

ESS

Electronic Services System – Coordinating Committee Meeting
Iowa County Recorders Association Executive Board Meeting

Agenda

Web Conference

November 26, 2024

2:00 P.M. to 2:30 P.M.

JOINT MEETING OF ESS AND ICRA

- **Welcome, Introductions and Roll Call**

- **Modernization Initiative**
 - **Updated Fee and Modernization Legislative Proposal – Approval**
 - **ESS and ICRA Roll Call**

- **Adjourn - Next Regular Meeting February 20, 2025 (tentative)**

November 22, 2024

To: ICRA Executive Board
ESS Coordinating Committee

From: Phil Dunshee

Re: FEE and Modernization Legislation

Good day everyone. At the joint meeting held on November 14, 2024, the two governing bodies advanced the fee and modernization legislative package. The form of the package was presented in separate attachments in the following subject areas: Fee Policy Amendment, ESS Governance, Back the Blue, Document Formatting and Submission Requirements, Conveyance Indexing Requirements, General Recording and Indexing Requirements, and Recording of Surveys. These were described in a cover memo dated November 12, 2024. All of this information can be found in your packet for the November 14 meeting (see pages 5-25). Some minor wording changes were made to the package as a part of the review process.

Following this action, the next step was to format the package into a cohesive draft of what is expected to become a legislative study bill. It was noted that further input from stakeholder groups was anticipated. Attached for your review is a consolidated version of the proposed legislation. This has been reviewed by the leadership of the ICRA Board and ESS Committee, and it is now being brought back to the two governing bodies for another round of review. The draft includes the legislation itself, accompanied by an explanation of each section.

This draft incorporates the changes made at the November 14 meeting, and it also includes several other adjustments which can be summarized as follows.

- Section 3, which modifies the definition of "Page," has been adjusted to add a legal-size dimension for surveys.
- Section 6 which provides for a cap on the recording fee in the amount of \$500.00 per document. This change has been made to address a concern expressed by the Iowa State Bar Association about the recording fee for large documents with 50 or more pages.
- Section 9, which provides for a standard format for recording reference numbers, has been adjusted to permit no more than eight digits. This language is being suggested to acknowledge that there is a conversation happening about whether fewer digits are needed.
- Section 12, which relates to the conversation about whether the Back the Blue redaction program should be modified to be a "shielding" program. Both options were discussed at the November 14 meeting. Based on further review, it is proposed that the shielding program should be represented in the draft legislation.
- Several editorial changes were made to replace the term "county land record information system" with "Electronic Services System" when describing the governing authority for ESS. This is not a substantive change.

It is anticipated that there will be continuing conversations with the stakeholders and with state policy makers about the modernization initiative. For the purpose of advancing the discussion, it is proposed that this bill draft be shared with the stakeholder groups, legislators, the Legislative Services Agency and the caucus staff.

Authorization to proceed to these next steps is requested.

AN ACT TO MODERNIZE IOWA RECORDING POLICIES AND PRACTICES.

Section 1. Section 558.49, Code 2024, is amended to read as follows:

558.49 Index records.

The recorder ~~must~~ shall keep index records to show the following:

1. Each grantor.
2. Each grantee.
3. The date and time when the instrument was ~~filed with~~ recorded by the recorder.
4. The date ~~of the~~ on which the document or instrument was executed by the parties, when feasible. If there is a variance in the date of execution by the parties, the most recent date shall be indexed.
5. The nature of the instrument, as indicated by the title or type of the document or instrument.
6. The document reference number where the record of the instrument may be found.
7. The parsed description of the real estate affected by the document or instrument, as indicated by the location information including the quarter section, section, township, and range, or the lot, block, subdivision name, and city, town or county, if platted.
8. Any recording reference number of an associated, recorded document or instrument, when present on a document submitted for recording.
9. The parcel identification number, when present on a document submitted for recording.

Section 2. Section 331.601A, subsection 3, Code 2024, is amended to read as follows:

3. "Electronic document" means a document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the ~~county land record information~~ electronic services system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county. Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording.

Section 3. Section 331.601A, subsection 7, Code 2024, is amended to read as follows:

7. "Page" means a writing, printing, or drawing, other than a plat or survey or a drawing related to a plat or survey, occurring on one side only and covering all or part of such side, and not larger than eight and one half inches in width and fourteen inches in length. For the purposes of a plat of survey or a drawing related to a plat of survey, "Page" also means a writing, printing, or drawing occurring on one side only and covering all or part of such side, and with dimensions of eight and one-half inches by fourteen inches, eleven inches by seventeen inches or up to twenty-four inches by thirty-six inches.

Section 4. Section 331.601A, Code 2024, is amended by inserting the following new numbered subsection:

10. Electronic Services System. The Electronic Services System is the organization formed under a chapter 28E agreement to create and implement a county land record information system. The agreement is required by 2005 Iowa Acts, ch. 179, §101, as amended by 2021 Iowa Acts, ch. 126.

