

Senate Study Bill 3121 - Introduced

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

A BILL FOR

1 An Act relating to the authorized uses of certain fees
2 collected by county recorders and deposited in the local
3 government electronic transaction fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.604, subsection 3, paragraph b, Code
2 2018, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 b. (1) Beginning July 1, 2011, the recorder shall also
5 collect a fee of one dollar for each recorded transaction,
6 regardless of the number of pages, for which a fee is paid
7 pursuant to subsection 1 to be used for the purposes set forth
8 in paragraph "d".

9 (2) Fees collected in excess of the amount needed for the
10 purposes specified in this subsection shall be used by the
11 county land record information system to reduce or eliminate
12 service fees for electronic submission of documents and
13 instruments.

14 Sec. 2. Section 331.604, subsection 3, paragraph d, Code
15 2018, is amended to read as follows:

16 d. (1) The local government electronic transaction fund
17 is established in the office of the treasurer of state under
18 the control of the treasurer of state. Moneys deposited into
19 the fund are not subject to [section 8.33](#). Notwithstanding
20 section 12C.7, interest or earnings on moneys in the local
21 government electronic transaction fund shall be credited to the
22 fund. Moneys in the local government electronic transaction
23 fund are not subject to transfer, appropriation, or reversion
24 to any other fund, or any other use except as provided in this
25 subsection.

26 (2) On a monthly basis, the county treasurer shall pay
27 the fees deposited into the county recorder's electronic
28 transaction fund to the treasurer of state for deposit into
29 the local government electronic transaction fund. Moneys
30 credited to the local government electronic transaction fund
31 are appropriated to the treasurer of state for the payment
32 of claims approved by the governing board of the county land
33 record information system.

34 ~~(3) Except as otherwise provided in [this subsection](#),~~
35 ~~expenditures~~ Expenditures from the fund shall be for any of the

1 ~~purpose of planning~~ following purposes:

2 (a) Planning and implementing electronic recording and
3 electronic transactions in each county, ~~developing.~~

4 (b) Developing county and statewide internet sites to
5 provide electronic access to records and information, and
6 to pay the ongoing costs of ~~integrating and~~ maintaining and
7 securing the statewide internet site and the county land record
8 information system and for any associated infrastructure needs
9 of such internet sites and the county land record information
10 system.

11 (c) Integrating information contained in documents and
12 records maintained by the recorder and other land record
13 information from other sources with the county and statewide
14 internet sites and the county land record information system.

15 (d) Implementing and maintaining a process for redacting
16 personally identifiable information contained in electronic
17 documents that are displayed for public access through an
18 internet site or that are transferred to another person.

19 (e) Establishing and implementing standards for recording,
20 processing, and archiving electronic documents and records.

21 (f) Expanding access to records by encouraging electronic
22 indexing and scanning of documents and instruments recorded in
23 prior years.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 Current Code section 331.604, in addition to other
28 recording fees collected by the county recorder, provides
29 for an additional \$1 fee to be collected for each recorded
30 transaction on or after July 1, 2011. The fees collected are
31 deposited into the local government electronic transaction
32 fund and are required to be used for specified purposes
33 including maintaining the statewide internet site and the
34 county land record information system; integrating information
35 contained in documents and records with the county land record

1 information system; implementing and maintaining a process for
2 redacting personally identifiable information contained in
3 electronic documents; establishing and implementing standards
4 for recording, processing, and archiving electronic documents
5 and records; and expanding access to records by encouraging
6 electronic indexing and scanning of documents and instruments
7 recorded in prior years. Current law governing the local
8 government electronic transaction fund provides for the use
9 of moneys in the fund, unless otherwise provided by law, for
10 planning and implementing electronic recording and electronic
11 transactions in each county, developing county and statewide
12 internet sites to provide electronic access to records and
13 information, and to pay the ongoing costs of integrating and
14 maintaining the statewide internet site.

15 This bill combines those identified purposes in current
16 law to apply to all fees deposited in the local government
17 electronic transaction fund and authorizes such fees to be
18 used for the ongoing costs of securing the statewide internet
19 site and the county land record information system and for any
20 associated infrastructure needs of such internet sites and the
21 county land record information system.