

House Study Bill 72 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
MANAGEMENT BILL)

A BILL FOR

1 An Act relating to matters under the purview of the department of
2 management, making appropriations, and including applicability
3 provisions.

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

unofficial

1 Section 1. Section 8.23, Code 2025, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 3. A transmittal to the department of
4 management pursuant to this section, and any document created
5 based on such transmittal, shall be considered confidential until
6 the governor transmits the budget in accordance with section
7 8.21.

8 Sec. 2. Section 8.57C, subsections 2, 3, and 4, Code 2025,
9 are amended to read as follows:

10 2. Moneys in the fund ~~in a fiscal year shall be~~
11 ~~used as appropriated by the general assembly for the~~
12 ~~acquisition of computer hardware and software, software~~
13 ~~development, telecommunications equipment, and maintenance and~~
14 ~~lease agreements associated with technology components and for~~
15 ~~the purchase of equipment intended to provide an uninterruptible~~
16 ~~power supply~~ are appropriated to the department of management
17 to provide a stable funding source for implementation costs of
18 state information technology projects that enhance the state's
19 technology infrastructure, improve government services, and
20 promote innovation and economic development, including but not
21 limited to new information technology projects and infrastructure
22 replacement efforts of a department or establishment.

23 α. The department shall prioritize proposed projects based on
24 all of the following considerations:

25 (1) Whether the project aligns with the state's strategic
26 priorities.

27 (2) Whether the project promotes or introduces new technology
28 or significantly improves an existing system.

29 (3) Whether the project is feasible and whether the
30 department or establishment has established readiness for the
31 project to proceed, including a clear assessment of timelines,
32 budgets, and measurable outcomes.

33 (4) Whether the project includes a clear change management
34 strategy to support user adoption and aligns with lean enterprise
35 principles to maximize value, minimize waste, and ensure

1 continuous improvement.

2 (5) Whether the project provides a positive return on
3 investment, considering both financial returns and nonfinancial
4 benefits such as improved public safety, education, or health
5 care.

6 (6) Whether the project results in infrastructure that is
7 scalable across the state enterprise.

8 (7) Whether the department or establishment has identified
9 how the completed project will be sustained beyond the initial
10 funding period.

11 (8) Whether the project improves access to governmental
12 services, particularly in rural communities.

13 (9) Whether the project involves an infrastructure project
14 as opposed to maintenance or standard upgrades of existing
15 technology.

16 b. The department shall provide a prioritized list of
17 proposed projects for funding to the governor, who shall use the
18 list in developing a budgetary recommendation for the general
19 assembly pursuant to section 8.21.

20 3. a. There is appropriated from the general fund of the
21 state to the technology reinvestment fund for the fiscal year
22 beginning July 1, 2025, and for each subsequent fiscal year
23 thereafter, the sum of seventeen million five hundred thousand
24 dollars.

25 ~~b. There is appropriated from the rebuild Iowa infrastructure~~
26 ~~fund for the fiscal year beginning July 1, 2023, and ending~~
27 ~~June 30, 2024, the sum of eighteen million three hundred~~
28 ~~ninety thousand two hundred ninety dollars to the technology~~
29 ~~reinvestment fund, notwithstanding section 8.57, subsection 3,~~
30 ~~paragraph "c".~~

31 ~~c. There is appropriated from the rebuild Iowa infrastructure~~
32 ~~fund for the fiscal year beginning July 1, 2024, and ending June~~
33 ~~30, 2025, the sum of twenty-one million one hundred thirty-one~~
34 ~~thousand eight hundred seventy-three dollars to the technology~~
35 ~~reinvestment fund, notwithstanding section 8.57, subsection 3,~~

1 paragraph "c".

2 b. Notwithstanding section 8.33, moneys in the fund that
3 remain unencumbered or unobligated at the close of a fiscal
4 year shall not revert but shall remain available for expenditure
5 for the purposes designated. Notwithstanding section 12C.7,
6 subsection 2, interest or earnings on moneys in the fund shall
7 be credited to the fund.

