

Bradley, Ch.  
Garman  
Falck

HSB 75

STATE GOVERNMENT

Successor

SENATE/HOUSE FILE 0292  
BY (PROPOSED INFORMATION  
TECHNOLOGY DEPARTMENT BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the financial operations and transactions of  
2 the information technology department.

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

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1 Section 1. Section 14B.102, subsection 2, Code 2001, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. k. Receiving and accepting donations,  
4 gifts, and contributions in the form of money, services,  
5 materials, or otherwise, from the United States or any of its  
6 agencies, from this state or any of its agencies, or from any  
7 other person, and to using or expending such moneys, services,  
8 materials, or other contributions in carrying on information  
9 technology operations.

10 Sec. 2. Section 14B.203, subsection 1, unnumbered  
11 paragraph 1, Code 2001, is amended to read as follows:

12 ~~The department shall collect moneys~~ Moneys paid to a  
13 participating governmental ~~entities~~ entity from persons who  
14 complete an electronic financial transaction with the  
15 governmental entity by accessing IowaAccess shall be  
16 transferred to the treasurer of state for deposit in the  
17 general fund, unless the disposition of the moneys is  
18 specifically provided for under other law. The moneys may  
19 include all of the following:

20 Sec. 3. Section 14B.203, subsection 3, Code 2001, is  
21 amended by striking the subsection.

22 Sec. 4. Section 14B.203, subsection 4, Code 2001, is  
23 amended to read as follows:

24 4. In addition to other forms of payment, credit cards  
25 shall be accepted in payment for moneys owed to a governmental  
26 entity as provided in this section, according to rules which  
27 shall be adopted by the treasurer of state. The fees to be  
28 charged shall not exceed those permitted by statute. A  
29 governmental entity may adjust its fees to reflect the cost of  
30 processing as determined by the treasurer of state. The  
31 discount charged by the credit card issuer may be included in  
32 determining the fees to be paid for completing a financial  
33 transaction under this section by using a credit card. Moneys  
34 owed to a governmental entity as provided in this subsection  
35 shall not be dischargeable in any proceeding under the federal

1 Bankruptcy Act.

2 EXPLANATION

3 This bill makes changes concerning designated financial  
4 operations and transactions of the information technology  
5 department. The bill provides that the department shall be  
6 authorized to receive, accept, and utilize donations, gifts,  
7 and contributions in the form of money, services, materials,  
8 or otherwise, from the United States or any of its agencies,  
9 from the state of Iowa or any of its agencies, or from any  
10 other person.

11 The bill also provides that moneys paid to a participating  
12 governmental entity from persons who complete an electronic  
13 financial transaction with the governmental entity by  
14 accessing IowAccess shall be transferred to the treasurer of  
15 state for deposit in the general fund, unless the disposition  
16 of such moneys is specifically provided for under other law.  
17 The bill deletes provisions which had previously specified  
18 that the department collected and served as an agent in  
19 collecting moneys for receipt by governmental entities, and  
20 that the moneys would be then transferred by the department to  
21 governmental entities directly or to the treasurer of state  
22 for disbursement to governmental entities.

23 The bill additionally provides that moneys owed to a  
24 governmental entity by persons using a credit card in  
25 completing an electronic financial transaction utilizing  
26 IowAccess shall not be dischargeable in any proceeding under  
27 the federal Bankruptcy Act. This makes Iowa law consistent  
28 with federal law.

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Substitutes for SF 277  
3-27-01  
(P. 858)

FEB 1 2001  
Place On Calendar

HOUSE FILE 292  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 75)

Passed House, <sup>(P. 822)</sup> Date 3/22/01 Passed Senate, <sup>(P. 859)</sup> Date 3-27-01  
Vote: Ayes 100 Nays 0 Vote: Ayes 47 Nays 0  
Approved April 24, 2001

(P. 1195) Passed 4-17-01  
vote 95-0

A BILL FOR

1 An Act relating to the financial operations and transactions of  
2 the information technology department.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 292

1 Section 1. Section 14B.102, subsection 2, Code 2001, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. k. Receiving and accepting donations,  
4 gifts, and contributions in the form of money, services,  
5 materials, or otherwise, from the United States or any of its  
6 agencies, from this state or any of its agencies, or from any  
7 other person, and to using or expending such moneys, services,  
8 materials, or other contributions in carrying on information  
9 technology operations.

10 Sec. 2. Section 14B.203, subsection 1, unnumbered  
11 paragraph 1, Code 2001, is amended to read as follows:

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13 participating governmental ~~entities~~ entity from persons who  
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16 transferred to the treasurer of state for deposit in the  
17 general fund, unless the disposition of the moneys is  
18 specifically provided for under other law. The moneys may  
19 include all of the following:

20 Sec. 3. Section 14B.203, subsection 3, Code 2001, is  
21 amended by striking the subsection.

22 EXPLANATION

23 This bill makes changes concerning designated financial  
24 operations and transactions of the information technology  
25 department. The bill provides that the department shall be  
26 authorized to receive, accept, and utilize donations, gifts,  
27 and contributions in the form of money, services, materials,  
28 or otherwise, from the United States or any of its agencies,  
29 from the state of Iowa or any of its agencies, or from any  
30 other person.

