

Senate Study Bill 3171

Bill Text

PAG LIN

1 1 Section 1. Section [14B.101](#), subsection 1, Code Supplement
1 2 2001, is amended to read as follows:

1 3 1. "Agency" means a unit of state government, which is an
1 4 authority, board, commission, committee, council, department,
1 5 examining board,

~~or~~

~~- independent agency, or establishment of
1 6 state government as defined in~~

~~section 7E.4, including but not~~

~~-
1 7~~

~~limited to each principal central department enumerated in~~

~~-
1 8~~

~~section 7E.5~~

~~- sections 7E.4, 7E.5, and 8.2, subsection 5.~~

1 9 However, "agency" does not mean any of the following:

1 10 a. The office of the governor or the office of an elective
1 11 constitutional or statutory officer.

1 12 b. The general assembly, or any office or unit under its
1 13 administrative authority.

1 14 c. The judicial branch, as provided in section 602.1102.

1 15 d. A political subdivision of the state or its offices or
1 16 units, including but not limited to a county, city, or
1 17 community college.

1 18 Sec. 2. Section [14B.101](#), subsection 3, Code Supplement
1 19 2001, is amended to read as follows:

1 20 3. "Governmental entity" means any unit of government in
1 21 the executive, legislative, or judicial branch of government;
1 22 an agency or political subdivision; any unit of another state
1 23 government, including its political subdivisions;

~~or~~

~~- any unit~~

~~1 24 of the United States government or a foreign government, or
1 25 any association or other organization whose membership
1 26 consists primarily of one or more of any of the foregoing.~~

1 27 Sec. 3. Section [14B.101](#), subsection 8, paragraph e, Code
1 28 Supplement 2001, is amended by striking the paragraph.

1 29 Sec. 4. Section [14B.101](#), subsection 10, Code Supplement
1 30 2001, is amended to read as follows:

1 31 10. "Value-added services" means services which include,
1 32 but are not limited to, government information

~~which requires~~

~~-
1 33~~

~~special sorts~~

~~- or services requiring processing, formatting,~~

~~1 34 enhancement, or other action to provide such information or~~

~~1 35 services, or to provide access to government information which~~

2 1 is responsive to special requests for multiple government
2 2 records in customized formats.
2 3 Sec. 5. Section [14B.102](#), subsection 2, Code Supplement
2 4 2001, is amended to read as follows:
2 5 2. POWERS AND DUTIES OF DEPARTMENT. The powers and duties
2 6 of the department shall include, but are not limited to, all
2 7 of the following:
2 8 a. Providing information technology to

~~participating~~

2 9 agencies and other governmental entities

~~as provided in this~~

2 10

~~chapter~~

2 11 b. Implementing the strategic information technology plan
2 12

~~as prepared and updated by the information technology council~~

2 13 c. Developing and implementing a business continuity plan,
2 14 as the director determines is appropriate, to be used if a
2 15 disruption occurs in the provision of information technology
2 16 to participating agencies and other governmental entities.

2 17 d. (1)

~~Developing and implementing recommended standards~~

2 18

~~for~~

~~Prescribing standards and adopting rules relating to~~
2 19 information technology and procurement, including but not
2 20 limited to system design and systems integration and
2 21 interoperability, which

~~when implemented~~

~~shall apply to all~~
2 22 participating agencies except as otherwise provided in this
2 23 chapter.

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

2 29 PARAGRAPH DIVIDED. The department shall implement
2 30

~~information technology standards as established pursuant to~~

2 31

~~this chapter which are applicable to information technology~~

2 32

~~procurements for participating agencies~~
~~the standards and~~

2 33 rules it prescribes and adopts pursuant to this chapter.
2 34 Participating agencies shall comply with the department's
2 35 prescribed standards and adopted rules unless, upon the
3 1 written request of a participating agency and for good cause
3 2 shown, compliance is waived by the department.

3 3 e.

~~Recommending and implementing~~

~~Prescribing standards and~~

3 4 adopting rules relating to standards for an electronic
3 5 repository for maintaining mandated agency reports as provided
3 6 in section 304.13A. Such repository shall be developed and
3 7 maintained for the purpose of providing public access to such
3 8 mandated reports. The department shall

~~develop~~

~~prescribe~~ such

3 9 standards and adopt rules relating to such standards in
3 10 consultation with the state librarian.

3 11 f. Developing and maintaining security policies and
3 12 systems to ensure the integrity of the state's information
3 13 resources and to prevent the disclosure of confidential
3 14 records.

3 15 g. Developing and implementing effective and efficient
3 16 strategies for the use and provision of information technology
3 17 for participating agencies and other governmental entities.

3 18 h. Coordinating the acquisition of information technology
3 19 by participating agencies in furtherance of the purposes of
3 20 this chapter. The information technology department shall
3 21 review a request for information technology submitted by a
3 22 participating agency for purposes of determining whether such
3 23 request meets the applicable standards and complies with rules
3 24 established pursuant to this chapter.

