

FILED APR 15 1993

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SENATE FILE 412  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 323)

*(P.1267)*

Passed Senate, Date 4/21/93 Passed House, Date \_\_\_\_\_

Vote: Ayes 47 Nays 3 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved May 12, 1993

**A BILL FOR**

1 An Act relating to a records management fee to be collected by  
2 the county recorder.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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**SF412**

1 Section 1. NEW SECTION. 331.605A DOCUMENT MANAGEMENT  
2 FEE.

3 The recorder shall also collect a fee of one dollar for  
4 each recorded instrument for which a fee is paid pursuant to  
5 sections 331.604 and 331.605 to be used exclusively for the  
6 purpose of preserving and maintaining public records. The  
7 recorder shall establish and maintain an interest-bearing  
8 account into which all moneys collected pursuant to this  
9 paragraph shall be deposited. The recorder shall use the  
10 moneys deposited in the account to produce and maintain public  
11 records that meet archival standards, and to enhance the  
12 technological storage, retrieval, and transmission  
13 capabilities related to archival quality records. The  
14 recorder may cooperate with other entities, boards, and  
15 agencies to establish methods of records management, and  
16 participate in other joint ventures which further the purposes  
17 of this paragraph.

18 The fee collected pursuant to this section shall be used to  
19 accomplish the following purposes:

- 20 1. Preserve and maintain public records.
- 21 2. Assist counties in reducing record preservation costs.
- 22 3. Encourage and foster maximum access to public records  
23 maintained by county recorders at locations throughout the  
24 state;
- 25 4. Establish plans for anticipated and possible future  
26 needs, including the handling and preservation of vital  
27 statistics.

28 Sec. 2. NEW SECTION. 331.605B FEES COLLECTED -- AUDIT.

29 The recorder shall make available any information required  
30 by the county or state auditor concerning the fees collected  
31 under section 331.605A for the purposes of determining the  
32 amount of fees collected and the uses for which such fees are  
33 expended.

34 Sec. 3. LEGISLATIVE INTENT -- WORKING GROUP.

35 1. It is the intent of the general assembly that maximum

1 access to public records maintained by county recorders at  
2 locations throughout the state be fostered. A working group  
3 shall be established to develop policies and procedures to  
4 accomplish the purposes established in section 331.605A. The  
5 working group shall include at a minimum representatives of  
6 all of the following:

- 7 a. County recorders.
- 8 b. The secretary of state.
- 9 c. The state historical society in the department of  
10 cultural affairs.
- 11 d. Citizen and business interests, including lenders,  
12 realtors, abstractors, and attorneys.

13 2. The representative of the county recorders shall  
14 coordinate the work of the group.

15 3. The secretary of state shall submit a brief written  
16 report to the governor and the general assembly regarding the  
17 activities of the working group and describing the progress  
18 made in accomplishing the purposes established in section  
19 331.605A.

20 EXPLANATION

21 This bill directs the county recorder to collect an  
22 additional fee of one dollar for each recorded instrument to  
23 be used exclusively for the purpose of preserving and  
24 maintaining public records. The recorder is to establish and  
25 maintain an interest-bearing account for deposit of the fees.  
26 The recorder is authorized to expend the moneys in the account  
27 to enhance the technological storage, retrieval, and  
28 transmission capabilities related to archival quality records  
29 and may cooperate with other entities, boards, and agencies to  
30 establish methods of records management or participate in  
31 other joint ventures to further records management purposes.

32 The bill provides that a working group is to be established  
33 to develop policies and procedures to accomplish the purposes  
34 established in this bill. The secretary of state is to submit  
35 a brief written report to the governor and general assembly

1 regarding the activities of the working group.

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## SENATE FILE 412

S-3511

1 Amend Senate File 412 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

B 4 "Section 1. NEW SECTION. 9.8 RECORD PRESERVATION  
5 FUND.

6 A record preservation fund is established in the  
7 state treasury under the control of the secretary of  
8 state who shall disburse such moneys as directed by  
9 the working group created in section 331.605B. Moneys  
10 received pursuant to section 331.605A shall be  
11 deposited in the fund. Notwithstanding section 8.33,  
12 any unexpended balances in the record preservation  
13 fund at the end of each fiscal year shall be retained  
14 in the fund and shall not revert to the general fund.  
15 Moneys in the fund shall be used to provide grants to  
16 counties for the purchase of equipment directly  
17 related to the preservation and maintenance of public  
18 records as determined by the working group. The  
19 working group shall develop a form for such grant  
20 requests. Approval of any request shall be based upon  
21 the needs of the county and a showing that the fees  
22 assessed pursuant to section 331.605A are insufficient  
23 to generate the necessary funds to accomplish the  
24 purposes established in that section."

25 2. Page 1, line 5, by striking the words and  
A 26 figures "sections 331.604 and 331.605" and inserting  
27 the following: "section 331.604".

28 3. Page 1, line 8, by inserting after the word  
29 "which" the following: "ninety-five percent of".

