

CHAPTER 1226

APPROPRIATIONS — STATE GOVERNMENT TECHNOLOGY AND OPERATIONS

S.F. 2433

AN ACT relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the use of the network, and providing an effective date.

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

Section 1. **TREASURER OF STATE.** There is appropriated from the general fund of the state to the treasurer of state for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For debt service:

..... \$ 12,860,000

Funds appropriated in this section shall be deposited in a separate fund established in the office of the treasurer of state, to be used solely for debt service for the Iowa communications network. The Iowa telecommunications and technology commission shall certify to the treasurer of state when a debt service payment is due, and upon receipt of the certification the treasurer shall make the payment. The commission shall pay any additional amount due from funds deposited in the Iowa communications network fund.

Sec. 2. **IOWA COMMUNICATIONS NETWORK OPERATIONS.**

1. There is appropriated from the general fund of the state to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amount, or so much thereof as is necessary, to be used for the purposes designated in this subsection:

For operations of the network consistent with chapter 8D and for the following full-time equivalent positions:

..... \$ 3,181,920

..... FTEs 104.00

2. Notwithstanding section 8.57, subsection 5, paragraph “c”, there is appropriated from the rebuild Iowa infrastructure fund to the Iowa telecommunications and technology commission for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be used solely for maintenance and lease costs associated with Part III connections:

..... \$ 2,727,004

3. Notwithstanding section 8.33 or 8.39, moneys appropriated in this section which remain unobligated or unexpended at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for the purposes designated in the succeeding fiscal year, and shall not be transferred to any other program.

4. a. It is the intent of the general assembly that the Iowa telecommunications and technology commission annually review the hourly rates established, as provided in section 8D.3, subsection 3, paragraph “i”, consistent with this paragraph. Such rates shall be established in a manner to minimize any subsidy provided through state general fund appropriations.

b. Notwithstanding paragraph “a”, the general assembly declares its support for, and that it is the intent of the general assembly to continue, subsidization of video rates charged to libraries, public or nonpublic schools for grades kindergarten through twelve, private universities and colleges, community colleges, and institutions under the control of the state

board of regents. Except for original debt service, the Iowa telecommunications and technology commission shall develop a long-term plan for establishing rates that will eliminate, by June 30, 2007, the need for legislatively appropriated funds to be used for subsidization of network costs for authorized users other than the network costs associated with video rates charged to public or nonpublic schools for grades kindergarten through twelve, private universities and colleges, community colleges, and institutions under the control of the state board of regents.

5. Notwithstanding section 18.6, subsection 1, for the purposes of any agreement entered into pursuant to this subsection only, it is the intent of the general assembly that the Iowa telecommunications and technology commission utilize a process seeking competitive applications for a demonstration project, and enter into an agreement for a demonstration project to provide voice service for state government over internet protocol. Such agreement for a demonstration project may be entered into with a vendor which agrees to provide all necessary equipment associated with the project at no cost to the state. The Iowa telecommunications and technology commission shall not enter into an agreement for the actual provision of such voice service without utilizing a competitive application process. The vendor and the commission shall submit a written report regarding the quality of the service associated with the demonstration project no later than January 15, 2001.

6. The department of economic development and the Iowa utilities board shall jointly develop a written report with recommendations to ensure that high-speed broadband internet access is available to rural areas of the state where such access is not currently available. The written report shall be submitted to the legislative oversight committee of the legislative council by no later than October 1, 2000.

Sec. 3. PUBLIC BROADCASTING. There is appropriated from the general fund of the state to the public broadcasting division of the department of education for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amount, or so much thereof as is necessary, to be used for the purposes designated in subsections 1 and 2 and for the following full-time equivalent positions:

.....	\$	2,170,595
.....	FTEs	9.00

1. Of the amount appropriated in this section, \$478,403 shall be expended by the public broadcasting division of the department of education to provide support for functions related to the network, including but not limited to the following functions: development of distance learning applications; development of a central information source on the internet relating to educational uses of the network; second-line technical support for network sites; testing and initializing sites onto the network; and coordinating the work of the education telecommunications council.

