

MAR 15 2005
Place On Calendar

HOUSE FILE 776
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 165)

Passed House, Date 3-31-05 Passed Senate, Date _____
Vote: Ayes 96 Nays 0 Vote: Ayes _____ Nays _____
Approved 4-22-05

A BILL FOR

1 An Act relating to governmental financial and information
2 technology activities, including membership in state insurance
3 plans by former members of the general assembly, designation
4 of a chief information officer for the state, cooperative
5 procurement agreements, distribution of state employee salary
6 information, setoff authority for capitol complex and state
7 laboratory parking fines collection, sales of disposed
8 personal property of the state by not-for-profit
9 organizations, a local government setoff authority pilot
10 project, and charges for credit card payments accepted by
11 government.

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

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HF 776

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DIVISION I

Section 1. Section 2.40, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

A member of the general assembly may elect to become a member of a state group insurance plan. A member of the general assembly may continue membership in a state group insurance plan without reapplication during the member's tenure as a member of consecutive general assemblies. For the purpose of electing to become a member of the state health or medical service group insurance plan, a member of the general assembly has the status of a "new hire", full-time state employee following each election of that member in a general or special election, or during the first subsequent annual open enrollment. In lieu of membership in a state health or medical group insurance plan, a member of the general assembly may elect to receive reimbursement for the costs paid by the member for a continuation of a group coverage (COBRA) health or medical insurance plan. The member shall apply for reimbursement by submitting evidence of payment for a COBRA health or medical insurance plan. The maximum reimbursement shall be no greater than the state's contribution for health or medical insurance family plan II. A member of the general assembly who elects to become a member of a state health or medical group insurance plan shall be exempted from preexisting medical condition waiting periods. A member of the general assembly may change programs or coverage under the state health or medical service group insurance plan during the month of January of odd-numbered years, but program and coverage change selections shall be subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20. A person who has been a member of the general assembly for two years and who has elected to be a member of a state health or medical group insurance plan may continue to be a member of such state health or medical group insurance plan by requesting

1 continuation in writing to the finance officer within thirty-
2 one days after leaving office. The continuing former member
3 of the general assembly shall pay the total premium for the
4 state plan and shall have the same rights to change programs
5 or coverage as state employees. In the event of the death of
6 a former member of the general assembly who has elected to
7 continue to be a member of a state health or medical group
8 insurance plan, the surviving spouse of the former member
9 whose insurance would otherwise terminate because of the death
10 of the former member may elect to continue to be a member of
11 such state health or medical group insurance plan by
12 requesting continuation in writing to the finance officer
13 within thirty-one days after the death of the former member.
14 The surviving spouse of the former member shall pay the total
15 premium for the state plan and shall have the same rights to
16 change programs or coverage as state employees. For purposes
17 of this paragraph, health or medical programs or coverage and
18 dental programs or coverage are to be treated separately and
19 the rights to change programs or coverage apply only to the
20 type of programs or coverage that the continuing former member
21 has elected to continue. This paragraph shall not be
22 construed to permit a former member to become a member of a
23 state health or medical group insurance plan providing
24 programs or coverage of a type that the former member did not
25 elect to continue pursuant to this paragraph.

26 Sec. 2. Section 8A.104, subsection 12, Code 2005, is
27 amended to read as follows:

28 12. Serve as the chief information officer for the state.
29 However, the director may designate a person in the department
30 to serve in this capacity at the discretion of the director.
31 If the director designates a person to serve as chief
32 information officer, the person designated shall be
33 professionally qualified by education and have no less than
34 five years' experience in the fields of information technology
35 and financial management.

1 Sec. 3. Section 8A.311, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. The director may enter into a
4 cooperative procurement agreement with another governmental
5 entity relating to the procurement of goods or services,
6 whether the goods or services are for the use of the
7 department or other governmental entities. The cooperative
8 procurement agreement shall clearly specify the purpose of the
9 agreement and the method by which that purpose will be
10 accomplished. Any power exercised under the agreement shall
11 not exceed the power granted to any party to the agreement.

12 Sec. 4. Section 8A.323, subsection 4, Code 2005, is
13 amended to read as follows:

14 4. ~~All~~ Except as provided in subsection 5, all fines
15 collected by the department shall be forwarded to the
16 treasurer of state and deposited in the general fund of the
17 state.

18 Sec. 5. Section 8A.323, Code 2005, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 5. Any fine that remains unpaid upon
21 becoming delinquent may be collected by the department
22 pursuant to the setoff procedures provided for in section
23 8A.504. For purposes of this subsection, a fine becomes
24 delinquent if it has not been paid within thirty days of the
25 date of the issuance of the parking citation, unless a written
26 request for a hearing is filed as provided pursuant to the
27 rules of the department. If an appeal is filed and the
28 citation is upheld, the fine becomes delinquent ten days after
29 the issuance of the final decision on the appeal or thirty-one
30 days after the date of the issuance of the parking citation,
31 whichever is later.

32 Sec. 6. Section 8A.324, subsection 2, Code 2005, is
33 amended by adding the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. A not-for-profit organization or
35 governmental agency that enters into an agreement with the

1 director pursuant to this subsection may sell or otherwise
2 transfer the personal property received from the department to
3 any person that the department would be able to sell or
4 otherwise transfer such property to under this chapter,
5 including, but not limited to, the general public. The
6 authority granted to sell or otherwise transfer personal
7 property pursuant to this paragraph supersedes any other
8 restrictions applicable to the not-for-profit organization or
9 governmental entity, but only for purposes of the personal
10 property received from the department.