~~Upon a determination~~

3 25

~~that the request meets such standards, the information~~

3 26

~~technology shall be procured for the participating agency by~~

3 27

~~the department of general services. Nothing in this chapter~~

3 28

~~shall be construed to prohibit or limit a participating agency~~

3 29

~~from entering into an agreement or contract for information~~

3 30

~~technology with a qualified private entity.~~

3 31 i. Entering into

~~agreements pursuant to chapter 28D or~~

3 32

~~28E, or~~

~~contracts, leases, licensing agreements, royalty~~

3 33 agreements, marketing agreements, memorandums of understanding
3 34 or other agreements as necessary and appropriate to administer
3 35 this chapter.

4 1 j.

~~Establishing and maintaining, in cooperation with the~~
-
4 2
~~department of revenue and finance and the department of~~
-
4 3
~~general services, an inventory of information technology~~
-
4 4
~~devices used by participating agencies and other governmental~~
-
4 5
~~entities using the information technology department's~~
-
4 6
~~services. The information technology department may request~~
-
4 7 Requesting that a participating agency
~~to~~
- provide such
4 8 information as is necessary to establish and maintain an
4 9 inventory
~~as required under this paragraph~~
- of information
4 10 technology used by participating agencies, and such
4 11 participating agency shall provide such information to the
4 12 department in a timely manner. The form and content of the
4 13 information to be provided shall be determined by the
4 14 department.
4 15 k. Receiving and accepting donations, grants, gifts, and
4 16 contributions in the form of money, services, materials, or
4 17 otherwise, from the United States or any of its agencies, from
4 18 this state or any of its agencies, or from any other person,
4 19 and to using or expending such moneys, services, materials, or
4 20 other contributions, or issuing grants, in carrying on
4 21 information technology operations.
4 22 1. Charging
~~a negotiated fee, to recover a share of the~~
-
4 23
~~costs related to the research and development, initial~~
-
4 24
~~production, and derivative products of the department's~~
-
4 25
~~proprietary software and hardware, information technology~~
-
4 26
~~architecture design, and proprietary technology applications~~
-
4 27
~~developed to support authorized users, to private vendors and~~

4 28

~~to other political entities and subdivisions, including but~~

4 29

~~not limited to states, territories, protectorates, and foreign~~

4 30

~~countries~~

~~reasonable fees, costs, expenses, charges, or other~~

4 31 amounts to an agency, governmental entity, public official, or

4 32 person or entity related to the provision, sale, use, or

4 33 utilization of, or cost sharing with respect to, information

4 34 technology and any intellectual property interests related

4 35 thereto, research and development, proprietary hardware,

5 1 software and applications, and information technology

5 2 architecture and design. The department may enter into

5 3 nondisclosure agreements and take any other legal action

5 4 reasonably necessary to secure a right or an interest in

5 5 information technology developed by or on behalf of the state

5 6 of Iowa and to protect the state of Iowa's proprietary

5 7 information technology and intellectual property interests.

5 8

~~The provisions of chapter 23A relating to noncompetition by~~

5 9

~~state agencies and political subdivisions with private~~

5 10

~~enterprise shall not apply to department activities authorized~~

5 11

~~under this paragraph.~~

5 12 m. Charging reasonable fees, costs, expenses, charges, or

5 13 other amounts to an agency, governmental entity, public

5 14 official, or other person or entity to or for whom information

5 15 technology or other services have been provided by or on

5 16 behalf of, or otherwise made available through, the

5 17 department.

5 18 n. Providing, selling, leasing, licensing, transferring,

5 19 or otherwise conveying or disposing of information technology,

5 20 or any intellectual property or other rights with respect

5 21 thereto, to agencies, governmental entities, public officials,

5 22 or other persons or entities.

5 23 o. Entering into partnerships, contracts, leases, or other

5 24 agreements with public and private entities for the evaluation

5 25 and development of information technology pilot projects.

5 26 p. Initiating and supporting the development of electronic

5 27 commerce, electronic government, and internet applications

5 28 across participating agencies and in cooperation with other

5 29 governmental entities. The department shall foster joint

5 30 development of electronic commerce and electronic government

5 31 involving the public and private sectors, develop customer

5 32 surveys and citizen outreach and education programs and

5 33 material, and provide for citizen input regarding the state's

5 34 electronic commerce and electronic government applications.

5 35 q. Establishing rates to be charged for access to, and for

6 1 value-added services provided through, IowAccess.

6 2 Sec. 6. Section [14B.102](#), subsection 3, Code Supplement

6 3 2001, is amended to read as follows:
6 4 3.

~~SERVICE~~

~~INFORMATION TECHNOLOGY CHARGES. The department
6 5 shall render a statement to~~

~~a participating
an agency,~~

~~or~~

6 6

~~other
governmental entity~~

~~for a reasonable and necessary~~

6 7

~~amount for information technology provided by the department~~

6 8

~~to such agency or entity~~

~~, public official, or other person or~~

6 9 entity to or for whom information technology, value-added
6 10 services, or other items or services have been provided by or
6 11 on behalf of, or otherwise made available through, the
6 12 department.

