

REPRINTED

APR 3 1998  
APPROPRIATIONS CALENDAR

HOUSE FILE 2547  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2524)  
(SUCCESSOR TO HSB 685)

Passed House, <sup>(p. 1394)</sup> Date 4-8-98 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 90 Nays 8 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act establishing the IowAccess system and providing for an  
2 appropriation.

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

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HF 2547

1 Section 1. NEW SECTION. 18.181 IOWACCESS ADVISORY  
2 COUNCIL.

3 1. An IowAccess advisory council is created within the  
4 division of information technology services of the department.  
5 At a minimum, the advisory council shall be composed of all of  
6 the following:

7 a. A person appointed by the legislative council, who may  
8 be a member or a staff member of the general assembly,  
9 designated to represent the general assembly.

10 b. The chief justice of the supreme court or the chief  
11 justice's designee to represent the judicial department.

12 c. The director of the department of management or the  
13 director's designee.

14 d. The auditor of state or the auditor's designee.

15 e. Six individuals appointed by the director of the  
16 division of information technology services who shall include  
17 all of the following:

18 (1) One person representing financial institutions who  
19 shall be actively engaged in finance and banking.

20 (2) One person representing insurers who shall be actively  
21 engaged in the insurance industry.

22 (3) One person representing attorneys who shall be  
23 actively engaged in the profession of law.

24 (4) One person representing media interests.

25 (5) One person representing cities who shall be actively  
26 engaged in the administration of a city.

27 (6) One person representing counties who shall be actively  
28 engaged in the administration of a county.

29 f. Other heads of agencies or elected officials or their  
30 designees as well as other representatives of the public,  
31 business, and industry as determined by the director of the  
32 division of information technology services.

33 2. Persons appointed by the director of the division of  
34 information technology services shall be selected from a list  
35 of candidates nominated by interested organizations consulted

1 by the director.

2 3. Appointed members shall serve three-year terms  
3 beginning and ending as provided in section 69.19. An  
4 appointed member is eligible for reappointment to one  
5 additional three-year term. A vacancy on the board shall be  
6 filled for the unexpired portion of the regular term in the  
7 same manner as regular appointments are made.

8 4. The advisory council shall meet not less than four  
9 times annually, and may meet more frequently at the call of  
10 the chairperson or upon written request of six or more members  
11 to the chairperson. The chairperson shall call a meeting of  
12 the council at least once every three months. The advisory  
13 council shall annually select a chairperson from among its  
14 members.

15 Sec. 2. NEW SECTION. 18.182 POWERS AND DUTIES OF THE  
16 IOWACCESS ADVISORY COUNCIL.

17 The director of the division of information technology  
18 services shall seek the advice of the advisory council  
19 regarding all of the following:

20 1. Developing a process for reviewing and establishing  
21 priorities for implementation of electronic access to  
22 government records.

23 2. Establishing priorities for implementing electronic  
24 access to government records.

25 3. Establishing priorities for implementing electronic  
26 transactions involving government agencies and members of the  
27 public.

28 4. Budgeting, funding, and operating expenses related to  
29 developing, implementing, and maintaining electronic access to  
30 government records.

31 5. Reviewing, inspecting, and evaluating the technology  
32 and financial audits as required in section 18.185, for the  
33 purpose of recommending program improvements, efficiencies,  
34 and priorities to the division of information technology  
35 services.

1 6. Reviewing the basis of all charges and fees to the  
2 public for accessing government records electronically to  
3 ensure that the charges do not exceed the reasonable cost of  
4 providing a public record as provided in section 22.3A.

5 7. Reviewing requests for proposals, proposals, and  
6 contracts which involve the management and operation of the  
7 IowAccess network by a private entity.

8 8. Monitoring privacy and confidentiality of public  
9 records which are accessed electronically.

10 Sec. 3. NEW SECTION. 18.183 POWERS AND RESPONSIBILITIES  
11 VESTED IN INDIVIDUAL GOVERNMENT AGENCIES.

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

22 2. The division of information technology services shall  
23 not have authority to determine whether an individual  
24 government agency should automate records of which the  
25 individual government agency is the lawful custodian.  
26 However, the division may encourage governmental agencies to  
27 implement electronic access to government records as provided  
28 in section 18.182.

29 3. A government agency shall not limit access to a record  
30 by requiring a citizen to receive the record electronically as  
31 the only means of providing the record. A person shall have  
32 the right to examine and copy a printed form of a public  
33 record as provided in section 22.2, unless the public record  
34 is confidential.

