

House File 2567 - Introduced

HOUSE FILE 2567
BY THOMSON

A BILL FOR

- 1 An Act creating the Iowa state archives and records authority,
- 2 providing penalties, and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **7I.1 Legislative findings.**

2 The general assembly finds that the industrial, cultural,
3 political, agricultural, and digital history of Iowa must be
4 preserved for future generations and that Iowa's historical
5 records are a public asset requiring professional and independent
6 management.

7 Sec. 2. NEW SECTION. **7I.2 Definitions.**

8 As used in this chapter, unless the context otherwise
9 requires:

10 1. "Agency" means any executive or legislative branch
11 department, office, commission, board, or other unit of state
12 government except as otherwise excluded under this chapter.

13 2. "Archives" means records that have been appraised by
14 the state records commission as having sufficient historical,
15 research, evidential, or informational value to warrant permanent
16 preservation and that have been transferred to the custody of the
17 state archives.

18 3. "Authority" means the Iowa state archives and records
19 authority.

20 4. "Commission" means the state records commission created in
21 section 7I.6.

22 5. "Custody" means guardianship or control of records,
23 including both physical possession, referred to as physical
24 custody, and legal responsibility, referred to as legal custody,
25 unless one or the other is specified.

26 6. "Government records program" means a systematic state
27 government program for the creation, organization, administrative
28 use, maintenance, security, public availability, and final
29 disposition of records.

30 7. "Guideline" means a suggested method of operation for
31 specific activities.

32 8. "Policy" means a basic statement describing the boundaries
33 within which activities are to take place.

34 9. "Record" means a document, book, paper, electronic record,
35 photograph, sound recording, or other material, regardless of

1 physical form or characteristics, made, produced, executed, or
2 received pursuant to law in connection with the transaction
3 of official business of state government, including electronic
4 mail of a senior official, a rulemaking or policy development
5 document, a report, or content posted on an agency's internet
6 site. "Record" does not include library and museum material
7 made or acquired and preserved solely for reference or exhibition
8 purposes or stocks of publications and unprocessed forms.

9 10. "Records series retention and disposition schedule" means
10 a timetable established by the state records commission that
11 describes the length of time a records series of an agency or
12 multiple agencies must be retained in active and inactive status
13 and provides authorization for a final disposition of the records
14 series by destruction or permanent retention.

15 11. "Standard" means a specific rule or principle established
16 to measure quality or value.

17 12. "Vital operating record" means a record containing
18 information essential to continue or to reestablish an agency in
19 the event of a natural or other disaster, allowing the recreation
20 of the state's legal and financial status, and the determination
21 of the rights and obligations of the state and residents of the
22 state.

23 Sec. 3. NEW SECTION. **7I.3 Iowa state archives and records**
24 **authority.**

25 1. The Iowa state archives and records authority is created.

26 2. The powers of the authority are vested in and shall be
27 exercised by the Iowa archives and heritage board. The board
28 shall consist of all of the following members:

29 a. A state archivist appointed by the secretary of state.

30 b. Three members of the public appointed by the governor
31 subject to confirmation by the senate.

32 c. Two state representatives, one appointed by the speaker
33 of the house of representatives and one by the minority leader
34 of the house of representatives, and two state senators, one
35 appointed by the majority leader of the senate and one by the

1 minority leader of the senate.

2 d. One academic historian or archival professional appointed
3 by the state board of regents.

4 3. The state archivist shall serve as the chairperson for the
5 Iowa archives and heritage board. Board members shall serve at
6 the pleasure of the appointing authority.

7 4. The board is not subject to section 4A.5.

8 Sec. 4. NEW SECTION. **7I.4 Research centers and archival**
9 **facility.**

10 1. The authority shall maintain research centers in Des
11 Moines and Iowa City. The authority shall not close, relocate,
12 sell, or materially reduce the operations of or public access to
13 a research center without approval from the general assembly.

14 2. The authority shall maintain a state archival facility,
15 which shall house all of the following:

16 a. Industrial and business archives, including records
17 related to agriculture and transportation, oral histories,
18 promotional materials, catalogs, pamphlets, product packaging,
19 and other materials documenting the state's economic development.

