

9 judicial review has not been sought, or a judgment of any court of the state
10 accompanied by a certificate of the industrial commissioner setting forth the
11 amount of compensation due and the statutory provisions under which the same
12 should be paid.

1 SEC. 5. Section eighty-five point sixty (85.60), Code 1975, is repealed.

Approved May 28, 1976

CHAPTER 1058

BANKING, SECRETARY OF STATE, PIONEER LAWMAKERS AND OSHA

S. F. 1221

AN ACT relating to and appropriating funds to the department of banking, the office of the secretary of state, the pioneer lawmakers and the occupational safety and health review commission.

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

1 SECTION 1. There is appropriated from the general fund of the state to the
2 following departments for the fiscal year beginning July 1, 1976, and ending June
3 30, 1977, the following amounts, or so much thereof as may be necessary, to be
4 used for the following purposes:

	1976-1977 Fiscal Year
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1 SEC. 2. Section nine point four (9.4), subsection two (2), Code 1975, is
2 amended to read as follows:

3 2. For a copy of any law or record, upon the request of any private person or
4 corporation, *fifty a fee to be determined by the secretary of state not to exceed ten*
5 *cents per page.*

1 SEC. 3. Section five hundred twenty-four point two hundred one (524.201),
2 Code 1975, is amended to read as follows:

3 **524.201 Superintendent of banking.**

4 1. The governor shall, within sixty days following the convening of the regular
5 session of the general assembly in 1973, and each four years thereafter, appoint,
6 with the approval of two-thirds of the members of the senate, a superintendent of
7 banking. Such appointee shall be selected solely with regard to his *or her*
8 qualification and fitness to discharge the duties of his office, and no person shall
9 be appointed who has not had at least five years *executive* experience in a state
10 bank *in this state or in the regulation or examination of banks.*

*See item veto message at end of Act

11 2. The superintendent shall have his *or her* office at the seat of government. ~~His~~
 12 *The* regular term of office shall be four years from the first day of July of the year
 13 of ~~his~~ appointment.

1 s/ R.D.R. *[SEC. 4. Section five hundred fifty-four point nine thousand four
 2 hundred seven (554.9407), Code 1975, is amended to read as follows:

3 **554.9407 Information from filing officer.**

4 *1. If the person filing any financing statement, termination statement,
 5 statement of assignment, or statement of release, furnishes the filing officer a
 6 copy thereof, the filing officer shall upon request note upon the copy the file
 7 number and date and hour of the filing of the original and deliver or send the
 8 copy to such person.

9 *2. Upon *written* request of any person, the filing officer shall issue his *or her*
 10 certificate showing whether there is on file on the date and hour stated therein,
 11 any presently effective financing statement naming a particular debtor and any
 12 ~~financing statement of assignment thereof changes~~ and if there is, giving the date
 13 and hour of filing of each such ~~statement~~ *filing* and the names and addresses of
 14 each secured party therein. The uniform fee for such a certificate shall be two
 15 dollars if the request for the certificate is on a form conforming to standards
 16 prescribed by the secretary of state; otherwise, three dollars. Upon request and
 17 the payment of the appropriate fee the filing officer shall furnish a certified copy
 18 of any filed financing statement or ~~financing statement of assignment changes~~ for
 19 a uniform fee of one dollar per page.

20 *3. *Upon telephone request of any person, the filing officer in the office of the*
 21 *secretary of state shall respond by phone stating whether there is on file on the date*
 22 *and hour upon which the request is made any presently effective financing statement*
 23 *naming a particular debtor and any financing statement changes and if there is,*
 24 *stating the date and hour of filing of each such filing and the names and addresses of*
 25 *each secured party therein. The uniform fee for this telephone search service shall be*
 26 *four dollars per each debtor name searched. All fees must be prepaid before a person*
 27 *may utilize this telephone search service. A certificate confirming the information*
 28 *given to the person making the request shall be sent to that person by the filing officer*
 29 *upon request and payment of a fee of one dollar per debtor name searched. Upon*
 30 *request and the payment of the appropriate fee, the filing officer shall furnish a*
 31 *certified copy of any filed financing statement or financing statement changes for a*
 32 *uniform fee of one dollar per page. The method of payment of fees imposed by this*
 33 *subsection shall be established by the secretary of state.*

34 *3 4. Charging no more than a reasonable estimate of cost, in his *or her*
 35 discretion the secretary of state may adopt one or more of the following methods
 36 of providing information concerning public filings in his *or her* office to persons
 37 with an interest in this information that is related exclusively to the purposes of
 38 this Article:

39 a. ~~subscription telephone service;~~

40 b. ~~subscription~~

41 a. *Subscription* daily, weekly or monthly written summaries; *or*

42 e. ~~granting suitable space for the preparation of written summaries and the~~
 43 ~~provision of telephone service by those persons deemed by the secretary of state~~
 44 ~~to have a legitimate interest in regular examination of the secretary of state's~~
 45 ~~public files; and~~

46 d. ~~any~~

47 b. *Any other appropriate method of disseminating information.*

48 *However, the secretary of state shall not make space or services available to any*
 49 *person for examination and preparation of summaries of the secretary of state's*
 50 *public files except the space and services made available under chapter sixty-*
 51 *eight A (68A) of the Code.*

52 *5. *Charging no more than a reasonable estimate of cost, in his or her discretion a*
 53 *county recorder may adopt one or more of the following methods of providing*

54 information concerning public filings in his or her office to persons with an interest in
55 this information that is related exclusively to the purposes of this Article:

- 56 a. Subscription telephone service;
57 b. Subscription daily, weekly or monthly written summaries;
58 c. Granting suitable space for the preparation of written summaries and the
59 provision of telephone service; or
60 d. Any other appropriate method of disseminating information.

61 *6. Except with respect to willful misconduct, the state of Iowa, the secretary of
62 state, a county, a county recorder, and their employees and agents are immune
63 from liability as a result of errors or omissions in information or assistance
64 concerning the secretary of state's or a county recorder's public files supplied
65 pursuant to this subsection by them to any person.

66 *7. Fees collected by the secretary of state pursuant to this section shall be remitted
67 by the secretary of state to the treasurer of state for deposit in the general fund of the
68 state.]* s/ R.D.R.

1 SEC. 5. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes set forth in
3 the federal grants or receipts.

1 SEC. 6. Funds appropriated by this Act shall not be used for capital
2 improvements.

*Approved June 28, 1976 except the two items designated as paragraph "b",
Subsection 2, Section 1 thereof and all of Section 4, both of which are herein
bracketed in ink and initialed by me and which are delineated in my item veto
message delivered to the Secretary of State this same date, the original of which is
attached hereto.

Senate File 1221 is approved June 28, 1976, with the following exceptions which I
hereby disapprove.

I am unable to approve the item designated in the Act as paragraph "b" of
Subsection 2 of Section 1 which reads as follows:

"b. For salaries, support, maintenance and miscellaneous purposes of the uniform
commercial code division in performing records searches . . . \$38,700."

I am unable to approve the item designated as Section 4 which reads as follows:

"Sec. 4. Section five hundred fifty-four point nine thousand four hundred seven
(554.9407), Code 1975, is amended to read as follows:

554.9407 Information from filing officer.

1. If the person filing any financing statement, termination statement, statement of
assignment, or statement of release, furnishes the filing officer a copy thereof, the
filing officer shall upon request note upon the copy the file number and date and
hour of the filing of the original and deliver or send the copy to such person.

2. Upon written request of any person, the filing officer shall issue his or her
certificate showing whether there is on file on the date and hour stated therein,
any presently effective financing statement naming a particular debtor and any
financing statement of assignment thereof changes and if there is, giving the date
and hour of filing of each such statement filing and the names and addresses of
each secured party therein. The uniform fee for such a certificate shall be two
dollars if the request for the certificate is on a form conforming to standards
prescribed by the secretary of state; otherwise, three dollars. Upon request and
the payment of the appropriate fee the filing officer shall furnish a certified copy
of any filed financing statement or financing statement of assignment changes for
a uniform fee of one dollar per page.

3. Upon telephone request of any person, the filing officer in the office of the
secretary of state shall respond by phone stating whether there is on file on the date
and hour upon which the request is made any presently effective financing statement
naming a particular debtor and any financing statement changes and if there is,
stating the date and hour of filing of each such filing and the names and addresses of

each secured party therein. The uniform fee for this telephone search service shall be four dollars per each debtor name searched. All fees must be prepaid before a person may utilize this telephone search service. A certificate confirming the information given to the person making the request shall be sent to that person by the filing officer upon request and payment of a fee of one dollar per debtor name searched. Upon request and the payment of the appropriate fee, the filing officer shall furnish a certified copy of any filed financing statement or financing statement changes for a uniform fee of one dollar per page. The method of payment of fees imposed by this subsection shall be established by the secretary of state.

