

FILED MAR 08 '04

SENATE FILE 2270
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3089)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county records, including the fees for
2 recorded transactions and the confidentiality of veterans'
3 military records maintained by the county recorder.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

SF 2270 LOCAL GOVERNMENT

1 Section 1. Section 331.605A, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

3 The recorder shall also collect a fee of one dollar for
4 each recorded transaction 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 treasurer, on
7 behalf of the recorder, shall establish and maintain ~~an~~
8 interest-bearing-account a county recorder's records
9 management fund into which all moneys collected pursuant to
10 this section shall be deposited. Interest earned on moneys
11 deposited in the fund shall be credited to the county
12 recorder's records management fund. The recorder shall use
13 the moneys deposited in the ~~account fund~~ to produce and
14 maintain public records that meet archival standards, and to
15 enhance the technological storage, retrieval, and transmission
16 capabilities related to archival quality records. The
17 recorder may cooperate with other entities, boards, and
18 agencies to establish methods of records management, and
19 participate in other joint ventures which further the purposes
20 of this paragraph.

21 Sec. 2. Section 331.608, subsection 6, paragraph e, Code
22 Supplement 2003, is amended to read as follows:

23 e. When otherwise required by a department or agency of
24 the federal or state government or a political subdivision
25 thereof. The recorder shall make these records available to
26 the commission of veterans affairs. The commission and its
27 employees shall be subject to the same state and federal
28 confidentiality restrictions and requirements that are imposed
29 on the recorder.

30 Sec. 3. Section 331.608, subsection 6, paragraph f, Code
31 Supplement 2003, is amended by striking the paragraph.

32 EXPLANATION

33 Code section 331.605A allows the county recorder to collect
34 a fee of \$1 for each recorded transaction, in addition to any
35 other fee, to be used for preserving and maintaining records.

1 This bill specifies that these fees, and any interest earned
2 on such fees, shall be deposited in a county recorder's
3 records management fund.

4 Code section 331.608, subsection 6, provides for the
5 confidentiality of veterans' military personnel records in the
6 custody of the county recorder. Currently, one exception to
7 this confidentiality is when access is required by the federal
8 or state government or a political subdivision. This
9 provision is amended by adding a requirement that the records
10 be released to the commission of veterans affairs, subject to
11 the same state and federal confidentiality provisions that
12 bind the county recorder. The bill also strikes an exemption
13 to that confidentiality that allows access to persons
14 conducting research who have received written approval from
15 the county commissioner of veteran affairs.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2270

H-8357

1 Amend Senate File 2270, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "Sec. 101. Section 331.605C, subsections 2, 3, and
6 4, Code Supplement 2003, are amended to read as
7 follows:

8 2. Beginning July 1, 2004, the recorder shall
9 collect a fee of one dollar for each recorded
10 transaction, regardless of the number of pages, for
11 which a fee is paid pursuant to section 331.604 to be
12 used for the purpose of ~~paying the county's ongoing~~
13 ~~costs of maintaining the systems developed and~~
14 ~~implemented under set forth in subsection 4.~~

15 3. The county treasurer, on behalf of the
16 recorder, shall establish and maintain ~~an interest-~~
17 ~~bearing account a county recorder's electronic~~
18 transaction fund into which all moneys collected
19 pursuant to subsections 1 and 2 shall be deposited.
20 Interest earned on moneys deposited in this fund shall
21 be computed based on the average monthly balance in
22 the fund and shall be credited to the county
23 recorder's electronic transaction fund.

24 4. The local ~~electronic~~ government electronic
25 transaction fund is established in the office of the
26 treasurer of state under the control of the treasurer
27 of state. Moneys deposited into the fund are not
28 subject to section 8.33. Notwithstanding section
29 12C.7, interest or earnings on moneys in the local
30 electronic government electronic transaction fund
31 shall be credited to the fund. Moneys in the local
32 electronic government electronic transaction fund are
33 not subject to transfer, appropriation, or reversion
34 to any other fund, or any other use except as provided
35 in this subsection. ~~The treasurer of state shall~~
36 ~~enter into a contract with the Iowa state association~~
37 ~~of counties affiliate representing county recorders to~~
38 ~~hold the fund for the development, implementation, and~~
39 ~~maintenance of a statewide internet website for~~
40 ~~purposes of providing electronic access to records and~~
41 ~~information recorded or filed by county recorders. On~~
42 a monthly basis, the county treasurer shall pay ~~one~~
43 ~~dollar of~~ each fee collected pursuant to subsection 4
44 2 to the treasurer of state for deposit into the local
45 electronic government electronic transaction fund.
46 Moneys credited to the local ~~electronic~~ government
47 electronic transaction fund are appropriated to the
48 treasurer of state to be used for ~~contract costs the~~
49 purpose of paying the ongoing costs of maintaining the
50 statewide internet website developed and implemented

H-8357

H-8357

Page 2

1 under subsection 1. ~~This subsection is repealed June~~
2 ~~30, 2004.~~

3 Sec. 102. Section 331.605C, subsection 5, Code
4 Supplement 2003, is amended by striking the
5 subsection."

6 2. Page 1, by inserting after line 31 the
7 following:

8 "Sec. ____ . EFFECTIVE DATE. Sections 101 and 102
9 of this Act, being deemed of immediate importance,
10 take effect upon enactment."

