

CHAPTER 1141
STATE INFORMATION TECHNOLOGY
S.F. 2395

AN ACT relating to the creation of an information technology department and making related changes and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

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

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

2. State agencies independently acquire duplicative information technologies that would be more appropriately coordinated for maximum cost-effectiveness, maximized service, and efficiency.

3. Considerations of both cost and the need for the transfer of information among the various agencies and branches of state government in the most timely and useful form possible require uniform standards and coordinated systems for the use of information technologies.

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

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

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

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

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

c. Enhance privacy to the citizens of the state.

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

8. The state must provide information technology infrastructure coordination, technical directions, and a proficient organizational management structure to facilitate the productive application of information technology and resources to accomplish the missions and goals of state government.

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

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

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

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

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

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

- a. The office of the governor or the office of an elective constitutional or statutory officer.
- b. The general assembly, or any office or unit under its administrative authority.

- c. The judicial branch, as provided in section 602.1102.
- d. A political subdivision of the state or its offices or units, including but not limited to a county, city, or community college.
- 2. "Director" means the director of the information technology department appointed as provided in section 14B.103.
- 3. "Governmental entity" means any unit of government in the executive, legislative, or judicial branches of government; an agency or political subdivision; any unit of another state government, including its political subdivisions; and any unit of the United States government.
- 4. "Information technology" means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices and information technology services.
- 5. "Information technology council" means the information technology council established in section 14B.104.
- 6. "Information technology device" means equipment or associated software, including programs, languages, procedures, or associated documentation, used in operating the equipment which is designed for utilizing information stored in an electronic format. "Information technology device" includes but is not limited to computer systems, computer networks, and equipment used for input, output, processing, storage, display, scanning, and printing.
- 7. "Information technology services" means services designed to do any of the following:
 - a. Provide functions, maintenance, and support of information technology devices.
 - b. Provide services including, but not limited to, any of the following:
 - (1) Computer systems application development and maintenance.
 - (2) Systems integration and interoperability.
 - (3) Operating systems maintenance and design.
 - (4) Computer systems programming.
 - (5) Computer systems software support.
 - (6) Planning and security relating to information technology devices.
 - (7) Data management consultation.
 - (8) Information technology education and consulting.
 - (9) Information technology planning and standards.
 - (10) Establishment of local area network and workstation management standards.
- 8. "Participating agency" means any agency other than any of the following:
 - a. The state board of regents and institutions operated under the authority of the state board of regents.
 - b. The public broadcasting division of the department of education.
 - c. The state department of transportation mobile radio network.
 - d. The department of public safety law enforcement communications systems.
 - e. The Iowa telecommunications and technology commission established in section 8D.3, with respect to information technology that is unique to the Iowa communications network.
- 9. "Public records" means the same as defined in section 22.1.
- 10. "Value-added services" means government information which requires special sorts or formatting, or other action to provide such information, or to provide access to government information which is responsive to special requests for multiple government records in customized formats.

Sec. 3. NEW SECTION. 14B.102 DEPARTMENT ESTABLISHED — MISSION — POWERS AND DUTIES.

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

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

- a. Providing information technology to participating agencies and other governmental entities as provided in this chapter.
 - b. Implementing the strategic information technology plan as prepared and updated by the information technology council.
 - c. Developing and implementing a business continuity plan, as the director determines is appropriate, to be used if a disruption occurs in the provision of information technology to participating agencies and other governmental entities.
 - d. Developing and implementing recommended standards for information technology, including but not limited to system design and systems integration and interoperability, which when implemented shall apply to all participating agencies except as otherwise provided in this chapter. The department shall implement information technology standards as established pursuant to this chapter which are applicable to information technology procurements for participating agencies.
 - e. Recommending and implementing standards for an electronic repository for maintaining mandated agency reports as provided in section 304.13A. Such repository shall be developed and maintained for the purpose of providing public access to such mandated reports. The department shall develop such standards in consultation with the state librarian.
 - f. Developing and maintaining security policies and systems to ensure the integrity of the state's information resources and to prevent the disclosure of confidential records.
 - g. Developing and implementing effective and efficient strategies for the use and provision of information technology for participating agencies and other governmental entities.
 - h. Coordinating the acquisition of information technology by participating agencies in furtherance of the purposes of this chapter. The information technology department shall review a request for information technology submitted by a participating agency for purposes of determining whether such request meets the applicable standards established pursuant to this chapter. Upon a determination that the request meets such standards, the information technology shall be procured for the participating agency by the department of general services. Nothing in this chapter shall be construed to prohibit or limit a participating agency from entering into an agreement or contract for information technology with a qualified private entity.
 - i. Entering into agreements pursuant to chapter 28D or 28E, or memorandums of understanding or other agreements as necessary and appropriate to administer this chapter.
 - j. Establishing and maintaining, in cooperation with the department of revenue and finance and the department of general services, an inventory of information technology devices used by participating agencies and other governmental entities using the information technology department's services. The information technology department may request a participating agency to provide such information as is necessary to establish and maintain an inventory as required under this paragraph, and such participating agency shall provide such information to the department in a timely manner.
3. SERVICE CHARGES. The department shall render a statement to a participating agency or other governmental entity for a reasonable and necessary amount for information technology provided by the department to such agency or entity. An amount indicated on a statement rendered to a participating agency or other governmental entity shall be paid by such agency or entity in a manner determined by the department of revenue and finance. Amounts charged and paid pursuant to this subsection shall be deposited in the general fund of the state. It is the intent of the general assembly that the general assembly make amounts collected pursuant to this subsection available to the department for the department's operational expenses. Such amounts shall not be available to the department except pursuant to enactment by the general assembly which is signed by the governor.¹
4. DISPUTE RESOLUTION. If a dispute arises between the department or information technology council and an agency for which the department provides or refuses to provide information technology, the dispute shall be resolved as provided in section 679A.19.

