

House Study Bill 685

Bill Text

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1 1 Section 1. NEW SECTION. 18.181 IOWACCESS ADVISORY
1 2 COUNCIL.
1 3 1. An IowAccess advisory council is created within the
1 4 division of information technology services of the department.
1 5 At a minimum, the advisory council shall be composed of all of
1 6 the following:
1 7 a. A person appointed by the legislative council, who may
1 8 be a member or a staff member of the general assembly,
1 9 designated to represent the general assembly.
1 10 b. The chief justice of the supreme court or the chief
1 11 justice's designee to represent the judicial department.
1 12 c. The director of the department of management or the
1 13 director's designee.
1 14 d. The auditor of state or the auditor's designee.
1 15 e. Six individuals appointed by the director of the
1 16 division of information technology services who shall include
1 17 all of the following:
1 18 (1) One person representing financial institutions who
1 19 shall be actively engaged in finance and banking.
1 20 (2) One person representing insurers who shall be actively
1 21 engaged in the insurance industry.
1 22 (3) One person representing attorneys who shall be
1 23 actively engaged in the profession of law.
1 24 (4) One person representing media interests.
1 25 (5) One person representing cities who shall be actively
1 26 engaged in the administration of a city.
1 27 (6) One person representing counties who shall be actively
1 28 engaged in the administration of a county.
1 29 f. Other heads of agencies or elected officials or their
1 30 designees as well as other representatives of the public,
1 31 business, and industry as determined by the director of the
1 32 division of information technology services.
1 33 2. Persons appointed by the director of the division of
1 34 information technology services shall be selected from a list
1 35 of candidates nominated by interested organizations consulted
2 1 by the director.
2 2 3. A vacancy on the board shall be filled for the
2 3 unexpired portion of the regular term in the same manner as
2 4 regular appointments are made.
2 5 4. The council shall meet at the call of the chairperson
2 6 or upon written request of six or more members to the
2 7 chairperson. The chairperson shall call a meeting of the
2 8 council at least once every three months.
2 9 Sec. 2. NEW SECTION. 18.182 POWERS AND DUTIES OF THE
2 10 IOWACCESS ADVISORY COUNCIL.
2 11 1. The director of the division of information technology
2 12 services shall seek the advice of the advisory council
2 13 regarding all of the following:
2 14 a. Developing a process for reviewing and establishing
2 15 priorities for implementation of electronic access to
2 16 government records.
2 17 b. Establishing priorities for implementing electronic
2 18 access to government records.
2 19 c. Establishing priorities for implementing electronic
2 20 transactions involving government agencies and members of the
2 21 public.

2 22 d. Budgeting, funding, and operating expenses related to
2 23 developing, implementing, and maintaining electronic access to
2 24 government records.

2 25 e. Reviewing, inspecting, and evaluating the technology
2 26 and financial audits as required in section 18.185, for the
2 27 purpose of recommending program improvements, efficiencies,
2 28 and priorities to the division of information technology
2 29 services.

2 30 2. The advisory council shall meet not less than four
2 31 times annually, or more frequently as determined by the
2 32 director of the division of information technology services.
2 33 The advisory council shall annually select a chairperson from
2 34 its members.

2 35 Sec. 3. NEW SECTION. 18.183 POWERS AND RESPONSIBILITIES
3 1 VESTED IN INDIVIDUAL GOVERNMENT AGENCIES.

3 2 1. The responsibility of an individual government agency
3 3 to determine whether a record is public or confidential
3 4 pursuant to chapter 22 rests with the government agency that
3 5 is the lawful custodian of the record. The transmission of a
3 6 record by a government agency by use of electronic means
3 7 established, maintained, or managed by the division of
3 8 information technology services shall not constitute a
3 9 transfer of the legal custody of the record from the
3 10 individual government agency to the division of information
3 11 technology services or to any other person or entity.

3 12 2. The division of information technology services shall
3 13 not have authority to determine whether an individual
3 14 government agency should automate records of which the
3 15 individual government agency is the lawful custodian.

3 16 3. A government agency shall not limit access to a record
3 17 by requiring a citizen to receive the record electronically as
3 18 the only means of providing the record.

3 19 Sec. 4. NEW SECTION. 18.184 FINANCIAL TRANSACTIONS.

3 20 1. The division of information technology services shall
3 21 collect moneys paid to participating governmental entities
3 22 from persons who complete an electronic financial transaction
3 23 with the governmental entity by accessing the IowAccess
3 24 network. The moneys may include all of the following:

3 25 a. Fees required to obtain an electronic public record as
3 26 provided in section 22.3A.

3 27 b. Fees required to process an application or file a
3 28 document, including but not limited to fees required to obtain
3 29 a license issued by a licensing authority.

3 30 c. Moneys owed to a governmental entity by a person
3 31 accessing the IowAccess network in order to satisfy a
3 32 liability arising from the operation of law, including the
3 33 payment of assessments, taxes, fines, and civil penalties.

3 34 2. Moneys transferred using the IowAccess network may
3 35 include amounts owed by a governmental entity to a person
4 1 accessing the IowAccess network in order to satisfy a
4 2 liability of the governmental entity. The moneys may include
4 3 the payment of tax refunds, and the disbursement of support
4 4 payments as defined in section 252D.16 or 598.1 as required
4 5 for orders issued pursuant to section 252B.14.

4 6 3. The division of information technology services shall
4 7 serve as the agent of the governmental entity in collecting
4 8 moneys for receipt by governmental entities. The moneys shall
4 9 be transferred to governmental entities directly or to the
4 10 treasurer of state for disbursement to governmental entities
4 11 as required by the treasurer of state in cooperation with the
4 12 auditor of state.

