

CHAPTER 1123

INFORMATION TECHNOLOGY AND CREDIT UNION DIVISION PERSONNEL BACKGROUND CHECKS — TECHNOLOGY ADVISORY COUNCIL REPEAL

H.F. 637

AN ACT relating to state government operations concerning background checks and investigations of employees of the office of the chief information officer and the credit union division, eliminating the technology advisory council, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I OFFICE OF THE CHIEF INFORMATION OFFICER

Section 1. [Section 8B.1, subsection 13](#), Code 2018, is amended by striking the subsection.

Sec. 2. **NEW SECTION. 8B.4A Background checks.**

An applicant for employment with the office, or an applicant for employment with a participating agency for a position as information technology staff, may be subject to a background investigation by the office. The background investigation may include, without limitation, a work history, financial review, request for criminal history data, and national criminal history check through the federal bureau of investigation. In addition, a contractor, vendor, employee, or any other individual performing work for the office, or an individual on the information technology staff of a participating agency, may be subject to a national criminal history check through the federal bureau of investigation at least once every ten years, including, without limitation, any time the office or participating agency has reason to believe an individual has been convicted of a crime. The office may request the national criminal history check and, if requested, shall provide the individual's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The individual shall authorize release of the results of the national criminal history check to the office and the applicable participating agency. The office shall pay the actual cost of the fingerprinting and national criminal history check, if any, unless otherwise agreed as part of a contract between the office or participating agency and a vendor or contractor performing work for the office or participating agency. The results of a criminal history check conducted pursuant to [this section](#) shall not be considered a public record under [chapter 22](#).

Sec. 3. [Section 8B.33, subsection 1](#), Code 2018, is amended to read as follows:

1. An lowAccess revolving fund is created in the state treasury. The revolving fund shall be administered by the office and shall consist of moneys collected by the office as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the office for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the office to maintain, develop, operate, and expand lowAccess consistent with [this chapter](#), ~~and for the support of activities of the technology advisory council pursuant to [section 8B.8](#).~~

Sec. 4. **REPEAL.** [Section 8B.8](#), Code 2018, is repealed.

DIVISION II CREDIT UNION DIVISION

Sec. 5. [Section 533.106, subsection 6](#), Code 2018, is amended to read as follows:

6. The superintendent or an employee of the credit union division who is convicted, or an applicant for employment with the credit union division who has been convicted, of theft, burglary, robbery, larceny, embezzlement, or other crime involving breach of trust, or a crime involving moral turpitude, shall be forever disqualified from holding any position in the credit union division.

Sec. 6. NEW SECTION. **533.106A Background investigations.**

1. The credit union division may conduct a background investigation on an applicant for employment with the division. The division shall inform an applicant that the position requires a background investigation and shall obtain the applicant's written authorization prior to conducting the investigation.

2. The background investigation may include, without limitation, a review of at least the following subjects:

a. Work history and educational credentials.

b. Financial review.

c. Criminal history data, including a national criminal history check through the federal bureau of investigation.

3. If a background investigation is conducted, the applicant shall provide the applicant's fingerprints to the credit union division. The division shall provide the fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation.

4. An employee of the credit union division may be subject to a national criminal history check through the federal bureau of investigation at least once every five years, or whenever circumstances arise giving the division reason to believe that the employee has been arrested, charged, or indicted for a crime as described in [section 533.106, subsection 6](#).

5. The credit union division shall pay the actual cost of the background investigation, including fingerprinting and the national criminal history check, if any.

6. The results of a background investigation, including a criminal history check, shall not be considered a public record under [chapter 22](#).

DIVISION III
EFFECTIVE DATE

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 17, 2018