2. Of the amount appropriated in this section, \$1,692,192 shall be allocated by the public broadcasting division of the department of education to the regional telecommunications councils established in section 8D.5. The regional telecommunications councils shall use the funds to provide technical assistance for network classrooms, planning and troubleshooting for local area networks, scheduling of video sites, and other related support activities.

Sec. 4. DEPARTMENT OF GENERAL SERVICES. There is appropriated from the general fund of the state to the division of information technology services of the department of general services for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the purpose of providing information technology services to state agencies and for the following full-time equivalent positions:

.....	\$	4,563,943
.....	FTEs	131.61

The division of information technology services shall not increase any fees or charges to other state agencies for services provided to such state agencies by the division, unless such increase in fees or charges is first submitted to, and approved by, the department of management. It is the intent of the general assembly that the division not increase fees for the purpose of generating revenue to offset the difference in the amount of the appropriation contained in this section and the amount of the appropriation initially requested for the division by the department of general services.

Sec. 5. POOLED TECHNOLOGY ACCOUNT.

1. a. A pooled technology account is established in the office of the treasurer of state under the control of the division of information technology services of the department of general services and shall be used for the purpose of supporting various technology programs as provided in this section.

b. Notwithstanding the distribution formula contained in section 8.62 for an operational appropriation which remains unexpended or unencumbered for the fiscal year beginning July 1, 1999, 75 percent of the unexpended or unencumbered moneys subject to section 8.62 are appropriated to the pooled technology account. The remaining 25 percent of such moneys shall remain with the entity to which the operational appropriation was made. Notwithstanding section 8.33, for an appropriation other than an operational appropriation as provided in section 8.62 which remains unencumbered for the fiscal year beginning July 1, 1999, 100 percent of the unexpended or unencumbered moneys are appropriated to the pooled technology account.

Notwithstanding this paragraph, the first \$7,500,000 subject to reversion and appropriation to the pooled technology account under this paragraph shall be deposited in the general fund to be used for balancing the state's budget for the fiscal year beginning July 1, 2000, and ending June 30, 2001. However, the amount to be deposited in the general fund pursuant to this unnumbered paragraph shall be reduced by an amount equal to the amount of revenue received by the state for deposit in the general fund of the state that exceeds the most recent estimate of the revenue estimating conference created in section 8.22A for the fiscal year beginning July 1, 1999, and ending June 30, 2000. The amount of the reduction in revenue to be deposited in the general fund as determined under this unnumbered paragraph shall be deposited in the pooled technology account.

2. Moneys in the pooled technology account are allocated, to the extent available, in the descending priority order for use during the fiscal year beginning July 1, 2000, and ending June 30, 2001, as follows:

a. The first \$1,500,000 shall be allocated to the department of education for purposes of making technology available to students of accredited nonpublic schools in accordance with section 27 of this Act.

b. The next \$1,000,000 shall be allocated to the university of northern Iowa for developing a twenty-first century learning initiative. The university of northern Iowa shall consult with the division of information technology services of the department of general services and the department of education in developing this initiative.

c. The next \$3,500,000 shall be allocated to the Iowa telecommunications and technology commission for continued buildout of asynchronous transfer mode technology for the network.

d. The next \$200,000 shall be allocated to the department of management for developing budget system programs for township trustees.

e. The next \$21,000,000 shall be allocated to the division of information technology services of the department of general services only for the projects designated in this paragraph as follows:

(1) A process project office for the division of information technology services of the department of general services.

(2) An electronic data collection, management, and reporting associated with the temporary assistance for needy families (TANF) welfare reform program of the department of human services.

