

## CHAPTER 1016

### COMPENSATION FOR INDIGENT DEFENSE

S.F. 2090

**AN ACT** relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

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

Section 1. Section 822.5, subsection 2, Code 1997, is amended to read as follows:

2. If an applicant confined in a state institution seeks relief under section 822.2, subsection 6, and the court finds in favor of the applicant, or when relief is denied and costs and expenses referred to in subsection 1 cannot be collected from the applicant, these costs and expenses initially shall be paid by the county in which the application was filed state public defender from the indigent defense fund in accordance with the procedures applicable in section 815.7. ~~The facts of payment and the proceedings on which it is based, with a statement of the amount of costs and expenses incurred, shall be submitted to the county in a timely manner with approval in writing by the presiding or district judge appended to the statement or endorsed on it, and shall be certified by the clerk of the district court under seal to the state executive council. The executive council shall review the proceedings and authorize reimbursement for the costs and expenses or for that part which the executive council finds justified, and shall notify the director of revenue and finance to draw a warrant to the county treasurer on the state general fund for the amount authorized.~~

Sec. 2. REIMBURSEMENT TO COUNTIES. Counties which paid claims to attorneys pursuant to court order under section 822.5, subsection 2, prior to the effective date of this Act, but which were not fully reimbursed by the executive council, may file claims with the state appeal board pursuant to chapter 25 for any difference between the amount paid pursuant to court order and the amount reimbursed by the executive council. The state appeal board shall reimburse the counties for any amount paid pursuant to court order and not fully reimbursed by the executive council.

Sec. 3. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to any claims for costs and expenses which are or were approved by a presiding or district judge on or before the effective date of this Act.

Approved March 31, 1998

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## CHAPTER 1017

### STATE RECORDS MANAGEMENT

S.F. 2183

**AN ACT** relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

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

Section 1. Section 7E.5, subsection 1, paragraphs c and m, Code 1997, are amended to read as follows:

c. The department of general services, created in section 18.2, which has primary responsibility for property ~~and records~~ management, risk management, purchasing, printing, and data processing.

m. The department of cultural affairs, created in section 303.1, which has primary responsibility for managing the state's interests in the areas of the arts, history, the state archives and records program, and other cultural matters.

Sec. 2. Section 303.2, subsection 2, paragraph d, Code 1997, is amended to read as follows:

d. Administer the state archives of the state as defined in section and records program in accordance with sections 303.12 through 303.15, and 304.6.

Sec. 3. Section 304.3, subsections 2 and 8, Code 1997, are amended to read as follows:

2. The director of the department of cultural affairs, who shall act as secretary of the commission.

8. The director of the department of general services ~~who shall act as secretary of the commission.~~

Sec. 4. Section 304.6, Code 1997, is amended to read as follows:

304.6 ADMINISTRATION — POWERS AND DUTIES.

The primary agency responsible for providing administrative personnel and services for the commission is the department of ~~general services~~ cultural affairs. The purchase, rental or lease of equipment and supplies for record storage or preservation by agencies is subject to the approval of the commission except as otherwise provided by law. The commission shall review all record storage systems and installations of agencies and recommend any changes necessary to assure maximum efficiency and economic use of equipment and procedures, including but not limited to, the type of equipment, methods and procedures for filing and retrieval of records, and the location of equipment. The commission has the authority to examine all forms, records and other papers in the possession, constructive possession, or control of state agencies for the purpose of carrying out the goals of this chapter. The commission shall annually review the effectiveness of the forms management program and the forms management practices of individual state agencies, and maintain records that indicate dollar savings and the number of forms eliminated, simplified, or standardized through forms management. The commission shall review forms and may reject forms that are not neutral in regard to gender, race, religion, or national origin or that request information on gender, race, religion, or national origin when there is an inadequate state interest in obtaining that information for the purpose of that form. The commission shall file an annual report on the forms management program with the general assembly and the governor. The commission shall perform any act necessary and proper to carry out its duties.

Sec. 5. Section 304.10, Code 1997, is amended to read as follows:

304.10 ~~ADMINISTRATOR STATE ARCHIVIST OF THE HISTORICAL DIVISION OF THE DEPARTMENT OF CULTURAL AFFAIRS — DUTIES TO COMMISSION.~~

All lists and schedules submitted to the commission shall be referred to the ~~administrator~~ state archivist of the historical division of the department of cultural affairs, who shall determine whether the records proposed for disposal have value to other agencies of the state or have research or historical value. The ~~administrator~~ state archivist shall submit the lists and schedules with recommendations in writing to the commission and the final disposition of the records shall be according to the orders of the commission.

Approved March 31, 1998