

For Appropriations 3/5, Pass per 65427 131-
5/5
11:50 FEB 27 1976

SENATE FILE 1221

BY COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 3-2-76 (p. 681) Passed House, Date 5-26-76 (2181)

Vote: Ayes 43 Nays 0 Vote: Ayes 82 Nays 7

Approved June 28, 1976 Item Vetoed

Repassed Senate per House amendment
5-28-76 (p 2421)

A BILL FOR

⁴⁰⁻⁶
Motion to recommit (243c)

1 An Act relating to and appropriating funds to the department
2 of banking, the office of the secretary of state, the pioneer
3 lawmakers and the occupational safety and health review
4 commission.

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

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

6 1976-1977
7 Fiscal Year

8 1. DEPARTMENT OF BANKING

9 For salaries, support, main-
10 tenance and miscellaneous pur-
11 poses..... \$1,999,284

12 2. OFFICE OF THE SECRE-
13 TARY OF STATE

14 For salaries, support, main-
15 tenance and miscellaneous pur-
16 poses..... \$ 467,643

17 3. PIONEER LAWMAKERS

18 For salaries, support, main-
19 tenance and miscellaneous pur-
20 poses..... \$ 750

21 4. OCCUPATIONAL SAFETY AND
22 HEALTH REVIEW COMMISSION

23 For salaries, support, main-
24 tenance and miscellaneous pur-
25 poses..... \$ 35,640

26 Sec. 2. Section five hundred twenty-four point two hun-
27 dred one (524.201), Code 1975, is amended to read as follows:

28 524.201 SUPERINTENDENT OF BANKING.

29 1. The governor shall, within sixty days following the
30 convening of the regular session of the general assembly in
31 1973, and each four years thereafter, appoint, with the ap-
32 proval of two-thirds of the members of the senate, a superin-
33 tendent of banking. Such appointee shall be selected solely
34 with regard to his or her qualification and fitness to dis-
35 charge the duties of ~~his~~ office, and no person shall be ap-

1 pointed who has not had at least five years executive experi-
2 ence in a state bank ~~in-this-state~~ or in the regulation or
3 examination of banks.

4 2. The superintendent shall have his or her office at
5 the seat of government. ~~His~~ The regular term of office shall
6 be four years from the first day of July of the year of his
7 appointment.

8 Sec. 3. All federal grants to and the federal receipts
9 of the agencies appropriated funds under this Act are appro-
10 priated for the purposes set forth in the federal grants or
11 receipts.

12 Sec. 4. Funds appropriated by this Act shall not be used
13 for capital improvements.

14 EXPLANATION

15 Department of Banking. This appropriation of \$1,999,284
16 funds the continuation of current programs and the current
17 authorized table of organization. Section 524.201 of the
18 Code has been amended to provide that the superintendent of
19 banking shall have five years experience in a bank or in the
20 regulation or exmination of banks.

21 Secretary of State. This appropriation of \$467,643 provides
22 for the continuation of current programs. The sum of \$20,000
23 has been included in this appropriation to fund two new posi-
24 tions to handle the corporate farm program.

25 Pioneer Lawmakers. This appropriation of \$750 helps de-
26 fray the expenses of the organization. The increase in this
27 appropriation is due to special events planned by the organiza-
28 tion to celebrate the bicentennial.

29 Occupational Safety and Health Review Commission. Funds
30 for this commission are 50 percent federal funds transferred
31 from the bureau of labor and 50 percent state funds.

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LSB B62
sg/rh/31

S-5944

1 Amend Senate File 1221 as passed by the Senate
2 as follows:

3 1. Page 1, line 14, by inserting before the word
4 "For" the letter "a."

5 2. Page 1, line 16, by striking the figure
6 "\$467,643" and inserting in lieu thereof the following:
7 "\$493,960".

8 3. Page 1, after line 16, by inserting the fol-
9 lowing:

10 "b. For salaries, support, maintenance, and miscel-
11 laneous purposes of the uniform commercial code divi-
12 sion in performing records searches \$38,700"

13 3. Page 1, by inserting after line 25 the following
14 new section:

15 "Sec. _____. Section nine point four (9.4),
16 subsection two (2), Code 1975, is amended to read
17 as follows:

18 2. For a copy of any law or record, upon the
19 request of any private person or corporation, ~~five~~
20 a fee to be determined by the secretary of state not
21 to exceed ten cents per page."

22 4. Page 2, by inserting after line 7 the follow-
23 ing:

24 "Sec. _____. Section five hundred fifty-four point
25 nine thousand four hundred seven (554.9407), Code
26 1975, is amended to read as follows:

27 554.9407 INFORMATION FROM FILING OFFICER.

