

House Amendment 1705

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1 1 Amend Senate File 465, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. Section 331.601A, Code 2009, is
1 6 amended by adding the following new subsections:
1 7 NEW SUBSECTION. 0A. "Batch basis" means the
1 8 delivery of an accumulation of electronic documents or
1 9 records recorded or maintained by the county recorder.
1 10 NEW SUBSECTION. 1A. "Electronic document" means a
1 11 document or instrument that is received, processed,
1 12 disseminated, or maintained in an electronic format.
1 13 The submission of an electronic document through the
1 14 county land record information system electronic
1 15 submission service shall be equivalent to delivery of
1 16 a document through the United States postal service or
1 17 by personal delivery at designated offices in each
1 18 county. Persons who submit electronic documents for
1 19 recording are responsible for ensuring that the
1 20 electronic documents comply with all requirements for
1 21 recording.
1 22 Sec. 2. Section 331.603, Code 2009, is amended by
1 23 adding the following new subsection:
1 24 NEW SUBSECTION. 5. a. The governing board of the
1 25 county land record information system shall not enter
1 26 into an agreement to provide access to electronic
1 27 documents or records on a batch basis. The county
1 28 recorder may collect reasonable fees for access to
1 29 electronic documents and records pursuant to an
1 30 agreement. The fees shall not exceed the actual cost
1 31 of providing access to the electronic documents and
1 32 records. "Actual cost" means only those expenses
1 33 directly attributable to providing access to
1 34 electronic documents and records. "Actual cost" shall
1 35 not include costs such as employment benefits,
1 36 depreciation, maintenance, electricity, or insurance
1 37 associated with the administration of the office of
1 38 the county recorder or the county land record
1 39 information system.
1 40 b. Electronic documents and records made available
1 41 under this subsection shall not include personally
1 42 identifiable information and shall be subjected to a
1 43 redaction process prior to the transfer of the
1 44 electronic documents or records to another person
1 45 pursuant to an agreement under paragraph "a".
1 46 Sec. 3. Section 331.604, subsection 3, Code 2009,
1 47 as amended by 2009 Iowa Acts, Senate File 288, section
1 48 6, is amended to read as follows:
1 49 3. a. The Each county shall participate in the
1 50 county land record information system and shall comply
2 1 with the policies and procedures established by the
2 2 governing board of the county land record information
2 3 system.
2 4 b. (1) For the period beginning July 1, 2004, the
2 5 county recorder shall also collect a fee of one dollar
2 6 for each recorded transaction, regardless of the
2 7 number of pages, for which a fee is paid pursuant to
2 8 subsection 1 to be used for the purpose set forth in
2 9 paragraph "c"-"d" and for the following purposes:
2 10 (a) Maintaining the statewide internet website and
2 11 the county land record information system.
2 12 (b) Integrating information contained in documents
2 13 and records maintained by the recorder and other land
2 14 record information from other sources with the county
2 15 land record information system.
2 16 (c) Implementing and maintaining a process for
2 17 redacting personally identifiable information
2 18 contained in electronic documents that are displayed
2 19 for public access through an internet website or that
2 20 are transferred to another person.
2 21 (2) Fees collected in excess of the amount needed
2 22 for the purposes specified in this subsection shall be
2 23 used by the county land record information system to
2 24 reduce or eliminate service fees for electronic

2 25 submission of documents and instruments.

2 26 ~~b-~~ c. The county treasurer, on behalf of the
2 27 recorder, shall establish and maintain a county
2 28 recorder's electronic transaction fund into which all
2 29 moneys collected pursuant to paragraph ~~"a"~~ "b" shall
2 30 be deposited. Interest earned on moneys deposited in
2 31 this fund shall be computed based on the average
2 32 monthly balance in the fund and shall be credited to
2 33 the county recorder's electronic transaction fund.