20 b. The Iowa digital memory library.

21 c. State records collections and related manuscripts.

22 Sec. 5. NEW SECTION. **7I.5 Iowa digital memory library.**

23 The authority shall establish the Iowa digital memory library.
24 The Iowa digital memory library shall conduct digital archiving
25 and form partnerships with other entities for the purpose of
26 ingesting digital content.

27 Sec. 6. NEW SECTION. **7I.6 Commission created.**

28 1. A state records commission is created. The commission
29 shall consist of the following officials:

30 a. The secretary of state.

31 b. The treasurer of state.

32 c. The director of revenue.

33 d. The director of the department of management.

34 e. The state librarian.

35 f. The auditor of state.

1 g. The director of the department of administrative services.

2 2. A commission member may appoint a year-round, full-time
3 state employee to regularly represent the commission member in
4 the activities of the commission for a period of at least two
5 years.

6 Sec. 7. NEW SECTION. **7I.7 Commission purpose.**

7 The commission shall adopt government information policies,
8 standards, and guidelines to do all of the following:

9 1. Provide for economy and efficiency in the creation,
10 organization, maintenance, administrative use, security, public
11 availability, and final disposition of government records.

12 2. Ensure creation of proper documentation of the
13 organization, functions, policies, decisions, procedures, and
14 essential transactions of state government agencies to protect
15 the legal and financial rights of the state and of persons
16 directly affected by the government's activities.

17 3. Identify and preserve state government records that
18 document the history and development of the state.

19 Sec. 8. NEW SECTION. **7I.8 Expenses.**

20 Members of the commission shall serve without compensation but
21 may receive actual expenses incurred in the performance of their
22 duties.

23 Sec. 9. NEW SECTION. **7I.9 Meetings.**

24 The commission shall have offices at the seat of government
25 but may hold meetings in other locations. The commission shall
26 meet at the call of the chairperson.

27 Sec. 10. NEW SECTION. **7I.10 Commission administration.**

28 The authority, through the state archives and government
29 records program, is the primary agency responsible for providing
30 administrative personnel and services for the commission.

31 Sec. 11. NEW SECTION. **7I.11 Commission responsibilities.**

32 1. The commission shall do all of the following:

33 a. Develop and adopt government information policies,
34 standards, and guidelines for the creation, storage, retention,
35 and disposition of records.

1 *b.* In consultation with the department of homeland security
2 and emergency management, establish policies, standards, and
3 guidelines for the identification, protection, and preservation
4 of records essential for the continuity or reestablishment of
5 governmental functions in the event of an emergency arising from
6 a natural or other disaster.

7 *c.* Provide planning, policy development, and review for the
8 government records program.

9 *d.* Adopt rules pursuant to chapter 17A that provide
10 government information policies and standards.

11 *e.* Adopt and maintain an interagency records manual
12 containing the rules governing records management, as well as
13 records series retention and disposition schedules, guidelines,
14 and other information relating to implementation of this chapter.

15 *f.* Make recommendations, in consultation with the authority,
16 to the governor and the general assembly for the continued
17 reduction of printed reports throughout state government in a
18 manner that protects the public's right to access such reports.

19 *g.* Provide advice, counsel, and services to the agencies
20 subject to this chapter on the care and management of state
21 government records.

22 *h.* Report to the governor and the general assembly on the
23 status of the government records program.

24 *i.* Perform any act necessary and proper to carry out the
25 commission's duties.

26 2. The commission may do all of the following:

27 *a.* Examine records in the possession, constructive
28 possession, or control of agencies to carry out the purposes of
29 this chapter.

30 *b.* Enter into agreements and contracts.

31 *c.* Secure appropriations, grants, or other outside funding.

32 *d.* Appoint advisory committees of citizens, public officials,
33 or professional consultants to secure advice on records issues.

34 *e.* Make, or cause to be made, preservation duplicates of
35 records, which may include existing copies of original state

1 records. Any preservation duplicate record shall be durable,
2 accurate, complete, and clear, and shall be made by means
3 designated by the commission.

4 f. Develop appropriate charges for services provided for the
5 convenience of agencies, political subdivisions, or the public.

