

House Study Bill 246

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

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

A BILL FOR

1 An Act providing for the establishment of a technology governance
2 board within the department of administrative services, and
3 making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2744HC 81
6 rn/sh/8

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1 1 Section 1. NEW SECTION. 8A.104A CHIEF INFORMATION
1 2 OFFICER.
1 3 1. The person designated as chief information officer for
1 4 the state shall be professionally qualified by education and
1 5 have no less than five years' experience in the fields of
1 6 information technology and financial management.
1 7 2. a. The chief information officer shall be designated
1 8 without regard to political affiliation.
1 9 b. The chief information officer shall not be a member of
1 10 any local, state, or national committee of a political party;
1 11 or an officer or member of a committee in any partisan
1 12 political club or organization; or hold or be a candidate for
1 13 a paid elective public office.
1 14 Sec. 2. Section 8A.201, subsection 2, Code 2005, is
1 15 amended by striking the subsection.
1 16 Sec. 3. Section 8A.201, Code 2005, is amended by adding
1 17 the following new subsection:
1 18 NEW SUBSECTION. 5A. "Technology governance board" means
1 19 the board established in section 8A.204.
1 20 Sec. 4. Section 8A.204, Code 2005, is amended by striking
1 21 the section and inserting in lieu thereof the following:
1 22 8A.204. TECHNOLOGY GOVERNANCE BOARD == MEMBERS == POWERS
1 23 AND DUTIES.
1 24 1. DEFINITIONS. For purposes of this section, unless the
1 25 context otherwise requires:
1 26 a. "Agency" means a participating agency as defined in
1 27 section 8A.201.
1 28 In addition, the following definitions shall also apply:
1 29 (1) "Large agency" means a state agency with more than
1 30 seven hundred full-time, year-round employees.
1 31 (2) "Medium-sized agency" means a state agency with at
1 32 least seventy or more full-time, year-round employees, but not
1 33 more than seven hundred permanent employees.
1 34 (3) "Small agency" means a state agency with less than
1 35 seventy full-time, year-round employees.
2 1 b. "Board" means the technology governance board.
2 2 c. "Department" means the department of administrative
2 3 services, including the information technology enterprise.
2 4 2. MEMBERSHIP.
2 5 a. The technology governance board is composed of ten
2 6 members as follows:
2 7 (1) The director.
2 8 (2) The director of the department of management, or the
2 9 director's designee.
2 10 (3) Eight members appointed by the governor as follows:
2 11 (a) Three representatives from large agencies.
2 12 (b) Two representatives from medium-sized agencies.
2 13 (c) One representative from a small agency.
2 14 (d) Two public members who are knowledgeable and have
2 15 experience in information technology matters.
2 16 b. (1) Members appointed pursuant to paragraph "a",
2 17 subparagraph (3), shall serve two-year staggered terms. The

2 18 department shall provide, by rule, for the commencement of the
2 19 term of membership for the nonpublic members. The terms of
2 20 the public members shall be staggered at the discretion of the
2 21 governor.

2 22 (2) Sections 69.16, 69.16A, and 69.19 shall apply to the
2 23 public members of the board.

2 24 (3) Public members appointed by the governor are subject
2 25 to senate confirmation.

2 26 (4) Public members appointed by the governor may be
2 27 eligible to receive compensation as provided in section 7E.6.

2 28 (5) Members shall be reimbursed for actual and necessary
2 29 expenses incurred in performance of the members' duties.

2 30 (6) A director, deputy director, or chief financial
2 31 officer of an agency is preferred as an appointed
2 32 representative for each of the agency categories of membership
2 33 pursuant to paragraph "a", subparagraph (3).

2 34 c. The director shall serve as the permanent chair of the
2 35 board.

3 1 d. The technology governance board annually shall elect a
3 2 vice chair from among the members of the board, by majority
3 3 vote, to serve a one-year term.

3 4 e. A majority of the members of the board shall constitute
3 5 a quorum.

3 6 f. Meetings of the board shall be held at the call of the
3 7 chairperson or at the request of three members.

3 8 3. POWERS AND DUTIES OF THE BOARD. The powers and duties
3 9 of the technology governance board as they relate to
3 10 information technology services shall include, but are not
3 11 limited to, all of the following:

3 12 a. On an annual basis, prepare a report to the governor,
3 13 the department of management, and the general assembly
3 14 regarding the total spending on technology for the previous
3 15 fiscal year, the total amount appropriated for the current
3 16 fiscal year, and an estimate of the amount to be requested for
3 17 the succeeding fiscal year for all agencies. This report
3 18 shall be filed as soon as possible after the close of a fiscal
3 19 year, and by no later than the second Monday of January of
3 20 each year.

3 21 b. Work with the department of management and the state
3 22 accounting enterprise of the department, pursuant to section
3 23 8A.502, to maintain the relevancy of the central budget and
3 24 proprietary control accounts of the general fund of the state
3 25 and special funds to information technology, as those terms
3 26 are defined in section 8.2, of state government.

3 27 c. Develop and approve administrative rules governing the
3 28 activities of the board. The department shall assist in
3 29 development of the rules and shall adopt the rules under the
3 30 department's name.