2 34 ~~c-~~ d. The local government electronic transaction
2 35 fund is established in the office of the treasurer of
2 36 state under the control of the treasurer of state.
2 37 Moneys deposited into the fund are not subject to
2 38 section 8.33. Notwithstanding section 12C.7, interest
2 39 or earnings on moneys in the local government
2 40 electronic transaction fund shall be credited to the
2 41 fund. Moneys in the local government electronic
2 42 transaction fund are not subject to transfer,
2 43 appropriation, or reversion to any other fund, or any
2 44 other use except as provided in this ~~paragraph "c"~~
2 45 subsection. On a monthly basis, the county treasurer
2 46 shall pay ~~each fee collected pursuant to paragraph "a"~~
2 47 the fees deposited into the county recorder's

2 48 electronic transaction fund to the treasurer of state
2 49 for deposit into the local government electronic
2 50 transaction fund. Moneys credited to the local
3 1 government electronic transaction fund are
3 2 appropriated to the treasurer of state for the payment
3 3 of claims approved by the governing board of the
3 4 county land record information system. ~~Expenditures~~
3 5 Except as otherwise provided in this subsection,

3 6 expenditures from the fund shall be for the purpose of
3 7 planning and implementing electronic recording and
3 8 electronic transactions in each county, and developing
3 9 county and statewide internet websites to provide
3 10 electronic access to records and information, and to
3 11 pay the ongoing costs of integrating and maintaining
3 12 the statewide internet website.

3 13 ~~d-~~ e. The recorder shall make available any
3 14 information required by the county auditor or auditor
3 15 of state concerning the fees collected under this
3 16 subsection for the purposes of determining the amount
3 17 of fees collected and the uses for which such fees are
3 18 expended.

3 19 Sec. 4. Section 331.605B, subsection 2, Code 2009,
3 20 is amended to read as follows:

3 21 2. A recorder or the governing board of the county
3 22 land record information system shall collect only

3 23 statutorily authorized fees for land records
3 24 management. A recorder or the governing board of the
3 25 county land record information system shall not
3 26 collect a fee for viewing, accessing, or printing
3 27 documents in the county land record information system
3 28 unless specifically authorized by statute. However, a
3 29 recorder or the governing board of the county land
3 30 record information system may collect actual

3 31 third-party fees associated with accepting and
3 32 processing statutorily authorized fees, including
3 33 credit card fees, treasury management fees, and other
3 34 transaction fees required to enable electronic
3 35 payment. For the purposes of this subsection, the
3 36 term "third-party" does not include the county land
3 37 record information system, the Iowa state association
3 38 of counties, or any of the association's affiliates.

3 39 Sec. 5. Section 331.606, Code 2009, is amended by
3 40 adding the following new subsection:

3 41 NEW SUBSECTION. 4. The recorder shall permanently
3 42 archive an unaltered version of each recorded document
3 43 or instrument. A document or instrument may be
3 44 archived in its original format, as an electronic
3 45 document, or in another format suitable for preserving
3 46 information in the document or instrument. A person
3 47 may view and copy an original or unaltered document or
3 48 instrument in the office of the recorder.

3 49 Sec. 6. Section 331.606A, subsection 1, paragraph
3 50 c, Code 2009, is amended to read as follows:

4 1 c. "Redact" or "redaction" means the process of
4 2 permanently removing all or a portion of personally
4 3 identifiable information from documents.

4 4 Sec. 7. Section 331.606A, subsection 2, Code 2009,
4 5 is amended to read as follows:

4 6 2. INCLUSION OF PERSONALLY IDENTIFIABLE
4 7 INFORMATION. The preparer of a document shall not
4 8 include an individual's personally identifiable
4 9 information in a document that is prepared and
4 10 presented for recording in the office of the recorder.
4 11 This subsection shall not apply to documents that were
4 12 executed by an individual prior to July 1, 2007.
4 13 ~~Unless provided otherwise by law, all documents~~
4 14 ~~described by this section are subject to inspection~~
4 15 ~~and copying by the public.~~

4 16 Sec. 8. Section 331.606A, subsection 3, Code 2009,
4 17 is amended by striking the subsection and inserting in
4 18 lieu thereof the following:

4 19 3. REDACTION FROM ELECTRONIC DOCUMENTS.
4 20 Personally identifiable information that is contained
4 21 in electronic documents that are displayed for public
4 22 access on a website, or which are transferred to any
4 23 person, shall be redacted prior to displaying or
4 24 transferring the documents. Each recorder that
4 25 displays electronic documents and the county land
4 26 record information system that displays electronic
4 27 documents on behalf of a county shall implement a
4 28 system for redacting personally identifiable
4 29 information. The recorder and the governing board of
4 30 the county land record information system shall
4 31 establish a procedure by which individuals may request
4 32 that personally identifiable information contained in
4 33 an electronic document displayed on a website be
4 34 redacted, at no fee to the requesting individual. The
4 35 requirements of this subsection shall be fully
4 36 implemented not later than December 31, 2011.