~~An~~

~~Such an agency, governmental entity, public
6 13 official, or other person or entity shall pay an amount
6 14 indicated on~~

~~a
such statement~~

~~rendered to a participating~~

6 15

~~agency or other governmental entity shall be paid by such~~

6 16

~~agency or entity~~

~~in a manner determined by the department of
6 17 revenue and finance.~~

~~Amounts charged and paid pursuant to~~

6 18

~~this subsection shall be deposited in the operations revolving~~

6 19

~~fund created in section 14B.103.~~

6 20 Sec. 7. Section 14B.103, Code 2001, is amended to read as
6 21 follows:

6 22 14B.103 OPERATIONS REVOLVING FUND.

6 23 An operations revolving fund is created in the state

6 24 treasury. The operations revolving fund shall be administered

6 25 by the department and shall consist of moneys collected by the
6 26 department as fees, moneys appropriated by the general
6 27 assembly, and any other moneys obtained or accepted by the
6 28 department

~~for deposit in the revolving fund
-, including but~~

6 29 not limited to gifts, loans, donations, grants, and
6 30 contributions. The proceeds of the revolving fund are
6 31 appropriated to and shall be used by the department for the
6 32 operations of the department consistent with this chapter;
6 33 provided, however, that this usage requirement shall not limit
6 34 or restrict the department from using proceeds from gifts,
6 35 loans, donations, grants, and contributions in conformance
7 1 with any conditions, directions, limitations, or instructions
7 2 attached or related thereto. The department shall submit an
7 3 annual report not later than January 31 to the members of the
7 4 general assembly and the legislative fiscal bureau, of the
7 5 activities funded by and expenditures made from the revolving
7 6 fund during the preceding fiscal year. Section 8.33 does not
7 7 apply to any moneys in the revolving fund and, notwithstanding
7 8 section 12C.7, subsection 2, earnings or interest on moneys
7 9 deposited in the revolving fund shall be credited to the
7 10 revolving fund.
7 11 Sec. 8. Section 14B.104, subsection 2, Code 2001, is
7 12 amended to read as follows:
7 13 2. POWERS AND DUTIES. The powers and duties of the
7 14 director of the department shall

~~do all of~~

~~include, but are~~

7 15 not limited to, all of the following:
7 16 a.

~~Plan, direct, coordinate, and execute~~

~~Planning.~~

7 17 directing, coordinating, and executing the functions necessary
7 18 to carry out the duties of the department.
7 19 b.

~~Provide~~

~~Providing~~ overall supervision, direction, and
7 20 coordination of functions of the department.
7 21 c.

~~Employ~~

~~Employing~~ personnel as necessary to carry out
7 22 the functions vested in the department consistent with chapter
7 23 19A and

~~enhance~~

~~enhancing~~ the recruitment, retention, and
7 24 training of professional staff.
7 25 d.

~~Supervise~~

~~Supervising~~ and

~~manage~~

~~managing~~ employees of
7 26 the department, and

~~provide~~

~~providing~~ for the internal
7 27 organization of the department and for the allocation of
7 28 functions within the department consistent with section 7E.2.
7 29 e.

~~Recommend to~~
~~- Preparing the~~

~~information technology~~

~~-~~
7 30

~~council an~~

~~- annual budget for the department.~~

7 31 f.

~~Recommend to the information technology council~~

~~-~~
7 32 Adopting, pursuant to chapter 17A, rules deemed necessary for
7 33 the implementation of this chapter and proper administration
7 34 of the department.

7 35

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

~~-~~
8 1

~~information technology standards.~~

~~-~~
8 2

~~h.~~

~~- g.~~

~~Develop~~

~~- Establishing, prescribing, and~~

~~implement~~

~~-~~
8 3 implementing operational policies of the department and

~~be~~

~~-~~
8 4 being responsible for the day-to-day operations of the

8 5 department.

8 6

~~i.~~

~~- h.~~

~~Develop~~

~~- Developing and~~

~~recommend to the information~~

~~-~~
8 7

~~technology council~~

~~- recommending~~ legislative proposals deemed

8 8 necessary for the continued efficiency of department

8 9 functions, and

~~review~~

~~- reviewing~~ legislative proposals

8 10 generated outside of the department which are related to

8 11 matters within the department's purview.

8 12

~~j.~~

~~- i.~~

~~Provide~~

- Providing advice to the governor on issues
8 13 related to information technology.
8 14

~~k.~~

- j.

~~Consult~~

- Consulting with agencies and other
8 15 governmental entities on issues relating to information
8 16 technology.
8 17

~~l.~~

- k.