Section 5. Section 331.603, subsection 5a, Code 2024, is amended to read as follows:

5. a. ~~The governing board of the county land record information system shall not enter into an agreement to provide access to electronic documents or records on a batch basis.~~ The county recorder may collect reasonable fees for access to electronic documents and records pursuant to an agreement. The fees shall not exceed the actual cost of providing access to the electronic documents and records. "Actual cost" means only those expenses directly attributable to providing access to electronic documents and records. "Actual cost" shall not include costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the county recorder ~~or the county land record information system.~~

Section 6. Section 331.604, Code 2024, is amended by striking the section in its entirety and inserting in lieu thereof the following:

331.604 Recording and filing fees.

1. Except as otherwise provided by state law, subsection 6, or section 331.605, the recorder shall collect a fee of ten dollars for each page or fraction of a page of a document or instrument which is recorded in the recorder's office. The maximum recording fee for documents with fifty or more pages is \$500.00.
2. From the total fee paid for the recording of a document or instrument, two dollars shall be allocated to a recorder's technology advancement fund as described herein. The recorder's technology advancement fund may be used for the following purposes.
 - a. Maintaining and improving equipment, software and systems associated with recording and other duties administered by the office of the county recorder.
 - b. Preserving and maintaining physical and electronic documents and instruments archived by the county recorder.
 - c. Converting physical documents to electronic documents and providing that those documents are indexed as required in sections 331.606 and 558.49. When converting physical documents to electronic documents, if it is not feasible to conform to standards for digitizing and indexing the documents separately, then funds may be used to digitize the records.
 - d. Participating in education and training for the purpose of advancing technology and improving the services provided by the office of the county recorder.

The county treasurer, on behalf of the recorder, shall establish and maintain a recorder's technology advancement fund into which all money allocated pursuant to this subsection shall be deposited. Interest earned on money deposited in the fund shall be credited to the recorder's technology advancement fund. The recorder may collaborate with other entities, boards, and agencies to advance the use of technology for the delivery of services consistent with standards established for those services.

3. From the total fee paid for the recording of a document or instrument, three dollars shall be allocated to the electronic services system as described herein. The funds may be used for the purposes described in Section 331.605B.

The county treasurer, on behalf of the recorder, shall establish and maintain a recorder's electronic services system fund into which all money allocated pursuant to this subsection shall be deposited. Interest earned on money deposited in this fund shall be computed based on the average monthly balance in the fund and shall be credited to the recorder's electronic services system fund.

4. On a monthly basis, the county treasurer shall transfer the funds deposited into the county recorder's electronic services system fund to a financial account designated by the electronic services system, a government entity established under chapter 28E. Moneys expended by the electronic services system shall be for the purposes specified in Section 331.605B and to pay the ongoing costs of operating the electronic services system.
5. The county recorder or the Electronic Services System shall make available any information required by the county auditor or auditor of state, as applicable, concerning the allocations made under subsections 2 and 3 for the purpose of determining the amount of the allocations and the uses for which such allocations are expended.
6. A county shall not be required to pay a fee to the recorder for filing or recording instruments. However, a county treasurer is required to pay recording fees pursuant to sections 437A.11 and 437B.7.

Section 7. TRANSFER OF FUNDS.

1. Any funds in a county recorder's records management fund as of June 30, 2025, shall be transferred to the recorder's technology advancement fund. Alternatively, this transition may be implemented by changing the name of the county recorder's records management fund to be the recorder's technology advancement fund.
2. Any funds in a county recorder's electronic transaction fund as of June 30, 2025, shall be transferred to the county recorder's electronic services system fund. Alternatively, this transition may be implemented by changing the name of the county recorder's electronic transaction fund to be the county recorder's electronic services system fund.
3. Any funds in the local government electronic transaction fund as of June 30, 2025, shall be retained in the fund for the purposes specified in Section 331.605B until the remaining funds are exhausted.

Section 8. Section 331.605B, Code 2024, is amended by striking the section in its entirety and inserting in lieu thereof the following:

331.605B Electronic Services System

1. The Electronic Services System, as defined in Section 331.601A, shall develop, operate and maintain a statewide county land record information system and internet site for the following purposes.

- a. Provide statewide online access to recorded public documents and instruments
- b. Enable statewide electronic filing for recording documents and instruments
- c. Receive authorized payments for services provided
- d. Implement security and redaction systems to protect users and Iowa citizens
- e. Shield information for the protection of qualified persons who may be endangered
- f. Integrate with other appropriate relational property information systems
- g. Establish business and technology standards for processing, recording, indexing and archiving documents and instruments and standards for county land record management systems in Iowa and the Electronic Services System
- h. Operate a system capable of notifying users of transactional activity associated with their property, name or other public services

2. The governing board of the Electronic Services System shall collect only statutorily authorized fees for land records management, and shall not collect a fee for viewing, accessing, or printing documents in a county land record information system unless specifically authorized by statute. The governing board may collect a fee of not more than three dollars per recorded document for using the system to process electronic documents for recording. An additional service charge may be added for credit or debit card payments. Fees collected for the processing of electronic documents for recording may be used for the purposes specified in subsection 1.