8 4. ~~Annually, on~~ On or before January 15 of each year, a
9 ~~state agency that received an appropriation from this fund the~~
10 ~~department of management shall report to the legislative services~~
11 ~~agency and the department of management~~ general assembly the
12 status of all projects funded under this section that have been
13 completed since the previous report was submitted or that are in
14 progress. The report shall must include a description of the
15 project, the progress of work completed, the total estimated cost
16 of the project, a list of all revenue sources being used to fund
17 the project, the amount of ~~funds~~ moneys expended, the amount of
18 ~~funds~~ moneys obligated, and the date the project was completed or
19 an estimated completion date of the project, where applicable.

20 Sec. 3. Section 8.78, Code 2025, is amended to read as
21 follows:

22 **8.78 Background checks.**

23 An applicant for employment with the department, or an
24 applicant for employment with a supported entity for a position
25 as information technology staff, may be subject to a background
26 investigation by the department. The background investigation
27 may include, without limitation, a work history, financial
28 review, request for criminal history data, and national criminal
29 history check through the federal bureau of investigation.
30 In addition, a contractor, vendor, employee, or any other
31 individual performing work for the department, or an individual
32 on the information technology staff of a supported entity, may
33 be subject to a national criminal history check through the
34 federal bureau of investigation at least once every ~~ten~~ five
35 years, including, without limitation, any time the department or

1 supported entity has reason to believe an individual has been
2 convicted of a crime. The department may request the national
3 criminal history check and, if requested, shall provide the
4 individual's fingerprints to the department of public safety for
5 submission through the state criminal history repository to the
6 federal bureau of investigation. The individual shall authorize
7 release of the results of the national criminal history check
8 to the department and the applicable supported entity. The
9 department shall pay the actual cost of the fingerprinting and
10 national criminal history check, if any, unless otherwise agreed
11 as part of a contract between the department or supported entity
12 and a vendor or contractor performing work for the department
13 or supported entity. The results of a criminal history check
14 conducted pursuant to this section shall not be considered a
15 public record under chapter 22.

16 Sec. 4. NEW SECTION. **8.94 Contracts — prohibited terms.**

17 Provisions included in a contract entered into pursuant to
18 this subchapter that impose terms or conditions prohibited by
19 this section are void ab initio as contrary to public policy.
20 Such a contract shall be interpreted and enforced as if the
21 contract did not include the prohibited terms or conditions.
22 Prohibited terms and conditions include all of the following:

23 1. A provision requiring the department or a supported entity
24 to defend, indemnify, hold harmless another person, or otherwise
25 assume the debt or liability of another person in violation of
26 Article VII, section 1, of the Constitution of the State of Iowa.

27 2. A provision that seeks to impose a term that is unknown
28 to the department or supported entity at the time of signing the
29 contract or that can be unilaterally changed by an entity other
30 than the department or a supported entity.

31 3. A provision that violates chapter 13 by not allowing
32 the department or a supported entity to participate in its own
33 defense through representation by the attorney general.

34 4. A provision that grants to a person other than the
35 attorney general the authority to convey to a court or litigant

1 the state's consent to any settlement of a suit involving the
2 contract when such settlement could impose liability on the
3 state.

4 5. A provision that specifies that the contract is governed
5 by the laws of a foreign state or nation.

6 6. A provision that claims blanket confidentiality of the
7 contract's terms.

8 7. A provision that claims that payment terms, including but
9 not limited to cost proposals or other pricing information, of
10 the contract are confidential.

11 8. A provision that authorizes or requires a venue for
12 litigation other than the district court of Polk county, Iowa,
13 or the United States district court for the southern district of
14 Iowa sitting in Des Moines, Iowa.

15 9. A provision that requires the department or a supported
16 entity to pay attorney fees, court costs, or other litigation
17 expenses in the event of a contractual dispute.