~~Work with all governmental entities in an effort to~~

-
8 18

~~achieve the information technology goals established by the~~

-
8 19

~~information technology council.~~

- Preparing and submitting to
8 20 the information technology council a strategic information
8 21 technology plan which shall promote participation in
8 22 cooperative projects with other governmental entities. The
8 23 plan shall establish a mission, goals, and objectives for the
8 24 use of information technology, including goals for electronic
8 25 access to public records, information, and services, and shall
8 26 be prepared biennially, in odd-numbered years, to coincide
8 27 with the beginning of the convening of the first regular
8 28 session of the general assembly.

8 29 Sec. 9. Section [14B.104](#), subsection 4, Code 2001, is
8 30 amended by striking the subsection.

8 31 Sec. 10. Section [14B.105](#), subsection 1, paragraph a, Code
8 32 Supplement 2001, is amended to read as follows:

8 33 a. An information technology council is established with
8 34 the authority to oversee the department and information
8 35 technology activities of participating agencies as provided in
9 1 this chapter. The information technology council is composed
9 2 of

~~seventeen~~

- fourteen members including the following:

9 3

~~(1) The director of the information technology department.~~

-
9 4

~~(2) The administrator of the public broadcasting division~~

-
9 5

~~of the department of education.~~

-
9 6

~~(3)~~

- (1) The chairperson of the IowaAccess advisory council
9 7 established in section 14B.201, or the chairperson's designee.

9 8

~~(4) The state technology advisor in the department of~~

~~9 9~~

~~economic development.~~

~~9 10~~

~~(5) The executive director of the Iowa communications~~

~~9 11~~

~~network, or the executive director's designee.~~

~~9 12~~

~~(6)~~

~~(2) Two executive branch department heads appointed by~~
9 13 the governor.

9 14

~~(7)~~

~~(3)~~

~~Five~~

~~Six~~ persons appointed by the governor who are
9 15 knowledgeable in information technology matters.

9 16

~~(8)~~

~~(4) One person representing the judicial branch~~
9 17 appointed by the chief justice of the supreme court who shall
9 18 serve in an ex officio, nonvoting capacity.

9 19

~~(9)~~

~~(5) Four members of the general assembly with not more~~
9 20 than one member from each chamber being from the same
9 21 political party. The two senators shall be designated by the
9 22 president of the senate after consultation with the majority
9 23 and minority leaders of the senate. The two representatives
9 24 shall be designated by the speaker of the house of
9 25 representatives after consultation with the majority and
9 26 minority leaders of the house of representatives. Legislative
9 27 members shall serve in an ex officio, nonvoting capacity. A
9 28 legislative member is eligible for per diem and expenses as
9 29 provided in section 2.10.

9 30 Sec. 11. Section [14B.105](#), subsection 1, paragraph b, Code
9 31 Supplement 2001, is amended to read as follows:

9 32 b. The members appointed by the governor pursuant to
9 33 paragraph "a"

~~, subparagraphs (3) through (7),~~

~~shall serve~~

9 34 four-year staggered terms as designated by the governor and
9 35 such appointments to the information technology council are
10 1 subject to the requirements of sections 69.16, 69.16A, and
10 2 69.19.

~~Members appointed by the governor pursuant to~~

~~10 3~~

~~paragraph "a", subparagraphs (3) through (7), shall not serve~~

~~10 4~~

~~consecutive four year terms.~~

- Members appointed by the
10 5 governor are subject to senate confirmation and shall be
10 6 reimbursed for actual and necessary expenses incurred in
10 7 performance of their duties. Such members may also be
10 8 eligible to receive compensation as provided in section 7E.6.
10 9 The information technology council shall annually elect its
10 10 own chairperson from among the voting members of the council
10 11

~~other than the director of the information technology~~

-
10 12

~~department~~

- A majority of the voting members of the council
10 13 constitutes a quorum.
10 14 Sec. 12. Section [14B.105](#), subsection 2, Code Supplement
10 15 2001, is amended to read as follows:
10 16 2. DUTIES. The information technology council shall do
10 17

~~all of~~
- the following:
10 18

~~a. Adopt rules in accordance with chapter 17A which are~~

-
10 19

~~necessary for the exercise of the powers and duties granted by~~

-
10 20

~~this chapter and the proper administration of the department.~~

-
10 21

~~b. Develop recommended standards for consideration with~~

-
10 22

~~respect to the procurement of information technology by all~~

-
10 23

~~participating agencies.~~

-
10 24

~~c. Appoint advisory committees as appropriate to assist~~

-
10 25

~~the information technology council in developing strategies~~

-
10 26

~~for the use and provision of information technology and~~

-
10 27

~~establishing other advisory committees as necessary to assist~~

-
10 28

~~the information technology council in carrying out its duties~~

~~-~~
10 29

~~under this chapter. The number of advisory committees and~~

~~-~~
10 30

~~their membership shall be determined by the information~~

~~-~~
10 31

~~technology council to assure that the public and agencies and~~

~~-~~
10 32

~~other governmental entities have an opportunity to comment on~~

~~-~~
10 33

~~the services provided and the service goals and objectives of~~

~~-~~
10 34

~~the department.~~

~~-~~
10 35

~~d.~~

~~a.~~

~~Prepare and annually update a~~

~~Biennially adopt the~~

11 1 strategic information technology plan for the use of

11 2 information technology throughout state government developed

11 3 by the director of the department pursuant to section 14B.104,

11 4 subsection 2, paragraph "k".