3. The Electronic Services System agreement may be amended by a vote of the boards of supervisors on behalf of the respective county recorders, pursuant to the terms of the agreement, to provide for the ongoing implementation of the Electronic Services System. Each county shall participate in the Electronic Services System and shall comply with the policies and procedures established by the governing board of the Electronic Services System.

4. The governing board of the Electronic Services System shall not enter into an agreement to provide access to electronic documents or records on a batch basis.

5. Limitation of liability. The electronic services system is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions. However, persons who have contracted with the governing board of the Electronic Services System to carry out the duties of the board are not employees for purposes of chapter 670, relating to tort liability of governmental subdivisions.

Section 9. Section 331.606, subsection 1, Code 2024, is amended to read as follows:

331.606 General filing indexing requirements.

1. In addition to the information specified in section 331.606B (2), section 558.49, and other requirements specified by law, the recorder shall note in the county land records management system the date of filing recording of each instrument, the number, type or title, and character of the instrument, and the name of each grantor and grantee named in the instrument. In ~~numbering~~ assigning reference numbers to the documents or instruments, the recorder ~~shall~~ may start with the number one immediately following the date of annual settlement with the board and continue to number them consecutively until the next annual settlement with the board or the recorder may start with number one on the first working day of the calendar year and continue to number the instruments consecutively until the last working day of the calendar year. Reference numbers shall not include letters or special characters. Reference numbers shall include no more than eight digits, and the county two-digit numeric number and the four-digit year shall precede each reference. In addition to the standard reference number, the recorder may also assign a book and page reference to a document or instrument.

Section 10. Section 331.606, Code 2024, is amended to by inserting the following numbered paragraphs following subsection 1:

NEW ENUMERATED PARAGRAPH __. When present in a document, associated recording references shall be indexed with the recorded document and with any referenced antecedent documents. References shall also be indexed for concurrently recorded associated documents.

NEW ENUMERATED PARAGRAPH __. When a recorded document includes a legal description, parsed location information shall be indexed. For platted land, the indexed location information shall include the lot, block, subdivision name, and the name of the applicable city, town or county. For land which is not platted, the indexed location information shall include the section, township, range and quarter section. Indexing of a quarter quarter section is recommended but not required. If a county department uses an additional parcel identifier such as a capitalized alphabetic character, or a character string of numbers separated by a hyphen, when present on a document it shall be indexed as an additional parcel identifier as specified by the electronic services system.

NEW ENUMERATED PARAGRAPH __. When present in a document or instrument submitted for recording a parcel identification number shall be indexed.

NEW ENUMERATED PARAGRAPH __. The parcel identification number index information for previously recorded antecedent documents shall not be modified unless it is for the purpose of correcting an error.

Section 11. Section 331.606, subsection 2, Code 2024, is amended to read as follows:

2. The recorder shall also note in the index the exact time of the filing recording of each document or instrument which shall be accurate to the second.

Section 12. Section 331.606A, subsection 1, Code 2024, is amended by adding the following new definitions:

d. "Information Shielding" means restricting access to a document or information associated with a Qualified Individual which is posted through an internet site. The purpose of information shielding is to protect the safety of a qualified individual.

e. "Qualified Individual" means one of the following.

- i. a peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or state or federal judicial officer or state or federal prosecutor
- ii. a former peace officer, as defined in section 801.4, or a former civilian employee of a law enforcement agency who presents evidence that there is a compelling safety interest
- iii. a victim of domestic violence or abuse confirmed by a judge or a court officer designated by a judge

Notwithstanding the meanings described in this section, a person holding or seeking public office is not a qualified individual.

f. "Eligible Professionals" means one of the following.

- i. A participating attorney, abstractor, closer or associated personnel who are authorized to provide services on behalf of Iowa Title Guaranty
- ii. A licensed member of the Iowa Bar

Section 13. Section 331.606A, subsections 3 and 4, Code 2024, is amended to read as follows:

3. Redaction from electronic documents. Personally identifiable information that is contained in electronic documents that are displayed for public access on an internet site, or which are transferred to any person, shall be redacted prior to displaying or transferring the documents. Each recorder that displays electronic documents and the ~~county land record information electronic services~~ system that displays electronic documents on behalf of a county shall implement a system for redacting personally identifiable information. The recorder and the governing board of the ~~county land record information electronic services~~ system shall establish a procedure by which individuals may request that personally identifiable information contained in an electronic document displayed on an internet site be redacted, at no fee to the requesting individual. ~~The requirements of this subsection shall be fully implemented not later than December 31, 2011.~~

4. Dissemination of documents. Persons who have contracted with a county recorder or the governing board of the ~~county land record information electronic services~~ system to redact personally identifiable information from electronic documents pursuant to subsection 3 shall not sell, transfer, or otherwise disseminate the electronic documents in an unaltered or redacted form, except as provided for in the contract.