18 10. A provision that imposes on the department or a supported
19 entity binding arbitration or any other binding extrajudicial
20 dispute resolution process in which the final resolution is not
21 determined by the state.

22 11. A provision that waives the department's or a supported
23 entity's right to a jury trial.

24 12. A provision that obligates the department or a supported
25 entity to pay late payment charges not consistent with section
26 8A.514, interest greater than allowed under section 8A.514 or
27 other applicable law, or any cancellation charges, as such
28 charges constitute pledges of the state's credit.

29 13. A provision that obligates the department or a supported
30 entity to pay a tax.

31 14. A provision that imposes a prior notice obligation on the
32 department or a supported entity as a condition for the automatic
33 renewal of a software license. The department or a supported
34 entity may provide notice of its intent to terminate a software
35 license at any time before the renewal date established in the

1 contract.

2 15. A provision that obligates the department or a supported
3 entity to accept risk of loss before the receipt of items or
4 goods.

5 16. A provision that obligates the department or a supported
6 entity to have commercial insurance.

7 17. A provision that obligates the department or a supported
8 entity to grant to a nongovernmental entity full or partial
9 ownership of intellectual property developed pursuant to the
10 contract when the intellectual property is developed in whole or
11 in part using federal funding.

12 18. A provision that limits the time in which the department
13 or a supported entity may bring a legal claim under the contract
14 to a period shorter than that provided in Iowa law.

15 19. A boilerplate provision included in transactional
16 documents received by the department or a supported entity that
17 seeks to alter the terms of the contract or to impose new terms
18 in the contract.

19 Sec. 5. NEW SECTION. **8.95 Contracts — required terms.**

20 All of the following provisions shall be deemed to be included
21 in a contract entered into by the department or a supported
22 entity under this subchapter:

23 1. *Governing Law.* The contract shall be governed by the laws
24 of the state of Iowa, without giving effect to any conflicts of
25 law principles of Iowa law that may require the application of
26 another jurisdiction's law.

27 2. *Venue.* Any litigation commenced in connection with the
28 contract shall be brought and maintained in the district court
29 of Polk county, Iowa, or the United States district court for
30 the southern district of Iowa sitting in Des Moines, Iowa, as
31 appropriate.

32 Sec. 6. NEW SECTION. **8.96 Contracts — limitation of**
33 **liability — prohibited terms.**

34 Notwithstanding section 8A.311, subsection 22, and rules
35 adopted pursuant to that subsection, the director may include

1 a contractual limitation of vendor liability in information
2 technology goods and services contracts. A contractual
3 limitation of vendor liability must take into consideration
4 the public interest and the mitigation of risks associated
5 with the use of information technology goods or services.
6 Any portion of a contractual limitation of vendor liability
7 that includes a repudiation of all liability for cybersecurity
8 incidents or a limitation on the vendor's liability for
9 intentional torts, criminal acts, fraudulent conduct, intentional
10 or willful misconduct, gross negligence, death, bodily injury,
11 damage to real or personal property, intellectual property
12 violations, liquidated damages, compliance with applicable
13 laws, violations of confidential information obligations,
14 or contractual obligations of the vendor pertaining to
15 indemnification shall be void as a matter of law as contrary
16 to public policy. A contractual limit of vendor liability that
17 does not apply equally to the contracted parties or that limits
18 a vendor's liability to less than the contract value inclusive of
19 all possible extensions is void as a matter of law as contrary to
20 public policy.