~~The plan shall promote~~

~~-~~
11 5

~~participation in cooperative projects with other governmental~~

~~-~~
11 6

~~entities. The plan shall establish a mission, goals, and~~

~~-~~
11 7

~~objectives for the use of information technology, including~~

~~-~~
11 8

~~goals for electronic access to public records, information,~~

~~-~~
11 9

~~and services.~~

~~The plan shall be submitted~~

~~annually~~

~~biennially~~

11 10 to the governor and the general assembly.

11 11

~~c. Review and recommend to the general assembly, as deemed~~

11 12

~~appropriate by the information technology council, legislative~~

11 13

~~proposals recommended by the director, or other legislative~~

11 14

~~proposals as developed and deemed necessary by the information~~

11 15

~~technology council.~~

11 16

~~f.~~

~~b.~~ Review the recommendations of the IowAccess advisory

11 17 council regarding rates to be charged for access to and for

11 18 value-added services performed through IowAccess, and submit

11 19 recommendations to the department for review and establishment

11 20 of rates. The

~~information technology council~~

~~department~~ shall

11 21 report the establishment of a new rate or change in the level

11 22 of an existing rate to the department of management, and the

11 23 department of management shall notify the legislative fiscal

11 24 bureau regarding the rate establishment or change.

11 25

~~g.~~ Review and approve, as deemed appropriate by the

11 26

~~information technology council, the annual budget~~

11 27

~~recommendation for the department as proposed by the director.~~

11 28 Sec. 13. Section [14B.105](#), subsections 3 and 4, Code

11 29 Supplement 2001, are amended by striking the subsections.

11 30 Sec. 14. Section [14B.109](#), subsection 1, Code Supplement

11 31 2001, is amended by striking the subsection.

11 32 Sec. 15. Section [14B.109](#), subsection 2, Code Supplement

11 33 2001, is amended to read as follows:

11 34 2. a. Standards

~~established~~

~~prescribed and rules adopted~~

11 35 by the

~~information technology council~~

~~department~~, unless

12 1 waived pursuant to section

~~14B.105~~

~~14B.102~~, shall apply to all

12 2 information technology procurements by or for participating

12 3 agencies.

12 4 b. A participating agency shall submit a request to the

12 5 department for the procurement of any information technology.

12 6 The department, prior to any acquisition of such information

12 7 technology, shall make a determination whether the requested

12 8 information technology complies with the

~~information~~

12 9

~~technology~~

~~department's standards~~

~~established by the~~

12 10

~~information technology council~~

~~and rules and with applicable~~

12 11 provisions of this chapter.

12 12 The information technology department, at the request of a
12 13 participating agency other than a participating agency that is
12 14 granted independent procurement authority,

~~shall~~

~~may~~ acquire

12 15 the information technology for the participating agency
12 16 requesting such information technology if it is determined to
12 17 be compliant with the standards

~~established by the information~~

12 18

~~technology council~~

~~prescribed by the department, rules adopted~~

12 19 by the department, and applicable provisions of this chapter.

12 20 A participating agency that is granted independent
12 21 procurement authority, upon a determination by the information
12 22 technology department that a proposed information technology
12 23 acquisition complies with the

~~information technology by the~~

12 24

~~information technology council~~

~~standards~~

~~established~~

12 25 prescribed by the department, rules adopted by the department,
12 26 and applicable provisions of this chapter, may proceed with
12 27 such acquisition. The

~~information technology~~

~~department~~

~~shall~~

12 28 ~~may~~ provide advice to such participating agency regarding the
12 29 procurement of such information technology, including any
12 30 opportunity to aggregate such purchases with other
12 31 participating agencies.

12 32 c. If a determination is made that the information
12 33 technology does not comply with

~~such~~

~~standards~~ prescribed by

12 34 the department, rules adopted by the department, and

12 35 applicable provisions of this chapter, the department shall

13 1 disapprove the request and such information technology shall
13 2 not be procured unless a waiver is granted pursuant to section
13 3

~~14B.105~~

~~14B.102.~~

13 4 d. The department, at the request of a governmental entity
13 5 other than a participating agency, may acquire information
13 6 technology for the governmental entity.

13 7 Sec. 16. Section [14B.109](#), subsection 3, Code Supplement
13 8 2001, is amended to read as follows:

13 9 3. The information technology department, by rule, may
13 10 implement a prequalification procedure for contractors

~~with~~

13 11 regarding agreements which the department has entered into or
13 12 intends to enter into

~~agreements~~

~~regarding the procurement of~~

13 13 information technology. Entering into an agreement with, or
13 14 procuring information technology from, a prequalified vendor
13 15 shall not be considered a sole source contract.

