

1 SEC. 16. There is appropriated from the general fund of the state
 2 to the state historical department, established in this Act, for the fiscal
 3 year commencing July 1, 1974 and ending June 30, 1975, the sum of
 4 twelve thousand five hundred (12,500) dollars, or so much thereof as
 5 may be necessary, to be used for per diem and expenses of members
 6 of the state historical board.

7 Funds appropriated by the general assembly to the department of
 8 history and archives, to the state historical society, and to the state
 9 conservation commission for historic preservation purposes for the
 10 fiscal year commencing July 1, 1974 and ending June 30, 1975 are
 11 transferred to the state historical department and shall be used for
 12 the purposes for which the funds were appropriated.

13 Unencumbered funds of the state historical society shall be depos-
 14 ited in the general fund of the state on July 1, 1975.

1 SEC. 17. Sections three hundred three point one (303.1) through
 2 three hundred three point twenty-three (303.23), Code 1973, as
 3 amended by Acts of the Sixty-fifth General Assembly, 1973 Session,
 4 chapter one hundred ninety-nine (199), and chapter three hundred
 5 four (304), Code 1973, are repealed.

Approved June 3, 1974

CHAPTER 1176

STATE RECORDS MANAGEMENT

H. F. 363

AN ACT relating to the management of state records and making an appropriation.

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

1 SECTION 1. NEW SECTION. This Act shall be known and may be
 2 cited as the "Records Management Act".

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act, unless
 2 the context otherwise requires:

3 1. "Record" means a document, book, paper, photograph, sound re-
 4 cording, or other material, regardless of physical form or characteris-
 5 tics, made, produced, executed, or received pursuant to law in connec-
 6 tion with the transaction of official business of state government.
 7 "Record" does not include library and museum material made or ac-
 8 quired and preserved solely for reference or exhibition purposes, mis-
 9 cellaneous papers or correspondence without official significance, extra
 10 copies of documents preserved only for convenience of reference, and
 11 stocks of publications and processed documents.

12 2. "Agency" means any department, office, commission, board or
 13 other unit of state government except as otherwise provided by law.

14 3. "Commission" means the state records commission created by
 15 this Act.

1 SEC. 3. NEW SECTION. **Commission created.** There is created a
 2 state records commission. The commission shall consist of:

- 3 1. The secretary of state who shall act as chairman.
- 4 2. The curator of history and archives.
- 5 3. The treasurer of state.
- 6 4. The state comptroller.
- 7 5. The court administrator of the judicial department.
- 8 6. A member of the general assembly appointed by the legislative
- 9 council.
- 10 7. Director of the department of general services who shall act as
- 11 secretary of the commission.

12 It is the duty of the commission to determine what records have no
 13 administrative, legal, fiscal, research or historical value and should be
 14 disposed of or destroyed. The decisions of the commission shall be
 15 made by a majority vote of the entire membership.

1 SEC. 4. NEW SECTION. **Expenses.** Members of the commission
 2 shall serve without compensation, except the members of the general
 3 assembly who shall receive a per diem of forty dollars but may receive
 4 their actual expenses incurred in the performance of their duties.

1 SEC. 5. NEW SECTION. **Meetings.** The commission shall have its
 2 offices at the seat of government but may hold meetings in other loca-
 3 tions. It shall meet quarterly and at the call of the chairman.

1 SEC. 6. NEW SECTION. **Powers.** The primary agency responsible
 2 for providing administrative personnel and services for the commis-
 3 sion shall be the department of general services. The purchase of
 4 equipment and supplies for record preservation by agencies shall be
 5 subject to the approval of the commission except as otherwise pro-
 6 vided by law. The commission shall perform any act necessary and
 7 proper to carry out its duties.