35 4. A person who contracts with a government agency to

1 provide access or disseminate public records by electronic or  
2 other means shall pay the same fee which would be charged to  
3 the public under chapter 22 for any public record that is in  
4 any manner utilized by the person in a venture that is not  
5 part of the contract with the government agency.

6 Sec. 4. NEW SECTION. 18.184 FINANCIAL TRANSACTIONS.

7 1. The division of information technology services shall  
8 collect moneys paid to participating governmental entities  
9 from persons who complete an electronic financial transaction  
10 with the governmental entity by accessing the IowAccess  
11 network. The moneys may include all of the following:

12 a. Fees required to obtain an electronic public record as  
13 provided in section 22.3A.

14 b. Fees required to process an application or file a  
15 document, including but not limited to fees required to obtain  
16 a license issued by a licensing authority.

17 c. Moneys owed to a governmental entity by a person  
18 accessing the IowAccess network in order to satisfy a  
19 liability arising from the operation of law, including the  
20 payment of assessments, taxes, fines, and civil penalties.

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

28 3. The division of information technology services shall  
29 serve as the agent of the governmental entity in collecting  
30 moneys for receipt by governmental entities. The moneys shall  
31 be transferred to governmental entities directly or to the  
32 treasurer of state for disbursement to governmental entities  
33 as required by the treasurer of state in cooperation with the  
34 auditor of state.

35 4. In addition to other forms of payment, credit cards

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

10 Sec. 5. NEW SECTION. 18.185 AUDITS REQUIRED.

11 A technology audit of the electronic transmission system by  
12 which government records are transmitted electronically to the  
13 public shall be conducted not less than once annually for the  
14 purpose of determining that government records and other  
15 electronic data are not misappropriated or misused by the  
16 division of information technology services or a contractor of  
17 the division. A financial audit shall be conducted not less  
18 than once annually to determine the financial condition of the  
19 division of information technology services and to make other  
20 relevant inquiries.

21 Sec. 6. NEW SECTION. 18.186 CREDIT CARDS ACCEPTED.

22 In addition to other forms of payment, credit cards may be  
23 accepted in payment for any fees, including but not limited to  
24 interest, penalties, subscriptions, registrations, purchases,  
25 applications, licenses, permits, or other filings transmitted  
26 or transactions conducted electronically. The fees to be  
27 charged shall not exceed those permitted by statute, except  
28 that the discount charged by the credit card issuer may be  
29 included in determining the fee to be charged for records  
30 transmitted or transactions conducted electronically.

31 Sec. 7. Section 22.3A, subsection 2, paragraph a, Code  
32 1997, is amended to read as follows:

33 a. If access to the data processing software is provided  
34 to a person solely for the purpose of accessing a public  
35 record, the amount shall be not more than that required to

1 recover direct publication costs, including but not limited to  
2 editing, compilation, and media production costs, incurred by  
3 the government body in developing the data processing  
4 software, and preparing the data processing software for  
5 transfer to the person. The amount shall be in addition to  
6 any other fee required to be paid under this chapter for the  
7 examination and copying of a public record. If a person  
8 requests the reproduction of a public record stored in an  
9 electronic format that does not require formatting, editing,  
10 or compiling to reproduce the public record, the charge for  
11 providing the reproduced public record shall not exceed the  
12 reasonable cost of reproducing and transmitting that public  
13 record. The government body shall, if requested, provide  
14 documentation which explains and justifies the amount charged.  
15 This paragraph shall not apply to any publication for which a  
16 price has been established pursuant to another section,  
17 including section 7A.22.

18 Sec. 8. NEW SECTION. 321A.3A FUNDING.

19 Notwithstanding section 321A.3 subsection 1, for the fiscal  
20 year beginning July 1, 1998, and for each subsequent fiscal  
21 year, up to one dollar of each five dollar transaction shall  
22 be transferred to the division of information technology  
23 services of the department of general services for the  
24 purposes of developing, implementing, maintaining, and  
25 expanding electronic access to government records in  
26 accordance with the requirements as set forth in chapter 18,  
27 division VII.

28 Notwithstanding section 8.33, unobligated and unencumbered  
29 funds remaining at the end of a fiscal year shall not revert  
30 to the general fund of the state, but rather shall remain to  
31 be used in subsequent fiscal years for the purposes authorized  
32 in chapter 18, division VII.

33 Sec. 9. INTENT. It is the intent of the general assembly  
34 that the IowaAccess advisory council, established in this Act,  
35 review the performance of a vendor acting as a network manager

1 at intervals not to exceed five years.