13 16 Sec. 17. Section [14B.109](#), subsection 4, unnumbered
13 17 paragraph 1, Code Supplement 2001, is amended to read as
13 18 follows:

13 19 Notwithstanding the provisions of chapter 18, or any
13 20 administrative rules adopted pursuant to that chapter, the
13 21 department has independent procurement authority and may
13 22 procure information technology as provided in this section.
13 23 The department may cooperate with other governmental entities
13 24 in the procurement of information technology in an effort to
13 25 make such procurements in a cost-effective

~~and efficient~~

13 26 manner

~~as provided in this section~~

~~The department~~

~~, as deemed~~

13 27

~~appropriate and cost-effective,~~

~~may procure information~~

13 28 technology using any method it determines to be appropriate,
13 29 cost-effective, or efficient, including but not limited to any
13 30 of the following methods:

13 31 Sec. 18. Section [14B.109](#), subsection 4, paragraph a, Code
13 32 Supplement 2001, is amended to read as follows:

13 33 a. COOPERATIVE PROCUREMENT AGREEMENT. The department may
13 34 enter into a cooperative procurement agreement with another
13 35 governmental entity

~~for the purpose of pooling funds for~~

14 1 relating to the

~~purchase~~

~~procurement of information~~

14 2 technology, whether such information technology is for the use
14 3 of the department or

~~multiple~~

- other governmental entities.

14 4 The cooperative procurement agreement shall clearly specify
14 5 the purpose of the agreement and the method by which such
14 6 purpose will be accomplished. Any power exercised under such
14 7 agreement shall not exceed the power granted to any party to
14 8 the agreement.

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

14 11 c. CONTRACTS LET BY ANOTHER GOVERNMENT ENTITY. The
14 12 department, on its own behalf or on the behalf of another
14 13 participating agency or governmental entity, may procure
14 14 information technology under a contract let by another

~~state~~

-
14 15

~~agency or political subdivision of this state~~

- agency or other

14 16 governmental entity, or approve such procurement in the same
14 17 manner by a participating agency or governmental entity.

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

14 20 e. COMPETITIVE BIDDING. The department may enter into an
14 21 agreement for the

~~purchase~~

- procurement or acquisition of

14 22 information technology in the same manner as provided under
14 23 section 18.6, with respect to the department of general
14 24 service, in addition to any other procedures provided pursuant
14 25 to this chapter. The department, by rule, shall provide
14 26 procedures governing such procurements or acquisitions.

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

14 29 f. OTHER AGREEMENTS. In addition to the competitive
14 30 bidding procedure provided for under paragraph "e", and any
14 31 other procedures provided pursuant to this chapter, the
14 32 information technology department may enter into an agreement
14 33 for the purchase, disposal, sale, lease, transfer, auction,
14 34 zero-cost acquisition, or other disposition of information
14 35 technology in any other manner provided under chapter 18,

~~in~~

-
15 1

~~the same manner and subject to the same limitations as the~~

-
15 2

~~department of general services~~

- subject to procedures

15 3 established by the information technology department. The
15 4 information technology department, by rule, shall provide for
15 5 such procedures. The department may dispose of information
15 6 technology by transferring the ownership of the information
15 7 technology to another agency or governmental entity in this
15 8 state in any manner the department determines appropriate.

15 9 Sec. 22. Section 14B.201, subsection 1, unnumbered
15 10 paragraph 1, Code Supplement 2001, is amended to read as
15 11 follows:

15 12 An IowaAccess advisory council is established within the
15 13 department for the purpose of creating and providing a service
15 14 to the citizens of this state that is the gateway for one-stop
15 15 electronic access to government information and transactions,
15 16 whether federal, state, or local. Except as provided in this

15 17 section, IowAccess shall be a state-funded service providing
15 18 access to government information and transactions.

~~The~~

15 19

~~information technology council, in establishing the fees for~~

15 20

~~value added services, shall consider the reasonable cost of~~

15 21

~~creating and organizing such government information through~~

15 22

~~IowAccess.~~

~~The advisory council shall provide advice and~~

15 23 counsel to the department and the information technology

15 24 council regarding fees and services provided through IowAccess

15 25 and other electronic services to citizens of this state. A

15 26 recommendation by the advisory council shall require an

15 27 affirmative action approved and communicated to the department

15 28 and the information technology council by the advisory

15 29 council.

15 30 Sec. 23. Section [14B.201](#), subsection 2, Code Supplement

15 31 2001, is amended to read as follows:

15 32 2. DUTIES.

15 33 a. The advisory council shall do all of the following:

15 34 (1)

~~Recommend~~

~~Provide advice and make recommendations to~~

15 35 the information technology council regarding rates to be

16 1 charged for access to and for value-added services

~~performed~~

16 2 provided through IowAccess and other electronic services.

16 3 (2)

~~Recommend~~

~~Provide advice and make recommendations to~~

16 4 the director and the information technology council regarding

16 5 the priority of projects associated with IowAccess and other

16 6 electronic services.

