of a recommendation to the information technology
 14 council. The bill also provides that the director shall
 15 prepare and submit for adoption by the information technology
 16 council a strategic information technology plan which shall
 17 promote participation in cooperative projects with other
 18 governmental entities. The bill provides that the plan shall
 19 establish a mission, goals, and objectives for the use of
 20 information technology, including goals for electronic access
 21 to public records, information, and services, and shall be
 22 prepared biennially, in odd-numbered years, to coincide with
 23 the beginning of the convening of the general assembly in
 24 regular session. The bill deletes a provision authorizing an
 25 appeal of a director's decision to the information technology
 26 council.

27 The bill modifies the membership of the information
 28 technology council, provides that the council shall biennially
 29 adopt the strategic information technology plan for the use of
 30 information technology throughout state government developed
 31 by the director of the department, and provides that the
 32 council shall submit recommendations to the department for
 33 review and establishment of rates.

34 The bill removes several previously authorized duties of
 35 the council, including authority to adopt rules necessary for

1 the exercise of the powers and duties granted to the council,
2 authority to develop recommended standards with respect to the
3 procurement of information technology by participating
4 agencies, and the authority to appoint advisory committees to
5 assist the information technology council. Additionally, the
6 bill provides that the council shall no longer prepare and
7 annually update a strategic information technology plan for
8 the use of information technology throughout state government,
9 but shall instead biennially adopt the plan, which shall now
10 be developed by the director of the department. Further, the
11 bill provides that the council shall no longer review and
12 recommend to the general assembly legislative proposals, and
13 provides that the council shall submit recommendations of the
14 IowaAccess advisory council regarding rates to be charged to
15 the department, rather than reporting directly to the
16 department of management. Finally, the bill provides that the
17 council shall no longer review and approve the annual budget
18 recommendation for the department as proposed by the director
19 and no longer hears appeals from decisions of the director.

20 The bill provides that the department may acquire
21 information technology for a governmental entity at the
22 entity's request. The bill also provides that the department
23 has independent procurement authority regarding the
24 acquisition of information technology, notwithstanding the
25 provisions of Code chapter 18 or rules adopted thereunder.

26 The bill also provides that entering into an agreement
27 with, or procuring information technology from, a prequalified
28 vendor shall not be considered a sole source contract. The
29 bill further provides that the department may dispose of
30 information technology to another agency or governmental
31 entity in this state by transferring ownership to that agency
32 or entity in any manner the department determines appropriate.

33 The bill expands the statement of purpose with regard to
34 the IowaAccess advisory council to include the providing of
35 advice and counsel to the department and the information

1 technology council regarding fees and services provided
 2 through IowAccess and other electronic services to citizens.
 3 The bill additionally provides that IowAccess shall encourage
 4 and implement access to government and its public records by
 5 the citizens of this state in a manner which shall reflect the
 6 diversity of users of electronic services so that the views
 7 and needs of all the citizens of this state shall be
 8 represented, and modifies IowAccess advisory council
 9 membership requirements such that, among other changes, four
 10 ex officio legislative members shall be deleted. The bill
 11 provides that a recommendation by the advisory council shall
 12 require an affirmative action approved and communicated to the
 13 department by the council.

14 The bill deletes a provision which had denied authority to
 15 the department to determine whether an individual government
 16 agency should automate records, and providing for the payment
 17 of the same fee by a person contracting with a government
 18 agency regarding electronic access to public records as that
 19 payable by the general public to the extent a public record
 20 would be utilized by the person in a nongovernmental venture.

21 The bill repeals Code sections relating to the
 22 establishment of departmental divisions and a digital
 23 government bureau, and development of standards by the
 24 information technology council.

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3/18/02 Returned to State Gov.

FILED FEB 25 2002

SENATE FILE 2295

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3171)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act authorizing the performance of a comprehensive internal
2 assessment and evaluation to be conducted by the information
3 technology department.

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

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SF 2295

1 Section 1. Section 14B.102, Code Supplement 2001, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 5. DEPARTMENTAL ASSESSMENT --
4 RECOMMENDATIONS. The department may conduct an internal
5 assessment and evaluation of departmental functions,
6 procedures, and operations on an ongoing basis, and may
7 develop and recommend to the general assembly comprehensive
8 structural and functional changes. Recommendations may
9 include, but shall not be limited to, alterations in
10 terminology applicable to departmental operations,
11 modifications of departmental powers and duties, expansion of
12 departmental rulemaking authority, development and
13 implementation of standards applicable to information
14 technology procurements, expansion of agreements to be entered
15 into and fees authorized to be charged, budget preparation
16 responsibility changes, information technology council
17 membership and function modifications, and the functioning and
18 purpose of IowAccess. The department shall determine the
19 scope and the timing of such assessments and evaluations.

20 EXPLANATION

21 This bill authorizes the information technology department
22 to conduct an ongoing internal assessment and evaluation of
23 the functions, procedures, and operations of the department.
24 The bill provides that the department may develop and
25 recommend to the general assembly comprehensive structural and
26 functional changes. The bill contains a noninclusive list of
27 possible areas for assessment, evaluation, and recommendations
28 for change.

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