2 Sec. 10. IOWACCESS FUNDING LIMITATION. Notwithstanding  
3 any contrary provision, if an appropriation is made or other  
4 funding is provided for purposes of funding an IowAccess  
5 system providing for electronic access to government records,  
6 if enacted by the Seventy-seventh General Assembly, 1998  
7 Regular Session, such appropriated amount or other funding  
8 shall not be in excess of \$400,000.

9 Sec. 11. CODIFICATION. The Code editor shall codify the  
10 amendments to chapter 18 in this Act as division VII of  
11 chapter 18.

12 EXPLANATION

13 This bill provides for the creation of an IowAccess council  
14 relating to electronic access to government records. The  
15 council is created in the division of information technology  
16 services of the department of general services. The council  
17 is composed of a number of persons heading areas of state  
18 government, as well as public members. The bill provides that  
19 the director of the division of information technology  
20 services must seek the advice of the advisory council  
21 regarding developing a process for reviewing and establishing  
22 priorities for implementation of electronic access to  
23 government records; establishing priorities for implementing  
24 electronic access to government records; establishing  
25 priorities for implementing electronic transactions involving  
26 government agencies and members of the public; budgeting,  
27 funding, and operating expenses related to developing,  
28 implementing, and maintaining electronic access to government  
29 records; reviewing, inspecting, and evaluating the technology  
30 and financial audits as required in the bill, for the purpose  
31 of recommending program improvements, efficiencies, and  
32 priorities to the division of information technology services;  
33 reviewing the basis for charges and fees to the public;  
34 reviewing requests for proposals; and monitoring privacy and  
35 confidentiality of public records.

1 The bill provides that the government agency is the lawful  
2 custodian of a public record and is responsible for  
3 determining whether a record is confidential. The bill  
4 provides that the transmission of a record by a government  
5 agency by use of electronic means established, maintained, or  
6 managed by the division of information technology services  
7 does not constitute a transfer of the legal custody of the  
8 record from the individual government agency to the division  
9 of information technology services or to any other person or  
10 entity.

11 The bill provides for fees charged for the reproduction and  
12 transmission of public records.

13 The bill provides that the division of information  
14 technology services must collect moneys paid to participating  
15 governmental entities from persons who complete an electronic  
16 financial transaction with the governmental entity by  
17 accessing the IowaAccess network. The division serves as the  
18 agent of the governmental entity in collecting moneys for  
19 receipt by governmental entities.

20 The bill provides that a technology audit of the electronic  
21 transmission system by which government records are  
22 transmitted electronically to the public shall be conducted  
23 not less than annually for the purpose of determining that  
24 government records and other electronic data are not  
25 misappropriated or misused by the division of information  
26 technology services or a contractor of the division.

27 The bill provides that in addition to other forms of  
28 payment, credit cards may be accepted in payment by a  
29 governmental entity.

30 Currently, the Iowa department of transportation must upon  
31 request furnish any person a certified abstract of the motor  
32 vehicle operating record of a person. A fee of \$5 is to be  
33 paid for each abstract. The bill provides that for the fiscal  
34 year beginning July 1, 1998, and for each subsequent fiscal  
35 year, up to \$1 of each \$5 transaction is transferred to the

1 division of information technology services of the department  
2 of general services for the purposes of developing,  
3 implementing, maintaining, and expanding electronic access to  
4 government records.

5 The bill provides that if an appropriation is made or other  
6 funding is provided for purposes of funding an IowAccess  
7 system providing for electronic access to government records,  
8 the appropriation shall not be in excess of \$400,000.

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**HOUSE FILE 2547  
FISCAL NOTE**

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A fiscal note for House File 2547 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 2547 changes the deposit of funds paid for a certified abstract of the motor vehicle operating record. Currently, the Iowa Department of Transportation must upon request furnish any person a certified abstract of the motor vehicle operating record of a person. A fee of \$5 is to be paid for each abstract. The Bill provides that for the fiscal year beginning July 1, 1998, and for each subsequent fiscal year, up to \$1 of each \$5 transaction is transferred to 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. The amount transferred is limited to \$400,000 for FY 1999.

**ASSUMPTIONS**

Requests for certified drivers records will remain at the current level.

**FISCAL EFFECT**

House File 2547 will result in a decrease in revenue to the General Fund of \$400,000 in FY 1999, and is expected to decrease General Fund revenue by \$800,000 in subsequent fiscal years.