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

35 2. Upon written request of any person, the filing
36 officer shall issue his or her certificate showing
37 whether there is on file on the date and hour stated
38 therein, any presently effective financing statement
39 naming a particular debtor and any financing statement
40 of-assignment-thereof changes and if there is, giving
41 the date and hour of filing of each such statement
42 filing and the names and addresses of each secured
43 party therein. The uniform fee for such a certificate
44 shall be two dollars if the request for the certificate
45 is on a form conforming to standards prescribed by
46 the secretary of state; otherwise, three dollars.
47 Upon request and the payment of the appropriate fee
48 the filing officer shall furnish a certified copy
49 of any filed financing statement or financing statement
50 of-assignment changes for a uniform fee of one dollar

1 per page.

2 3. Upon telephone request of any person, the
3 filing officer in the office of the secretary of state
4 shall respond by phone stating whether there is on
5 file on the date and hour upon which the request is
6 made any presently effective financing statement
7 naming a particular debtor and any financing statement
8 changes and if there is, stating the date and hour
9 of filing of each such filing and the names and
10 addresses of each secured party therein. The uniform
11 fee for this telephone search service shall be four
12 dollars per each debtor name searched. All fees must
13 be prepaid before a person may utilize this telephone
14 search service. A certificate confirming the
15 information given to the person making the request
16 shall be sent to that person by the filing officer
17 upon request and payment of a fee of one dollar per
18 debtor name searched. Upon request and the payment
19 of the appropriate fee, the filing officer shall
20 furnish a certified copy of any filed financing
21 statement or financing statement changes for a uniform
22 fee of one dollar per page. The method of payment
23 of fees imposed by this subsection shall be established
24 by the secretary of state.

25 3 4. Charging no more than a reasonable esti-
26 mate of cost, in his or her discretion the secre-
27 tary of state may adopt one or more of the follow-
28 ing methods of providing information concerning pub-
29 lic filings in his or her office to persons with an
30 interest in this information that is related exclu-
31 sively to the purposes of this Article:

- 32 ~~a.---subscription-telephone-service;~~
- 33 ~~b.---subscription~~
- 34 a. Subscription daily, weekly or monthly written
35 summaries; or
- 36 ~~c.---granting-suitable-space-for-the-preparation~~
37 ~~of-written-summaries-and-the-provision-of-telephone~~
38 ~~service-by-these-persons-deemed-by-the-secretary-of~~
39 ~~state-to-have-a-legitimate-interest-in-regular~~
40 ~~examination-of-the-secretary-of-state's-public-files;~~
41 ~~and~~
- 42 ~~d.---any~~
- 43 b. Any other appropriate method of disseminating
44 information.

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

1 5. Charging no more than a reasonable estimate
2 of cost, in his or her discretion a county recorder
3 may adopt one or more of the following methods of
4 providing information concerning public filings in
5 his or her office to persons with an interest in this
6 information that is related exclusively to the purposes
7 of this Article:
8 a. Subscription telephone service;
9 b. Subscription daily, weekly or monthly written
10 summaries;
11 c. Granting suitable space for the preparation
12 of written summaries and the provision of telephone
13 service; or
14 d. Any other appropriate method of disseminating
15 information.
16 6. Except with respect to willful misconduct,
17 the state of Iowa, the secretary of state, a county,
18 a county recorder, and their employees and agents
19 are immune from liability as a result of errors or
20 omissions in information or assistance concerning
21 the secretary of state's or a county recorder's public
22 files supplied pursuant to this subsection by them
23 to any person.
24 7. Fees collected by the secretary of state pursu-
25 ant to this section shall be remitted by the secretary
26 of state to the treasurer of state for deposit in
27 the general fund of the state."
28 5. By renumbering the remaining sections accord-
29 ly.

S-5944 FILED
MAY 27, 1976

RECEIVED FROM THE HOUSE
Senate concurred 5/28/76 (p. 2431)

H-6542

1 Amend Senate File 1221 as passed by the Senate
2 as follows:

3 1. Page 1, line 14, by inserting before the word
4 "For" the letter "a."

5 2. Page 1, after line 16, by inserting the fol-
6 lowing:

7 "b. For salaries, support, maintenance, and miscel-
8 laneous purposes of the uniform commercial code divi-
9 sion in performing records searches \$38,700"

10 3. Page 2, by inserting after line 7 the follow-
11 ing:

12 "Sec. ____ . Section five hundred fifty-four point
13 nine thousand four hundred seven (554.9407), Code
14 1975, is amended to read as follows:

15 554.9407 INFORMATION FROM FILING OFFICER.