¹ See chapter 1226, §7 herein

Sec. 4. NEW SECTION. 14B.103 DIRECTOR — POWERS AND DUTIES.

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

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

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

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

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

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

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

e. Recommend to the information technology council an annual budget for the department.

f. Recommend to the information technology council rules deemed necessary for the implementation of this chapter and proper administration of the department.

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

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

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

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

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

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

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

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

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

1. MEMBERSHIP.

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

(1) The director of the information technology department.

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

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

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

(5) The executive director of the Iowa communications network, or the executive director's designee.

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

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

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

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

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

The information technology council shall annually elect its own chairperson from among the voting members of the council other than the director of the information technology department.

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

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

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

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

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

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

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

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

3. WAIVER. The information technology council, upon the written request of a participating agency and for good cause shown, may grant a waiver from a requirement otherwise applicable to a participating agency relating to an information technology standard established by the information technology council.

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

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

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

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

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

- (a) Server systems, including mainframe and other server operations.
- (b) Desktop support.
- (c) Applications integration.

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

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

b. Each division established under paragraph "a" shall be headed by an administrator appointed by the governor subject to confirmation by the senate. An administrator appointed pursuant to this paragraph shall serve at the pleasure of the governor, except that an administrator shall not serve for a term greater than three years unless reappointed by the governor. An administrator shall report to the director regarding the day-to-day operations of the division headed by the administrator, and the performance of the administrator's duties. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. An administrator may hire other assistants and employees as necessary to carry out the duties of the division.

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

- a. A digital government bureau as provided for in section 14B.106.
- b. An lowAccess advisory council as provided for in section 14B.201.

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

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

2. The bureau is responsible for initiating and supporting the development of electronic commerce, electronic government, and internet applications across participating agencies and in cooperation with other governmental entities.
3. The bureau shall do all of the following:
 - a. Recommend standards to the information technology council, consistent with other state law, for the implementation of electronic commerce, including standards for digital signatures, electronic currency, and other items associated with electronic commerce.
 - b. Recommend guidelines to the information technology council for the appearance and functioning of applications.
 - c. Recommend standards to the information technology council for the integration of electronic data across state agencies.
 - d. Foster joint development of electronic commerce and electronic government involving the public and private sectors.
 - e. Develop customer surveys and citizen outreach and education programs and material, and provide for citizen input regarding the state's electronic commerce and electronic government applications.
 - f. Provide staff support for the IowAccess advisory council.

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

The information technology council shall develop recommended standards for consideration with respect to the procurement of information technology by all participating agencies. It is the intent of the general assembly that information technology standards be established for the purpose of guiding such procurements. Such standards, unless waived by the council, shall apply to all information technology procurements for participating agencies.

The office of the governor or the office of an elective constitutional or statutory officer shall consult with the department prior to procuring information technology and consider the standards recommended by the council, and provide a written report to the department relating to the office's decision regarding such acquisitions.

Sec. 9. NEW SECTION. 14B.108 PROCUREMENT OF INFORMATION TECHNOLOGY.

1. Notwithstanding the provisions of this section, the information technology department and the department of general services shall enter into an interagency agreement regarding the division of responsibilities between the departments associated with the procurement of information technology which is acceptable to both departments. The interagency agreement shall be subject to renegotiation at least every two years, unless an earlier time is provided for in the interagency agreement. If the departments are unable to agree on the terms of an interagency agreement or upon a failure of either department to satisfy the terms of the agreement, the departments shall inform the department of management that an agreement has not been reached or that one of the departments has failed to satisfy the terms of the agreement. The department of management, upon receipt and review of such information, may direct the information technology department to proceed with the procurement of information technology as provided in subsections 2 through 5.

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

b. A participating agency shall submit a request to the department for the procurement of any information technology. The department, prior to any acquisition of such information technology, shall make a determination whether the requested information technology complies with the information technology standards established by the information technology council.

The information technology department, at the request of a participating agency other than a participating agency that is granted independent procurement authority, shall acquire the information technology for the participating agency requesting such information technology if it is determined to be compliant with the standards established by the information technology council.

A participating agency that is granted independent procurement authority, upon a determination by the information technology department that a proposed information technology acquisition complies with the information technology standards established by the information technology council, may proceed with such acquisition. The information technology department shall provide advice to such participating agency regarding the procurement of such information technology, including any opportunity to aggregate such purchases with other participating agencies.

c. If a determination is made that the information technology does not comply with such standards, the department shall disapprove the request and such information technology shall not be procured unless a waiver is granted pursuant to section 14B.104.