- (3) A child support recovery unit system for the department of human services.
 - (4) A corrections offender network for the department of corrections.
 - (5) The development of a resource house for the department of workforce development.
 - (6) A data warehouse for the division of criminal and juvenile justice planning of the department of human rights.
 - (7) Participation in the field automation and information management system (FAIM) by the department of agriculture and land stewardship.
 - (8) Gasoline measurement testing equipment for the department of agriculture and land stewardship.
 - (9) An electronic benefits transfer system for the department of human services.
 - (10) An electronic database directory of all health care and support services available to senior citizens for the department of elder affairs, as required under the senior living program Act, as enacted in Senate File 2193,¹ and for other costs associated with the implementation of that program.
 - (11) The costs associated with filings under the Uniform Commercial Code if House File 2513² is enacted and incurred by the secretary of state.
 - (12) The conversion to digital television broadcasts by the public broadcasting division of the department of education.
 - (13) The continued buildout of asynchronous transfer mode technology for the Iowa communications network by the Iowa telecommunications and technology commission.
 - (14) An integrated institutional computer system for the veterans home of the department of veterans affairs.
 - (15) An electronic data warehouse for the department of human services.
 - (16) Establishment of an Iowa communications network room in the state historical building for the department of cultural affairs.
 - (17) An electronic data interchange for the department of education.
 - (18) The development and implementation of an electronic professional license renewal system for the division of information technology services of the department of general services.
 - (19) The development and implementation of an electronic system for vital records for the Iowa department of public health.
 - (20) The telefiling of tax returns for the department of revenue and finance.
 - (21) The development and implementation of an on-line system for issuing environmental permits for the department of natural resources.
 - (22) Reengineering projects for the division of information technology services of the department of general services.
 - (23) For budget system redesign to be completed by the department of management.
 - (24) The development and implementation of information technology security by the division of information technology services of the department of general services.
3. A department or agency receiving an appropriation under subsection 2 shall consult with the division of information technology services in the department of general services regarding any technology purchase, lease, or contract, prior to making a purchase or entering into a lease or contract.
4. Effective July 1, 2001, the division of information technology in the department of general services shall not deposit any additional moneys into the pooled technology account, unless reauthorized to do so by the general assembly during the 2001 regular session. Funds allocated to a project pursuant to this section which are encumbered prior to July 1, 2001, may be spent for the specified purpose as provided in this Act. Funds which are allocated but unencumbered as of July 1, 2001, shall revert to the general fund.
5. The department of management, in cooperation with the division of information technology services of the department of general services, shall develop a standard budget request form for technology or business reengineering projects. A department requesting funding for projects which will cost more than \$100,000 shall use the request form. The

¹ Chapter 1004 herein

² Chapter 1149 herein

form shall require consistent reporting criteria including, but not limited to, project description, project goals, project performance measures, return on investment, cost, time frame, funding sources, and customer base.

Sec. 6. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the first \$1,000,000 collected and transferred by the department of transportation to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the IowAccess revolving fund created in section 18.187 and administered by the division of information technology services of the department of general services for the purposes of developing, implementing, maintaining, and expanding electronic access to government records in accordance with the requirements set forth in chapter 18, division VII.

2. It is the intent of the general assembly that all fees collected with respect to transactions involving IowAccess shall be deposited in the IowAccess revolving fund created in section 18.187 and shall be used only for the support of IowAccess projects.

Sec. 7. Section 14B.102, subsection 3, 2000 Iowa Acts, Senate File 2395,³ if enacted, is amended by striking the subsection and inserting in lieu thereof the following:

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 operations revolving fund created in section 14B.102A.

Sec. 8. 2000 Iowa Acts, Senate File 2395,⁴ if enacted, is amended by adding the following new section:

SEC. __. NEW SECTION. 14B.102A OPERATIONS REVOLVING FUND.

An operations revolving fund is created in the state treasury. The operations revolving fund shall be administered by the department and shall consist of moneys collected by the department as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the department for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the department for the operations of the department consistent with this chapter. The department shall submit an annual report not later than January 31, to the members of the general assembly and the legislative fiscal bureau, of the activities funded by and expenditures made from the revolving fund during the preceding fiscal year. Section 8.33 does not apply to any moneys in the revolving fund and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund.

Sec. 9. Section 18.183, subsections 1 and 2, Code Supplement 1999, are amended to read as follows:

1. The government agency that is the lawful custodian of a public record shall be responsible for determining whether a record is required by state statute to be confidential. The transmission of a record by a government agency by use of electronic means established, maintained, or managed by the ~~division of information technology services~~ department shall not constitute a transfer of the legal custody of the record from the individual government agency to the ~~division of information technology services~~ department or to any other person or entity.