Section 14. Section 331.606A, subsection 7, Code 2024, is amended by striking the subsection:

Section 15. Section 331.606A, Code 2024, is amended by inserting the following new subsection:

NEW SUBSECTION _. Upon request by a Qualified Individual as defined in this section, a county official shall implement an information shielding process to restrict public access to electronic documents or web pages which contain information about the Qualified Individual through a public or county internet site including public or private websites hosted by land records management systems in service to Iowa counties.

County officials shall implement and maintain a process to facilitate requests for information shielding. Information shielding processes may include provisions which would permit Eligible Professionals to access shielded information.

Access to shielded information may also be granted to other professionals with the written permission of the qualified individual.

Eligible Professionals and others who are granted access to shielded information must agree to maintain the confidentiality of the qualified individual and receive training with respect to the handling of confidential information.

A fee shall not be charged to a Qualified Individual requesting information shielding.

Section 16. Section 331.606B, subsection 1, Code 2024, is amended to read as follows:

331.606B Document or document formatting standards.

1. ~~Except as otherwise provided in subsection 7, the county recorder shall refuse any document or instrument presented for recording that does not meet the following requirements:~~
The purpose of document or document formatting standards is to ensure that the documents and associated images are legible and contain the necessary information for the county recorder to perform their duty to create a permanent, unaltered archive and to index information that is accessible and searchable by the citizens of Iowa and by commercial and government organizations. If the content of a document or instrument does not conform to the requirements of this section, or if the form of a document or instrument prevents or inhibits the county recorder from performing their duty, the county recorder may decline to record a document or instrument.

The standards may relate to the physical processing or handling of a paper document, the processing of an electronic document, or the content of a document, and they are enumerated as follows.

- a. ~~Each document or instrument shall consist of one or more individual pages not permanently bound or in a continuous form. For the purposes of this section, continuous form shall mean individual one-sided pages. The~~ A document or instrument in a physical form shall not be permanently bound, have any

attachment stapled, taped, or otherwise affixed to any page ~~except as necessary to comply with statutory requirements~~, or contain text or graphics on the back side of a page. However, the individual pages of a document or instrument in a physical form may be stapled clipped together for presentation for recording. A label that is firmly attached to a document or instrument in a physical form with a bar code or return address may be accepted for recording.

- b. All ~~preprinted~~ text shall be in a legible font of at least ~~eight ten~~ ten point in size and ~~no more than twenty sixteen characters and spaces per inch~~. All other text typed or computer generated, including but not limited to all names of parties to an agreement, shall be at least ten point in size and no more than sixteen characters and spaces per inch. If a document or instrument, other than a plat or survey or a drawing related to a plat or survey, presented for recording contains type smaller than eight point type for the preprinted text and ten point type for all other text, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the requirements of this section. However, a plat or survey or a drawing related to a plat or survey may contain text in a legible font of at least eight point in size.
- c. Each document shall be of sufficient legibility to produce a clear reproduction. If all or a portion of a document or instrument, other than a plat or survey or a drawing related to a plat or survey, is not sufficiently legible to produce a clear reproduction, the illegible portion of the document or instrument shall be accompanied by a legible copy as an attachment an exact typewritten or printed copy that meets the type size requirements of paragraph "b" ~~and~~ which shall be recorded contemporaneously as additional pages of the document or instrument.
- d. Each document or instrument in a physical form, other than a plat or survey or a drawing related to a plat or survey, shall be on standard white paper of not less than twenty-pound weight without watermarks or other visible ~~inclusions~~ markings. All text within the document or instrument shall be of sufficient ~~color and clarity~~ legibility to ensure that the text is readable when reproduced from the record.
- e. All signatures on a document or instrument shall be in black or dark blue ink and of sufficient color and clarity to ensure that the signatures are readable clear and discernable when the document or instrument is reproduced from the record. The corresponding name shall be ~~typed~~, printed, or stamped beneath the original signature. The ~~typing or printing of a name or the application of an embossed or inked stamp~~ shall not cover or otherwise materially interfere with any part of the document or instrument except where provided by law. Failure to print ~~or type~~ signatures as provided in this paragraph does not invalidate the document or instrument.
- f. The first page of each document or instrument, other than a plat or survey or a drawing related to a plat or survey, shall have a top margin of at least ~~three inches~~ one-half inch of vertical space from left to right, and with a blank rectangular space at the top of the first page which shall be three and three-fourth inches in width and two and one-half inches in height reserved and delineated for the county recorder's use, unless the document is accompanied by a cover sheet. which shall be reserved for the recorder's use. The stamp area shall be adjacent to the top margin. All other margins on the document or instrument shall be a minimum of three-fourths of one inch. Nonessential information including but not limited to form numbers, page numbers, or customer notations may be placed in a margin except the top margin. The recorder shall not incur any liability for not showing a seal or information that extends beyond the margin of the permanent archival record.
- g. Each document or instrument presented for recording shall meet the requirements of section 331.606A, subsection 2. However, a document which includes personally identifiable information shall be recorded provided that the document is subjected to a redaction process as specified in Section 331.606A, subsection 3.