16 7 (3)

~~Recommend~~

~~Provide advice and make recommendations to~~

16 8 the director and the information technology council expected

16 9 outcomes and effects of the use of IowAccess and other

16 10 electronic services and determine the manner in which such

16 11 outcomes are to be measured and evaluated.

16 12 (4)

~~Review and recommend~~

~~Provide advice, conduct a review,~~

16 13 and make recommendations to the director and the information

16 14 technology council regarding the IowAccess total budget

16 15 request and ensure that such request reflects the priorities

16 16 and goals of IowAccess and other electronic services as

16 17 established by the advisory council.

16 18

~~(5) Review and recommend to the director and the~~

16 19

~~information technology council all rules to be adopted by the~~

16 20

~~information technology council that are related to IowAccess.~~

16 21

~~(6)~~

~~(5) Advocate for access to government information and
16 22 services through IowAccess and other electronic services and
16 23 for data privacy protection, information ethics, accuracy, and
16 24 security in IowAccess and other electronic programs and
16 25 services.~~

16 26

~~(7)~~

~~(6) Receive status and operations reports associated
16 27 with IowAccess and other electronic services.~~

16 28

~~(8)~~

~~(7)~~

~~Other~~

~~Perform other duties as assigned by the
16 29 information technology council or the director.
16 30 b. The advisory council shall~~

~~also advise~~

~~, in the course~~

~~16 31 of providing advice to the information technology council and
16 32 the director with respect to the operation of IowAccess and
16 33 other electronic services.~~

~~and~~

~~encourage and implement access
16 34 to government and its public records by the citizens of this
16 35 state in a manner which shall reflect the diversity of users
17 1 of electronic services so that the views and needs of all the
17 2 citizens of this state shall be represented.~~

~~c. The advisory council shall serve as a link between the
17 4 users of public records, the lawful custodians of such public
17 5 records, and the citizens of this state who are the owners of
17 6 such public records.~~

~~d. The advisory council shall ensure that IowAccess gives
17 8 priority to serving the needs of the citizens of this state.~~

~~Sec. 24. Section 14B.201, subsection 3, paragraph a, Code
17 10 Supplement 2001, is amended by striking the paragraph and
17 11 inserting in lieu thereof the following:~~

~~a. The advisory council shall be composed of fifteen
17 13 members including the following:~~

~~(1) Nine persons appointed by the governor representing
17 15 the~~

~~primary~~

~~customers of IowAccess and lawful custodians of
17 16~~

~~IowAccess~~

~~public records, five of whom shall represent~~

~~primary~~

17 17 customers of IowAccess and four of whom shall represent lawful
17 18 custodians. The four lawful custodians

~~of IowAccess~~

~~shall~~

17 19 represent the following:

17 20 (a) One person representing the executive branch as
17 21 designated by the governor.

17 22 (b) One person to be appointed by the governor
17 23 representing cities, who shall be actively engaged in the
17 24 administration of city government.

17 25 (c) One person to be appointed by the governor
17 26 representing counties, who shall be actively engaged in the
17 27 administration of county government.

17 28 (d) One person to be appointed by the governor
17 29 representing the federal government.

17 30 (2) One person representing the legislative branch, who
17 31 shall be designated by the legislative council.

17 32 (3) One person representing the judicial branch as
17 33 designated by the chief justice of the supreme court.

17 34 (4) Four persons appointed by the department.

17 35 Sec. 25. Section [14B.202](#), subsections 2 and 4, Code 2001,
18 1 are amended by striking the subsections.

18 2 Sec. 26. Section [14B.203](#), subsection 3, Code Supplement
18 3 2001, is amended to read as follows:

18 4 3. In addition to other forms of payment, credit cards
18 5 shall be accepted in payment for moneys owed to or fees
18 6 imposed by a governmental entity as provided in this section,
18 7 according to rules which shall be adopted by the treasurer of
18 8 state. The fees to be charged shall not exceed those
18 9 permitted by statute. A governmental entity may adjust its
18 10 fees to reflect the cost of processing as determined by the
18 11 treasurer of state. The discount charged by the credit card
18 12 issuer may be included in determining the fees to be paid for
18 13 completing a financial transaction under this section by using
18 14 a credit card.

18 15 Sec. 27. Sections 14B.106, 14B.107, and 14B.108, Code
18 16 2001, are repealed.

EXPLANATION

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

18 21 The bill provides expanded definitions for the terms
18 22 "agency", "governmental entity", and "value-added services",
18 23 and deletes the limited exclusion of the Iowa
18 24 telecommunications and technology commission as a
18 25 "participating agency".

18 26 The bill provides several modifications regarding the
18 27 powers and duties of the department, including prescribing
18 28 standards and adopting rules relating to standards for
18 29 information technology and procurement, and for the
18 30 implementation of electronic commerce. The bill provides that
18 31 the department shall implement the information technology
18 32 standards which are applicable to information technology
18 33 procurements for participating agencies, and that
18 34 participating agencies shall comply with the prescribed
18 35 standards and adopted rules relating to standards unless, upon
19 1 the written request of a participating agency and for good
19 2 cause shown, compliance is waived by the department.

