

**Senate Study Bill 3022 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

**A BILL FOR**

1 An Act providing for the use of an electronic filing system for  
2 administrative proceedings by the administrative hearings  
3 division of the department of inspections and appeals.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.801, subsection 1, unnumbered  
2 paragraph 1, Code 2016, is amended to read as follows:

3 For purposes of this section article, unless the context  
4 otherwise requires:

5 Sec. 2. NEW SECTION. **10A.802 Administrative hearing**  
6 **electronic filing system — rules.**

7 1. Notwithstanding section 10A.801, subsection 7, paragraph  
8 "b", and section 554D.120, the division may adopt rules pursuant  
9 to this chapter and chapter 17A establishing an electronic  
10 filing system for contested case and other administrative  
11 proceedings conducted by the division and prescribing  
12 whether and to what extent the division will accept, process,  
13 distribute, and retain electronic records and electronic  
14 signatures from appellants, governmental agencies, and other  
15 persons with respect to such proceedings.

16 2. If the division adopts rules pursuant to subsection 1,  
17 the rules may include but are not limited to the following:

18 a. Defining terms.

19 b. The manner and format in which an electronic record  
20 is created, generated, sent, communicated, received, filed,  
21 recorded, and stored.

22 c. Establishing the electronic filing system to create,  
23 generate, send, communicate, receive, file, record, and store  
24 an electronic record.

25 d. How a traditional written signature will relate to an  
26 electronic signature.

27 e. The criteria establishing when an electronic document  
28 must be electronically signed.

29 f. The type of electronic signature required.

30 g. The manner and format in which an electronic signature is  
31 associated with an electronic record.

32 h. Who can create an electronic signature.

33 i. The criteria and procedures to follow when filing  
34 an electronic document, including who is allowed to file

35 electronically, how notice is given, and electronic service of

1 process.

2 *j.* Establishing processes and procedures to ensure adequate  
3 preservation, integrity, security, disposition, and audit  
4 worthiness of the electronic records.

5 *k.* Establishing the criteria for the retention of paper  
6 documents when deemed necessary to promote the integrity of  
7 electronic records.

8 *l.* Establishing the appropriate level of public access  
9 to differing classes of electronic records and other agency  
10 records to ensure the confidentiality of any records that are  
11 required by law to be confidential.

12 *m.* Establishing any other process or procedures attributable  
13 to creating, generating, communicating, storing, processing,  
14 and using electronic records and electronic signatures, and how  
15 these electronic records and electronic signatures will relate  
16 to nonelectronic agency records.

17 3. Rules adopted pursuant to this section shall prevail  
18 over any other law, including chapter 17A, or agency rule that  
19 specifies the method, manner, or format for sending, receiving,  
20 serving, retaining, or creating paper records or other  
21 documents related to a contested case proceeding, including  
22 but not limited to a request or demand for a contested case  
23 proceeding, a notice of hearing, and a proposed or final  
24 decision. The division may limit the applicability and scope  
25 of any rules adopted pursuant to this section to one or more  
26 agencies or by specific case type for the purpose of testing  
27 and implementing an electronic filing system.

28 4. An electronic record that complies with the rules adopted  
29 under this section shall prevail over any law, including  
30 chapter 17A, that requires a written record, and an electronic  
31 signature that complies with the rules adopted under this  
32 section shall prevail over any law that requires a written  
33 signature. An electronic record or signature that complies  
34 with rules adopted under this section shall not be denied  
35 legal effect or enforceability based solely because of the

1 record's or signature's electronic form. The determination  
2 of an electronic record's or signature's legal consequence is  
3 determined by this chapter, applicable law, and applicable  
4 division and agency rules.

5 5. Any electronic record, including but not limited to a  
6 recording or transcription of oral proceedings, maintained in  
7 an electronic filing system established by the division shall  
8 be the official record of the contested case and maintenance  
9 of the record in the system shall satisfy the obligation of an  
10 agency to file and maintain any such record.

11

EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

14 This bill permits the administrative hearings division  
15 of the department of inspections and appeals to adopt  
16 administrative rules establishing an electronic filing system  
17 for contested case and other administrative proceedings  
18 conducted by the division, notwithstanding Code sections  
19 10A.801, subsection 7, paragraph "b", and 554D.120. The rules  
20 would also prescribe whether and to what extent the division  
21 will accept, process, distribute, and retain electronic  
22 records and electronic signatures from appellants, governmental  
23 agencies, and other persons with respect to such proceedings.

24 The bill provides for various matters that may be included  
25 in the rules. Such matters include but are not limited  
26 to electronic records; electronic signatures; criteria and  
27 procedures to follow when filing an electronic document;  
28 retention of paper documents; processes and procedures to  
29 ensure adequate preservation, integrity, security, disposition,  
30 and audit worthiness of the electronic records; and public  
31 access to electronic records.

32 Rules adopted pursuant to the bill shall prevail over  
33 any other law, including Code chapter 17A, or agency rule  
34 that specifies the method, manner, or format for sending,  
35 receiving, serving, retaining, or creating paper records or

1 other documents related to a contested case proceeding. The  
2 bill permits the division to limit the applicability and scope  
3 of any such rules to one or more agencies or by specific case  
4 type for the purpose of testing and implementing an electronic  
5 information processing system.

6 An electronic record that complies with rules adopted  
7 under the bill shall prevail over any law, including Code  
8 chapter 17A, that requires a written record, and an electronic  
9 signature that complies with such rules shall prevail over any  
10 law that requires a written signature. An electronic record  
11 or signature that complies with such rules shall not be denied  
12 legal effect or enforceability based solely because of the  
13 record's or signature's electronic form. The bill provides  
14 that the determination of an electronic record's or signature's  
15 legal consequence is determined by the bill, applicable law,  
16 and applicable division and agency rules.

17 The bill provides that an electronic record maintained in  
18 an electronic filing system established by the division shall  
19 be the official record of the contested case and maintenance  
20 of the record in the system shall satisfy the obligation of an  
21 agency to file and maintain any such record.