**SOURCE**

Department of Transportation

(LSB 3966hz, GPD)

FILED APRIL 7, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2547

H-8999

- 1 Amend the amendment, H-8954, to House File 2547, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, by striking lines 22 through 31 and  
5 inserting the following:  
6 "\_\_\_\_. Page 7, by striking lines 2 through 8 and  
7 inserting the following:  
8 "Sec. \_\_\_\_ . IOWACCESS FUNDING LIMITATION.  
9 Notwithstanding section 321A.3A, as enacted by this  
10 Act, for the fiscal year beginning July 1, 1998, and  
11 ending June 30, 1999, not more than \$400,000 shall be  
12 transferred to the division of information technology  
13 services of the department of general services as  
14 provided in section 321A.3A, as enacted by this Act."  
15 2. By renumbering as necessary.

By JACOBS of Polk

H-8999 FILED APRIL 8, 1998

*Adopted 4-8-98 (P.1393)*

HOUSE FILE 2547

H-8954

- 1 Amend House File 2547 as follows:  
2 1. Page 5, by inserting after line 30 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 22.2, subsection 1, Code 1997,  
5 is amended to read as follows:  
6 1. Every person shall have the right to examine  
7 and copy a public records record and to publish or  
8 otherwise disseminate a public records record or the  
9 information contained therein in a public record.  
10 Unless otherwise provided for by law, the right to  
11 examine a public record shall include the right to  
12 examine a public record without charge while the  
13 public record is in the physical possession of the  
14 custodian of the public record. The right to copy a  
15 public records record shall include the right to make  
16 photographs or photographic copies while the records  
17 are public record is in the possession of the  
18 custodian of the records public record. All rights  
19 under this section are in addition to the right to  
20 obtain a certified copies copy of records a public  
21 record under section 622.46."  
22 2. Page 6, line 19, by inserting before the word  
23 "Notwithstanding" the following: "1."  
24 3. Page 6, line 27, by inserting after the figure  
25 "VII." the following: "However, not more than four  
26 hundred thousand dollars shall be transferred to the  
27 division of information technology services under this  
28 subsection during any fiscal year."  
29 4. Page 6, line 28, by inserting before the word  
30 "Notwithstanding" the following: "2."  
31 5. Page 7, by striking lines 2 through 8.  
32 6. Title page, line 1, by inserting after the  
33 word "Act" the following: "providing for public  
34 information, including by".  
35 7. By renumbering as necessary.

By JACOBS of Polk

H-8954 FILED APRIL 6, 1998

*Adopted 4-8-98  
(P.1393)*

HOUSE FILE 2547  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2524)  
(SUCCESSOR TO HSB 685)

(As Amended and Passed by the House, April 8, 1998)

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

**A BILL FOR**

1 An Act providing for public information, including by  
2 establishing the IowAccess system and providing for an  
3 appropriation.

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

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New Language \_\_\_\_\_

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9 designated to represent the general assembly.

10 b. The chief justice of the supreme court or the chief  
11 justice's designee to represent the judicial department.

12 c. The director of the department of management or the  
13 director's designee.

14 d. The auditor of state or the auditor's designee.

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19 shall be actively engaged in finance and banking.

20 (2) One person representing insurers who shall be actively  
21 engaged in the insurance industry.

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23 actively engaged in the profession of law.

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26 engaged in the administration of a city.

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28 engaged in the administration of a county.

29 f. Other heads of agencies or elected officials or their  
30 designees as well as other representatives of the public,  
31 business, and industry as determined by the director of the  
32 division of information technology services.

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3 beginning and ending as provided in section 69.19. An  
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5 additional three-year term. A vacancy on the board shall be  
6 filled for the unexpired portion of the regular term in the  
7 same manner as regular appointments are made.

8 4. The advisory council shall meet not less than four  
9 times annually, and may meet more frequently at the call of  
10 the chairperson or upon written request of six or more members  
11 to the chairperson. The chairperson shall call a meeting of  
12 the council at least once every three months. The advisory  
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26 transactions involving government agencies and members of the  
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28 4. Budgeting, funding, and operating expenses related to  
29 developing, implementing, and maintaining electronic access to  
30 government records.

31 5. Reviewing, inspecting, and evaluating the technology  
32 and financial audits as required in section 18.185, for the  
33 purpose of recommending program improvements, efficiencies,  
34 and priorities to the division of information technology  
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1 6. Reviewing the basis of all charges and fees to the  
2 public for accessing government records electronically to  
3 ensure that the charges do not exceed the reasonable cost of  
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6 contracts which involve the management and operation of the  
7 IowAccess network by a private entity.

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9 records which are accessed electronically.