2. The ~~division of information technology services~~ department shall not have authority to determine whether an individual government agency should automate records of which the individual government agency is the lawful custodian. However, the ~~division~~ department

³ Chapter 1141, §3 herein

⁴ Chapter 1141 herein

may encourage governmental agencies to implement electronic access to government records.

Sec. 10. Section 18.184, Code 1999, is amended to read as follows:

18.184 FINANCIAL TRANSACTIONS.

1. The ~~division of information technology services~~ department shall collect moneys paid to participating governmental entities from persons who complete an electronic financial transaction with the governmental entity by accessing the lowAccess ~~network~~. The moneys may include all of the following:

- a. Fees required to obtain an electronic public record as provided in section 22.3A.
- b. Fees required to process an application or file a document, including but not limited to fees required to obtain a license issued by a licensing authority.
- c. Moneys owed to a governmental entity by a person accessing the lowAccess ~~network~~ in order to satisfy a liability arising from the operation of law, including the payment of assessments, taxes, fines, and civil penalties.

2. Moneys transferred using the lowAccess ~~network~~ may include amounts owed by a governmental entity to a person accessing the lowAccess ~~network~~ in order to satisfy a liability of the governmental entity. The moneys may include the payment of tax refunds, and the disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders issued pursuant to section 252B.14.

3. The ~~division of information technology services~~ department shall serve as the agent of the governmental entity in collecting moneys for receipt by governmental entities. The moneys shall be transferred to governmental entities directly or to the treasurer of state for disbursement to governmental entities as required by the treasurer of state in cooperation with the auditor of state.

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

Sec. 11. Section 18.185, Code 1999, is amended to read as follows:

18.185 AUDITS REQUIRED.

A technology audit of the electronic transmission system by which government records are transmitted electronically to the public shall be conducted not less than once annually for the purpose of determining that government records and other electronic data are not misappropriated or misused by the ~~division of information technology services~~ department or a contractor of the ~~division~~ department. A financial audit shall be conducted not less than once annually to determine the financial condition of the ~~division of information technology services~~ department and to make other relevant inquiries.

Sec. 12. Section 18.187, Code Supplement 1999, is amended to read as follows:

18.187 IOWACCESS REVOLVING FUND.

An lowAccess revolving fund is created in the state treasury. The revolving fund shall be administered by the ~~division~~ department and shall consist of moneys collected by the ~~division~~ department as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the ~~division~~ department for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the ~~division~~ department to maintain, develop, operate, and expand the lowAccess ~~network~~ consistent with this ~~chapter~~ subchapter. The ~~division~~ department shall submit an annual report not later than January 31, to the members of the general assembly and the legislative fiscal bureau, of the activities funded by and expenditures made from the revolving fund during the preceding fiscal year. Section 8.33 does not apply to any moneys in the revolving fund and,

notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund.

Sec. 13. Section 455G.3, subsection 3, paragraph e, Code Supplement 1999, is amended by striking the paragraph.

Sec. 14. Section 455G.6, subsection 17, Code Supplement 1999, is amended by striking the subsection.

Sec. 15. Section 455G.9, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. Corrective action in response to a high risk condition caused by a release from an underground storage tank located on a site for which the department, after January 31, 1997, has issued a no further action certificate under section 455B.474. As a condition of receiving benefits under this paragraph, the department must determine that the condition necessitating the corrective action was not a result of a release that occurred after the issuance of the no further action certificate, and that the site qualified for remedial benefits under this section prior to the issuance of the no further action certificate. No more than one hundred thousand dollars per site may be used for the costs of a corrective action under this paragraph. This paragraph does not confer a legal right on an owner or operator of petroleum-contaminated property or on any other person to receive benefits under this paragraph.

Sec. 16. Notwithstanding 1997 Iowa Acts, chapter 210, section 10, subsection 1, paragraph "f", any moneys appropriated to the reversion incentive program fund established in 1997 Iowa Acts, chapter 210, section 10, which remain unobligated or unexpended on the effective date of this section of this Act shall be transferred to the pooled technology account established in section 5 of this Act.