11 Sec. 7. Section 8A.341, subsection 2, Code 2005, is
12 amended to read as follows:

13 2. If money is appropriated for this purpose, by November
14 1 of each year supply a report which contains the name,
15 gender, county, or city of residence when possible, official
16 title, salary received during the previous fiscal year, base
17 salary as computed on July 1 of the current fiscal year, and
18 traveling and subsistence expense of the personnel of each of
19 the departments, boards, and commissions of the state
20 government except personnel who receive an annual salary of
21 less than one thousand dollars. The number of the personnel
22 and the total amount received by them shall be shown for each
23 department in the report. All employees who have drawn
24 salaries, fees, or expense allowances from more than one
25 department or subdivision shall be listed separately under the
26 proper departmental heading. On the request of the director,
27 the head of each department, board, or commission shall
28 furnish the data covering that agency. The report shall be
29 distributed upon request without charge in an electronic
30 medium to each caucus of the general assembly, the legislative
31 services agency, the chief clerk of the house of
32 representatives, and the secretary of the senate. Copies of
33 the report shall be made available to other persons in both
34 ~~print-or~~ an electronic medium upon payment of a fee, which
35 shall not exceed the cost of providing the copy of the report.

1 Sections 22.2 through 22.6 apply to the report. All funds
2 from the sale of the report shall be deposited in the printing
3 revolving fund established in section 8A.345. ~~Requests-for~~
4 ~~print-publications-shall-be-handled-only-upon-receipt-of~~
5 ~~postage-by-the-director.~~

6 Sec. 8. LOCAL GOVERNMENT SETOFF PILOT PROJECT.

7 Notwithstanding any provision of section 8A.504 to the
8 contrary, the department of administrative services may enter
9 into agreements with no more than five political subdivisions
10 of the state to allow the political subdivisions to be
11 eligible to participate in the setoff procedures provided in
12 section 8A.504.

13 DIVISION II

14 Sec. 9. Section 8A.125, subsection 2, Code 2005, is
15 amended to read as follows:

16 2. In addition to other forms of payment, a person may pay
17 by credit card for services provided by the department,
18 according to rules adopted by the treasurer of state. ~~The~~
19 ~~credit-card-fees-to-be-charged-shall-not-exceed-those~~
20 ~~permitted-by-statute.--A-governmental-entity-may-adjust-its~~
21 ~~payment-to-reflect-the-costs-of-processing-as-determined-by~~
22 ~~the-treasurer-of-state.--The-discount-charged-by-the-credit~~
23 ~~card-issuer-may-be-included-in-determining-the-fees-to-be-paid~~
24 ~~for-completing-a-financial-transaction-under-this-section-by~~
25 ~~using-a-credit-card.~~ All credit card payments shall be
26 credited to the fund used to account for the services
27 provided.

28 Sec. 10. Section 12.21, Code 2005, is amended to read as
29 follows:

30 12.21 ACCEPTING CREDIT CARD PAYMENTS.

31 The treasurer of state may enter into an agreement with a
32 financial institution to provide credit card receipt
33 processing for state departments which are authorized by the
34 treasurer of state to accept payment by credit card. A
35 department which accepts credit card payments may adjust its

1 fees to reflect the cost of processing as determined by the
2 treasurer of state. A separate fee may shall not be charged
3 by a department for using the credit card payment method
4 ~~notwithstanding any other provision of the Code setting~~
5 ~~specific fees.~~ The treasurer of state shall adopt rules to
6 implement this section.

7 Sec. 11. Section 15.108, subsection 9, paragraph e, Code
8 2005, is amended to read as follows:

9 e. At the director's discretion, accept payment by credit
10 card of any fees, interest, penalties, subscriptions,
11 registrations, purchases, or other payments, or any portion of
12 such payments, which are due or collected by the department.
13 ~~The department may adjust the amount of the payment to reflect~~
14 ~~the costs of processing the payment as determined by the~~
15 ~~treasurer of state and the payment by credit card shall~~
16 ~~include, in addition to all other charges, any discount~~
17 ~~charged by the credit card issuer.~~

18 Sec. 12. Section 421.17, subsection 27, paragraph f, Code
19 2005, is amended to read as follows:

20 f. At the director's discretion, the department may accept
21 payment of debts, interest, and fees, or any portion by credit
22 card. ~~The director may adjust the payable amount to reflect~~
23 ~~the costs of processing the payment as determined by the~~
24 ~~treasurer of state and the payment by credit card shall~~
25 ~~include, in addition to all other charges, any discount charge~~
26 ~~by the credit card issuer.~~

27 Sec. 13. Section 455A.4, subsection 5, Code 2005, is
28 amended to read as follows:

29 5. The department may accept payment of any fees,
30 interest, penalties, subscriptions, or other payments due or
31 collected by the department, or any portion of such payments,
32 by debit or credit card. ~~The department may adjust the amount~~
33 ~~of the payment to reflect the costs of processing the payment~~
34 ~~as determined by the treasurer of state and the payment by~~
35 ~~credit card shall include, in addition to all other charges,~~

1 ~~any-discount-charged-by-the-credit-card-issuer-~~

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EXPLANATION

3 Division I of the bill relates to continuing health
4 insurance for former members of the general assembly and to
5 the rights and duties of the department of administrative
6 services.

7 Code section 2.40 is amended to provide that a former
8 member of the general assembly who continues coverage in a
9 particular state health, medical, or dental insurance program
10 can only make changes for the particular program the former
11 member chose to continue coverage.

12 Code section 8A.104, concerning the duties of the director
13 of the department of administrative services, is amended to
14 provide that the director may designate another person in the
15 department to act as the chief information officer of the
16 state. The bill further provides that if the director so
17 designates, the person designated shall be professionally
18 qualified by education and have at least five years'
19 experience in the fields of information technology and
20 financial management.