4 13 4. In addition to other forms of payment, credit cards
4 14 shall be accepted in payment for moneys owed to a governmental
4 15 entity as provided in this section, according to rules which
4 16 shall be adopted by the treasurer of state. The fees to be
4 17 charged shall not exceed those permitted by statute. A
4 18 governmental entity may adjust its fees to reflect the cost of

4 19 processing as determined by the treasurer of state. The
4 20 discount charged by the credit card issuer may be included in
4 21 determining the fees to be paid for completing a financial
4 22 transaction under this section by using a credit card.

4 23 Sec. 5. NEW SECTION. 18.185 AUDITS REQUIRED.

4 24 A technology audit of the electronic transmission system by
4 25 which government records are transmitted electronically to the
4 26 public shall be conducted not less than once annually for the
4 27 purpose of determining that government records and other
4 28 electronic data are not misappropriated or misused by the
4 29 division of information technology services or a contractor of
4 30 the division. A financial audit shall be conducted not less
4 31 than once annually to determine the financial condition of the
4 32 division of information technology services and to make other
4 33 relevant inquiries.

4 34 Sec. 6. NEW SECTION. 18.186 CREDIT CARDS ACCEPTED.

4 35 In addition to other forms of payment, credit cards may be
5 1 accepted in payment for any fees, including but not limited to
5 2 interest, penalties, subscriptions, registrations, purchases,
5 3 applications, licenses, permits, or other filings transmitted
5 4 or transactions conducted electronically. The fees to be
5 5 charged shall not exceed those permitted by statute, except
5 6 that the discount charged by the credit card issuer may be
5 7 included in determining the fee to be charged for records
5 8 transmitted or transactions conducted electronically.

5 9 Sec. 7. NEW SECTION. 321A.3A FUNDING.

5 10 Notwithstanding section 321A.3 subsection 1, for the fiscal
5 11 year beginning July 1, 1998, and for each subsequent fiscal
5 12 year, up to one dollar of each five dollar transaction shall
5 13 be transferred to the division of information technology
5 14 services of the department of general services for the
5 15 purposes of developing, implementing, maintaining, and
5 16 expanding electronic access to government records in
5 17 accordance with the requirements as set forth in chapter 18,
5 18 division VII.

5 19 Notwithstanding section 8.33, unobligated and unencumbered
5 20 funds remaining at the end of a fiscal year shall not revert
5 21 to the general fund of the state, but rather shall remain to
5 22 be used in subsequent fiscal years for the purposes authorized
5 23 in chapter 18, division VII.

5 24 Sec. 8. CODIFICATION. The Code editor shall codify the
5 25 amendments to chapter 18 in this Act as division VII of
5 26 chapter 18.

5 27 EXPLANATION

5 28 This bill provides for the creation of an IowAccess council
5 29 relating to electronic access to government records. The
5 30 council is created in the division of information technology
5 31 services of the department of general services. The council
5 32 is composed of a number of persons heading areas of state
5 33 government, as well as public members. The bill provides that
5 34 the director of the division of information technology
5 35 services must seek the advice of the advisory council
6 1 regarding developing a process for reviewing and establishing
6 2 priorities for implementation of electronic access to
6 3 government records; establishing priorities for implementing
6 4 electronic access to government records; establishing
6 5 priorities for implementing electronic transactions involving
6 6 government agencies and members of the public; budgeting,
6 7 funding, and operating expenses related to developing,
6 8 implementing, and maintaining electronic access to government
6 9 records; and reviewing, inspecting, and evaluating the
6 10 technology and financial audits as required in the bill, for
6 11 the purpose of recommending program improvements,
6 12 efficiencies, and priorities to the division of information
6 13 technology services.

6 14 The bill provides that the responsibility of an individual
6 15 government agency to determine whether a record is public or

6 16 confidential pursuant to Code chapter 22 rests with the
6 17 government agency that is the lawful custodian of the record.
6 18 The bill provides that the transmission of a record by a
6 19 government agency by use of electronic means established,
6 20 maintained, or managed by the division of information
6 21 technology services does not constitute a transfer of the
6 22 legal custody of the record from the individual government
6 23 agency to the division of information technology services or
6 24 to any other person or entity.

6 25 The bill provides that the division of information
6 26 technology services must collect moneys paid to participating
6 27 governmental entities from persons who complete an electronic
6 28 financial transaction with the governmental entity by
6 29 accessing the IowaAccess network. The division serves as the
6 30 agent of the governmental entity in collecting moneys for
6 31 receipt by governmental entities.

6 32 The bill provides that a technology audit of the electronic
6 33 transmission system by which government records are
6 34 transmitted electronically to the public shall be conducted
6 35 not less than annually for the purpose of determining that
7 1 government records and other electronic data are not
7 2 misappropriated or misused by the division of information
7 3 technology services or a contractor of the division.

7 4 The bill provides that in addition to other forms of
7 5 payment, credit cards may be accepted in payment by a
7 6 governmental entity.

7 7 Currently, the Iowa department of transportation must upon
7 8 request furnish any person a certified abstract of the motor
7 9 vehicle operating record of a person. A fee of \$5 is to be
7 10 paid for each abstract. The bill provides that for the fiscal
7 11 year beginning July 1, 1998, and for each subsequent fiscal
7 12 year, up to \$1 of each \$5 transaction is transferred to the
7 13 division of information technology services of the department
7 14 of general services for the purposes of developing,
7 15 implementing, maintaining, and expanding electronic access to
7 16 government records.

7 17 LSB 3966YC 77

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