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16 electronic means established, maintained, or managed by the  
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18 constitute a transfer of the legal custody of the record from  
19 the individual government agency to the division of  
20 information technology services or to any other person or  
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22 2. The division of information technology services shall  
23 not have authority to determine whether an individual  
24 government agency should automate records of which the  
25 individual government agency is the lawful custodian.  
26 However, the division may encourage governmental agencies to  
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32 the right to examine and copy a printed form of a public  
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35 4. A person who contracts with a government agency to

1 provide access or disseminate public records by electronic or  
2 other means shall pay the same fee which would be charged to  
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17 c. Moneys owed to a governmental entity by a person  
18 accessing the IowAccess network in order to satisfy a  
19 liability arising from the operation of law, including the  
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21 2. Moneys transferred using the IowAccess network may  
22 include amounts owed by a governmental entity to a person  
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24 liability of the governmental entity. The moneys may include  
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26 payments as defined in section 252D.16 or 598.1 as required  
27 for orders issued pursuant to section 252B.14.

28 3. The division of information technology services shall  
29 serve as the agent of the governmental entity in collecting  
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20 relevant inquiries.

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26 or transactions conducted electronically. The fees to be  
27 charged shall not exceed those permitted by statute, except  
28 that the discount charged by the credit card issuer may be  
29 included in determining the fee to be charged for records  
30 transmitted or transactions conducted electronically.

31 Sec. 7. Section 22.2, subsection 1, Code 1997, is amended  
32 to read as follows:

33 1. Every person shall have the right to examine and copy a  
34 public records record and to publish or otherwise disseminate  
35 a public records record or the information contained therein

1 in a public record. Unless otherwise provided for by law, the  
2 right to examine a public record shall include the right to  
3 examine a public record without charge while the public record  
4 is in the physical possession of the custodian of the public  
5 record. The right to copy a public records record shall  
6 include the right to make photographs or photographic copies  
7 while the records-are public record is in the possession of  
8 the custodian of the records public record. All rights under  
9 this section are in addition to the right to obtain a  
10 certified copies copy of records a public record under section  
11 622.46.

12 Sec. 8. Section 22.3A, subsection 2, paragraph a, Code  
13 1997, is amended to read as follows:

14 a. If access to the data processing software is provided  
15 to a person solely for the purpose of accessing a public  
16 record, the amount shall be not more than that required to  
17 recover direct publication costs, including but not limited to  
18 editing, compilation, and media production costs, incurred by  
19 the government body in developing the data processing  
20 software, and preparing the data processing software for  
21 transfer to the person. The amount shall be in addition to  
22 any other fee required to be paid under this chapter for the  
23 examination and copying of a public record. If a person  
24 requests the reproduction of a public record stored in an  
25 electronic format that does not require formatting, editing,  
26 or compiling to reproduce the public record, the charge for  
27 providing the reproduced public record shall not exceed the  
28 reasonable cost of reproducing and transmitting that public  
29 record. The government body shall, if requested, provide  
30 documentation which explains and justifies the amount charged.  
31 This paragraph shall not apply to any publication for which a  
32 price has been established pursuant to another section,  
33 including section 7A.22.

34 Sec. 9. NEW SECTION. 321A.3A FUNDING.

35 Notwithstanding section 321A.3 subsection 1, for the fiscal

1 year beginning July 1, 1998, and for each subsequent fiscal  
2 year, up to one dollar of each five dollar transaction shall  
3 be transferred to the division of information technology  
4 services of the department of general services for the  
5 purposes of developing, implementing, maintaining, and  
6 expanding electronic access to government records in  
7 accordance with the requirements as set forth in chapter 18,  
8 division VII.

9 Notwithstanding section 8.33, unobligated and unencumbered  
10 funds remaining at the end of a fiscal year shall not revert  
11 to the general fund of the state, but rather shall remain to  
12 be used in subsequent fiscal years for the purposes authorized  
13 in chapter 18, division VII.

14 Sec. 10. INTENT. It is the intent of the general assembly  
15 that the IowAccess advisory council, established in this Act,  
16 review the performance of a vendor acting as a network manager  
17 at intervals not to exceed five years.

18 Sec. 11. IOWACCESS FUNDING LIMITATION. Notwithstanding  
19 section 321A.3A, as enacted by this Act, for the fiscal year  
20 beginning July 1, 1998, and ending June 30, 1999, not more  
21 than \$400,000 shall be transferred to the division of  
22 information technology services of the department of general  
23 services as provided in section 321A.3A, as enacted by this  
24 Act.

25 Sec. 12. CODIFICATION. The Code editor shall codify the  
26 amendments to chapter 18 in this Act as division VII of  
27 chapter 18.

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