21 Code section 8A.311 is amended by adding a new subsection
22 providing that the director of the department of
23 administrative services may enter into a cooperative
24 procurement agreement with another governmental entity for the
25 procurement of goods or services, whether the goods or
26 services are for the use of the department or other
27 governmental entities.

28 Code section 8A.323, concerning parking violations at the
29 capitol complex and at the state laboratory in Ankeny, is
30 amended to authorize the department to collect delinquent
31 fines through the setoff procedures in Code section 8A.504.

32 Code section 8A.324, concerning the disposal of personal
33 property by the department, is amended to permit not-for-
34 profit organizations and governmental agencies that enter into
35 an agreement with the department to dispose of personal

1 property of the state to sell or otherwise transfer the
2 disposed property to any person that the department would have
3 been able to sell to, including the general public. The bill
4 provides that this authority to sell or transfer applies
5 regardless of any other restrictions that may limit the
6 organization's or agency's authority to sell or otherwise
7 transfer the property.

8 Code section 8A.341 is amended to strike the requirement
9 that the department of administrative services make available
10 print copies of the report containing salary and expense
11 information related to state employees. The bill retains the
12 requirement that the report be made available in an electronic
13 medium.

14 The bill also grants the department of administrative
15 services the authority to enter into agreements with up to
16 five political subdivisions of the state to permit the
17 political subdivisions to utilize the setoff procedures for
18 collecting qualifying debts under Code section 8A.504. Code
19 section 8A.504 currently limits setoff authority to state
20 agencies and does not permit any political subdivision to
21 utilize this procedure.

22 Division II of the bill concerns credit card transactions
23 conducted by certain state agencies. The bill amends Code
24 sections applicable to the department of administrative
25 services (8A.124), the treasurer of state (12.21), the
26 department of economic development (15.108), the department of
27 revenue (421.17), and the department of natural resources
28 (455A.4) to provide that none of these agencies may charge any
29 additional fees to persons utilizing a credit card to make
30 payments to that agency. Code section 455A.4 is also amended
31 to provide that the department of natural resources can accept
32 payments by debit card.

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H-1157

- 1 Amend House File 776 as follows:
2 1. By striking page 5, line 14, through page 7,
3 line 1, and inserting the following:
4 "Sec. ____ DEPARTMENT OF ADMINISTRATIVE SERVICES
5 -- E-COMMERCE STUDY -- REPORT. It is the intent of
6 the general assembly to encourage the use of
7 electronic transactions with regard to the state's
8 dealings with the citizens of Iowa and other persons.
9 The department of administrative services shall
10 develop recommendations, including proposed
11 legislation, to encourage the use of electronic
12 commerce, including the acceptance of credit card
13 payments, with regard to transactions involving the
14 state. The department shall consult with the state
15 treasurer, state entities currently accepting credit
16 card payments, and any other state entities identified
17 as considering the acceptance of credit card payments
18 when developing the recommendations. The department
19 shall deliver a report to the general assembly by
20 January 20, 2006, including any recommendations,
21 proposed legislation, and other related information,
22 including cost information associated with credit card
23 payments."
24 2. Title page, line 10, by striking the words
25 "charges for" and inserting the following: "providing
26 for a study concerning".
27 3. By renumbering as necessary.

By RAECKER of Polk
LENSING of Johnson

H-1157 FILED MARCH 22, 2005

HOUSE FILE 776

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 165)

(As Amended and Passed by the House March 31, 2005)

Passed House, Date _____

Passed Senate, Date 4-14-05

Vote: Ayes _____ Nays _____

Vote: Ayes 50 Nays 0

Approved _____

A BILL FOR

1 An Act relating to governmental financial and information
2 technology activities, including membership in state insurance
3 plans by former members of the general assembly, designation
4 of a chief information officer for the state, cooperative
5 procurement agreements, distribution of state employee salary
6 information, setoff authority for capitol complex and state
7 laboratory parking fines collection, sales of disposed
8 personal property of the state by not-for-profit
9 organizations, a local government setoff authority pilot
10 project, and providing for a study concerning credit card
11 payments accepted by government.

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

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House Amendments _____

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HF 776

ec/es/25

DIVISION I

1
2 Section 1. Section 2.40, subsection 1, unnumbered
3 paragraph 2, Code 2005, is amended to read as follows:
4 A member of the general assembly may elect to become a
5 member of a state group insurance plan. A member of the
6 general assembly may continue membership in a state group
7 insurance plan without reapplication during the member's
8 tenure as a member of consecutive general assemblies. For the
9 purpose of electing to become a member of the state health or
10 medical service group insurance plan, a member of the general
11 assembly has the status of a "new hire", full-time state
12 employee following each election of that member in a general
13 or special election, or during the first subsequent annual
14 open enrollment. In lieu of membership in a state health or
15 medical group insurance plan, a member of the general assembly
16 may elect to receive reimbursement for the costs paid by the
17 member for a continuation of a group coverage (COBRA) health
18 or medical insurance plan. The member shall apply for
19 reimbursement by submitting evidence of payment for a COBRA
20 health or medical insurance plan. The maximum reimbursement
21 shall be no greater than the state's contribution for health
22 or medical insurance family plan II. A member of the general
23 assembly who elects to become a member of a state health or
24 medical group insurance plan shall be exempted from
25 preexisting medical condition waiting periods. A member of
26 the general assembly may change programs or coverage under the
27 state health or medical service group insurance plan during
28 the month of January of odd-numbered years, but program and
29 coverage change selections shall be subject to the enrollment
30 rules established for full-time state employees excluded from
31 collective bargaining as provided in chapter 20. A person who
32 has been a member of the general assembly for two years and
33 who has elected to be a member of a state health or medical
34 group insurance plan may continue to be a member of such state
35 health or medical group insurance plan by requesting