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

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

40 3. Upon telephone request of any person, the
41 filing officer in the office of the secretary of state
42 shall respond by phone stating whether there is on
43 file on the date and hour upon which the request is
44 made any presently effective financing statement
45 naming a particular debtor and any financing statement
46 changes and if there is, stating the date and hour
47 of filing of each such filing and the names and
48 addresses of each secured party therein. The uniform
49 fee for this telephone search service shall be four
50 dollars per each debtor name searched. All fees must

1 be prepaid before a person may utilize this telephone
2 search service. A certificate confirming the
3 information given to the person making the request
4 shall be sent to that person by the filing officer
5 upon request and payment of a fee of one dollar per
6 debtor name searched. Upon request and the payment
7 of the appropriate fee, the filing officer shall
8 furnish a certified copy of any filed financing
9 statement or financing statement changes for a uniform
10 fee of one dollar per page. The method of payment
11 of fees imposed by this subsection shall be established
12 by the secretary of state.

13 3 4. Charging no more than a reasonable esti-
14 mate of cost, in his or her discretion the secre-
15 tary of state may adopt one or more of the follow-
16 ing methods of providing information concerning pub-
17 lic filings in his or her office to persons with an
18 interest in this information that is related exclu-
19 sively to the purposes of this Article:

20 a. ~~---subscription-telephone-service;~~

21 b. ~~---subscription~~

22 a. Subscription daily, weekly or monthly written
23 summaries; or

24 c. ~~---granting-suitable-space-for-the-preparation~~
25 ~~of-written-summaries-and-the-provision-of-telephone~~
26 ~~service-by-these-persons-deemed-by-the-secretary-of~~
27 ~~state-to-have-a-legitimate-interest-in-regular~~
28 ~~examination-of-the-secretary-of-state's-public-files;~~
29 ~~and~~

30 d. ~~---any.~~

31 b. Any other appropriate method of disseminating
32 information.

33 However, the secretary of state shall not make space or
34 services available to any person for examination and
35 preparation of summaries of the secretary of state's
36 public files except the space and services made
37 available under chapter sixty-eight A (68A) of the
38 Code.

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

46 a. Subscription telephone service;

47 b. Subscription daily, weekly or monthly written
48 summaries;

49 c. Granting suitable space for the preparation
50 of written summaries and the provision of telephone

1 service by those persons deemed by the county re-
2 corder to have a legitimate interest in regular
3 examination of the county recorder's public files;
4 or

5 d. Any other appropriate method of disseminating
6 information.

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

15 7. Fees collected by the secretary of state pursu-
16 ant to this section shall be remitted by the secretary
17 of state to the treasurer of state for deposit in
18 the general fund of the state."

19 4. By renumbering the remaining sections according-
20 ly.

H-6542 FILED - *Adopted as amended by 6557* BY COMMITTEE ON APPROPRIATIONS
MAY 5, 1976 *5/26 (2179)* DUNTON of Keokuk, Chair

SENATE FILE 1221

H-6557

1 Amend the Committee on Appropriations amendment
2 H-6542, to Senate File 1221 as passed by the Senate,
3 by striking from page 3 of the amendment lines 1, 2
4 and 3 and inserting in lieu thereof the word
5 "service;".

H-6557 FILED - *Adopted 5/26 (3178)* BY MONROE of Des Moines
MAY 6, 1976

H-6587

1 Amend Senate File 1221 as follows:
2 1. Page 1, by inserting after line 25 the
3 following new section:
4 "Sec. ____ . Section nine point four (9.4),
5 subsection two (2), Code 1975, is amended to
6 read as follows:
7 2. For a copy of any law or record, upon the
8 request of any private person or corporation,
9 fifty a fee to be determined by the secretary of
10 state not to exceed ten cents per page."

H-6587 FILED - *Adopted 5/26 (3179)* BY TAUKE of Dubuque
MAY 10, 1976

H-6627

1 Amend Senate File 1221, as passed by the
2 Senate, as follows:
3 1. Page 1, line 16, by striking the figure
4 "\$467,643" and inserting in lieu thereof the
5 following: "\$493,960".

H-6627 FILED - *Adopted 5/26 (3179)* BY STROMER of Hancock
MAY 12, 1976

H-6861

1 Amend H-6764 to page 2 of Senate File 1221 as
2 follows:

3 1. Page 1, by inserting after line 19 the
4 following:

5 "Sec. _____. Section five hundred thirty-seven point
6 two thousand two hundred two (537.2202), subsection
7 three (3), Code 1975, is amended to read as follows:
8 3. If the billing cycle is monthly, the charge
9 may not exceed an amount equal to one and ~~one-half~~
10 ~~one-fourth~~ percent of ~~that-part-of~~ the maximum amount
11 pursuant to subsection 2 ~~which-is-five-hundred-dollars~~
12 ~~or-less-and-one-and-one-fourth-percent-of-that-part~~
13 ~~of-the-maximum-amount-which-is-more-than-five-hundred~~
14 ~~dollars~~. If the billing cycle is not monthly, the
15 maximum charge for the billing cycle shall bear the
16 same relation to the applicable monthly maximum charge
17 as the number of days in the billing cycle bears to
18 three hundred sixty-five divided by twelve. A billing
19 cycle is monthly if the closing date of the cycle
20 is the same date each month or does not vary by more
21 than four days from the regular date.

