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Summary of DIA-Proposed Bill Establishing Administrative Hearing Electronic Filing System

The bill authorizes the Administrative Hearings Division of the Department of Inspections and Appeals to adopt administrative rules to fully implement the Division's new electronic filing system.

The Administrative Hearings Division conducts administrative proceedings for nearly all state agencies, as well as some local governmental bodies. The Division is currently in the process of developing and implementing an electronic filing system for proceedings conducted by the Division. The system will enable state agencies and the public to submit, receive, serve, and access electronic copies of documents in their proceedings and to maintain a paperless administrative record. It is based on the same software used by the Judicial Branch, the Public Employment Relations Board, and the Property Assessment Appeal Board for their respective electronic filing systems.

While the Division already has authority to accept or send electronic filings in some instances, a variety of statutes and administrative rules still require certain documents to be sent or received by mail, certified mail, or personal service. In order to achieve the full benefits of the new electronic filing system, this bill permits the Division to adopt rules that authorize the use of the electronic filing system for all purposes.

The text of the bill substantially mirrors section 602.1614 of the Iowa Code, which was enacted by the Legislature in 2006 to provide the Judicial Branch with similar authority to implement its electronic filing system. The bill authorizes the Division to adopt administrative rules establishing procedures for its administrative hearing electronic filing system and to phase in the system for one or more agencies or specific case types. The rules would prevail over any other law or agency rule that requires specific methods of submission or delivery of documents and other related requirements in contested case proceedings. This method is the most effective and efficient way to ensure the necessary uniform electronic filing procedures, phased in as each agency or type of case is prepared to use the system, without unnecessarily duplicative rulemaking proceedings. In addition, the bill clarifies that records stored in the electronic filing system are the official record and that agencies are not required to maintain duplicative records in their own possession.

There is no immediate fiscal impact to this bill, but it will eventually result in annual fiscal savings of up to \$20,000, the approximate amount that the Division currently spends on postage for the distribution of notices, orders, and decisions issued by the Division. This savings will be achieved to the extent the Division is able to distribute its documents through the new electronic filing system instead of through the mail. Additional unquantifiable savings will also be achieved by other state agencies by reducing their postage expense for distributing documents to the Division and other parties in their cases. Postage expense will likely never be completely eliminated because Division rules are expected to continue to allow paper filing and delivery for appellants who are self-represented and do not have available access to a computer, tablet, or smartphone that can access the electronic filing system.

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