31 The bill also provides that moneys paid to a participating  
32 governmental entity from persons who complete an electronic  
33 financial transaction with the governmental entity by  
34 accessing IowAccess shall be transferred to the treasurer of  
35 state for deposit in the general fund, unless the disposition

1 of such moneys is specifically provided for under other law.  
2 The bill deletes provisions which had previously specified  
3 that the department collected and served as an agent in  
4 collecting moneys for receipt by governmental entities, and  
5 that the moneys would be then transferred by the department to  
6 governmental entities directly or to the treasurer of state  
7 for disbursement to governmental entities.

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**HOUSE FILE 292****S-3266**

1 Amend House File 292, as passed by the House, as  
2 follows:

3 1. Page 1, line 2, by striking the word  
4 "paragraph" and inserting the following:  
5 "paragraphs".

6 2. Page 1, by inserting the following after line  
7 9:

8 "NEW PARAGRAPH. 1. Charging a negotiated fee to  
9 recover a share of the costs related to the research  
10 and development, initial production, and derivative  
11 products of the department's proprietary software and  
12 hardware, information technology architecture design,  
13 and proprietary technology applications developed to  
14 support authorized users, to private vendors and to  
15 other political entities and subdivisions, including  
16 but not limited to states, territories, protectorates,  
17 and foreign countries. The department may enter into  
18 nondisclosure agreements to protect the state of  
19 Iowa's proprietary interests. The provisions of  
20 chapter 23A relating to noncompetition by state  
21 agencies and political subdivisions with private  
22 enterprise shall not apply to department activities  
23 authorized under this paragraph."

24 3. Page 1, by inserting after line 21 the  
25 following:

26 "Sec. 4. Section 23A.2, subsection 10, Code 2001,  
27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. n. The performance of an activity  
29 authorized pursuant to section 14B.102, subsection 2,  
30 paragraph "1"."

**By DERRYL McLAREN**

**S-3266 FILED MARCH 27, 2001**

ADOPTED

(P. 859)

SENATE AMENDMENT TO  
HOUSE FILE 292

H-1362

1 Amend House File 292, as passed by the House, as  
2 follows:

3 1. Page 1, line 2, by striking the word  
4 "paragraph" and inserting the following:  
5 "paragraphs".

6 2. Page 1, by inserting the following after line  
7 9:

8 "NEW PARAGRAPH. 1. Charging a negotiated fee to  
9 recover a share of the costs related to the research  
10 and development, initial production, and derivative  
11 products of the department's proprietary software and  
12 hardware, information technology architecture design,  
13 and proprietary technology applications developed to  
14 support authorized users, to private vendors and to  
15 other political entities and subdivisions, including  
16 but not limited to states, territories, protectorates,  
17 and foreign countries. The department may enter into  
18 nondisclosure agreements to protect the state of  
19 Iowa's proprietary interests. The provisions of  
20 chapter 23A relating to noncompetition by state  
21 agencies and political subdivisions with private  
22 enterprise shall not apply to department activities  
23 authorized under this paragraph."

24 3. Page 1, by inserting after line 21 the  
25 following:

26 "Sec. 4. Section 23A.2, subsection 10, Code 2001,  
27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. n. The performance of an activity  
29 authorized pursuant to section 14B.102, subsection 2,  
30 paragraph "1"."

RECEIVED FROM THE SENATE

H-1362 FILED MARCH 27, 2001

*House Concurred*

*4-17-01*

*(p. 1195)*

HOUSE FILE 292

AN ACT

RELATING TO THE FINANCIAL OPERATIONS AND TRANSACTIONS OF THE INFORMATION TECHNOLOGY DEPARTMENT.

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

Section 1. Section 14B.102, subsection 2, Code 2001, is amended by adding the following new paragraphs:

NEW PARAGRAPH. k. Receiving and accepting donations, gifts, and contributions in the form of money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other person, and to using or expending such moneys, services, materials, or other contributions in carrying on information technology operations.

NEW PARAGRAPH. 1. Charging a negotiated fee to recover a share of the costs related to the research and development, initial production, and derivative products of the department's proprietary software and hardware, information technology architecture design, and proprietary technology applications developed to support authorized users, to private vendors and to other political entities and subdivisions, including but not limited to states, territories, protectorates, and foreign countries. The department may enter into nondisclosure agreements to protect the state of Iowa's proprietary interests. The provisions of chapter 23A relating to noncompetition by state agencies and political subdivisions with private enterprise shall not apply to department activities authorized under this paragraph.

Sec. 2. Section 14B.203, subsection 1, unnumbered paragraph 1, Code 2001, is amended to read as follows:

~~The department shall collect moneys~~ Moneys paid to a participating governmental entities entity from persons who complete an electronic financial transaction with the governmental entity by accessing IowAccess shall be

transferred to the treasurer of state for deposit in the general fund, unless the disposition of the moneys is specifically provided for under other law. The moneys may include all of the following:

Sec. 3. Section 14B.203, subsection 3, Code 2001, is amended by striking the subsection.

Sec. 4. Section 23A.2, subsection 10, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. The performance of an activity authorized pursuant to section 14B.102, subsection 2, paragraph "1".

\_\_\_\_\_  
BRENT SIEGRIST  
Speaker of the House

\_\_\_\_\_  
MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 292, Seventy-ninth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved April 24, 2001

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THOMAS J. VILSACK  
Governor