Sec. 17. 1998 Iowa Acts, chapter 1224, section 7, subsection 2, paragraph j, is amended to read as follows:

j. To the department of revenue and finance for a remittance processing system:
..... \$ 1,500,000

Notwithstanding section 8.33, moneys allocated to the department of revenue and finance in this paragraph "j" which remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose for which allocated in this paragraph "j" for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

Sec. 18. 1998 Iowa Acts, chapter 1224, section 7, subsection 2, paragraph r, as amended by 1999 Iowa Acts, chapter 207, section 18, is amended to read as follows:

r. To the department of general services for a purchasing system:
..... \$ 2,500,000

Notwithstanding section 8.33, moneys allocated to the department of general services in this paragraph "r" which remain unobligated or unexpended at the close of the fiscal year on the effective date of this section of this Act shall not revert but shall remain available for the purpose designated in this paragraph "r" for the fiscal year beginning July 1, 1999, and ending June 30, 2000 be transferred to the pooled technology account established in section 5 of this Act.

Sec. 19. 1999 Iowa Acts, chapter 196, section 1, is amended to read as follows:

SECTION 1. DEPARTMENT OF GENERAL SERVICES — EMBEDDED CHIPS. There is appropriated from the rebuild Iowa infrastructure fund to the division of information technology services of the department of general services for the fiscal year beginning July 1, 1998, and ending June 30, 1999, to supplement the moneys in the reversion incentive program fund as provided in 1997 Iowa Acts, chapter 210, section 10, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the replacement of noncompliant year 2000 embedded chips in the technology and equipment of state departments, notwithstanding section 8.57, subsection 5, paragraph "c":
..... \$ 2,435,000

Moneys appropriated in this section shall be deposited into the reversion incentive program fund created pursuant to 1997 Iowa Acts, chapter 210, section 10.

~~Notwithstanding section 8.33, moneys appropriated in this section which remain unencumbered or unobligated at the close of the fiscal year on the effective date of this section of this Act shall not revert but shall remain available for expenditure for the purpose designated until the close of the fiscal year beginning July 1, 2000, and any unobligated or unencumbered moneys remaining on that date shall be credited to the general fund of the state be transferred to the pooled technology account established in section 5 of this Act.~~

Sec. 20. 1999 Iowa Acts, chapter 207, section 5, subsection 3, paragraphs d, e, g, i, and l, are amended to read as follows:

d. To the department of human services for a welfare reform system (TANF):
..... \$ 742,555

Notwithstanding section 8.33, moneys allocated to the department of human services in this paragraph "d" which remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for the purpose designated for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

e. To the department of human services for a child support recovery project:
..... \$ 1,131,976

Notwithstanding section 8.33, moneys allocated to the department of human services in this paragraph "e" which remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for the purpose designated for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

g. To the department of education for electronic data exchange (EASIER):
..... \$ 500,000

Notwithstanding section 8.33, moneys allocated to the department of education in this paragraph "g" which remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for the purpose designated for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

i. To the division of information technology services in the department of general services for reengineering projects:
..... \$ 1,750,000

Of the amounts appropriated in this paragraph "i", \$750,000 shall be allocated as follows:

(1) One hundred thousand dollars for the development of a business licensure center for the department of economic development.

(2) Five hundred thousand dollars for a community resources directory for the department of Iowa workforce development.

(3) One hundred fifty thousand dollars for the implementation of an enterprise-wide information security system plan.

Notwithstanding section 8.33, moneys allocated to the division of information technology services in this paragraph "i", other than the moneys allocated in this paragraph "i", subparagraphs (1) and (3), which remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for the purpose for which allocated in the subparagraph for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

l. To the office of the governor for technology upgrades:
..... \$ 45,000

Notwithstanding section 8.33, moneys allocated to the office of the governor in this paragraph "l" which remain unobligated or unexpanded⁵ at the close of the fiscal year shall not revert but shall remain available for the purpose designated for the fiscal year beginning July 1, 2000, and ending June 30, 2001.

⁵ According to enrolled Act

Sec. 21. Section 455G.22, Code 1999, is repealed.

Sec. 22. Notwithstanding section 455G.22, unencumbered and unobligated moneys remaining in the no further action fund on the effective date of this section shall be transferred to the pooled technology account established in section 5 of this Act.