Section 17. Section 331.606B, subsection 2, Code 2024, is amended to read as follows:

2. Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, that is presented for recording shall contain the following information on the first page below the three-inch margin or on a cover sheet or page as described in subsection 3.
 - a. The name, address, and either the telephone number or email address of the individual who prepared the document.
 - b. For any instrument of conveyance, the name of the taxpayer and a complete mailing address.
 - c. A return address.
 - d. The title or type of the document or instrument.
 - e. All grantors' names.
 - f. All grantees' names.
 - g. Any address required by statute.
 - h. The legal description of the property and parcel identification number, if required.
 - i. ~~A document or instrument number for statutory requirements~~ The recording reference number of an associated, recorded document or instrument, if applicable.

A document or instrument may also contain the contact information of the person who is best able to address any issue affecting the recordability of the document or instrument.

Section 18. Section 331.606B, subsection 3, Code 2024, is amended to read as follows:

3. ~~If insufficient space exists on the first page for all of the information described in subsection 2, the page reference of the document or instrument where the information is located shall be noted on the first page. The information specified in 331.606B, Section 2 may also be provided in one of the following forms.~~
 - a. As a cover sheet or page accompanying a document or instrument in a format approved by the electronic services system. A cover sheet shall be recorded contemporaneously as an additional first page to the document or instrument and shall conform to Section 331.606B, Section 1.
 - b. If insufficient space exists on the first page or a cover sheet for all of the information described in subsection 2, the page reference of the document or instrument where the information is located shall be noted on the first page or cover sheet.

Section 19. Section 331.606B, subsection 4, Code 2024, is amended by striking the section and inserting in lieu thereof the following:

4. A document or instrument which executes a transaction for the conveyance or assignment of property, the provision of financing, or the release of a legal or financial obligation, shall be applicable only to the parties participating in the same transaction, and shall not be applicable to multiple parties participating in different transactions.

Section 20. Section 331.606B, subsection 6, Code 2024, is amended to read as follows:

6. ~~A document or instrument rejected for recording by a recorder shall be returned to the preparer or presenter accompanied by an explanation of the reason for rejection. A physical document or instrument declined for recording by a recorder shall be returned to the submitter or preparer accompanied by an explanation of the reason for the action to decline the document. When an electronic document or instrument submitted through the electronic services system is declined for recording by a recorder, the recorder shall notify the submitter of the reason for the action to decline the document. Whenever practicable, the recorder shall also advise the preparer or submitter of any actions necessary to correct the document or instrument.~~

When a recording fee for an electronic document is adjusted to correct an error in the calculation of a fee, the submitter shall be notified of the reason and basis for adjusting the recording fee.

Section 21. Section 331.606B, subsection 7, Code 2024, is repealed.

Section 22. NEW SECTION 331.612 (tentative) Recording of Surveys:

331.612 Recording of Surveys

1. As used in this part, unless the context otherwise requires:
 - a. Parcel Identification Number means the unique identification number designated to each piece of real estate as recorded in the book of plats under section 558.63.
 - b. Additional Parcel Identifier means a capitalized alphabetic character, or a character string of numbers separated by a hyphen used by a to identify a proposed separate piece of real estate represented on a plat or survey or a drawing related to a plat or survey.
2. Documents and Instruments. Notwithstanding the document formatting standards specified in Section 331.606B, this section shall apply to each document or certificate prepared and signed by a licensed professional land surveyor which is submitted for recording.
3. Formatting Surveys for Recording. Any survey document or instrument which is submitted to a county for recording as described in this section shall conform to the following requirements.
 - a. Contain text in a legible font of at least eight-point in size.
 - b. Provide font colors, signatures and drawings which have sufficient weight, contrast and darkness to be reproducible.
 - c. Physical documents submitted to a county for recording shall be on standard white paper without watermarks or other visible markings and shall have a dimension which is no greater than eleven by seventeen inches.
 - d. Notwithstanding the dimensions specified for physical documents in this section, a physical document with a dimension of up to twenty-four inches by thirty-six inches may be submitted to the county if the county is able to scan or digitize the document while maintaining the original scale and quality of the document as specified in paragraphs a through c in this section.
 - e. Electronic documents submitted to a county for recording through the electronic services system shall have a dimension which is no greater than twenty-four inches by thirty-six inches.
 - f. Provide an Index Legend which includes information required for indexing and recording by the county recorder as specified in section 4.
 - g. Provide a blank rectangular space three and three-fourth inches in width and two and one-half inches in height reserved and delineated for the county recorder's use, unless the document is accompanied by a cover sheet approved by the governing board of the electronic services system.
4. Index Legend Content. An Index Legend shall be presented as a compact table or grid with lines and a reasonable separation of the data elements. For all survey documents the following data elements are required in the index legend.
 - a. County Name
 - b. Parsed location description:
 - If not platted: Section, Township, Range, Quarter Section, and Additional Parcel Identifier if applicable. The quarter quarter section is optional.
 - If platted: Lot/Unit, Block, Subdivision Name (without abbreviation), Town/City/County as applicable, Section, Township and Range, and Additional Parcel Identifier, if applicable
 - c. The current Parcel Identification Number
 - d. Proprietor: Name (if applicable and if multiple proprietors – only one is required)
 - e. Requested By: Name
 - f. Any known Associated Reference to a previously recorded survey document for the property
 - g. The surveyor's name, mailing address, and phone number or email address
 - h. Information necessary for the county recorder to return the survey document
 - i. Additional information, if the survey document is a monument preservation certificate, includes the following

1. The name of the government entity or other organization under which the surveyor provided the professional service
2. The name of the government entity or other organization requesting the monument preservation certification as provided in 355.6A

Section 23. Section 354.18, Subsection 2 is amended to read as follows:

2. The recorder shall examine each plat of survey and subdivision plat to determine whether the plat is clearly legible and whether the approval by the applicable governing body and the other attachments required by this chapter are presented with the plat. The recorder shall also keep a reproducible physical or electronic copy of the plat from which legible copies can be made. The recorder may specify the material and the size of ~~the~~ a physical plat, not less than eight and one-half inches by eleven inches that will be accepted for recording in order to comply with this section. The recorder shall accept a plat as an electronic document with a page size as defined in 331.601A, subsection 7 and submitted through the electronic services system. The recorder shall not record a subdivision plat that violates this chapter.

Section 24. Sections 355.6A, Subsections 4a and 4b are amended to read as follows:

- a. The monument preservation certificate shall be filed with the county recorder ~~pursuant to section 331.606B, subsection 5,~~ no later than thirty days after the certificate is signed by the surveyor.
- b. The county recorder shall index the monument preservation certificate according to the township, range, section number, and quarter section ~~or in~~ in which the monument is located ~~within~~. If the monument is located within an official plat, the county recorder shall also index the certificate alphabetically by the official plat name

Section 25. Section 355.6A. Subsection 4c, Code 2024, is repealed.

Section 26. Section 355.12, Code 2024 is amended to read as follows:

355.12 Indexing of survey documents by recorder.

The recorder shall index survey documents and United States public land corner certificates pursuant to section 331.612 (4b) by township, range, and section number. If the survey is in a recorded subdivision, the recorder shall also index the document alphabetically by subdivision name

(END)

AN ACT TO MODERNIZE IOWA RECORDING POLICIES AND PRACTICES

EXPLANATION

GENERAL – The bill updates and expands indexing and recording requirements for conveyance and other documents, updates the formatting and content requirements for documents submitted for recording, provides for the ongoing governance of the Electronic Services System, the 28E organization which hosts the Iowa Land Records website and applications, modifies and simplifies the fees charged for recording services, establishes updated requirements for the recording of surveys and related documents, and creates updated procedures for shielding certain information about law enforcement, judicial officers and other victims of abuse who may be endangered.

BILL'S PROVISIONS – INDEXING OF CONVEYANCE DOCUMENTS. Section 1 clarifies that the indexes shall include certain information about recorded conveyance documents. It provides that the date and time assigned to a document is the time of recording (not the time of filing) and it clarifies that a "date of instrument" means the date on which a document is executed by the parties and the date to be indexed would be the most recent date. It clarifies that the "nature of the instrument is the title or type of the document. It clarifies that the information to be indexed about the description of the real estate should be the "parsed" location information as indicated by terms such as section, township, range or lot, block and subdivision name. It specifies that associated document references and parcel identification numbers are to be indexed if the information is present on a document.

BILL'S PROVISIONS – DEFINITIONS. Sections 2, 3 and 4 update definitions in 331.601A to clarify the use of the term electronic services system and to include larger scale survey documents in the definition of a page.

BILL'S PROVISIONS – GENERAL POWERS. Section 5 removes a reference concerning the county land record information and providing access to documents on a batch basis, but Section 8 moves the policy to an updated section 331.605B. The effect of the amendment maintains current policy by prohibiting the Electronic Services System from providing access to documents on a batch basis.

