

SENATE FILE 2285
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2238)
(SUCCESSOR TO SSB 3097)

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

A BILL FOR

1 An Act relating to the deposit and use of electronic transaction
2 fees and providing an immediate effective date.

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

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SF 2285
WAYS & MEANS

1 Section 1. Section 331.605C, subsections 2, 3, and 4, Code
2 Supplement 2003, are amended to read as follows:

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

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

17 4. The local ~~electronic~~ government electronic transaction
18 fund is established in the office of the treasurer of state
19 under the control of the treasurer of state. Moneys deposited
20 into the fund are not subject to section 8.33.
21 Notwithstanding section 12C.7, interest or earnings on moneys
22 in the local ~~electronic~~ government electronic transaction fund
23 shall be credited to the fund. Moneys in the local ~~electronic~~
24 government electronic transaction fund are not subject to
25 transfer, appropriation, or reversion to any other fund, or
26 any other use except as provided in this subsection. ~~The~~
27 ~~treasurer of state shall enter into a contract with the Iowa~~
28 ~~state association of counties affiliate representing county~~
29 ~~recorders to hold the fund for the development,~~
30 ~~implementation, and maintenance of a statewide internet~~
31 ~~website for purposes of providing electronic access to records~~
32 ~~and information recorded or filed by county recorders.~~ On a
33 monthly basis, the county treasurer shall pay ~~one dollar of~~
34 each fee collected pursuant to subsection ~~±~~ 2 to the treasurer
35 of state for deposit into the local ~~electronic~~ government

1 electronic transaction fund. Moneys credited to the local
2 electronic government electronic transaction fund are
3 appropriated to the treasurer of state to be used for contract
4 costs the purpose of paying the ongoing costs of maintaining
5 the statewide internet website developed and implemented under
6 subsection 1. ~~This subsection is repealed June 30, 2004.~~

7 Sec. 2. Section 331.605C, subsection 5, Code Supplement
8 2003, is amended by striking the subsection.

9 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
10 immediate importance, takes effect upon enactment.

11 EXPLANATION

12 This bill amends Code section 331.605C, relating to the
13 deposit and use of certain fees collected by county recorders
14 for each recorded transaction for the purpose of planning and
15 implementing electronic recording and electronic transactions
16 in each county and developing county and statewide internet
17 websites to provide electronic access to records and
18 information.

19 Code section 331.605C currently provides that beginning on
20 July 1, 2003, and continuing until June 30, 2004, a county
21 recorder shall collect a \$5 fee for each recorded transaction
22 for which a fee is paid pursuant to Code section 331.604 that
23 shall then be placed in an account established and maintained
24 by the county treasurer. On a monthly basis, the county
25 treasurer is to pay \$1 of each \$5 collected to the treasurer
26 of state for deposit into a fund designated the local
27 electronic government transaction fund, to be used for
28 contract costs associated with a contract the treasurer of
29 state is required to enter into with the Iowa state
30 association of counties affiliate representing county
31 recorders, to fund the development, implementation, and
32 maintenance of a statewide internet website for purposes of
33 providing electronic access to records and information
34 recorded or filed by county recorders. Currently, the
35 provisions relating to the local electronic government

1 transaction fund and the contract are to be repealed June 30,
2 2004. On a quarterly basis, the county treasurer is to pay
3 the remaining \$4 of each \$5 fee collected to the treasurer of
4 state for deposit into a fund designated the pooled local
5 government electronic transaction fund. Moneys credited to
6 this fund are appropriated to the treasurer of state to be
7 distributed equally to all counties to be deposited into an
8 account used by the county recorder for planning and
9 implementing electronic recording and electronic transactions,
10 and developing county and statewide internet websites to
11 provide electronic access to records and information. The \$5
12 fee will not be collected after June 30, 2004, and therefore
13 these contributions to the pooled local government electronic
14 transaction fund will also cease on that date.

15 Currently, Code section 331.605C also provides that,
16 beginning on July 1, 2004, a county recorder shall collect a
17 fee of \$1 for each recorded transaction for which a fee is
18 paid pursuant to Code section 331.604. The county treasurer
19 is required, on a quarterly basis, to pay the \$1 fee collected
20 to the treasurer of state for deposit into the pooled local
21 government electronic transaction fund, to be distributed
22 equally to all counties and deposited by the county into the
23 account established and maintained for the purpose of paying
24 the county's ongoing costs of maintaining the systems
25 developed and implemented for electronic recording and
26 electronic transactions and for county and statewide internet
27 websites providing access to records and information.

28 The bill provides that the county treasurer shall establish
29 a county recorder's electronic transaction fund, instead of an
30 account, on behalf of the county recorder for the deposit of
31 the \$1 fee collected pursuant to Code section 331.605C for
32 each recorded transaction and that the interest earned on
33 moneys deposited in this fund shall be computed based on the
34 average monthly balance in the fund and shall be credited to
35 the county recorder's electronic transaction fund.

1 The bill also provides that the \$1 fee collected by the
2 county recorder after July 1, 2004, shall be paid to the
3 treasurer of state for deposit into the local government
4 electronic transaction fund rather than the pooled local
5 government electronic transaction fund, to be used by the
6 treasurer of state to pay the ongoing costs of maintaining the
7 statewide internet website developed and implemented during
8 fiscal year 2003-2004.

9 The bill strikes provisions referring to the contract
10 between the treasurer of state and the Iowa state association
11 of counties affiliate and provisions relating to the pooled
12 local government electronic transaction fund. The bill also
13 provides that the "local electronic government transaction
14 fund" maintained by the treasurer of state shall be known as
15 the "local government electronic transaction fund".

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Sievers
Connolly
Shull

SSB#13097
State Government

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
REQUESTED BY SIEVERS)

Succeeded By
SF/HF 2238

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