30 4. Page 1, line 9, by inserting after the word  
31 "deposited." the following: "The remaining five  
32 percent shall be remitted to the treasurer of state  
33 for deposit in the record preservation fund  
34 established in section 9.8 and used for the purposes  
35 established in that section."

36 5. Page 1, line 28, by inserting after the word  
37 "AUDIT" the following: "-- LEGISLATIVE INTENT --  
38 WORKING GROUP".

39 6. Page 1, line 29, by striking the word "The"  
40 and inserting the following:

41 "1. The".

42 7. Page 1, by striking line 34.

43 8. Page 1, line 35, by striking the figure "1"  
44 and inserting the following: "2".

45 9. Page 2, by striking lines 5 through 11 and  
46 inserting the following: "working group shall consist  
47 of nine members and shall include the following:

48 a. Two persons representing county recorders.

49 b. One person representing the secretary of state.

50 c. One person representing the state historical

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Page 2

- 1 society in the department of cultural affairs.  
2 d. Five persons representing citizens and business  
3 interests, including lenders,"  
4 10. Page 2, line 13, by striking the figure "2"  
5 and inserting the following: "3".  
6 11. Page 2, line 15, by striking the figure "3"  
7 and inserting the following: "4".  
8 12. Page 2, by inserting after line 19 the  
9 following:  
10 "Sec. \_\_\_\_ Section 9.8, Code 1993, is repealed  
11 effective July 1, 1998."  
12 13. Renumber as necessary.

By LINN FUHRMAN

S-3511 FILED APRIL 15, 1993

A. Adopted 4/21/93 (P. 1267)  
B. Lost

4/23/93 Amended - Do Pass

SENATE FILE 412  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 323)  
(AS AMENDED AND PASSED BY THE SENATE APRIL 21, 1993)

\_\_\_\_\_ - New Language by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date 4.29.93  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 93 Nays 4  
Approved May 20th, 1993

A BILL FOR

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2 the county recorder.  
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S.F. 412

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4 each recorded instrument for which a fee is paid pursuant to  
5 section 331.604 to be used exclusively for the purpose of  
6 preserving and maintaining public records. The recorder shall  
7 establish and maintain an interest-bearing account into which  
8 all moneys collected pursuant to this paragraph shall be  
9 deposited. The recorder shall use the moneys deposited in the  
10 account to produce and maintain public records that meet  
11 archival standards, and to enhance the technological storage,  
12 retrieval, and transmission capabilities related to archival  
13 quality records. The recorder may cooperate with other  
14 entities, boards, and agencies to establish methods of records  
15 management, and participate in other joint ventures which  
16 further the purposes of this paragraph.

17 The fee collected pursuant to this section shall be used to  
18 accomplish the following purposes:

- 19 1. Preserve and maintain public records.
- 20 2. Assist counties in reducing record preservation costs.
- 21 3. Encourage and foster maximum access to public records  
22 maintained by county recorders at locations throughout the  
23 state.
- 24 4. Establish plans for anticipated and possible future  
25 needs, including the handling and preservation of vital  
26 statistics.

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9 cultural affairs.
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11 realtors, abstractors, and attorneys.

12 2. The representative of the county recorders shall  
13 coordinate the work of the group.

14 3. The secretary of state shall submit a brief written  
15 report to the governor and the general assembly regarding the  
16 activities of the working group and describing the progress  
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SSB 323  
WAYS & MEANS

SENATE FILE 412  
BY (PROPOSED COMMITTEE ON WAYS  
AND MEANS BILL BY CHAIR-  
PERSON DIELEMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

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SENATE FILE 412

AN ACT

RELATING TO A RECORDS MANAGEMENT FEE TO BE COLLECTED BY THE COUNTY RECORDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 331.605A DOCUMENT MANAGEMENT FEE.

The recorder shall also collect a fee of one dollar for each recorded instrument for which a fee is paid pursuant to section 331.604 to be used exclusively for the purpose of preserving and maintaining public records. The recorder shall establish and maintain an interest-bearing account into which all moneys collected pursuant to this paragraph shall be deposited. The recorder shall use the moneys deposited in the account to produce and maintain public records that meet archival standards, and to enhance the technological storage, retrieval, and transmission capabilities related to archival quality records. The recorder may cooperate with other entities, boards, and agencies to establish methods of records management, and participate in other joint ventures which further the purposes of this paragraph.

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3. Encourage and foster maximum access to public records maintained by county recorders at locations throughout the state.
4. Establish plans for anticipated and possible future needs, including the handling and preservation of vital statistics.

Sec. 2. NEW SECTION. 331.605B FEES COLLECTED -- AUDIT.

The recorder shall make available any information required by the county or state auditor concerning the fees collected under section 331.605A for the purposes of determining the amount of fees collected and the uses for which such fees are expended.

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2. The representative of the county recorders shall coordinate the work of the group.
3. The secretary of state shall submit a brief written report to the governor and the general assembly regarding the activities of the working group and describing the progress

made in accomplishing the purposes established in section 331.605A.

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LEONARD L. BOSWELL  
President of the Senate

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HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 412, Seventy-fifth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 20, 1993

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TERRY E. BRANSTAD  
Governor