11 3. Title page, line 2, by inserting after the
12 word "recorded" the following: "and electronic".

13 4. Title page, line 3, by inserting after the
14 word "recorder" the following: "and providing an
15 effective date".

16 5. By renumbering as necessary.

By TJEPKES of Webster

H-8357 FILED MARCH 31, 2004

HOUSE AMENDMENT TO
SENATE FILE 2270

S-5335

1 Amend Senate File 2270, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 20 the
4 following:
5 "Sec. 101. Section 331.605C, subsections 2, 3, and
6 4, Code Supplement 2003, are amended to read as
7 follows:
8 2. Beginning July 1, 2004, the recorder shall
9 collect a fee of one dollar for each recorded
10 transaction, regardless of the number of pages, for
11 which a fee is paid pursuant to section 331.604 to be
12 used for the purpose ~~of paying the county's ongoing~~
13 ~~costs of maintaining the systems developed and~~
14 ~~implemented under~~ set forth in subsection 4.
15 3. The county treasurer, on behalf of the
16 recorder, shall establish and maintain ~~an interest-~~
17 ~~bearing account~~ a county recorder's electronic
18 transaction fund into which all moneys collected
19 pursuant to subsections 1 and 2 shall be deposited.
20 Interest earned on moneys deposited in this fund shall
21 be computed based on the average monthly balance in
22 the fund and shall be credited to the county
23 recorder's electronic transaction fund.
24 4. The local ~~electronic~~ government electronic
25 transaction fund is established in the office of the
26 treasurer of state under the control of the treasurer
27 of state. Moneys deposited into the fund are not
28 subject to section 8.33. Notwithstanding section
29 12C.7, interest or earnings on moneys in the local
30 ~~electronic~~ government electronic transaction fund
31 shall be credited to the fund. Moneys in the local
32 ~~electronic~~ government electronic transaction fund are
33 not subject to transfer, appropriation, or reversion
34 to any other fund, or any other use except as provided
35 in this subsection. ~~The treasurer of state shall~~
36 ~~enter into a contract with the Iowa state association~~
37 ~~of counties affiliate representing county recorders to~~
38 ~~hold the fund for the development, implementation, and~~
39 ~~maintenance of a statewide internet website for~~
40 ~~purposes of providing electronic access to records and~~
41 ~~information recorded or filed by county recorders. On~~
42 a monthly basis, the county treasurer shall pay ~~one~~
43 ~~dollar~~ of each fee collected pursuant to subsection ~~4~~
44 2 to the treasurer of state for deposit into the local
45 ~~electronic~~ government electronic transaction fund.
46 Moneys credited to the local ~~electronic~~ government
47 electronic transaction fund are appropriated to the
48 treasurer of state to be used for ~~contract costs~~ the
49 purpose of paying the ongoing costs of maintaining the
50 statewide internet website developed and implemented

S-5335

-1-

S-5335

Page 2

1 under subsection 1. ~~This subsection is repealed June~~
2 ~~30, 2004.~~

3 Sec. 102. Section 331.605C, subsection 5, Code
4 Supplement 2003, is amended by striking the
5 subsection."

6 2. Page 1, by inserting after line 31 the
7 following:

8 "Sec. ____ . EFFECTIVE DATE. Sections 101 and 102
9 of this Act, being deemed of immediate importance,
10 take effect upon enactment."

11 3. Title page, line 2, by inserting after the
12 word "recorded" the following: "and electronic".

13 4. Title page, line 3, by inserting after the
14 word "recorder" the following: "and providing an
15 effective date".

16 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5335 FILED APRIL 13, 2004

Miller
Houser
Kreiman

Succeeded By
SF/HF 2270

SSB# 3089
Local Government

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county records, including the fees for
2 recorded transactions and the confidentiality of veterans'
3 military records maintained by the county recorder.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 331.605A, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

3 The recorder shall also collect a fee of one dollar for
4 each recorded transaction 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 treasurer, on
7 behalf of the recorder, shall establish and maintain an
8 interest-bearing-account a county recorder's records
9 management fund into which all moneys collected pursuant to
10 this section shall be deposited. Interest earned on moneys
11 deposited in the fund shall be credited to the county
12 recorder's records management fund. The recorder shall use
13 the moneys deposited in the account fund to produce and
14 maintain public records that meet archival standards, and to
15 enhance the technological storage, retrieval, and transmission
16 capabilities related to archival quality records. The
17 recorder may cooperate with other entities, boards, and
18 agencies to establish methods of records management, and
19 participate in other joint ventures which further the purposes
20 of this paragraph.

