SENATE FILE 478
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1200)

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

_____ = New Language by the Senate

ALL New Language by the Senate

A BILL FOR

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

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

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

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

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

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

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

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

(1) Income tax returns of individuals.

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

(3) Criminal identification files of law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

679A.19 Disputes between governmental agencies.

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