3 31 d. In conjunction with the department, develop and adopt
3 32 information technology standards pursuant to section 8A.206
3 33 applicable to all agencies.

3 34 e. Make recommendations to the department regarding all of
3 35 the following:

4 1 (1) Technology utility services to be implemented by the
4 2 department or other agencies.

4 3 (2) Improvements to information technology service levels
4 4 and modifications to the business continuity plan for
4 5 information technology operations developed by the department
4 6 pursuant to section 8A.202 for agencies, and to maximize the
4 7 value of information technology investments by the state.

4 8 (3) Technology initiatives for the executive branch.

4 9 f. Review the recommendations of the IowAccess advisory
4 10 council regarding rates to be charged for access to and for
4 11 value-added services performed through IowAccess, pursuant to
4 12 section 8A.221. The board shall report the establishment of a
4 13 new rate of change in the level of an existing rate to the
4 14 department, which shall notify the department of management
4 15 and the legislative services agency regarding the rate
4 16 establishment or change.

4 17 g. Designate advisory groups as appropriate to assist the
4 18 board in all of the following:

4 19 (1) Development and adoption of an executive branch
4 20 strategic technology plan.

4 21 (2) Annual review of technology operating expenses and
4 22 capital investment budgets of agencies by October 1 for the
4 23 following fiscal year.

4 24 (3) Quarterly review of requested modifications to budgets
4 25 of agencies due to funding changes.

4 26 (4) Review and approval of all requests for proposals
4 27 prior to issuance for all information technology devices,
4 28 hardware acquisition, information technology services,

4 29 software development projects, and information technology
4 30 outsourcing for agencies that exceed the greater of a total
4 31 cost of fifty thousand dollars or a total involvement of seven
4 32 hundred fifty agency staff hours.

4 33 (5) Development of a plan and process to improve service
4 34 levels and continuity of business operations, and to maximize
4 35 the value of information technology investments.

5 1 (6) Formation of internal teams to address cost=savings
5 2 initiatives, including consolidation of information technology
5 3 and related functions among agencies, as enacted by the
5 4 technology governance board.

5 5 (7) Development of information technology standards.

5 6 (8) Development of rules, processes, and procedures for
5 7 implementation of aggregate purchasing among agencies.

5 8 4. FUNDING. Activities of the technology governance board
5 9 shall be funded by the information technology enterprise of
5 10 the department, through the IowAccess revolving fund created
5 11 in section 8A.224, notwithstanding contrary provisions of any
5 12 other law.

5 13 5. RULES. The department shall adopt rules as necessary
5 14 to administer this section, which shall at a minimum,
5 15 consistent with section 8A.221, establish a process for the
5 16 submission to the board of proposed fees for value=added
5 17 services by participating agencies and other governmental
5 18 entities, as well as the board's submission of recommendations
5 19 regarding such fees to the department of management.

5 20 Sec. 5. Section 8A.206, subsection 1, Code 2005, is
5 21 amended to read as follows:

5 22 1. The department shall develop, in consultation with the
5 23 ~~information technology council~~ technology governance board,
5 24 recommended standards for consideration with respect to the
5 25 procurement of information technology by all participating
5 26 agencies. It is the intent of the general assembly that
5 27 information technology standards be established for the
5 28 purpose of guiding such procurements. Such standards, unless
5 29 waived by the department, shall apply to all information
5 30 technology procurements for participating agencies.

5 31 Sec. 6. Section 8A.221, subsection 2, paragraph a,
5 32 subparagraph (1), Code 2005, is amended to read as follows:

5 33 (1) Recommend to the ~~information technology council~~
5 34 technology governance board rates to be charged for access to
5 35 and for value-added services performed through IowAccess.

6 1 Sec. 7. Section 8A.224, Code 2005, is amended to read as
6 2 follows:

6 3 8A.224 IOWACCESS REVOLVING FUND.

6 4 1. An IowAccess revolving fund is created in the state
6 5 treasury. The revolving fund shall be administered by the
6 6 department and shall consist of moneys collected by the
6 7 department as fees, moneys appropriated by the general
6 8 assembly, and any other moneys obtained or accepted by the
6 9 department for deposit in the revolving fund. The proceeds of
6 10 the revolving fund are appropriated to and shall be used by
6 11 the department to maintain, develop, operate, and expand
6 12 IowAccess consistent with this subchapter, and for the support
6 13 of activities of the technology governance board pursuant to
6 14 section 8A.204.

6 15 2. The department shall submit an annual report not later
6 16 than January 31 to the members of the general assembly and the
6 17 legislative services agency of the activities funded by and
6 18 expenditures made from the revolving fund during the preceding
6 19 fiscal year. Section 8.33 does not apply to any moneys in the
6 20 revolving fund and, notwithstanding section 12C.7, subsection
6 21 2, earnings or interest on moneys deposited in the revolving
6 22 fund shall be credited to the revolving fund.

6 23 Sec. 8. FUNDING FOR IOWACCESS.