1 SEC. 7. NEW SECTION. **Rules and regulations.** The commission
 2 shall adopt rules and regulations in accordance with the provisions of
 3 chapter seventeen A (17A) of the Code which are necessary for the
 4 exercise of the powers and duties granted by this Act. The rules and
 5 regulations shall provide for:

- 6 1. Procedures to promote the economical and efficient management
- 7 of records and to insure the maintenance and security of records
- 8 deemed appropriate for preservation.
- 9 2. Procedures and standards for the efficient and economical utili-
- 10 zation of space, equipment, and supplies needed for the purpose of cre-
- 11 ating, maintaining, storing and servicing records.
- 12 3. Standards for the selective retention of records of continuing
- 13 value.
- 14 4. Procedures for compiling and submitting to the commission lists
- 15 and schedules of records proposed for disposal.
- 16 5. Procedures for the physical destruction of records proposed for
- 17 disposal.
- 18 6. Standards for the reproduction of records.

19 In carrying out its duties under this Act, the commission shall de-
 20 velop a records management manual within one year of the effective
 21 date of this Act. The records management manual shall be made
 22 available to agencies subject to the provisions of this Act and shall
 23 contain the rules and regulations required by this Act, such other
 24 information as is necessary, and shall provide for implementing the

25 provisions of this Act. The commission may contract for services
 26 required to develop the records management manual. The records
 27 management manual shall be revised and updated periodically to reflect
 28 decisions made by the commission.

1 SEC. 8. NEW SECTION. **Disposal prohibited.** After July 1, 1975
 2 no records shall be disposed of by any agency unless prior approval of
 3 the commission is obtained or has been previously granted or disposal
 4 is provided for in the records management manual.

1 SEC. 9. NEW SECTION. **Lists of records.** The head of each agency
 2 shall submit to the commission lists of the records in his custody. The
 3 head of each agency shall also submit a schedule proposing the length
 4 of time each record should be retained for administrative, legal or fis-
 5 cal purposes.

1 SEC. 10. NEW SECTION. **Curator of history and archives—duties.**
 2 All lists and schedules submitted to the commission shall be referred
 3 to the curator of history and archives, who shall determine whether
 4 the records proposed for disposal have value to other agencies of the
 5 state or have research or historical value. The curator of history and
 6 archives shall submit the lists and schedules with his recommendations
 7 in writing to the commission and the final disposition of the records
 8 shall be according to the orders of the commission.

9 The curator of history and archives shall submit to the commission,
 10 with his recommendations in writing, disposal lists of records that
 11 have been deposited in the state archives after having determined that
 12 the records concerned do not have sufficient value to warrant their
 13 continued preservation. Records deposited in the state archives by
 14 any agency shall not be disposed of by the commission without first
 15 consulting with the head of the agency concerned, except as provided
 16 in section eleven (11) of this Act.

1 SEC. 11. NEW SECTION. **Termination of state agency.** Upon the
 2 termination of any state agency whose functions have not been trans-
 3 ferred to another agency, the records of the agency shall be deposited
 4 in the state archives. The commission shall determine which records
 5 are of sufficient legal, historical, administrative, research, or fiscal
 6 value to warrant their continued preservation. Records that are
 7 determined to be of insufficient value to warrant their continued pres-
 8 ervation shall be disposed of or destroyed.

1 SEC. 12. NEW SECTION. **Emergency preparations.** The commis-
 2 sion shall establish a system for the protection and preservation of
 3 records essential for the continuity or establishment of governmental
 4 functions in the event of an emergency arising from enemy action or
 5 natural disaster. The commission shall:

6 1. Determine what records are essential for emergency government
 7 operations through consultation with all state agencies.

8 2. Determine what records are essential for post-emergency gov-
 9 ernment operations, and provide for their protection and preservation.

10 3. Establish the manner in which essential records for emergency
 11 and post-emergency government operations shall be preserved to in-
 12 sure emergency use.

13 4. Provide for security storage or relocation of essential state rec-
 14 ords in the event of an emergency arising from enemy attack or nat-
 15 ural disaster.

1 SEC. 13. NEW SECTION. **Duplicates.** The commission may make
 2 or cause to be made preservation duplicates of records and may desig-
 3 nate as duplicates existing copies of initial state records. A preser-
 4 vation duplicate record shall be durable, accurate, complete and clear
 5 and shall be made by means designated by the commission.