BILL'S PROVISIONS – RECORDING FEES. Section 6 increases the base recording fee from \$5.00 per page to \$10.00 per page and eliminates the fee for additional transactions. A cap on the recording fee in the amount of \$500.00 per document would be established. It modifies the funding for maintaining and preserving records and for the county land information system by discontinuing the additional one dollar recording fees and instead allocates funds from the base recording fee for these purposes. The effect is to simplify the calculation of recording fees and to provide the resources needed for technology and operations and projects through the Iowa Land Records system. Specifically, the revised section allocates \$2.00 from the base recording fee for each document to a recorder's technology advancement fund and replaces the additional \$1.00 fee for records management. It authorizes the technology funds for technology and equipment used for recording and other duties, records preservation, converting physical documents to electronic documents, and for education and training. Similar to the current 331.604 (2a), the new section describes the management of the technology fund by the county.

The revised section also allocates \$3.00 from the base recording fee for each document to a recorder's electronic services system fund and replaces the additional \$1.00 fee for the county land record information system. Similar to the current 331.604 (3c), the language describes the management of the recorder's electronic services system fund by the county. Funds are to be transferred to the Electronic Services System on a monthly basis.

Both funds are subject to audit. Policies relating to participation in the Electronic Services System and the purposes of the system are moved from 331.604 to an updated section 331.605B. Policies relating to the redaction of information about law enforcement officers are moved from 331.604 to 331.606A.

BILL'S PROVISIONS – TRANSFER OF FUNDS. Section 7 makes provision for making the transition from the supplemental fees to the allocations, and the transition from the existing funds to the new funds.

BILL'S PROVISIONS – GOVERNANCE OF THE ELECTRONIC SERVICES SYSTEM. Several policies concerning the Electronic Services System may be found in different sections of the Iowa Code. Section 8 proposes to consolidate those subjects into a common section of the Iowa Code; specifically, section 331.605B. The general intent is to craft a coherent governance section without fundamentally changing the current policies. Section 331.605B, subsection 1 enumerates the purpose and authorizations for the county land record information system, and the purpose areas are drawn from the pre-existing purposes in sections 331.604(3b-1 a-d), 331.604(3d) and 331.605B(2). New language authorizing certain records to be shielded and authorizing the creation of a notification system has been added.

Section 331.605B, subsection 2 relating to statutorily authorized fees, is drawn from the current version of Section 331.605B, subsection 2. Section 331.605B, subsection 3 relating to amendments to the Electronic Services System 28E agreement, is taken from the current version of sections 331.604(3a) and 331.604(3f). Section 331.605B, subsection 4 relating to the prohibition of batch basis records transfers is taken from the current version of Section 331.603, subsection 5a. Section 331.605B, subsection 5 relating to the limitation of liability is drawn from the current version of 331.606A(7).

BILL'S PROVISIONS – GENERAL INDEXING REQUIREMENTS. General recording and indexing requirements are also specified in both Section 558.49 and Section 331.606B, Subsection 2, and the amendments included here are intended to bring all requirements into alignment. Section 9 updates terminology with respect to the date of recording, and the type or title of a document. County recording systems are currently referred to as county land records management systems and this reference is added. A standard reference numbering system is established for all Iowa counties which would include a county's two-digit number, the four digit year, and a sequential number beginning with the number 1 starting on the first working day of the calendar year.

BILL'S PROVISIONS – CODIFIED INDEXING REQUIREMENTS. Current accepted recording practices include the indexing of associated references, and parsed legal descriptions, Section 10 codifies these as required data elements to be indexed. The indexing of parcel identification numbers has been identified as a valuable data connector with other land record information systems, and Section 10 adds a requirement to index the parcel information and any additional parcel identifier when it is present on the document. It also clarifies that parcel identification numbers are historical in nature, and previously recorded indexes for antecedent documents should not be updated when a parcel number is subsequently changed for any reason.

BILL'S PROVISIONS – TIME OF RECORDING. Section 11 clarifies that it is the time of recording that is important when recording, not the time when it is delivered to the recorder. It also establishes that the recording time should be accurate to the second in all counties.

BILL'S PROVISIONS – SHIELDING DEFINITIONS. Section 12 adds definitions for Information Shielding, Qualified Individuals, and Eligible Professionals to Section 331.606A, subsection 1. The definitions are related to changes to the "Back the Blue" redaction program as described in Section 15.

BILL'S PROVISIONS – REDACTION OF PERSONALLY IDENTIFIABLE INFORMATION. Section 13 clarifies that the electronic services system is responsible for the redaction of PII as described in Section 331.606A, subsections 3 and 4.

BILL'S PROVISIONS – LIMITATION OF LIABILITY. Section 14 repeals Section 331.606A, subsection 7, because it is being relocated to Section 331.605B, subsection 5. See BILL'S PROVISIONS – GOVERNANCE OF THE ELECTRONIC SERVICES SYSTEM.