6 g. Provide advice and counsel to political subdivisions on
7 the care and management of local government records.

8 h. Establish a centralized records storage facility.

9 Sec. 12. NEW SECTION. **7I.12 Authority responsibilities.**

10 1. The authority shall do all of the following as it relates
11 to state records and archives:

12 a. Administer the state archives and government records
13 program and provide administrative support to the state records
14 commission through the state archives and government records
15 program.

16 b. Maintain all official records of the state records
17 commission.

18 c. Provide training, advice, and counsel to agencies on
19 government information policies, standards, and guidelines.

20 d. Recommend records series retention and disposition
21 schedules to the commission for consideration.

22 e. Recommend plans, policies, standards, and guidelines on
23 records issues to the commission for consideration.

24 f. Compile, update, and distribute the state records manual
25 as adopted by the commission.

26 g. Manage any centralized records storage facility
27 established by the commission for the temporary storage of
28 agency records prior to the final disposition of the records
29 by destruction or permanent preservation in accordance with the
30 records series retention and disposition schedules.

31 h. Develop and distribute operating procedures for agencies
32 to use to implement the plans, policies, standards, and
33 guidelines adopted by the commission.

34 i. Provide advice, counsel, and services to the agencies
35 subject to this chapter on the care and management of state

1 government records.

2 *j.* Manage the state archives and develop operating
3 procedures for the transfer, accession, arrangement, description,
4 preservation, protection, and public access of those records the
5 commission identifies as having permanent value.

6 *k.* Maintain custody of archives that have been transferred
7 and delivered to the state archives.

8 (1) Upon receipt by the state archivist, the archives shall
9 not be removed without the state archivist's consent except in
10 response to a subpoena of a court of record or in accordance with
11 approved records series retention and disposition schedules or
12 after review and approval of the commission.

13 (2) Upon request, the state archivist shall make a certified
14 copy of any record in the legal custody or in the physical
15 custody of the state archivist, or a certified transcript of
16 any record if reproduction is inappropriate because of legal or
17 physical considerations. If a copy or transcript is properly
18 authenticated, it has the same legal effect as though certified
19 by the officer from whose office it was transferred or by the
20 secretary of state. The authority shall establish reasonable
21 fees for certified copies or certified transcripts of records in
22 the legal custody or physical custody of the state archivist.

23 *l.* Establish, maintain, and administer an archive of records
24 created and maintained in electronic format in order to preserve
25 and provide public access to state government records identified
26 as having permanent historical value by the commission.

27 2. The authority may do any of the following as it relates to
28 state records and archives:

29 *a.* Upon written consent of the state archivist, accept
30 records of political subdivisions that are voluntarily
31 transferred to the state archives.

32 *b.* Provide advice and counsel to political subdivisions on
33 the care and management of local government records.

34 *c.* Coordinate with a state university, community college,
35 Indian tribe, local historical society, or private archive.

1 Sec. 13. NEW SECTION. **7I.13 Agency head responsibilities.**

2 1. Each agency head shall do all of the following:

3 a. Make and maintain records containing adequate and proper
4 documentation of the agency organization, functions, policies,
5 decisions, procedures, and essential transactions designed to
6 furnish information to protect the legal and financial rights
7 of the state and of persons directly affected by the agency's
8 activities.

9 b. Designate one or more year-round, full-time agency
10 officials with broad understanding of agency programs and records
11 to be an agency records officer to coordinate records programs
12 within the agency and to be the point of contact with the state
13 archives and government records program.

14 c. Cooperate with the state records commission and the state
15 archives and government records program in the development and
16 implementation of government information policies, standards, and
17 guidelines, and in the development and implementation of records
18 series retention and disposition schedules.

19 d. Comply with requests from the state records commission
20 or the state archives and government records program to examine
21 records in the possession, constructive possession, or control of
22 the agency in order to carry out the purposes of this chapter.

23 e. Prepare a detailed listing of the volume, scope, and
24 complexity of the agency's records in accordance with state
25 records commission policies to draft records series retention and
26 disposition schedules.

27 f. Identify vital operating records in accordance with
28 the policies, standards, and guidelines of the state records
29 commission.