22 Sec. _____. Section five hundred thirty-seven point
23 two thousand four hundred two (537.2402), subsection
24 three (3), Code 1975, is amended to read as follows:
25 3. If the billing cycle is monthly, the charge
26 may not exceed an amount equal to one and ~~one-half~~
27 ~~one-fourth~~ percent of ~~that-part-of~~ the maximum amount
28 pursuant to subsection 2 ~~which-is-five-hundred-dollars~~
29 ~~or-less-and-one-and-one-fourth-percent-of-that-part~~
30 ~~of-the-maximum-amount-which-is-more-than-five-hundred~~
31 ~~dollars~~. If the billing cycle is not monthly, the
32 maximum charge for the billing cycle shall bear the
33 same relation to the applicable monthly maximum charge
34 as the number of days in the billing cycle bears to
35 three hundred sixty-five divided by twelve. A billing
36 cycle is monthly if the closing date of the cycle
37 is the same date each month or does not vary by more
38 than four days from the regular date."

H-6861 FILED - *Out of order*
MAY 24, 1976 (3/81)

BY HIGGINS of Scott
JOCHUM of Dubuque
HINES of Story

SENATE FILE 1221

H-6764

1 . Amend Senate File 1221 as follows:

2 1. Page 2, by inserting after line 7 the following:

3 "Sec. _____. Section five hundred thirty-five point
4 two (535.2), subsection two (2), Code 1975, is amended
5 to read as follows:

6 2. Any domestic or foreign corporation or real
7 estate investment trust as defined in section 856
8 of the Internal Revenue Code may agree in writing
9 to pay any rate of interest in excess of the rate
10 prescribed in subsection 1 hereof, and any other
11 person borrowing money in the principal amount of
12 thirty-five thousand dollars or more when the loan
13 is secured by a real estate mortgage on agricultural
14 land may agree in writing for payment of interest
15 not exceeding ten cents on the hundred by the year,
16 and no such corporation or real estate investment
17 trust or other person so agreeing in writing shall
18 plead or interpose the claim or defense of usury in
19 any action or proceeding.

20 Sec. _____. Nothing contained in this Act shall
21 be construed to negate the provisions of Act of October
22 28, 1974, United States Public Law Number 93-501,
23 88 STATUTES 1557."

24 2. Renumber the remaining sections as necessary.

H-6764 FILED - *filed not*
MAY 19, 1976 *germane 5/26*
(3180)

BY HENNESSEY of Delaware
HOWELL of Floyd
PELLETT of Cass
SCHROEDER of Pottawattamie
GRIFFEE of Chickasaw



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

June 28, 1976

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 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.

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

~~c. -- granting-suitable-space-for-the-preparation-of-written summaries-and-the-provision-of-telephone-service-by-these-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 Honorable Melvin D. Synhorst

June 28, 1976

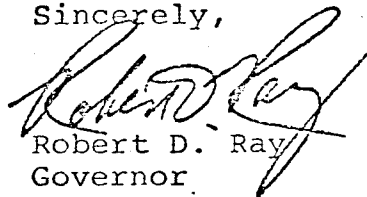
Page 4

- 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.

Sincerely,



Robert D. Ray
Governor

RDR:cg

cc: Secretary of the Senate
Chief Clerk of the House

SENATE FILE 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:

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

	1976-1977 Fiscal Year
1. DEPARTMENT OF BANKING	
For salaries, support, maintenance and miscellaneous purposes.....	\$1,999,284
2. OFFICE OF THE SECRETARY OF STATE	
a. For salaries, support, maintenance and miscellaneous purposes.....	\$ 493,960
b. For salaries, support, maintenance and miscellaneous purposes of the uniform commercial code division in performing records searches.....	\$ 38,700
3. PIONEER LAWMAKERS	
For salaries, support, maintenance and miscellaneous purposes.....	\$ 750
4. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	

For salaries, support, maintenance and miscellaneous purposes..... \$ 35,640

Sec. 2. Section nine point four (9.4), subsection two (2), Code 1975, is amended to read as follows:

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

Sec. 3. Section five hundred twenty-four point two hundred one (524.201), Code 1975, is amended to read as follows:
524.201 SUPERINTENDENT OF BANKING.

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

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

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 these 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.

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

Sec. 6. Funds appropriated by this Act shall not be used for capital improvements.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1221, Sixty-sixth General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved *Steven C. Cross*
June 28, 1976

ROBLRT D. RAY
Governor