1 continuation in writing to the finance officer within thirty-
2 one days after leaving office. The continuing former member
3 of the general assembly shall pay the total premium for the
4 state plan and shall have the same rights to change programs
5 or coverage as state employees. In the event of the death of
6 a former member of the general assembly who has elected to
7 continue to be a member of a state health or medical group
8 insurance plan, the surviving spouse of the former member
9 whose insurance would otherwise terminate because of the death
10 of the former member may elect to continue to be a member of
11 such state health or medical group insurance plan by
12 requesting continuation in writing to the finance officer
13 within thirty-one days after the death of the former member.
14 The surviving spouse of the former member shall pay the total
15 premium for the state plan and shall have the same rights to
16 change programs or coverage as state employees. For purposes
17 of this paragraph, health or medical programs or coverage and
18 dental programs or coverage are to be treated separately and
19 the rights to change programs or coverage apply only to the
20 type of programs or coverage that the continuing former member
21 has elected to continue. This paragraph shall not be
22 construed to permit a former member to become a member of a
23 state health or medical group insurance plan providing
24 programs or coverage of a type that the former member did not
25 elect to continue pursuant to this paragraph.

26 Sec. 2. Section 8A.104, subsection 12, Code 2005, is
27 amended to read as follows:

28 12. Serve as the chief information officer for the state.
29 However, the director may designate a person in the department
30 to serve in this capacity at the discretion of the director.
31 If the director designates a person to serve as chief
32 information officer, the person designated shall be
33 professionally qualified by education and have no less than
34 five years' experience in the fields of information technology
35 and financial management.

1 Sec. 3. Section 8A.311, Code 2005, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. The director may enter into a
4 cooperative procurement agreement with another governmental
5 entity relating to the procurement of goods or services,
6 whether the goods or services are for the use of the
7 department or other governmental entities. The cooperative
8 procurement agreement shall clearly specify the purpose of the
9 agreement and the method by which that purpose will be
10 accomplished. Any power exercised under the agreement shall
11 not exceed the power granted to any party to the agreement.

12 Sec. 4. Section 8A.323, subsection 4, Code 2005, is
13 amended to read as follows:

14 4. ~~All~~ Except as provided in subsection 5, all fines
15 collected by the department shall be forwarded to the
16 treasurer of state and deposited in the general fund of the
17 state.

18 Sec. 5. Section 8A.323, Code 2005, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 5. Any fine that remains unpaid upon
21 becoming delinquent may be collected by the department
22 pursuant to the setoff procedures provided for in section
23 8A.504. For purposes of this subsection, a fine becomes
24 delinquent if it has not been paid within thirty days of the
25 date of the issuance of the parking citation, unless a written
26 request for a hearing is filed as provided pursuant to the
27 rules of the department. If an appeal is filed and the
28 citation is upheld, the fine becomes delinquent ten days after
29 the issuance of the final decision on the appeal or thirty-one
30 days after the date of the issuance of the parking citation,
31 whichever is later.

32 Sec. 6. Section 8A.324, subsection 2, Code 2005, is
33 amended by adding the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. A not-for-profit organization or
35 governmental agency that enters into an agreement with the

1 director pursuant to this subsection may sell or otherwise
2 transfer the personal property received from the department to
3 any person that the department would be able to sell or
4 otherwise transfer such property to under this chapter,
5 including, but not limited to, the general public. The
6 authority granted to sell or otherwise transfer personal
7 property pursuant to this paragraph supersedes any other
8 restrictions applicable to the not-for-profit organization or
9 governmental entity, but only for purposes of the personal
10 property received from the department.

11 Sec. 7. Section 8A.341, subsection 2, Code 2005, is
12 amended to read as follows:

13 2. If money is appropriated for this purpose, by November
14 1 of each year supply a report which contains the name,
15 gender, county, or city of residence when possible, official
16 title, salary received during the previous fiscal year, base
17 salary as computed on July 1 of the current fiscal year, and
18 traveling and subsistence expense of the personnel of each of
19 the departments, boards, and commissions of the state
20 government except personnel who receive an annual salary of
21 less than one thousand dollars. The number of the personnel
22 and the total amount received by them shall be shown for each
23 department in the report. All employees who have drawn
24 salaries, fees, or expense allowances from more than one
25 department or subdivision shall be listed separately under the
26 proper departmental heading. On the request of the director,
27 the head of each department, board, or commission shall
28 furnish the data covering that agency. The report shall be
29 distributed upon request without charge in an electronic
30 medium to each caucus of the general assembly, the legislative
31 services agency, the chief clerk of the house of
32 representatives, and the secretary of the senate. Copies of
33 the report shall be made available to other persons in **both**
34 **print-or** an electronic medium upon payment of a fee, which
35 shall not exceed the cost of providing the copy of the report.

1 Sections 22.2 through 22.6 apply to the report. All funds
2 from the sale of the report shall be deposited in the printing
3 revolving fund established in section 8A.345. ~~Requests for~~
4 ~~print-publications-shall-be-handled-only-upon-receipt-of~~
5 ~~postage-by-the-director.~~

6 Sec. 8. LOCAL GOVERNMENT SETOFF PILOT PROJECT.
7 Notwithstanding any provision of section 8A.504 to the
8 contrary, the department of administrative services may enter
9 into agreements with no more than five political subdivisions
10 of the state to allow the political subdivisions to be
11 eligible to participate in the setoff procedures provided in
12 section 8A.504.