4 37 Sec. 9. Section 331.606A, Code 2009, is amended by
4 38 adding the following new subsection:

4 39 NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS.
4 40 Persons who have contracted with a county recorder or
4 41 the governing board of the county land record
4 42 information system to redact personally identifiable
4 43 information from electronic documents pursuant to
4 44 subsection 3 shall not sell, transfer, or otherwise
4 45 disseminate the electronic documents in an unaltered
4 46 or redacted form, except as provided for in the
4 47 contract.

4 48 Sec. 10. Section 331.606A, subsection 5, Code
4 49 2009, is amended to read as follows:

4 50 5. APPLICABILITY.

5 1 a. This section Subsection 2 shall not apply to a
5 2 preparer of a state or federal tax lien or release, a
5 3 military separation or discharge record, or a death
5 4 certificate that is prepared for recording in the
5 5 office of county recorder.

5 6 b. Subsection 3 shall not apply to a military
5 7 separation or discharge record, a birth record, a
5 8 death certificate, or marriage certificate unless such
5 9 record or certificate is incorporated within another
5 10 document or instrument that is recorded and displayed
5 11 for public access on a website.

5 12 c. If a military separation or discharge record or
5 13 a death certificate is recorded in the office of the
5 14 county recorder, the military separation or discharge
5 15 record or the death certificate shall not be
5 16 accessible through the internet displayed for public
5 17 access on an internet website, public access terminal
5 18 or other medium, or be transferred to any person.

5 19 Sec. 11. Section 331.606A, Code 2009, is amended
5 20 by adding the following new subsection:

5 21 NEW SUBSECTION. 6. LIMITATION OF LIABILITY. The
5 22 county land record information system is a unit of
5 23 local government for purposes of chapter 670, relating
5 24 to tort liability of governmental subdivisions.
5 25 However, persons who have contracted with the
5 26 governing board of the county land record information
5 27 system to carry out the duties of the board are not
5 28 employees for purposes of chapter 670, relating to
5 29 tort liability of governmental subdivisions.

5 30 Sec. 12. Section 331.606B, subsection 1, Code
5 31 2009, is amended by adding the following new
5 32 paragraph:

5 33 NEW PARAGRAPH. g. Each document or instrument
5 34 presented for recording shall meet the requirements of
5 35 section 331.606A, subsection 2.

5 36 Sec. 13. REPORT TO THE GENERAL ASSEMBLY. On or

5 37 before January 1, 2012, the governing board of the
5 38 county land record information system shall submit a
5 39 report to the general assembly. The report shall
5 40 include a summary of the actions taken by the county
5 41 recorders and the county land record information
5 42 system relating to the redaction of personally
5 43 identifiable information, a detailed financial
5 44 accounting of the county land record information
5 45 system, a detailed summary of expenditures made from
5 46 the local government electronic transaction fund, and
5 47 an analysis and recommendation regarding the
5 48 continuance or discontinuance of the fee collected
5 49 under section 331.604, subsection 3.
5 50 Sec. 14. Section 598.21, subsection 2, Code 2009,
6 1 as amended by 2009 Iowa Acts, Senate File 288, section
6 2 36, is amended to read as follows:
6 3 2. DUTIES OF COUNTY RECORDER. The county recorder
6 4 shall record each quitclaim deed or change of title
6 5 and shall collect the ~~fees~~ fee specified in section
6 6 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees
6 7 specified in section 331.604.
6 8 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2,
6 9 subsection 3, shall not apply to this Act.>
6 10 #2. Title page, line 3, by inserting before the
6 11 words <the fees> the following: <use of>.
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6 15 _____
6 15 WINDSCHITL of Harrison
6 16 SF 465.705 83
6 17 md/sc/24605