

Senate File 478 - Reprinted

SENATE FILE 478
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1200)

(As Amended and Passed by the Senate March 7, 2023)

A BILL FOR

1 An Act relating to the operation of state government, including
2 the commencement of audits, information made available to
3 the auditor of state, and disputes between governmental
4 agencies.

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

1 Section 1. NEW SECTION. 11.3 When audits and examinations
2 begin.

3 For purposes of this chapter, an audit or examination
4 commences when the period of professional engagement begins
5 pursuant to the government auditing standards prescribed by the
6 comptroller general of the United States and published by the
7 United States government accountability office.

8 Sec. 2. Section 11.41, subsection 3, Code 2023, is amended
9 to read as follows:

10 3. If the information, records, instrumentalities, and
11 properties sought by the auditor of state are required by law
12 to be kept confidential, the auditor of state shall have access
13 to the information, records, instrumentalities, and properties,
14 but shall maintain the confidentiality of all such information
15 and is subject to the same penalties as the lawful custodian
16 of the information for dissemination of the information.
17 ~~However, the auditor of state shall not have access to the~~
18 ~~income tax returns of individuals or to an individual's name~~
19 ~~or residential address from a reportable disease report under~~
20 ~~section 139A.3.~~

21 Sec. 3. Section 11.41, Code 2023, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 4. a. The auditor of state shall not have
24 access to the following information:

25 (1) Income tax returns of individuals.

26 (2) Information in a report to the Iowa department of
27 public health, to a local board of health, or to a local health
28 department that identifies a person infected with a reportable
29 disease.

30 (3) Criminal identification files of law enforcement
31 agencies.

32 (4) Personal information in records regarding a student,
33 prospective student, or former student maintained, created,
34 collected, or assembled by or for a school corporation or
35 educational institution maintaining such records.

1 (5) Hospital records, medical records, and professional
2 counselor records of the condition, diagnosis, care, or
3 treatment of a patient or former patient or a counselee or
4 former counselee, including outpatient.

5 (6) Records which represent and constitute the work product
6 of an attorney and which relate to litigation or claims made by
7 or against a public body.

8 (7) Peace officers' investigative reports, privileged
9 records or information specified in section 80G.2, and specific
10 portions of electronic mail and telephone billing records of
11 law enforcement agencies if that information is part of an
12 ongoing investigation.

13 (8) Records and information obtained or held by an
14 independent special counsel during the course of an
15 investigation conducted pursuant to section 68B.31A. This
16 paragraph does not prohibit the auditor of state from accessing
17 information that is disclosed to a legislative ethics
18 committee subsequent to a determination of probable cause by
19 an independent special counsel and made pursuant to section
20 68B.31.

21 (9) Information and records concerning physical
22 infrastructure, cyber security, critical infrastructure,
23 security procedures, or emergency preparedness developed,
24 maintained, or held by a government body for the protection of
25 life or property if disclosure could reasonably be expected to
26 jeopardize such life or property.

27 (10) Personal information, as defined in section 22A.1.

28 (11) Any other information or records that contain personal
29 information that an individual would reasonably expect to be
30 kept private or unnecessary to the objectives and scope of the
31 audit or examination commenced pursuant to this chapter.

32 *b.* The auditor of state may have access to information
33 listed under paragraph "a", subparagraphs (3) through (10), if
34 all of the following conditions are met:

35 (1) The auditor of state demonstrates to the agency being

1 audited that the information is necessary for the purposes of
2 the audit.

3 (2) The agency that is being audited agrees that the
4 information is necessary for the purposes of the audit.

5 (3) The information is anonymized prior to the disclosure of
6 the information to the auditor of state.

7 Sec. 4. Section 11.42, subsection 3, Code 2023, is amended
8 to read as follows:

9 3. Upon completion of an audit or examination, a report
10 shall be prepared as required by [section 11.28](#) and all
11 information included in the report shall be public information.
12 The auditor shall not disclose information listed in section
13 11.41, subsection 4, paragraph "a", subparagraphs (3) through
14 (10) in a report without the express written consent of the
15 individual identified.

16 Sec. 5. Section 11.42, Code 2023, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 3A. The auditor shall not retain
19 information listed in section 11.41, subsection 4, paragraph
20 "a", subparagraphs (3) through (10) in workpapers following the
21 completion of an audit report.

22 Sec. 6. Section 679A.19, Code 2023, is amended to read as
23 follows:

24 **679A.19 Disputes between governmental agencies.**

25 Any litigation between constitutional and statutory offices,
26 administrative departments, commissions or boards of the
27 executive branch of state government is prohibited. All
28 disputes between said governmental offices and agencies shall
29 be submitted to a board of arbitration of three members to
30 be composed of two members to be appointed by the offices or
31 departments involved in the dispute and a third member to be
32 appointed by the governor. The decision of the board shall be
33 final.