30 g. Provide for the identification, protection, and
31 preservation of vital operating records in the custody of the
32 agency.

33 h. Prepare all mandated reports, newsletters, and
34 publications for electronic distribution in accordance with
35 government information policies, standards, and guidelines.

1 A reference copy of all mandated reports, newsletters, and
2 publications shall be located at an electronic repository for
3 public access.

4 i. Provide for maximum economy and efficiency in the
5 day-to-day recordkeeping activities of the agency.

6 j. Provide for compliance with this chapter and the rules
7 adopted by the state records commission.

8 2. An agency head may petition the state records commission
9 to create or modify government information policies, standards,
10 and guidelines, and to create or modify records series retention
11 and disposition schedules.

12 Sec. 14. NEW SECTION. **7I.14 Termination of state agency —**
13 **records transfer.**

14 Upon the termination of a state agency whose functions have
15 not been transferred to another agency, custody of the records of
16 the agency shall transfer to the commission.

17 Sec. 15. NEW SECTION. **7I.15 Duplicates.**

18 A preservation duplicate record shall have the same force and
19 effect for all purposes as the original record whether or not
20 the original record is in existence. A certified transcript,
21 exemplification, or copy of a preservation duplicate record
22 shall be deemed for all purposes to be a certified transcript,
23 exemplification, or copy of the original record.

24 Sec. 16. NEW SECTION. **7I.16 Records state property —**
25 **penalties.**

26 1. All records made or received by or under the authority of
27 or coming into the custody, control, or possession of a public
28 official of this state in the course of the official's public
29 duties are the property of the state and shall not be mutilated,
30 destroyed, transferred, removed, or otherwise damaged or disposed
31 of, in whole or in part, except as provided by law or by rule.

32 2. A person who relocates a state record without
33 authorization commits a simple misdemeanor.

34 3. A person who destroys a state record without authorization
35 commits a serious misdemeanor.

1 4. Any person may bring a civil action for injunctive relief
2 to prevent the unauthorized destruction of a public record.

3 Sec. 17. NEW SECTION. **7I.17 Liability precluded.**

4 A member of the commission or head of an agency shall not be
5 held liable for damages or loss, civilly or criminally, because
6 of the destruction of public records pursuant to the provisions
7 of this chapter or any other law authorizing the destruction of
8 the record.

9 Sec. 18. NEW SECTION. **7I.18 Exemptions — duties of state
10 department of transportation and state board of regents.**

11 The state department of transportation, the state board of
12 regents, and institutions under the control of the state board
13 of regents are exempt from the state records manual and the
14 provisions of this chapter. However, the state department of
15 transportation and the state board of regents shall adopt rules
16 pursuant to chapter 17A for their employees and institutions that
17 are consistent with the objectives of this chapter. The rules
18 shall be approved by the state records commission.

19 Sec. 19. NEW SECTION. **7I.19 Kim Reynolds chair of digital
20 preservation and state archives.**

21 A fund is created within the state treasury under the
22 control of the authority. The fund shall consist of moneys
23 appropriated to the fund by the general assembly and any other
24 moneys available to and obtained or accepted by the authority
25 for deposit in the fund. Moneys in the fund are appropriated
26 to the authority for one full-time equivalent position for an
27 academic position to be known as the governor Kim Reynolds chair
28 of digital preservation and state archives. The person hired
29 for this position shall assist with the preservation of digital
30 state records and the implementation of the Iowa digital memory
31 library. Notwithstanding section 8.33, moneys in the fund that
32 remain unencumbered or unobligated at the close of a fiscal
33 year shall not revert but shall remain available for expenditure
34 for the purposes designated. Notwithstanding section 12C.7,
35 subsection 2, interest or earnings on moneys in the fund shall

1 be credited to the fund.

2 Sec. 20. Section 8A.707, subsection 2, Code 2026, is amended
3 to read as follows:

4 2. The department shall+

5 a. ~~Have~~ have authority to acquire by fee simple title
6 historic properties by gift, purchase, devise, or bequest;
7 preserve, restore, transfer, and administer historic properties;
8 and charge reasonable admission to historic properties.