21 Sec. 7. NEW SECTION. **8.97 Confidentiality of communications**
22 **with chief information security officer.**

23 In the interest of facilitating communication between the
24 chief information security officer and other entities concerning
25 security incidents and security breaches, all such communications
26 and any documents generated based in whole or in part on such
27 communications are confidential. Notwithstanding chapter 22 or
28 any other provision of law to the contrary, the department
29 shall not release such communications pursuant to state open
30 records laws, and such communications shall not be received
31 into evidence, subject to discovery, or otherwise used in a
32 trial, hearing, or other proceeding in or before any court,
33 regulatory body, or other authority of the state or a political
34 subdivision of the state, unless the communications are subject
35 to a protective order that prohibits further disclosure of

1 such communications and requires any court filings of such
2 communications to be made under seal. It is the intent of the
3 general assembly that these prohibitions and restrictions also
4 apply to federal courts, regulatory bodies, and other authorities
5 and for purposes of federal open records laws, to the extent
6 allowed by federal law and court rules. The chief information
7 security officer shall not release such communications other than
8 for any of the following purposes:

9 1. Identifying a cybersecurity threat, including the source
10 of the cybersecurity threat, or a security vulnerability, and
11 then only to government officials for purposes of addressing the
12 threat.

13 2. Responding to, or otherwise preventing or mitigating,
14 a specific threat of death, serious bodily harm, or serious
15 economic harm.

16 3. Responding to, investigating, prosecuting, or otherwise
17 preventing or mitigating a serious threat to a minor, including
18 sexual exploitation and threats to physical safety.

19 4. Preventing, investigating, disrupting, or prosecuting an
20 offense under state or federal law.

21 5. Providing a confidential cybersecurity briefing to the
22 governor or a member of the general assembly.

23 Sec. 8. NEW SECTION. **8.98 Criminal justice information.**

24 1. The department is authorized to maintain an integrated
25 information system that enables automated data sharing among the
26 executive branch, judicial branch, and local agencies.

27 2. The department is designated as the Iowa statistical
28 analysis center for the purpose of coordinating with data
29 resource agencies to provide data and analytical information
30 to federal, state, and local governments. Notwithstanding any
31 other provision of state law to the contrary, unless prohibited
32 by federal law or regulation, the department shall be granted
33 access, for purposes of research and evaluation, to all of the
34 data listed in this subsection, except that intelligence data and
35 peace officer investigative reports maintained by the department

1 of public safety shall not be considered data for the purposes
2 of this section. The department of management and any record,
3 data, or information obtained by the department under this
4 subsection is subject to the federal and state confidentiality
5 laws and rules, including as described in chapter 22, applicable
6 to the original record, data, or information, and to the original
7 custodian of the record, data, or information. Authorized access
8 under this subsection includes but is not limited to all of the
9 following:

- 10 a. Juvenile court records and all other information
11 maintained under sections 232.147 through 232.151.
 - 12 b. Child abuse information under sections 235A.15 through
13 235A.19.
 - 14 c. Dependent adult abuse records maintained under chapter
15 235B.
 - 16 d. Criminal history data maintained under chapter 692.
 - 17 e. Sex offender registry information maintained under chapter
18 692A.
 - 19 f. Presentence investigation reports maintained under section
20 901.4.
 - 21 g. Corrections records maintained under sections 904.601 and
22 904.602.
 - 23 h. Community-based correctional program records maintained
24 under chapter 904.
 - 25 i. Parole records maintained under chapter 906.
 - 26 j. Deferred judgment, deferred or suspended sentence, and
27 probation records maintained under chapter 907.
 - 28 k. Violation of parole or probation records maintained under
29 chapter 908.
 - 30 l. Fine and victim restitution records maintained under
31 chapters 909 and 910.
 - 32 m. Child welfare records maintained under chapter 235.
- 33 3. The department is authorized to provide data analysis and
34 reporting on issues that may affect the state's correctional
35 population and various subgroups of the population. This

1 reporting may include the review of filed, public legislative
2 bills, joint resolutions, and amendments, and compiling criminal
3 justice data for completion of correctional impact statements
4 under section 2.56, racial impact statements, and an annual
5 prison population forecast.