21 Sec. 2. Section 331.608, subsection 6, paragraph e, Code
22 Supplement 2003, is amended to read as follows:

23 e. When otherwise required by a department or agency of
24 the federal or state government or a political subdivision
25 thereof. The recorder shall make these records available to
26 the commission of veterans affairs. The commission and its
27 employees shall be subject to the same state and federal
28 confidentiality restrictions and requirements that are imposed
29 on the recorder.

30 Sec. 3. Section 331.608, subsection 6, paragraph f, Code
31 Supplement 2003, is amended by striking the paragraph.

32

EXPLANATION

33 Code section 331.605A allows the county recorder to collect
34 a fee of \$1 for each recorded transaction, in addition to any
35 other fee, to be used for preserving and maintaining records.

1 This bill specifies that these fees, and any interest earned
2 on such fees, shall be deposited in a county recorder's
3 records management fund.

4 Code section 331.608, subsection 6, provides for the
5 confidentiality of veterans' military personnel records in the
6 custody of the county recorder. Currently, one exception to
7 this confidentiality is when access is required by the federal
8 or state government or a political subdivision. This
9 provision is amended by adding a requirement that the records
10 be released to the commission of veterans affairs, subject to
11 the same state and federal confidentiality provisions that
12 bind the county recorder. The bill also strikes an exemption
13 to that confidentiality that allows access to persons
14 conducting research who have received written approval from
15 the county commissioner of veteran affairs.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2270

AN ACT

RELATING TO COUNTY RECORDS, INCLUDING THE FEES FOR RECORDED AND ELECTRONIC TRANSACTIONS AND THE CONFIDENTIALITY OF VETERANS' MILITARY RECORDS MAINTAINED BY THE COUNTY RECORDER AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 331.605A, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The recorder shall also collect a fee of one dollar for each recorded transaction 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 treasurer, on behalf of the recorder, shall establish and maintain an interest-bearing-account a county recorder's records management fund into which all moneys collected pursuant to this section shall be deposited. Interest earned on moneys deposited in the fund shall be credited to the county recorder's records management fund. The recorder shall use the moneys deposited in the account fund 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.

Sec. 2. Section 331.605C, subsections 2, 3, and 4, Code Supplement 2003, are amended to read as follows:

2. Beginning July 1, 2004, the recorder shall collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to section 331.604 to be used for the purpose of paying the county's ongoing costs of maintaining the systems developed and implemented under set forth in subsection 4.

3. The county treasurer, on behalf of the recorder, shall establish and maintain an interest-bearing-account a county recorder's electronic transaction fund into which all moneys collected pursuant to subsections 1 and 2 shall be deposited. Interest earned on moneys deposited in this fund shall be computed based on the average monthly balance in the fund and shall be credited to the county recorder's electronic transaction fund.

4. The local electronic government electronic transaction fund is established in the office of the treasurer of state under the control of the treasurer of state. Moneys deposited into the fund are not subject to section 8.33.

Notwithstanding section 12C.7, interest or earnings on moneys in the local ~~electronic~~ government electronic transaction fund shall be credited to the fund. Moneys in the local ~~electronic~~ government electronic transaction fund are not subject to transfer, appropriation, or reversion to any other fund, or any other use except as provided in this subsection. ~~The treasurer of state shall enter into a contract with the Iowa state association of counties affiliate representing county recorders to hold the fund for the development, implementation, and maintenance of a statewide internet website for purposes of providing electronic access to records and information recorded or filed by county recorders.~~ On a monthly basis, the county treasurer shall pay one dollar of each fee collected pursuant to subsection ~~1~~ 2 to the treasurer of state for deposit into the local ~~electronic~~ government electronic transaction fund. Moneys credited to the local ~~electronic~~ government electronic transaction fund are appropriated to the treasurer of state to be used for contract costs the purpose of paying the ongoing costs of maintaining the statewide internet website developed and implemented under subsection 1. ~~This subsection is repealed June 30, 2004.~~

Sec. 3. Section 331.605C, subsection 5, Code Supplement 2003, is amended by striking the subsection.

Sec. 4. Section 331.608, subsection 6, paragraph e, Code Supplement 2003, is amended to read as follows:

e. When otherwise required by a department or agency of the federal or state government or a political subdivision thereof. The recorder shall make these records available to the commission of veterans affairs. The commission and its employees shall be subject to the same state and federal confidentiality restrictions and requirements that are imposed on the recorder.

Sec. 5. Section 331.608, subsection 6, paragraph f, Code Supplement 2003, is amended by striking the paragraph.

Sec. 6. EFFECTIVE DATE. Sections 2 and 3 of this Act, being deemed of immediate importance, take effect upon enactment.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2270, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2004

THOMAS J. VILSACK
Governor