

Reprinted 3/88

MAR 4 1988

Place On Calendar

HOUSE FILE 2406
BY COMMITTEE ON STATE
GOVERNMENT

(Formerly House Study Bill 809)

Passed House, Date 3/1/88 (p. 747) Passed Senate, Date _____

Vote: Ayes 88 Nays 3 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

- 1 An Act relating to access by the citizens' aide to confidential
- 2 records and proceedings.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2406

H-5422

- 1 Amend House File 2406 as follows:
- 2 1. Page 1, line 23, by striking the words "or
- 3 board" and inserting the following: "unless the
- 4 agency demonstrates that the attendance or observation
- 5 would violate federal law or result in the denial of
- 6 federal funds to that agency".

H-5422 FILED MARCH 9, 1988 BY LUNDBY of Linn
Adopted 3/11 (p. 747)

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1 Section 1. Section 601G.9, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. Request and receive from each agency assistance and
4 information as necessary in the performance of the duties of
5 the office. ~~The Notwithstanding section 22.7, the citizens'~~
6 ~~aide may examine the any and all records and documents of any~~
7 ~~agency unless its custodian demonstrates that the examination~~
8 ~~would violate federal law or result in the denial of federal~~
9 ~~funds to the agency. If-the-document-sought-is-required-by~~
10 ~~law-to-be-kept-confidential,-the-agency-may-refuse-access~~
11 ~~until-the-citizens'-aide-demonstrates-that-the-document-is~~
12 ~~relevant-or-material-to-an-investigation-authorized-under~~
13 ~~subsection-1:~~ Confidential documents, as described in section
14 22.7, provided to the citizens' aide by other agencies shall
15 continue to maintain their confidential status. If-the
16 ~~citizens'-aide-is-provided-access-to-the-confidential~~
17 ~~document,-the~~ The citizens' aide is subject to the same
18 policies and penalties regarding the confidentiality of the
19 document as an employee of the agency. The citizens' aide may
20 enter and inspect premises within any agency's control and may
21 observe proceedings and attend hearings, including those held
22 under a provision of confidentiality, conducted by any agency
23 or board.

24 EXPLANATION

25 This bill specifies that the citizens' aide has access to
26 agency records and proceedings even though they are declared
27 to be confidential. The bill deletes language requiring the
28 citizens' aide to demonstrate that a confidential document is
29 relevant or material to an investigation.

30 SUCCESSOR TO HSB 809 (LSB 8351HC)

31 COMPANION TO LSB 8350SC

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Sen. State Court 5/14
Amended per 55284 to Pass 3/23 (y. 987)

HOUSE FILE 2406
BY COMMITTEE ON STATE
GOVERNMENT

(As Amended and Passed by the House March 11, 1988)

Passed House, Date 4/6/88 (y. 1473) Passed Senate, Date 3/30/88 (y. 1164)
Vote: Ayes 95 Nays 0 Vote: Ayes 45 Nays 0
Approved May 14, 1988

A BILL FOR

1 An Act relating to access by the citizens' aide to confidential
2 records and proceedings.

OF THE STATE OF IOWA.

HOUSE FILE 2406

S-5528

- 1 Amend House File 2406, as amended, passed, and
- 2 reprinted, by the House, as follows:
- 3 1. Page 1, line 5, by inserting after the figure
- 4 "22.7," the following: "pursuant to an
- 5 investigation".
- 6 2. Page 1, lines 13 and 14, by striking the words
- 7 ", as described in section 22.7,".
- 8 3. Page 1, line 21, by inserting after the word
- 9 "hearings," the following: "with the consent of the
- 10 interested party,".
- 11 4. Page 1, line 25, by inserting after the word
- 12 "agency." the following: "This subsection does not
- 13 permit the examination of records or access to
- 14 hearings and proceedings which are the work product of
- 15 an attorney under section 22.7, subsection 4, or which
- 16 are privileged communications under section 622.10."

S-5528
Filed March 23, 1988
Adopted 3/30 (y. 1163)

BY COMMITTEE ON STATE GOVERNMENT
ROBERT M. CARR, Chairperson

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1 Section 1. Section 601G.9, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. Request and receive from each agency assistance and
4 information as necessary in the performance of the duties of
5 the office. ~~The Notwithstanding section 22.7, the citizens'~~
6 ~~aide may examine the any and all records and documents of any~~
7 ~~agency unless its custodian demonstrates that the examination~~
8 ~~would violate federal law or result in the denial of federal~~
9 ~~funds to the agency. If-the-document-sought-is-required-by~~
10 ~~law-to-be-kept-confidential, the-agency-may-refuse-access~~
11 ~~until-the-citizens'-aide-demonstrates-that-the-document-is~~
12 ~~relevant-or-material-to-an-investigation-authorized-under~~
13 subsection 1. Confidential documents, as described in section
14 22.7, provided to the citizens' aide by other agencies shall
15 continue to maintain their confidential status. If-the
16 citizens'-aide-is-provided-access-to-the-confidential
17 document, the The citizens' aide is subject to the same
18 policies and penalties regarding the confidentiality of the
19 document as an employee of the agency. The citizens' aide may
20 enter and inspect premises within any agency's control and may
21 observe proceedings and attend hearings, including those held
22 under a provision of confidentiality, conducted by any agency
23 unless the agency demonstrates that the attendance or
24 observation would violate federal law or result in the denial
25 of federal funds to that agency.