*Sec. 23. Section 14B.102, subsection 2, paragraph d, as enacted by 2000 Iowa Acts, Senate File 2395, is amended to read as follows:

d. ~~Developing and implementing recommended~~ Implementing standards for information technology, ~~including but not limited to system design and systems integration and interoperability, as developed by the council pursuant to section 14B.107,~~ 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 and to information technology development by participating agencies.*

*Sec. 24. Section 14B.104, subsection 2, paragraph b, as enacted by 2000 Iowa Acts, Senate File 2395, is amended to read as follows:

b. ~~Develop recommended standards for consideration with respect to the procurement and~~ development of information technology by all participating agencies as provided in section 14B.107.*

*Sec. 25. Section 14B.107, as enacted by 2000 Iowa Acts, Senate File 2395, is amended to read as follows:

14B.107 INFORMATION TECHNOLOGY STANDARDS.

The information technology council shall develop recommended standards for consideration with respect to the procurement and development 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 and development. Such standards, unless waived by the council, shall apply to all information technology procurements for participating agencies and to all information technology development by participating agencies.

Standards adopted pursuant to this section shall apply to existing information technology in use by participating agencies on the effective date of this Act. A participating agency, by no later than June 30, 2002, shall seek to procure or develop information technology to replace existing information technology which does not meet the standards adopted by the council, unless a waiver is procured with respect to such information technology pursuant to section 14B.104.

The office of the governor or the office of an elective constitutional or statutory officer shall consult with the department prior to procuring or developing 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~~ procurements or development.*

*Sec. 26. Section 14B.108, subsection 2, paragraph a, as enacted by 2000 Iowa Acts, Senate File 2395, is amended to read as follows:

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

Sec. 27. TECHNOLOGY SERVICES FOR ACCREDITED NONPUBLIC SCHOOL STUDENTS.

1. Technology adopted and purchased by a school district shall, to the extent funds are appropriated by the general assembly, be made available to students of accredited nonpublic schools located within the boundaries of the school district upon the written request of the

* Item veto; see message at end of the Act

authorities in charge of the accredited nonpublic school on behalf of the school's students as provided in this section.

2. Funds appropriated for purposes of this section shall be allocated to school districts for the purchase of technology for accredited nonpublic schools as provided in this section, subject to the restrictions of section 295.4, subsection 1. The department of education shall ascertain a maximum annual amount the school district shall be required to use for the purchase of technology for participating accredited nonpublic schools. The amount shall be in the proportion that the basic enrollment of a participating accredited nonpublic school bears to the sum of the basic enrollments of all participating accredited nonpublic schools in the state for the budget year. A participating accredited nonpublic school shall certify its actual enrollment to the department of education by October 1, 2000. By October 15, 2000, the department of education shall notify the board of directors of each school district of the maximum amount of its allocation that shall be made available for purchasing nonsectarian, nonreligious technology for each of the participating accredited nonpublic schools located within the school district in accordance with this section. For purposes of this section only, an accredited nonpublic school's enrollment count shall include only students who are residents of Iowa.

3. The costs of providing technology to participating accredited nonpublic schools as provided in this section shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Technology expenditures made in accordance with this section shall be kept on file in the school district.

Sec. 28. CONDITIONAL EFFECTIVENESS.

1. Sections 8 through 12 of this Act take effect upon the effective date of an enactment of the general assembly during the 2000 regular legislative session, signed by the governor, which establishes an information technology department. If sections 8 through 12 take effect pursuant to this subsection, the Code editor shall transfer sections 18.183, 18.184, 18.185, and 18.187, as amended by this Act, and section 18.186 to the new Code chapter establishing an information technology department, as appropriate. The term "department" in sections 18.183, 18.184, 18.185, and 18.187, as amended by this Act, means the information technology department.