6 24 1. Notwithstanding section 321A.3, subsection 1, for the
6 25 fiscal year beginning July 1, 2005, and ending June 30, 2006,
6 26 the first \$1,000,000 collected and transferred by the
6 27 department of transportation to the treasurer of state with
6 28 respect to the fees for transactions involving the furnishing
6 29 of a certified abstract of a vehicle operating record under
6 30 section 321A.3, subsection 1, shall be transferred to the
6 31 IowAccess revolving fund established by section 8A.224 and
6 32 administered by the department of administrative services for
6 33 the purposes of developing, implementing, maintaining, and
6 34 expanding electronic access to government records, and for the
6 35 support of activities of the technology governance board as

7 1 provided by law.

7 2 2. All fees collected with respect to transactions
7 3 involving IowAccess shall be deposited in the IowAccess
7 4 revolving fund and shall be used only for the support of

7 5 IowAccess projects, and for support of activities of the
7 6 technology governance board pursuant to section 8A.204.
7 7 Sec. 9. TECHNOLOGY GOVERNANCE BOARD == TRANSITION ==
7 8 INITIAL TERMS OF MEMBERSHIP.
7 9 1. The information technology council established by
7 10 section 8A.204, Code 2005, is dissolved.
7 11 2. The former public members of the information technology
7 12 council appointed by the governor may be appointed to the
7 13 technology governance board created by section 8A.204 to fill
7 14 the public member positions on that board. The governor may
7 15 designate the initial length of terms of such members to
7 16 provide for staggering of terms of representation, pursuant to
7 17 section 8A.204.
7 18 3. Notwithstanding section 8A.204, one-half of the initial
7 19 terms of membership for agency representatives to the
7 20 technology governance board shall be two years, and one-half
7 21 shall be one year, as designated by the governor, to initiate
7 22 the staggering of member terms under section 8A.204.
7 23 4. Notwithstanding section 8A.204, subsection 2, paragraph
7 24 "f", the technology governance board shall meet no less than
7 25 monthly for the one-year period following the appointment of
7 26 all members.

7 27 EXPLANATION

7 28 This bill establishes a new technology governance board
7 29 within the department of administrative services.
7 30 The bill establishes qualification criteria for the
7 31 position of chief information officer for the state, which
7 32 shall include being professionally qualified by education and
7 33 having no less than five years' experience in the fields of
7 34 information technology and financial management. The bill
7 35 provides that the chief information officer shall be
8 1 designated without regard to political affiliation, and that
8 2 the chief information officer shall not be a member of a
8 3 committee of a political party, partisan political club or
8 4 organization, or hold or be a candidate for a paid elective
8 5 public office. Code section 8A.104 currently provides that
8 6 the director of the department of administrative services
8 7 shall serve as the chief information officer for the state.
8 8 The bill provides that the technology governance board
8 9 shall be comprised of 10 members, including eight
8 10 representatives from state agencies of designated sizes and
8 11 two public members. Six agency representatives and the two
8 12 public members are appointed by the governor for two-year
8 13 terms. The director of the department of administrative
8 14 services is designated as the permanent chairperson of the
8 15 board.
8 16 The bill specifies the duties of the board to include
8 17 preparing an annual report for the governor and the general
8 18 assembly regarding the total amount spent on technology for
8 19 the previous fiscal year, the total amount appropriated for
8 20 technology for the current fiscal year, and an estimate of the
8 21 amount to be requested for technology for the succeeding
8 22 fiscal year for all agencies. The board is authorized to
8 23 develop and approve administrative rules governing the board
8 24 to be adopted under the name of the department of
8 25 administrative services. The board is also authorized to
8 26 develop and adopt information technology standards applicable
8 27 to all participating agencies, and to designate advisory
8 28 groups as necessary and appropriate to assist the board.
8 29 The bill provides that the activities of the board are to
8 30 be funded out of the IowAccess revolving fund. The bill
8 31 provides that for FY 2005=2006, the first \$1 million collected
8 32 and transferred by the department of transportation to the
8 33 treasurer of state with respect to the fees for transactions
8 34 involving the furnishing of a certified abstract of a vehicle
8 35 operating record under Code section 321A.3 shall be
9 1 transferred to the IowAccess revolving fund for the purposes
9 2 of developing, implementing, maintaining, and expanding
9 3 electronic access to government records, and for the support
9 4 of activities of the technology governance board. The bill
9 5 provides that fees collected with respect to transactions
9 6 involving IowAccess shall be deposited in the IowAccess
9 7 revolving fund and shall be used only for the support of
9 8 IowAccess projects, and for support of activities of the
9 9 technology governance board.
9 10 The bill also eliminates the current information technology
9 11 council and transfers most of its duties to the new technology
9 12 governance board. The bill provides for transitional
9 13 provisions relating to formation of the board. These include
9 14 making the current public members of the information
9 15 technology council appointed by the governor eligible to be

9 16 appointed to the new technology governance board to fill the
9 17 public member positions, initial terms of membership, and
9 18 frequency of meetings during the one-year period following the
9 19 appointment of all members.
9 20 LSB 2744HC 81
9 21 rn:rj/sh/8