26 SUCCESSOR TO HSB 809 (LSB 8351HC)

27 COMPANION TO LSB 8350SC

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SENATE AMENDMENT TO HOUSE FILE 2406

H-6168

1 Amend House File 2406, as amended, passed, and
2 reprinted, by the House, as follows:

3 1. Page 1, line 5, by inserting after the figure
4 "22.7," the following: "pursuant to an
5 investigation".

6 2. Page 1, lines 13 and 14, by striking the words
7 ", as described in section 22.7,".

8 3. Page 1, line 21, by inserting after the word
9 "hearings," the following: "with the consent of the
10 interested party,".

11 4. Page 1, line 25, by inserting after the word
12 "agency." the following: "This subsection does not
13 permit the examination of records or access to
14 hearings and proceedings which are the work product of
15 an attorney under section 22.7, subsection 4, or which
16 are privileged communications under section 622.10."

RECEIVED FROM THE SENATE

H-6168 FILED APRIL 4, 1988

House Journal 4/6 (p. 42)

HSB 809

STATE GOVERNMENT

House Study Bill 809

State Government: Lundby, Chair; Blanshan and Buhr.

HOUSE FILE 2406
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL)

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

A BILL FOR

1 An Act relating to access by the citizens' aide to confidential
2 records and proceedings.

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

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1 Section 1. Section 601G.9, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. Request and receive from each agency assistance and
4 information as necessary in the performance of the duties of
5 the office. ~~The Notwithstanding section 22.7, the~~ citizens'
6 aide may examine the any and all records and documents of any
7 agency unless its custodian demonstrates that the examination
8 would violate federal law or result in the denial of federal
9 funds to the agency. ~~If the document sought is required by~~
10 ~~law to be kept confidential, the agency may refuse access~~
11 ~~until the citizens' aide demonstrates that the document is~~
12 ~~relevant or material to an investigation authorized under~~
13 ~~subsection 1.~~ Confidential documents, as described in section
14 22.7, provided to the citizens' aide by other agencies shall
15 continue to maintain their confidential status. If the
16 ~~citizens' aide is provided access to the confidential~~
17 ~~document, the~~ The citizens' aide is subject to the same
18 policies and penalties regarding the confidentiality of the
19 document as an employee of the agency. The citizens' aide may
20 enter and inspect premises within any agency's control and may
21 observe proceedings and attend hearings, including those held
22 under a provision of confidentiality, conducted by any agency
23 or board.

24 EXPLANATION

25 This bill specifies that the citizens' aide has access to
26 agency records and proceedings even though they are declared
27 to be confidential. The bill deletes language requiring the
28 citizens' aide to demonstrate that a confidential document is
29 relevant or material to an investigation.

30 COMPANION TO LSB 8350SC

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HOUSE FILE 2406

work product of an attorney under section 22.7, subsection 4,
or which are privileged communications under section 622.10.

AN ACT

RELATING TO ACCESS BY THE CITIZENS' AIDE TO CONFIDENTIAL
RECORDS AND PROCEEDINGS.

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

Section 1. Section 601G.9, subsection 3, Code 1987, is amended to read as follows:

1. Request and receive from each agency assistance and information as necessary in the performance of the duties of the office. ~~The Notwithstanding section 22.7, pursuant to an investigation the citizens' aide may examine the any and all records and documents of any agency unless its custodian demonstrates that the examination would violate federal law or result in the denial of federal funds to the agency. If the document sought is required by law to be kept confidential, the agency may refuse access until the citizens' aide demonstrates that the document is relevant or material to an investigation authorized under subsection 1.~~ Confidential documents provided to the citizens' aide by other agencies shall continue to maintain their confidential status. ~~If the citizens' aide is provided access to the confidential document, the~~ The citizens' aide is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the agency. The citizens' aide may enter and inspect premises within any agency's control and may observe proceedings and attend hearings, with the consent of the interested party, including those held under a provision of confidentiality, conducted by any agency unless the agency demonstrates that the attendance or observation would violate federal law or result in the denial of federal funds to that agency. This subsection does not permit the examination of records or access to hearings and proceedings which are the

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2406, Seventy-second General Assembly.

Approved May 14, 1988

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor

HF 2406