6 A preservation duplicate record shall have the same force and effect
 7 for all purposes as the original record whether or not the original
 8 record is in existence. A transcript, exemplification or certified copy
 9 of a preservation duplicate record shall be deemed for all purposes to
 10 be a transcript, exemplification or certified copy of the original record.

11 The commission shall review all duplicating and microfilming sys-
 12 tems and installations of agencies subject to this Act and recommend
 13 any changes necessary to assure maximum efficiency and economic use
 14 of equipment and procedures, including but not necessarily limited to,
 15 the type of equipment, type of storage files, methods and procedures
 16 for keeping duplicate records, and the location of equipment. The
 17 commission may establish centralized duplicating or microfilming
 18 facilities if it deems it in the best interest of the state. Agencies sub-
 19 ject to this Act shall consult with and receive approval of the com-
 20 mission prior to the purchase of any duplicating or microfilming
 21 equipment or files to be used for storage of records.

1 SEC. 14. NEW SECTION. **Agency program.** The head of each
 2 agency shall establish and maintain a program for the economical and
 3 efficient management of the records of the agency. The program
 4 shall:

5 1. Provide for effective controls over the creation, maintenance, and
 6 use of records in the conduct of current business.

7 2. Provide for cooperation with the secretary of the commission in
 8 applying standards, procedures, and techniques to improve the man-
 9 agement of records, promote the maintenance and security of records
 10 deemed appropriate for preservation, and facilitate the segregation
 11 and disposal of records of temporary value.

12 3. Provide for compliance with the provisions of this Act and the
 13 rules and regulations adopted by the commission.

1 SEC. 15. NEW SECTION. **Records state property.** All official rec-
 2 ords of this state are the property of the state and shall not be muti-
 3 lated, destroyed, removed or disposed of, except as provided by law or
 4 by rule.

1 SEC. 16. NEW SECTION. **Liability precluded.** No member of the
 2 commission or head of an agency shall be held liable for damages or
 3 loss, or civil or criminal liability, because of the destruction of public
 4 records pursuant to the provisions of this Act or any other law author-
 5 izing their destruction.

1 SEC. 17. NEW SECTION. **Exemption—duty of board of regents.**
 2 The state highway commission and the agencies and institutions under
 3 the control of the state board of regents shall be exempt from the rec-
 4 ords management manual and the provisions of this Act. However, the

5 state highway commission and the state board of regents shall adopt
6 rules and regulations for their employees, agencies, and institutions
7 which shall be consistent with the objectives of this Act. The rules
8 and regulations shall be approved by the state records commission and
9 be subject to the provisions of chapter seventeen A (17A) of the Code.

1 SEC. 18. Section ninety-six point eleven (96.11), subsection twelve
2 (12), Code 1973, is amended to read as follows:

3 12. Destruction of records. The *Iowa employment security* com-
4 mission may ~~in its discretion~~ destroy or dispose of such original reports
5 or records as have been properly recorded or summarized in the perma-
6 nent records of the commission and are deemed by the *Iowa employ-*
7 *ment security* commission and the *state records commission* to be no
8 longer necessary to the proper administration of this chapter. Wage
9 records of the individual worker or transcripts therefrom may be
10 destroyed or disposed of, *if approved by the state records commission,*
11 two years after the expiration of the period covered by such wage
12 records or upon proof of the death of the worker. Such destruction
13 or disposition shall be made only by order of the *Iowa employment*
14 *security* commission *in consultation with the state records commission*
15 and such order shall be spread on the minutes of the *Iowa employment*
16 *security* commission. Any moneys received from the disposition of
17 such records shall be deposited to the credit of the employment secu-
18 rity administration fund.