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

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

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

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

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

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

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

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

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

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

d. Reverse auction.

(1) The department may enter into an agreement for the purchase of information technology utilizing a reverse auction process. Such process shall result in the purchase of information technology from the vendor submitting the lowest responsible bid amount for the information technology to be acquired. The department, in establishing a reverse auction process shall do all of the following:

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

(b) Identify and provide notice to potential vendors concerning the proposed acquisition.
(c) Establish prequalification requirements to be met by a vendor to be eligible to participate in the reverse auction.

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

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

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

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

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

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

Sec. 10. NEW SECTION. 14B.201 IOWACCESS ADVISORY COUNCIL ESTABLISHED — DUTIES — MEMBERSHIP.

1. ADVISORY COUNCIL ESTABLISHED. An IowAccess advisory council is established within the department for the purpose of creating and providing a service to the citizens of this state that is the gateway for one-stop electronic access to government information and transactions, whether federal, state, or local. Except as provided in this section, IowAccess shall be a state funded service providing access to government information and transactions. The information technology council, in establishing the fees for value-added services, shall consider the reasonable cost of creating and organizing such government information through IowAccess.

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

2. DUTIES.

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

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

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

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

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

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

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

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

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

b. The advisory council shall also advise the information technology council and the director with respect to the operation of IowAccess and encourage and implementing² access to government and its public records by the citizens of this state.

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

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

3. MEMBERSHIP.

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

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

(2) Six persons representing lawful custodians as follows:

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

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

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

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

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

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

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

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

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

Sec. 11. Section 7E.5, subsection 1, Code 1999, is amended by adding the following new paragraph:

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

² According to enrolled Act

Sec. 12. Section 8D.3, subsection 1, Code Supplement 1999, is amended to read as follows:

1. COMMISSION ESTABLISHED. A telecommunications and technology commission is established with the sole authority to supervise the management, development, and operation of the network and ensure that all components of the network are technically compatible. The management, development, and operation of the network shall not be subject to the jurisdiction or control of any other state agency. However, the commission is subject to the general operations practices and procedures which are generally applicable to other state agencies.

PARAGRAPH DIVIDED. The commission shall ensure that the network operates in an efficient and responsible manner consistent with the provisions of this chapter for the purpose of providing the best economic service attainable to the network users consistent with the state's financial capacity. The commission shall ensure that educational users and the use, design, and implementation for educational applications be given the highest priority concerning use of the network. The commission shall provide for the centralized, coordinated use and control of the network.

Sec. 13. Section 11.5B, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 14. Information technology department.

Sec. 14. Section 304.3, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 9. The director of the information technology department.

Sec. 15. Section 304.7, Code 1999, is amended by adding the following new subsection: NEW SUBSECTION. 1A. Public records policies for an electronic repository for mandated agency reports.

Sec. 16. NEW SECTION. 304.13A ELECTRONIC RECORDS.

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

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

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

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

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

Sec. 17. IOWA COMMUNICATIONS NETWORK STATUS. It is the intent of the general assembly that the general assembly, during the 2002 regular session, review the operations of the Iowa communications network and the information technology department for the purpose of determining whether the oversight and administration of the network should be under the authority of the department.

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

1. One person to be appointed by the governor representing financial institutions who shall be actively engaged in finance and banking.
2. One person to be appointed by the governor representing insurers who shall be actively engaged in the insurance industry.
3. One person to be appointed by the governor representing the legal profession who shall be actively engaged in the profession of law.
4. One person to be appointed by the governor representing media interests.
5. One person to be appointed by the governor representing real estate brokers and salespersons who shall be actively engaged in the real estate business.

Sec. 19. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 25, 2000

CHAPTER 1142

HORIZONTAL PROPERTY REGIMES

S.F. 2426

AN ACT relating to the designation, valuation, and taxation of property in a horizontal property regime and including an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 499B.3, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the declaration is to convert an existing structure, the declarant shall file the declaration of the horizontal property regime with the city in which the regime is located or with the county if not located within a city at least sixty days before being recorded in the office of the county recorder to enable the city or county, as applicable, to establish that the converted structure meets appropriate building code requirements as provided in section 499B.20. However, if the city or county, as applicable, does not have a building code, the declarant shall file the declaration with the state building code commissioner instead of the applicable city or county at least sixty days before the recording of the declaration to enable the commissioner to establish that the converted structure meets the state building code.

Sec. 2. Section 499B.10, Code 1999, is amended to read as follows:

499B.10 INDIVIDUAL APARTMENTS AND INTEREST IN COMMON ELEMENTS ARE ALIENABLE.

When real property containing a building is committed to a horizontal property regime, each individual apartment located therem in the building and the interests in the general common elements and limited common elements if any, appurtenant thereto, shall be vested as, constitute for all purposes a separate parcel of real property and shall be as completely and freely alienable as any separate parcel of real property is or may be under the laws of this state, except as limited by the provisions of this chapter.