2. The references to the division of information technology services of the department of general services in this Act, if enacted, shall be corrected by the Code editor to refer to the information technology department, if an information technology department is established by enactment of the general assembly during the 2000 regular legislative session, and signed by the governor.⁶

Sec. 29. DEPARTMENT OF MANAGEMENT RECOMMENDATIONS. The department of management shall develop written recommendations to be delivered to the general assembly by no later than the start of the 2001 regular legislative session with respect to both of the following:

1. Resolution of the overbilling of the federal government for certain services provided by the state to the federal government, and as a result of which the federal government is seeking reimbursement.

2. The manner in which the state's three data centers should be managed.

Sec. 30. EFFECTIVE DATE. Sections 5, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 28 of this Act, being deemed of immediate importance, take effect upon enactment.

Approved May 13, 2000, with exceptions noted.

THOMAS J. VILSACK, Governor

⁶ See chapter 1141 herein

Dear Mr. Secretary:

I hereby transmit Senate File 2433, an Act relating to state government technology and operations, by making and relating to appropriations to the Iowa Communications Network for the support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the use of the network, and providing an effective date.

Senate File 2433 is a bill I will approve reluctantly, as it contains a number of useful provisions which will begin to upgrade and modernize technology operations in state government, but falls far short of meeting the identified needs. If we are to truly run our state government "like a business," the Legislature must do much better, in the future, to provide an adequate, dedicated funding stream for technology projects, just as many businesses do. In this electronic day and age, as we are attempting to manage the large enterprise of state government, and provide easier, round the clock access to government services to all Iowans, we must have adequate resources to upgrade technology. This bill provides needed operational funding for information technology, but at levels notably below my recommendations. This bill provides needed funding for technology projects that will allow services to be more efficiently delivered to Iowans, but at levels greatly below — perhaps as much as 50% below — the level needed.

I am hopeful that legislators will understand the need for us to work together in the coming year, as we begin to implement both the new Information Technology Department, and the provisions of this bill, to do significantly better next year on providing the necessary adequate, dedicated funding for technology. We will only succeed at providing the greatest management efficiencies and access to government services for Iowa taxpayers when we have done so. This bill does not fully accomplish those goals.

I hereby approve Senate File 2433, with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Section 4, last unnumbered paragraph, in its entirety. This item requires the approval of the Department of Management prior to any possible fee increases by the new Information Technology Department. Given the underfunding of the ITD operations budget by the Legislature, there is a distinct possibility that fee increases may be necessary. I have received assurances that the two Departments will work cooperatively to examine any proposed fee or rate increases, without the necessity of this legislative mandate.

I am unable to approve the item designated as Section 5, subsection 2, paragraph d, in its entirety. This item allocated \$200,000 to the Department of Management to develop an automated budget program for Township Trustees. This request was not submitted for review by the Information Technology Infrastructure Advisory Committee, and to my knowledge was not even a part of any committee discussion during the legislative process. For these reasons, I believe it is premature to earmark funds for this project, or to elevate it above other worthy projects already evaluated. If this project is submitted for review later this year by the advisory committee, I will give it further consideration at that time.

I am unable to approve the items designated as Sections 23, 24, 25, and 26 in their entirety. These items amend portions of Senate File 2395, the Information Technology Department bill, which was previously passed. These sections deal with the development and implementation of technology standards in state government. I appreciate the efforts of legislators to improve the language in these sections by amendment late in the process. Upon

further review, however, I have come to the conclusion that the language in these sections, even as amended, is not needed.

For the above reasons, I hereby respectfully approve Senate File 2433 with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK, Governor

CHAPTER 1227

APPROPRIATIONS — JUDICIAL BRANCH

H.F. 2554

AN ACT relating to and making appropriations to the judicial branch.

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

Section 1. JUDICIAL BRANCH. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2000, and maintenance, equipment, and miscellaneous purposes:

..... \$ 109,008,259

a. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

b. The judicial branch shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

c. The judicial branch shall continue to assist in the development and implementation of a justice data warehouse which shall include in the Iowa court information system, starting with appointments of counsel made on or after July 1, 1999, the means to identify any case where the court has determined indigence, and whether the case is handled by a public defender or other court-appointed counsel.

d. Of the funds appropriated in this subsection, not more than \$1,897,728 may be transferred into the revolving fund established pursuant to section 602.1302, subsection 3, to be used for the payment of jury and witness fees and mileage.