

HF 328 & the Recorder's Office

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As the Adams County Recorder, I take great pride in serving the residents of our county, ensuring the accurate and secure recording of land records. The introduction of HF328 has sparked a significant conversation among county recorders across Iowa, centering on the definition of local governance and the autonomy of individual counties in managing their office and land records.

At the heart of the debate is the question: What constitutes local governance? Does it mean each county independently selecting its e-recording software vendor to best meet local needs, or does it mean participating in the Iowa Land Records (ILR) system—a statewide initiative developed by county recorders for county recorders, with direct oversight from those who understand the work firsthand? Iowa Land Records is a system that the legislature asked recorders to create, and is now interested in allowing recorders the opportunity to opt out of. It is a system 99 counties utilize for a statewide database and also provides a statewide e-recording platform. While 28E agreements are traditionally voluntary collaborations between government entities, ILR was created under a mandatory structure codified in Iowa law.

For many, the answer lies in the origins and governance of ILR. Established by county recorders to provide a uniform, secure, and cost-effective solution for managing land records, ILR is funded and overseen by those who use it daily. This model ensures consistency across all 99 counties while maintaining county-level control through recorder oversight. From this perspective, ILR exemplifies local governance because it is recorder-driven and operates with the collective interests of Iowa's counties in mind.

On the other side of the debate, a handful of recorders argue that true local governance means the ability for each county to choose its own vendor for e-recording. They contend that requiring counties to participate in a single system limits their ability to make independent decisions and manage resources in a way that best serves their communities. Once out of the 28E agreement with Iowa Land Records, these counties and their software vendor can promote the county's own e-recording service rather than Iowa Land Records. While they may be able to utilize both their vendor and Iowa Land Records, the ILR system could see a substantial decline in financial resources.

The financial implications of counties opting out of ILR extend beyond just the system's sustainability—they directly affect the ability of remaining counties to continue offering e-recording services. ILR operates as a cost-sharing model, where all 99 counties contribute to its maintenance and enhancements. If some counties withdraw, the financial burden shifts to those that remain, potentially forcing them to reevaluate the feasibility of continuing e-recording services.

Additionally, we must consider some of the finer points of HF328. It strips out any mention of the county land record information system or electronic services system, aka Iowa Land Records, and replaces it with wording such as a “statewide search website vendor.” There have been discussions about putting ILR services out for an RFP, but this approach undermines a well-established, recorder-designed statewide system that is already in place and functioning effectively. ILR is a government-run system that serves its purpose efficiently—there is no need to disrupt what is already working.

In smaller counties that rely on ILR’s affordability and shared infrastructure, the financial strain could make it difficult to sustain e-recording at all. As a result, bankers, realtors, attorneys, etc., in these areas might lose access to online document submission, reverting to slower, manual processes such as mailing or in-person filings. The decision to opt out of ILR is not just about vendor choice—it has real consequences for counties, recorders, and the constituents who rely on efficient, accessible land recording services.

Both viewpoints stem from a commitment to responsible stewardship and public service. However, we must consider the broader implications. A fragmented system with multiple vendors could lead to additional costs, inconsistencies in access, and inconsistencies in the cost to e-record. ILR, by contrast, provides a unified, cost-effective, and secure system designed specifically for the needs of Iowa’s recorders and the constituents and users they serve. Additionally, a loss of counties participating in ILR directly affects the integrity of the statewide system. Over time, this could reduce access to e-recording for smaller counties that rely on the cost efficiencies and shared infrastructure of ILR, ultimately creating disparities in access to e-recording across the state.

The discussion surrounding HF328 is more than a policy debate, it is a reflection of our values as public servants. Whether we define local governance as independent decision-making at the county level or as a collaborative system designed and governed by county recorders statewide, our ultimate goal remains the same: to provide the best possible service to our constituents.

One has to ask the question, is a private vendor behind HF328? Do stakeholders, constituents, and users feel like Iowa Recordors are doing a poor job effectively managing this statewide service? What is truly to gain by leaving the 28E agreement between their county and Iowa Land Records? Recordors have jumped through so many hoops to prove we can manage this great system.

As I reflect on the discussions during our spring Iowa State Association of Counties Conference, I am confident in where I stand on this issue. Adams County remains firmly committed to supporting the Iowa Land Records system. This is where local governance truly shines—where county recordors collectively manage a system designed for the benefit of all Iowans. If I were to rely on a private vendor for these services, I would lose the ability to have a direct voice in how the system operates. Maintaining our involvement in ILR ensures that county recordors, rather than outside entities, shape the future of land records management in Iowa. I am trying to remain hopeful that even if a handful of recordors no longer participate in their 28E, that Iowa Land Records will continue to flourish and provide the same quality service it does today.

Recorders and Iowa Lands Records are continuing the conversation with the Iowa Legislature and will be working to amend HF328, so it reflects much needed changes that benefit all counties, but also will give Recorders the option to discontinue their 28E agreement. An amendment will also reflect our legislative priority to increase our base recording fee, which hasn't increased in nearly 40 years. If approved by the legislature, amendments will ensure that Iowa Recorders can continue to support the statewide system they and others use daily, while also ensuring we create a solution for all Recorders.

As this discussion continues, I encourage residents to stay informed and engaged. Your county government exists to serve you, and your input is invaluable in shaping how we manage public records now and in the future.