13 DIVISION II

14 Sec. 9. DEPARTMENT OF ADMINISTRATIVE SERVICES -- E-
15 COMMERCE STUDY -- REPORT. It is the intent of the general
16 assembly to encourage the use of electronic transactions with
17 regard to the state's dealings with the citizens of Iowa and
18 other persons. The department of administrative services
19 shall develop recommendations, including proposed legislation,
20 to encourage the use of electronic commerce, including the
21 acceptance of credit card payments, with regard to
22 transactions involving the state. The department shall
23 consult with the state treasurer, state entities currently
24 accepting credit card payments, and any other state entities
25 identified as considering the acceptance of credit card
26 payments when developing the recommendations. The department
27 shall deliver a report to the general assembly by January 20,
28 2006, including any recommendations, proposed legislation, and
29 other related information, including cost information
30 associated with credit card payments.

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Chair: Raecker
Lensing
Paulsen

0776

HSB 165
STATE GOVERNMENT

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

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

A BILL FOR

1 An Act relating to the authority and duties of the department of
2 administrative services, including information technology
3 services, cooperative procurement agreements, distribution of
4 state employee salary information, state vehicle assignment,
5 publication fees for official notices, and cost reimbursement
6 for project management services, and providing an effective
7 date and retroactive applicability provision.

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

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1 Section 1. Section 8A.104, subsection 12, Code 2005, is
2 amended to read as follows:

3 12. Serve as the chief information officer for the state.
4 However, the director may designate a person in the department
5 to serve in this capacity at the discretion of the director.

6 Sec. 2. Section 8A.202, subsection 2, paragraph k, Code
7 2005, is amended to read as follows:

8 k. Charging reasonable fees, costs, expenses, charges, or
9 other amounts to an agency, governmental entity, public
10 official, or person or entity to or for whom information
11 technology or other services have been provided by or on
12 behalf of, or otherwise made available through, the
13 department; related to the provision, sale, use, or
14 utilization of, or cost sharing with respect to, information
15 technology and any intellectual property interests related
16 thereto; research and development; proprietary hardware,
17 software, and applications; and information technology
18 architecture and design. The department may enter into
19 nondisclosure agreements and take any other legal action
20 reasonably necessary to secure a right to an interest in
21 information technology development by or on behalf of the
22 state of Iowa and to protect the state of Iowa's proprietary
23 information technology and intellectual property interests.
24 The provisions of chapter 23A relating to noncompetition by
25 state agencies and political subdivisions with private
26 enterprise shall not apply to department activities authorized
27 under this paragraph.

28 Sec. 3. Section 8A.202, subsection 2, paragraph 1, Code
29 2005, is amended by striking the paragraph.

30 Sec. 4. Section 8A.311, Code 2005, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 3A. The director may enter into a
33 cooperative procurement agreement with another governmental
34 entity relating to the procurement of goods or services,
35 whether the goods or services are for the use of the

1 department or other governmental entities. The cooperative
2 procurement agreement shall clearly specify the purpose of the
3 agreement and the method by which that purpose will be
4 accomplished. Any power exercised under the agreement shall
5 not exceed the power granted to any party to the agreement.

6 Sec. 5. Section 8A.341, subsection 2, Code 2005, is
7 amended to read as follows:

8 2. If money is appropriated for this purpose, by November
9 1 of each year supply a report which contains the name,
10 gender, county, or city of residence when possible, official
11 title, salary received during the previous fiscal year, base
12 salary as computed on July 1 of the current fiscal year, and
13 traveling and subsistence expense of the personnel of each of
14 the departments, boards, and commissions of the state
15 government except personnel who receive an annual salary of
16 less than one thousand dollars. The number of the personnel
17 and the total amount received by them shall be shown for each
18 department in the report. All employees who have drawn
19 salaries, fees, or expense allowances from more than one
20 department or subdivision shall be listed separately under the
21 proper departmental heading. On the request of the director,
22 the head of each department, board, or commission shall
23 furnish the data covering that agency. The report shall be
24 distributed upon request without charge in an electronic
25 medium to each caucus of the general assembly, the legislative
26 services agency, the chief clerk of the house of
27 representatives, and the secretary of the senate. Copies of
28 the report shall be made available to other persons in both
29 ~~print-or~~ an electronic medium upon payment of a fee, which
30 shall not exceed the cost of providing the copy of the report.
31 Sections 22.2 through 22.6 apply to the report. All funds
32 from the sale of the report shall be deposited in the printing
33 revolving fund established in section 8A.345. ~~Requests-for~~
34 ~~print-publications-shall-be-handled-only-upon-receipt-of~~
35 ~~postage-by-the-director.~~

1 Sec. 6. Section 8A.361, Code 2005, is amended to read as
2 follows:

3 8A.361 VEHICLE ASSIGNMENT -- AUTHORITY IN DEPARTMENT.

4 The department shall ~~provide-for-the-assignment-of~~ assign
5 all state-owned motor vehicles to all state officers and
6 employees, and to all state offices, departments, bureaus, and
7 commissions, except the state department of transportation,
8 institutions under the control of the state board of regents,
9 the department for the blind, and any other agencies exempted
10 by law.

11 Sec. 7. Section 8A.362, subsections 1, 2, and 3, Code
12 2005, are amended to read as follows:

13 1. The director may ~~provide-for-the-assignment~~ assign to a
14 state officer or employee or to a state agency, ~~of one or more~~
15 motor vehicles which may be required by the state officer or
16 employee or state agency, after the state officer or employee
17 or state agency has shown the necessity for such
18 transportation. The director may assign a motor vehicle
19 either for part-time or full-time use. The director may
20 revoke the assignment at any time.

21 2. The director may cause all state-owned motor vehicles
22 to be inspected periodically. Whenever the inspection reveals
23 that repairs have been improperly made on the motor vehicle or
24 that the operator is not giving the motor vehicle the proper
25 care, the director shall report this fact to the elected
26 official or to the head of the state agency to which the motor
27 vehicle has been assigned, together with recommendation for
28 improvement.