3 4. Charging no more than a reasonable estimate of cost, in his or her discretion the secretary of state may adopt one or more of the following methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

- a. subscription telephone service;
- b. subscription
 - a. Subscription daily, weekly or monthly written summaries; or
- e. granting suitable space for the preparation of written summaries and the provision of telephone service by those persons deemed by the secretary of state to have a legitimate interest in regular examination of the secretary of state's public files; and

- d. any
 - b. Any other appropriate method of disseminating information. However, the secretary of state shall not make space or services available to any person for examination and preparation of summaries of the secretary of state's public files except the space and services made available under chapter sixty-eight A (68A) of the Code.

5. Charging no more than a reasonable estimate of cost, in his or her discretion a county recorder may adopt one or more of the following methods of providing information concerning public filings in his or her office to persons with an interest in this information that is related exclusively to the purposes of this Article:

- a. Subscription telephone service;
- b. Subscription daily, weekly or monthly written summaries;
- c. Granting suitable space for the preparation of written summaries and the provision of telephone service; or
- d. Any other appropriate method of disseminating information.

6. Except with respect to willful misconduct, the state of Iowa, the secretary of state, a county, a county recorder, and their employees and agents are immune from liability as a result of errors or omissions in information or assistance concerning the secretary of state's or a county recorder's public files supplied pursuant to this subsection by them to any person.

7. Fees collected by the secretary of state pursuant to this section shall be remitted by the secretary of state to the treasurer of state for deposit in the general fund of the state."

The substantive portion of these items imposes a new duty upon the Secretary of State's Uniform Commercial Code (UCC) Division filing officer in the form of a telephone search service and provides an appropriation of \$38,700 to perform the service. In addition, the items prohibit the Secretary of State from making space or services available to any person for examination and preparation of summaries of the UCC files other than the space and services required under the Open Records Law.

Presently, the filing officer of the UCC Division of the Secretary of State's Office does not provide a telephone search service. Instead, the Secretary of State's Office has contracted with a private firm, Iowa Public Records Search, Inc., to provide the telephone search service and subsequent written confirmations. If Senate File 1221 is signed into law without exception, state government will assume the telephone search task presently being accomplished

by the private enterprise.

For a number of reasons it appears unlikely that state government would be able to provide service in this area in an improved manner over what is now available by private enterprise.

The items in Senate File 1221 direct that a uniform fee of \$4 be charged for each individual telephone search. This compares with the \$3 fee presently being charged by the private firm.

The items in Senate File 1221 mandate that all fees must be prepaid before a person may utilize the telephone search service. The private firm requires no prepayment.

Since the Secretary of State and his employees are immune from liability by law, except for willful negligence, the users of the telephone search service will no longer have the protection of the errors and omissions insurance presently maintained by the private firm.

The UCC Division filing officer will not provide as much information, e.g. collateral itemization, to telephone search requests as the private firm currently does.

I understand the primary reason for the move to preempt the private firm from continuing its activities was the dissatisfaction felt by some with the service being provided. While this once may have been the case, the concern over the quality of service has apparently been resolved. The Secretary of State's Office informs me that they are pleased with the capable and efficient service being provided by the private firm. In addition, I am told that no complaints about the service have been received by the Secretary of State's Office for more than a year. Even one of the chief sponsors of the effort to replace the private firm admits that the complaints about the poor service have subsided to a large extent.

Therefore, I see little reason for the changes contained in these items. Accordingly, I disapprove these two items of Senate File 1221 in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 1221 are hereby approved this date.

s/ ROBERT D. RAY, Governor

CHAPTER 1059

ATTORNEY GENERAL

S. F. 1190

AN ACT relating to the financing and administration of the office of the attorney general and making an appropriation.

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

1 SECTION 1. There is appropriated from the general fund of the state to the
2 following department for the fiscal year beginning July 1, 1976, and ending June
3 30, 1977, the following amounts, or so much thereof as may be necessary, to be
4 used for the following purposes:

	1976-1977
	<u>Fiscal Year</u>
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7	DEPARTMENT OF JUSTICE—OFFICE OF THE ATTORNEY GENERAL
8	1. For salaries, support, maintenance and miscellaneous purposes ... \$ 1,105,812
9	2. For court cost and the employment of private counsel \$ 80,000
10	3. For matching funds for the area prosecutor program \$ 157,735