19 3 The bill provides an expanded list of authorized
19 4 departmental agreements, including entering into contracts,
19 5 leases, licensing agreements, royalty agreements, marketing
19 6 agreements, memorandums of understanding, or other agreements.
19 7 The bill provides for several additional or expanded powers
19 8 and duties. The department may charge reasonable fees, costs,

19 9 expenses, charges, or other amounts to an agency, governmental
19 10 entity, public official, or other person or entity to or for
19 11 whom information technology, intellectual property and
19 12 proprietary interests related to information technology, or
19 13 other services have been provided. The department may also
19 14 provide, sell, lease, license, transfer, or otherwise convey
19 15 or dispose of information technology, intellectual property,
19 16 or other rights with respect thereto to agencies, governmental
19 17 entities, public officials, or other persons or entities. The
19 18 department may additionally establish rates to be charged for
19 19 access to and services provided through IowAccess, enter into
19 20 partnerships, contracts, leases, or other agreements with
19 21 public and private entities for the evaluation and development
19 22 of information technology, including the creation and
19 23 implementation of pilot projects, and initiate and support the
19 24 development of electronic commerce, electronic government, and
19 25 internet applications across participating agencies and other
19 26 governmental entities.

19 27 The bill provides that the department may render an
19 28 information technology charge statement to a list broadened to
19 29 include a public official, or other person or entity to or for
19 30 whom information technology or other services have been
19 31 rendered for a reasonable and necessary amount for information
19 32 technology, value-added services, licenses, or fees for other
19 33 items or services provided by or available through the
19 34 department to the agency or entity.

19 35 The bill provides that the operations revolving fund
20 1 created in the state treasury pursuant to Code section 14B.103
20 2 shall include, in addition to amounts currently authorized,
20 3 gifts, loans, donations, grants, and contributions. The bill
20 4 provides that proceeds of the revolving fund are appropriated
20 5 to and shall be used by the department for operations,
20 6 provided that this shall not limit or restrict the department
20 7 from using proceeds from gifts, loans, donations, grants, and
20 8 contributions to comply with any related instructions.

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

20 27 The bill modifies the membership of the information
20 28 technology council, provides that the council shall biennially
20 29 adopt the strategic information technology plan for the use of
20 30 information technology throughout state government developed
20 31 by the director of the department, and provides that the
20 32 council shall submit recommendations to the department for
20 33 review and establishment of rates.

20 34 The bill removes several previously authorized duties of
20 35 the council, including authority to adopt rules necessary for
21 1 the exercise of the powers and duties granted to the council,
21 2 authority to develop recommended standards with respect to the
21 3 procurement of information technology by participating
21 4 agencies, and the authority to appoint advisory committees to
21 5 assist the information technology council. Additionally, the

21 6 bill provides that the council shall no longer prepare and
21 7 annually update a strategic information technology plan for
21 8 the use of information technology throughout state government,
21 9 but shall instead biennially adopt the plan, which shall now
21 10 be developed by the director of the department. Further, the
21 11 bill provides that the council shall no longer review and
21 12 recommend to the general assembly legislative proposals, and
21 13 provides that the council shall submit recommendations of the
21 14 IowaAccess advisory council regarding rates to be charged to
21 15 the department, rather than reporting directly to the
21 16 department of management. Finally, the bill provides that the
21 17 council shall no longer review and approve the annual budget
21 18 recommendation for the department as proposed by the director
21 19 and no longer hears appeals from decisions of the director.

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

21 26 The bill also provides that entering into an agreement
21 27 with, or procuring information technology from, a prequalified
21 28 vendor shall not be considered a sole source contract. The
21 29 bill further provides that the department may dispose of
21 30 information technology to another agency or governmental
21 31 entity in this state by transferring ownership to that agency
21 32 or entity in any manner the department determines appropriate.

21 33 The bill expands the statement of purpose with regard to
21 34 the IowaAccess advisory council to include the providing of
21 35 advice and counsel to the department and the information
22 1 technology council regarding fees and services provided
22 2 through IowaAccess and other electronic services to citizens.
22 3 The bill additionally provides that IowaAccess shall encourage
22 4 and implement access to government and its public records by
22 5 the citizens of this state in a manner which shall reflect the
22 6 diversity of users of electronic services so that the views
22 7 and needs of all the citizens of this state shall be
22 8 represented, and modifies IowaAccess advisory council
22 9 membership requirements such that, among other changes, four
22 10 ex officio legislative members shall be deleted. The bill
22 11 provides that a recommendation by the advisory council shall
22 12 require an affirmative action approved and communicated to the
22 13 department by the council.

22 14 The bill deletes a provision which had denied authority to
22 15 the department to determine whether an individual government
22 16 agency should automate records, and providing for the payment
22 17 of the same fee by a person contracting with a government
22 18 agency regarding electronic access to public records as that
22 19 payable by the general public to the extent a public record
22 20 would be utilized by the person in a nongovernmental venture.

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

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