29 3. The director shall ~~provide-for~~ maintain a record system
30 ~~for-the-keeping-of-records-of~~ that shall include the total
31 number of miles state-owned motor vehicles are driven and the
32 per-mile cost of operation of each motor vehicle. Every state
33 officer or employee shall keep a record book to be furnished
34 by the director in which the officer or employee shall enter
35 all purchases of gasoline, lubricating oil, grease, and other

1 incidental expense in the operation of the motor vehicle
2 assigned to the officer or employee, giving the quantity and
3 price of each purchase, including the cost and nature of all
4 repairs on the motor vehicle. Each operator of a state-owned
5 motor vehicle shall promptly prepare a report at the end of
6 each month on forms furnished by the director and forwarded to
7 the director, ~~giving the information the director may request~~
8 ~~in the report.~~ Each month the director shall compile the
9 costs and mileage of state-owned motor vehicles from the
10 reports and keep a cost history for each motor vehicle and the
11 costs shall be reduced to a cost-per-mile basis for each
12 motor vehicle. The director shall call to the attention of an
13 elected official or the head of any state agency to which a
14 motor vehicle has been assigned any evidence of the
15 mishandling or misuse of a state-owned motor vehicle which is
16 called to the director's attention.

17 A motor vehicle operated under this subsection shall not
18 operate on gasoline other than gasoline blended with at least
19 ten percent ethanol, unless under emergency circumstances. A
20 state-issued credit card used to purchase gasoline ~~shall~~ is
21 not be valid to purchase gasoline other than gasoline blended
22 with at least ten percent ethanol, if commercially available.
23 The motor vehicle shall also be affixed with a brightly
24 visible sticker which notifies the traveling public that the
25 motor vehicle is being operated on gasoline blended with
26 ethanol. However, the sticker is not required to be affixed
27 to an unmarked vehicle used for purposes of providing law
28 enforcement or security.

29 Sec. 8. Section 8A.362, subsection 4, paragraph a, Code
30 2005, is amended to read as follows:

31 a. The director shall ~~provide for the~~ purchase of all
32 motor vehicles for all branches of the state government,
33 except the state department of transportation, institutions
34 under the control of the state board of regents, the
35 department for the blind, and any other state agency exempted

1 by law. The director shall purchase new vehicles in
2 accordance with competitive bidding procedures for items or
3 services as provided in this subchapter. The director may
4 purchase used or preowned vehicles at governmental or dealer
5 auctions if the purchase is determined to be in the best
6 interests of the state.

7 Sec. 9. Section 8A.362, subsection 4, paragraphs d and e,
8 Code 2005, are amended by striking the paragraphs.

9 Sec. 10. Section 8A.362, subsections 6 and 7, Code 2005,
10 are amended to read as follows:

11 6. All used motor vehicles turned in to the director shall
12 be disposed of by public auction~~7--and-the-sales.~~ The public
13 auction shall be advertised in a newspaper of general
14 circulation one week in advance of ~~sale7--and~~ the public
15 auction. The receipts from the ~~sale~~ public auction shall be
16 deposited in the depreciation fund to the credit of the state
17 agency turning in the vehicle; except that, in the case of a
18 used motor vehicle of special design, the director may,
19 instead of selling it at public auction, authorize the motor
20 vehicle to be traded for another vehicle of similar design.
21 If a vehicle sustains damage and the cost to repair exceeds
22 the wholesale value of the vehicle, the director may dispose
23 of the motor vehicle by obtaining two or more written salvage
24 bids and the vehicle shall be sold to the highest responsible
25 bidder.

26 7. The director may authorize the establishment of motor
27 pools consisting of a number of state-owned motor vehicles
28 under the director's supervision. The director may store the
29 motor vehicles in a public or private garage. ~~If-the-director~~
30 ~~establishes-a-motor-pool7--any-state-officer-or-employee~~
31 ~~desiring-the-use-of-a-state-owned-motor-vehicle-on-state~~
32 ~~business-shall-notify-the-director-of-the-need-for-a-vehicle~~
33 ~~within-a-reasonable-time-prior-to-actual-use-of-the-motor~~
34 ~~vehicle.--The-director-may-assign-a-motor-vehicle-from-the~~
35 ~~motor-pool-to-the-state-officer-or-employee.--If-two-or-more~~

~~1 state-officers-or-employees-desire-the-use-of-a-state-owned
2 motor-vehicle-for-a-trip-to-the-same-destination-for-the-same
3 length-of-time,-the-director-may-assign-one-vehicle-to-make
4 the-trip-~~

5 Sec. 11. Section 618.11, Code 2005, is amended to read as
6 follows:

7 618.11 FEES FOR PUBLICATION.

8 The compensation, when not otherwise fixed, for the
9 publication in a newspaper of any notice, order, citation, or
10 other publication required or allowed by law shall be at a
11 rate of thirty-four cents for one insertion and twenty-three
12 cents for each subsequent insertion for each line of eight
13 point type two inches in length, or its equivalent. Beginning
14 June 1, ~~2001~~ 2005, and each June 1 thereafter, ~~the-director-of~~
15 ~~the-department-of-administrative-services-shall-calculate a~~
16 new rate shall be calculated for the following fiscal year as
17 ~~prescribed in this section,-and-shall-publish-this-rate-as-a~~
18 ~~notice-in-the-Iowa-administrative-bulletin-prior-to-the-first~~
19 ~~day-of-the-following-calendar-month.~~ The new rate shall be
20 effective on the first day of ~~the-calendar-month-following-its~~
21 publication each fiscal year. The rate shall be calculated by
22 applying the percentage change in the consumer price index for
23 all urban consumers for the last available twelve-month period
24 published in the federal register by the federal department of
25 labor, bureau of labor statistics, to the existing rate as an
26 increase or decrease in the rate rounded to the nearest one-
27 tenth of a cent. The calculation ~~and-publication~~ of the rate
28 ~~by-the-director-of-the-department-of-administrative-services~~
29 shall be exempt from the provisions of chapters 17A and 25B.