6 4. The department is authorized to maintain a multiagency
7 information system to track the progress of juveniles and adults
8 who have been charged with a criminal offense in the court system
9 through various state and local agencies and programs. This
10 system must utilize existing databases, including the Iowa court
11 information system, the Iowa corrections offender network, the
12 child welfare information system of the department of health
13 and human services, the federally mandated national adoption
14 and foster care information system, and other state and local
15 databases pertaining to juveniles and to adults who have been
16 charged with a criminal offense in the court system, to the
17 extent practicable.

18 5. The multiagency information system is authorized to count
19 and track decision points for juveniles in the juvenile justice
20 system and minors in the child welfare system, evaluate the
21 experiences of the juveniles and minors, and evaluate the success
22 of the services provided. The system is also authorized to
23 count and track decision points for adults who have been charged
24 with a criminal offense in the court system, including but not
25 limited to dismissed charges, convictions, deferred judgments,
26 and sentence information.

27 6. If the department has insufficient moneys or resources to
28 implement this section, the department is authorized to determine
29 which portion of this section may be implemented, if any, and the
30 remainder of this section shall not apply.

31 Sec. 9. NEW SECTION. **8.99 Confidentiality of data.**

32 1. For purposes of chapter 22, the department shall not be
33 deemed to be the lawful custodian of records the department
34 maintains for another department or establishment under this
35 subchapter, to the extent the records in question are held by the

1 department as an automated data processing unit of government or
2 held by the department solely for storage for another department
3 or establishment. Such records include but are not limited to
4 all of the following:

5 a. Electronic messaging system data.

6 b. Mainframe data.

7 c. Storage solutions or other electronic information, such as
8 on-premises server data storage and cloud data storage.

9 2. If the department receives a request pursuant to chapter
10 22 for records over which the department has determined it
11 is not the lawful custodian, the department shall deny the
12 request and inform the requester to seek the information from
13 the lawful custodian as provided in chapter 22. The department's
14 determination that it is not the lawful custodian of records is
15 presumed valid. The presumption may be rebutted by clear and
16 convincing evidence to the contrary.

17 3. The department shall provide assistance to the lawful
18 custodian of records held by the department so that the lawful
19 custodian can comply with the production obligations of chapter
20 22.

21 4. If the department receives a subpoena in an
22 administrative, civil, or criminal case for records for which
23 the department is not the lawful custodian, the department shall
24 notify the lawful custodian and the attorney general's office and
25 cooperate in any efforts to resist the subpoena.

26 Sec. 10. Section 216A.131A, Code 2025, is amended to read as
27 follows:

28 **216A.131A Criminal and juvenile justice planning.**

29 The department shall fulfill the responsibilities of this
30 subchapter, including the duties specified in sections 216A.133,
31 216A.135, 216A.136, 216A.137, 216A.138, and 216A.140.

32 Sec. 11. Section 216A.133, subsection 1, paragraphs d, e, f,
33 l, and t, Code 2025, are amended by striking the paragraphs.

34 Sec. 12. Section 216A.133, subsection 1, paragraph q,
35 subparagraphs (1) and (6), Code 2025, are amended by striking the

1 subparagraphs.

2 Sec. 13. Section 216A.133, subsection 1, paragraph s, Code
3 2025, is amended to read as follows:

4 s. Provide expertise and advice to the legislative services
5 agency, the department of management, the department of
6 corrections, the judicial branch, and others charged with
7 formulating fiscal, correctional, or minority impact statements.

8 Sec. 14. Section 216A.135, subsection 2, paragraph e, Code
9 2025, is amended by striking the paragraph.

10 Sec. 15. Section 232.147, subsection 2, paragraph i, Code
11 2025, is amended to read as follows:

12 i. The statistical analysis center for the purposes stated in
13 section ~~216A.136~~ 8.98.

14 Sec. 16. Section 232.147, subsection 3, paragraph n, Code
15 2025, is amended to read as follows:

16 n. The statistical analysis center for the purposes stated in
17 section ~~216A.136~~ 8.98.