1 SEC. 19. Section ninety-seven B point six (97B.6), Code 1973, is
2 amended to read as follows:

3 97B.6 Old records. The *Iowa employment security* commission
4 may ~~in its discretion~~ destroy or dispose of such original reports or
5 records as have been properly recorded or summarized in the perma-
6 nent records of the commission and are deemed by the *Iowa employ-*
7 *ment security* commission and *state records commission* to be no longer
8 necessary to the proper administration of this chapter. Such destruc-
9 tion or disposition shall be made only by order of the *Iowa employment*
10 *security* commission and such order shall be spread on the minutes of
11 the *Iowa employment security* commission. Any moneys received from
12 the disposition of such records shall be deposited to the credit of the
13 public employees' retirement fund.

1 SEC. 20. Section one hundred forty-seven point forty-three
2 (147.43), Code 1973, is amended to read as follows:

3 147.43 Preservation of records. All matters connected with each
4 examination for a license shall be filed with the state department of
5 health and preserved for ~~five years~~ *such period of time as specified by*
6 *the state records commission* as a part of the records of the depart-
7 ment, ~~during which time said.~~ *The* records shall be open to public
8 inspection.

1 SEC. 21. Section one hundred sixty-nine point thirty (169.30),
2 Code 1973, is amended to read as follows:

3 169.30 Records. All matters connected with each examination for
4 license shall be filed with the department of agriculture and preserved
5 for ~~five years~~ *such period of time as specified by the state records com-*
6 *mission* as a part of the records of the department, ~~during which time~~
7 ~~said.~~ *The* records shall be open to public inspection.

1 SEC. 22. Section three hundred three point nine (303.9),* subsec-
2 tion one (1), Code 1973, is amended to read as follows:

3 **303.9 Archives.**

4 1. Definition. The term "archives" shall mean those manuscripts,
5 documents, records, and materials originating under or passing
6 through the hands of public officers in the regular course and perform-
7 ance of their legal duties which the chief executive of the office that
8 has present custody of said manuscripts, documents, records, and
9 materials shall deem not to be necessary for use in the conduct of the
10 regular current business of his office *but warrant preservation*, or
11 which he shall consider to be in such physical condition that they can-
12 not be used without risk of damage to them, or for which, in his opin-
13 ion, he is unable to provide adequate or safe storage.

1 SEC. 23. Section three hundred three point ten (303.10),* unnum-
2 bered paragraph one (1), Code 1973, is amended to read as follows:

3 **303.10 Records delivered—classified list—disposal of useless docu-
4 ments.** The several state, executive, and administrative departments,
5 officers or offices, councils, boards, bureaus, and commissioners, are
6 hereby authorized and directed to transfer and deliver to the Iowa state
7 department of history and archives such of the public archives as are
8 designated in section 303.9, and take the curator's receipt therefor.
9 Before transferring such archives, the office of present custody shall
10 file with the curator a classified list of the same made in such detail
11 as the curator shall prescribe. If the curator, on receipt of such a
12 list, and after consultation with the chief executive of the office filing
13 the same or with a representative designated by such executive, shall
14 find that certain classifications of the archives listed are not of suffi-
15 cient historical, legal, or administrative value to justify permanent
16 preservation, he shall file a list thereof with the ~~board of trustees~~ *state*
17 *records commission* with such recommendations for their disposal as
18 he shall see fit to make.

1 SEC. 24. Section three hundred three point eleven (303.11),* un-
2 numbered paragraph two (2), Code 1973, is amended to read as fol-
3 lows:

4 The curator shall annually submit to the trustees a list of papers
5 and documents which have no further value, and upon approval of ~~said~~
6 ~~trustees~~ *state records commission* such items may be destroyed.

1 SEC. 25. There is appropriated from the general fund of the state
2 to the department of general services for the fiscal year beginning
3 July 1, 1974 and ending June 30, 1975 the sum of three hundred thou-
4 sand (300,000) dollars, or so much thereof as may be necessary, for
5 use of the state records commission in carrying out the provisions
6 of this Act, including but not limited to, carrying out the study author-
7 ized by this Act, employing a qualified records management adminis-
8 trator, purchasing or leasing necessary duplicating or microfilming
9 equipment, and employing or contracting for other necessary em-
10 ployees or services which may be required to implement this Act.

Approved May 27, 1974

*Cannot apply, see 65 GA, ch 1175, §17