30 Sec. 101. 2004 Iowa Acts, chapter 1175, section 288,
31 subsection 1, paragraph d, subparagraph (1), is amended to
32 read as follows:

33 (1) Of the amount appropriated in this lettered paragraph,
34 up to \$375,000 may be used for costs associated with project
35 management services in the division of design and construction

1 within the general services enterprise of the department,
2 notwithstanding section 8.57, subsection 5, paragraph "c". In
3 addition to the amount provided for costs associated with
4 project management services in this subparagraph, the division
5 may be reimbursed for such costs associated with applicable
6 capital projects for an additional amount not to exceed
7 \$370,824. Any reimbursements associated with this additional
8 amount shall be provided for pursuant to agreements entered
9 into with governmental entities for which the division
10 provides project management services relating to capital
11 projects. Any reimbursement made pursuant to this
12 subparagraph shall be paid to the division from funds
13 available to the governmental entity receiving the project
14 management services and consistent with the applicable
15 agreement. Terms of the agreement shall be consistent with
16 the actions of the general services enterprise customer
17 council.

18 Sec. 12. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY.
19 Section 101 of this Act, amending 2004 Iowa Acts, chapter
20 1175, being deemed of immediate importance, takes effect upon
21 enactment and is retroactively applicable to July 1, 2004, and
22 is applicable on and after that date.

23 EXPLANATION

24 This bill relates to the department of administrative
25 services.

26 Code section 8A.104, concerning the duties of the director
27 of the department of administrative services, is amended to
28 provide that the director may designate another person in the
29 department to act as the chief information officer of the
30 state.

31 Code section 8A.202, concerning information technology
32 services, is amended by moving the authority to charge fees
33 and costs to entities receiving information technology
34 services to a different paragraph thereby making the
35 provisions of Code chapter 23A, relating to noncompetition by

1 government, not applicable to these services.

2 Code section 8A.311 is amended by adding a new subsection
3 providing that the director of the department of
4 administrative services may enter into a cooperative
5 procurement agreement with another governmental entity for the
6 procurement of goods or services, whether the goods or
7 services are for the use of the department or other
8 governmental entities.

9 Code section 8A.341 is amended to strike the requirement
10 that the department of administrative services make available
11 print copies of the report containing salary and expense
12 information related to state employees. The bill retains the
13 requirement that the report be made available in an electronic
14 medium.

15 The fleet management and vehicle assignment provisions of
16 Code chapter 8A are amended by the bill. The changes make
17 specific the authority of the department of administrative
18 services to assign all state vehicles except for those
19 departments otherwise granted this authority. The bill
20 eliminates the provision in Code section 8A.362, subsection 4,
21 requiring the director of the department to assign vehicles in
22 a manner that maximizes the average passenger miles per gallon
23 of fuel consumed.

24 Code section 618.11 is amended to strike the requirement
25 that the department of administrative services set the
26 publication rate for any notice, order, citation, or other
27 publication required or allowed by law. The basis for
28 calculating the rate is unchanged by the bill but no
29 governmental entity is responsible for calculating or
30 publishing the rate.

31 2004 Iowa Acts, chapter 1175, section 288, concerning
32 appropriations to the department of administrative services
33 for the renovation and repair of state buildings from the
34 rebuild Iowa infrastructure fund, is amended. The bill
35 provides that up to an additional \$370,824 of the amount

1 otherwise appropriated to the department can be used for costs
2 associated with project management services for capital
3 projects. This provision of the bill takes effect upon
4 enactment and is retroactively applicable to July 1, 2004.

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HOUSE FILE 776

AN ACT

RELATING TO GOVERNMENTAL FINANCIAL AND INFORMATION TECHNOLOGY ACTIVITIES, INCLUDING MEMBERSHIP IN STATE INSURANCE PLANS BY FORMER MEMBERS OF THE GENERAL ASSEMBLY, DESIGNATION OF A CHIEF INFORMATION OFFICER FOR THE STATE, COOPERATIVE PROCUREMENT AGREEMENTS, DISTRIBUTION OF STATE EMPLOYEE SALARY INFORMATION, SETOFF AUTHORITY FOR CAPITOL COMPLEX AND STATE LABORATORY PARKING FINES COLLECTION, SALES OF DISPOSED PERSONAL PROPERTY OF THE STATE BY NOT-FOR-PROFIT ORGANIZATIONS, A LOCAL GOVERNMENT SETOFF AUTHORITY PILOT PROJECT, AND PROVIDING FOR A STUDY CONCERNING CREDIT CARD PAYMENTS ACCEPTED BY GOVERNMENT.