18 Sec. 17. Section 232.147, subsection 4, paragraph i, Code
19 2025, is amended to read as follows:

20 i. The statistical analysis center for the purposes stated in
21 section ~~216A.136~~ 8.98.

22 Sec. 18. Section 232.149, subsection 5, paragraph f, Code
23 2025, is amended to read as follows:

24 f. The statistical analysis center for the purposes stated in
25 section ~~216A.136~~ 8.98.

26 Sec. 19. Section 232.149A, subsection 3, paragraph m, Code
27 2025, is amended to read as follows:

28 m. The statistical analysis center for the purposes stated in
29 section ~~216A.136~~ 8.98.

30 Sec. 20. REPEAL. Sections 216A.136, 216A.137, and 216A.138,
31 Code 2025, are repealed.

32 Sec. 21. APPLICABILITY. The following apply to contracts
33 entered into or renewed on or after the effective date of this
34 Act:

35 1. The section of this Act enacting section 8.94.

1 2. The section of this Act enacting section 8.95.

2 3. The section of this Act enacting section 8.96.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to matters under the purview of the
7 department of management (DOM).

8 Under current law, the governor's budget recommendation is
9 considered confidential by the legislative services agency until
10 it is made public by the governor. The bill states that
11 information transmitted by state entities to DOM for developing
12 the budget as required by law, and documents based on the
13 transmittals, are confidential until the governor transmits the
14 budget to the general assembly.

15 The bill strikes current law providing for the use of moneys
16 in the technology reinvestment fund for certain technology
17 projects and instead appropriates moneys in the fund to DOM for
18 technology projects using factors set forth in the bill. The
19 bill requires DOM to provide a prioritized list of proposed
20 projects to the governor, who must use the list to develop a
21 budgetary recommendation to the general assembly, and to report
22 completed and ongoing projects to the general assembly annually.

23 The bill increases the frequency at which a person performing
24 work for DOM or an individual on the information technology staff
25 of a supported entity may be subject to a national criminal
26 history check through the federal bureau of investigation from at
27 least once every 10 years to every 5 years.

28 The bill prohibits the inclusion of certain provisions in
29 information technology contracts and declares those provisions
30 void if present in such contracts. The bill also provides that
31 such contracts are deemed to include provisions requiring the
32 contract to be governed by Iowa law and litigation related to the
33 contract to be brought and maintained in Polk county. The bill
34 authorizes the director of DOM to include limitations of vendor
35 liability in information technology goods and services contracts,

1 but sets forth prohibited terms in such limitations of liability.

2 The bill makes all communication concerning cybersecurity
3 between the chief information security officer and other entities
4 confidential and allows the communications to be released only
5 for specific purposes.

6 Under current law, the department of health and human services
7 serves as the Iowa statistical analysis center and maintains an
8 integrated information system for data sharing among federal,
9 state, and local governments. The bill transfers these powers
10 and duties to DOM and grants DOM access to criminal justice
11 information other than intelligence data and peace officer
12 investigative reports maintained by the department of public
13 safety. DOM is authorized to provide data analysis and reporting
14 on issues that may affect the state's correctional population and
15 various subgroups of the population, to maintain a multiagency
16 information system to track the progress of juveniles and
17 adults charged with a criminal offense through state and local
18 agencies and programs, and to count and track decision points for
19 individuals in the juvenile justice system, child welfare system,
20 and court system. If DOM lacks sufficient moneys to perform the
21 authorized tasks of the Iowa statistical analysis center, the
22 bill allows DOM to determine which, if any, to implement.

23 The bill states that DOM is not the lawful custodian under
24 Code chapter 22 (open records) for records DOM maintains in DOM's
25 information technology capacity for other state entities as an
26 automated data processing unit of government or when held by DOM
27 solely for storage for another department or establishment. The
28 bill requires DOM to deny requests for information for which DOM
29 is not the lawful custodian, to provide assistance to the lawful
30 custodian to comply with production obligations, and to cooperate
31 in any efforts to resist associated subpoenas.