9 ~~b. Maintain research centers in Des Moines and Iowa City.~~

10 Sec. 21. Section 22.16, subsection 1, Code 2026, is amended
11 to read as follows:

12 1. Notwithstanding any provision of law to the contrary, a
13 public record that is an archive, as defined in section ~~8A.602~~
14 7I.2, shall be available for public examination and copying
15 under this chapter if the public record was created at least
16 one hundred years prior to a request for access to the record,
17 subject to the requirements of this section.

18 Sec. 22. Section 163.37, subsection 3, Code 2026, is amended
19 to read as follows:

20 3. Such records shall be maintained for a length of time as
21 required by and pursuant to chapter ~~8A, subchapter VI~~ 7I, and
22 at the point of concentration and shall be made available for
23 inspection by the department at reasonable times.

24 Sec. 23. IOWA ARCHIVES AND HERITAGE CENTER APPROPRIATION.

25 1. There is appropriated from the rebuild Iowa infrastructure
26 fund created in section 8.57 to the Iowa state archives and
27 records authority for the fiscal year beginning July 1, 2026, and
28 ending June 30, 2027, the following amount, or so much thereof as
29 is necessary, to be used for the purposes designated:

30 For constructing an Iowa archives and heritage center:

31 \$ _____

32 2. In accordance with section 8.33, moneys appropriated for
33 capital expenditures in this section that remain unencumbered or
34 unobligated at the close of the fiscal year that begins July 1,
35 2028, shall revert at the close of that fiscal year. However, if

1 the project for which the moneys are appropriated is completed in
2 an earlier fiscal year, unencumbered or unobligated moneys shall
3 revert at the close of that fiscal year.

4 Sec. 24. REPEAL. Sections 8A.601, 8A.602, 8A.603, 8A.604,
5 8A.605, 8A.606, 8A.607, 8A.608, 8A.609, 8A.610, 8A.611, 8A.612,
6 8A.613, 8A.614, and 8A.615, Code 2026, are repealed.

7 EXPLANATION

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

10 This bill creates the Iowa state archives and records
11 authority (authority) and vests the powers of the authority in
12 the Iowa archives and heritage board, consisting of the state
13 archivist, three members of the public appointed by the governor,
14 two state representatives, two state senators, and one academic
15 historian or archival professional appointed by the state board
16 of regents.

17 The bill repeals Code chapter 8A, subchapter VI, the state
18 records and archives Act, adopts replacement provisions in new
19 Code chapter 7I, and transfers the duties currently performed
20 by the department of administrative services (DAS) under Code
21 chapter 8A, subchapter VI, to the authority. The bill further
22 provides that the state archivist shall be appointed by the
23 secretary of state instead of by DAS.

24 The bill transfers authority over the historical resource
25 research centers in Des Moines and Iowa City from DAS to the
26 authority and prohibits the authority from closing, relocating,
27 selling, or materially reducing the operations of or public
28 access to a research center without approval from the general
29 assembly. The authority must also maintain a state archival
30 facility, which shall house industrial and business archives,
31 the Iowa digital memory library, and state records collections
32 and related manuscripts. The bill requires the authority to
33 establish a digital memory library for the purpose of digital
34 archiving.

35 The bill expands the definition of a record to include

1 all electronic mail of a senior official, rulemaking and
2 policy development documents, reports, and content posted on
3 an agency's internet site. The bill provides that a person
4 who relocates a state record without authorization commits a
5 simple misdemeanor and a person who destroys a state record
6 without authorization commits a serious misdemeanor. Any person
7 may bring a civil action for injunctive relief to prevent
8 the unauthorized destruction of a public record. A simple
9 misdemeanor is punishable by confinement for no more than 30 days
10 and a fine of at least \$105 but not more than \$855. A serious
11 misdemeanor is punishable by confinement for no more than one
12 year and a fine of at least \$430 but not more than \$2,560.

13 The bill creates a fund under the control of the authority
14 for the purpose of hiring one full-time equivalent position to
15 assist with the preservation of digital state records and the
16 implementation of the Iowa digital memory library. The bill
17 also appropriates moneys to the authority from the rebuild Iowa
18 infrastructure fund for the construction of the Iowa archives and
19 heritage center.