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

DIVISION I

Section 1. Section 2.40, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

A member of the general assembly may elect to become a member of a state group insurance plan. A member of the general assembly may continue membership in a state group insurance plan without reapplication during the member's tenure as a member of consecutive general assemblies. For the purpose of electing to become a member of the state health or medical service group insurance plan, a member of the general assembly has the status of a "new hire", full-time state employee following each election of that member in a general or special election, or during the first subsequent annual open enrollment. In lieu of membership in a state health or medical group insurance plan, a member of the general assembly may elect to receive reimbursement for the costs paid by the

member for a continuation of a group coverage (COBRA) health or medical insurance plan. The member shall apply for reimbursement by submitting evidence of payment for a COBRA health or medical insurance plan. The maximum reimbursement shall be no greater than the state's contribution for health or medical insurance family plan II. A member of the general assembly who elects to become a member of a state health or medical group insurance plan shall be exempted from preexisting medical condition waiting periods. A member of the general assembly may change programs or coverage under the state health or medical service group insurance plan during the month of January of odd-numbered years, but program and coverage change selections shall be subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20. A person who has been a member of the general assembly for two years and who has elected to be a member of a state health or medical group insurance plan may continue to be a member of such state health or medical group insurance plan by requesting continuation in writing to the finance officer within thirty-one days after leaving office. The continuing former member of the general assembly shall pay the total premium for the state plan and shall have the same rights to change programs or coverage as state employees. In the event of the death of a former member of the general assembly who has elected to continue to be a member of a state health or medical group insurance plan, the surviving spouse of the former member whose insurance would otherwise terminate because of the death of the former member may elect to continue to be a member of such state health or medical group insurance plan by requesting continuation in writing to the finance officer within thirty-one days after the death of the former member. The surviving spouse of the former member shall pay the total premium for the state plan and shall have the same rights to change programs or coverage as state employees. For purposes of this paragraph, health or medical programs or coverage and

dentel programs or coverage are to be treated separately and the rights to change programs or coverage apply only to the type of programs or coverage that the continuing former member has elected to continue. This paragraph shall not be construed to permit a former member to become a member of a state health or medical group insurance plan providing programs or coverage of a type that the former member did not elect to continue pursuant to this paragraph.

Sec. 2. Section 8A.104, subsection 12, Code 2005, is amended to read as follows:

12. Serve as the chief information officer for the state. However, the director may designate a person in the department to serve in this capacity at the discretion of the director. If the director designates a person to serve as chief information officer, the person designated shall be professionally qualified by education and have no less than five years' experience in the fields of information technology and financial management.

Sec. 3. Section 8A.311, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The director may enter into a cooperative procurement agreement with another governmental entity relating to the procurement of goods or services, whether the goods or services are for the use of the department or other governmental entities. The cooperative procurement agreement shall clearly specify the purpose of the agreement and the method by which that purpose will be accomplished. Any power exercised under the agreement shall not exceed the power granted to any party to the agreement.

Sec. 4. Section 8A.323, subsection 4, Code 2005, is amended to read as follows:

4. All Except as provided in subsection 5, all fines collected by the department shall be forwarded to the treasurer of state and deposited in the general fund of the state.

Sec. 5. Section 8A.323, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Any fine that remains unpaid upon becoming delinquent may be collected by the department pursuant to the setoff procedures provided for in section 8A.504. For purposes of this subsection, a fine becomes delinquent if it has not been paid within thirty days of the date of the issuance of the parking citation, unless a written request for a hearing is filed as provided pursuant to the rules of the department. If an appeal is filed and the citation is upheld, the fine becomes delinquent ten days after the issuance of the final decision on the appeal or thirty-one days after the date of the issuance of the parking citation, whichever is later.

Sec. 6. Section 8A.324, subsection 2, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A not-for-profit organization or governmental agency that enters into an agreement with the director pursuant to this subsection may sell or otherwise transfer the personal property received from the department to any person that the department would be able to sell or otherwise transfer such property to under this chapter, including, but not limited to, the general public. The authority granted to sell or otherwise transfer personal property pursuant to this paragraph supersedes any other restrictions applicable to the not-for-profit organization or governmental entity, but only for purposes of the personal property received from the department.

Sec. 7. Section 8A.341, subsection 2, Code 2005, is amended to read as follows:

2. If money is appropriated for this purpose, by November 1 of each year supply a report which contains the name, gender, county, or city of residence when possible, official title, salary received during the previous fiscal year, base salary as computed on July 1 of the current fiscal year, and traveling and subsistence expense of the personnel of each of

the departments, boards, and commissions of the state government except personnel who receive an annual salary of less than one thousand dollars. The number of the personnel and the total amount received by them shall be shown for each department in the report. All employees who have drawn salaries, fees, or expense allowances from more than one department or subdivision shall be listed separately under the proper departmental heading. On the request of the director, the head of each department, board, or commission shall furnish the data covering that agency. The report shall be distributed upon request without charge in an electronic medium to each caucus of the general assembly, the legislative services agency, the chief clerk of the house of representatives, and the secretary of the senate. Copies of the report shall be made available to other persons in both ~~print or~~ an electronic medium upon payment of a fee, which shall not exceed the cost of providing the copy of the report. Sections 22.2 through 22.6 apply to the report. All funds from the sale of the report shall be deposited in the printing revolving fund established in section 8A.345. ~~Requests for print-publications shall be handled only upon receipt of postage by the director.~~

Sec. 8. LOCAL GOVERNMENT SETOFF PILOT PROJECT. Notwithstanding any provision of section 8A.504 to the contrary, the department of administrative services may enter into agreements with no more than five political subdivisions of the state to allow the political subdivisions to be eligible to participate in the setoff procedures provided in section 8A.504.

DIVISION II

Sec. 9. DEPARTMENT OF ADMINISTRATIVE SERVICES -- E-COMMERCE STUDY -- REPORT. It is the intent of the general assembly to encourage the use of electronic transactions with regard to the state's dealings with the citizens of Iowa and other persons. The department of administrative services shall develop recommendations, including proposed legislation,

to encourage the use of electronic commerce, including the acceptance of credit card payments, with regard to transactions involving the state. The department shall consult with the state treasurer, state entities currently accepting credit card payments, and any other state entities identified as considering the acceptance of credit card payments when developing the recommendations. The department shall deliver a report to the general assembly by January 20, 2006, including any recommendations, proposed legislation, and other related information, including cost information associated with credit card payments.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 776, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/92, 2005

THOMAS J. VILSACK
Governor