BILL'S PROVISIONS – BACK THE BLUE SHIELDING. Section 15 adds a new subsection to 331.606A to transform the Back the Blue redaction program into a shielding program for peace officers, judicial officials and designated victims of domestic violence. Electronic documents or web pages associated with a Qualified Individual would be shielded from general public access except for Eligible Professionals or individuals with written permission.

BILL'S PROVISIONS – DOCUMENT FORMATTING STANDARDS. Section 16 updates requirements in Section 331.606B, Subsection 1 for formatting documents submitted for recorded to align with current and best practices. The new language is intended to provide clarity about the reasons why a document may be declined, to provide clear authority for a recorder to decline a document when certain conditions are not met, and to shift from the directive of "shall refuse" to a more flexible posture - "may decline." A distinction is made between the requirements for physical documents compared to electronic documents. Archaic terms such as "typewritten" are removed. The updates provide document preparers with greater flexibility by requiring a minimum stamp area instead of a full three-inch margin at the top of the first page. More emphasis is given to legibility. An update is made to allow for the recording of documents submitted with personally identifiable information provided that a process is implemented to redact it before posting it on a website.

BILL'S PROVISIONS – REQUIRED CONTENT. Section 17 updates requirements Section 331.606B, Subsection 2 for that preparers must provide recorders for indexing. Clarifications of terms for document type and associated references are added. A technical change is made to remove a reference to a three-inch margin and to add a reference to the use of a cover sheet which is common practice. Changes which may facilitate better communication between recorders and submitters include the addition of providing an email address for the preparer, and the option to include contact information for a person best able to address document issues (other than the preparer).

BILL'S PROVISIONS – CONTENT OPTIONS. Section 18 in an updated Section 331.606B, Subsection 3 further describes the option to use a cover sheet to provide the required information referenced in 331.606B, subsection 2, and the option to include a page number reference if necessary. Both options reflect current submission and recording practices.

BILL'S PROVISIONS – UNRELATED TRANSACTIONS. Section 19 seeks to clarify in Section 331.606B, Subsection 4 that while there would no longer be an extra fee for “additional transactions”, preparers should be discouraged from combining unrelated transactions into a single document submitted for recording. Current language relating to formatting requirements for surveys are moved to a new section of the Iowa Code as described in Section 22.

BILL'S PROVISIONS – DECLINE REASONS. Section 20 in an updated Section 331.606B, Subsection 6 clarifies that a declined physical document is to be returned to the preparer while a submitter of a declined electronic document may simply be informed (through the Iowa Land Records E-Submission service) that a correction is needed. This reflects current practice. The update also requires that fee changes for electronic documents must also be explained to a submitter. This is also a reflection of current practice.

BILL'S PROVISIONS – NONSTANDARD FEE REPEAL. Section 21 would repeal Section 331.606B, Subsection 7a and discontinue the nonstandard recording fee of ten dollars when a nonconforming document is recorded. This will simplify the calculation of recording fees. Nonconforming documents must be corrected. Subsection 7b would also be repealed as the revised introduction to 331.606B(1) provides clear authority for the recorders to decline documents which do not conform to the revised standards.

BILL'S PROVISIONS – SURVEY RECORDING STANDARDS. Section 22 would consolidate and update document formatting and recording standards for surveys, corner certificates, monument preservation certificates and other documents prepared by a licensed land surveyor. A new Code section is proposed. It establishes formatting requirements for any survey document submitted for recording, clarifies the requirements for the use of an “index legend” to provide recorders with the necessary information for indexing, and defines the terms “parcel identification number” and “additional parcel identifier” which may be included in some survey documents.

BILL'S PROVISIONS – SURVEY SIZE STANDARDS. Section 23 would update Section 354.18, subsection 2. Current practices are that all counties are able to scan physical documents with dimensions of up to 11 inches by seventeen inches. Electronic survey documents are accepted through the Electronic Services System with a dimension of up the twenty-four inches by thirty-six inches. The suggested change would align this section of the Code with current practices.

BILL'S PROVISIONS – SURVEY SIZE STANDARDS. Section 24 would update Section 355.6A, subsections 4a and 4b. The change to subsection 4a removes an incorrect and unnecessary Code reference. The change to subsection 4b is an editorial and not substantive.

BILL'S PROVISIONS – SURVEY INDEX LEGEND. Section 25 would repeal Section 355.6A, subsection 4c relating to the “index legend.” This subject is addressed in the new Code section referenced in Section 22.

BILL'S PROVISIONS – INDEXING SURVEYS. Section 26 would update Section 355.12 relating to indexing surveys and corner certificates. The update would align the indexing requirements with the suggested new Section 331.612, subsection 4b which is referenced in Section 22.