



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

April 8, 2010

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**Senate File 2254**, an Act relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts and to keep certain records.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long, sweeping flourish extending to the right.

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





Senate File 2254

AN ACT

RELATING TO THE POWERS AND DUTIES OF COUNTY TREASURERS TO ASSESS  
CERTAIN PROPERTY ASSOCIATED WITH FENCE DISPUTES AND WATER  
DISTRICTS AND TO KEEP CERTAIN RECORDS.

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

Section 1. Section 169C.1, Code 2009, is amended by adding  
the following new subsection:

NEW SUBSECTION. 1A. "*County system*" means the same as  
defined in section 445.1.

Sec. 2. Section 169C.6, subsection 3, Code 2009, is amended to read as follows:

3. If the fence is not erected or maintained as required in section 359A.6, and upon the written request of the board of township trustees, the board of supervisors of the county where the fence is to be erected or maintained shall act in the same manner as the board of township trustees under that section, including by erecting or maintaining the fence, ordering payment from a defaulted party, and certifying an amount due to the county ~~auditor~~ treasurer in the same manner as in section 359A.6. The amount due shall include the total costs required to erect or maintain the fence and a penalty equal to five percent of the total costs. The amount shall be placed upon the ~~tax books~~ county system, and collected ~~with interest and penalties after due, in the same manner as other unpaid property taxes~~ in the same manner as ordinary taxes. Upon certification to the county treasurer, the amount assessed shall be a lien on the parcel until paid.

Sec. 3. Section 331.512, subsection 1, paragraph d, Code 2009, is amended by striking the paragraph.

Sec. 4. Section 331.552, subsections 34, 35, and 36, Code 2009, are amended to read as follows:

34. Destroy tax sale redemption certificates and all associated tax sale records after ten years have elapsed from the end of the fiscal year in which the certificate was redeemed. If a tax sale certificate of purchase is cancelled as required by section 446.37 or 448.1, all associated tax sale records shall be destroyed after ten years have elapsed from the end of the fiscal year in which the tax sale certificate of purchase was cancelled. This subsection applies to documents described in this subsection that are in existence before, on, or after July 1, 2003.

35. Destroy special assessment records required by section 445.11 within the county system after ten years have elapsed from the end of the fiscal year in which the special assessment was paid in full. The county treasurer shall also destroy the resolution of necessity, plat, and schedule of assessments required by section 384.51 after ten years have elapsed from the end of the fiscal year in which the entire schedule was paid in full. This subsection applies to documents described in this subsection that are in existence before, on, or after July 1, 2003.

36. Destroy mobile home and manufactured home tax lists

after ten years have elapsed from the end of the fiscal year in which the list was created. This subsection applies to mobile home and manufactured home tax lists and associated documents in existence before, on, or after July 1, 2003.

Sec. 5. Section 331.559, subsections 15 and 20, Code 2009, are amended to read as follows:

15. Maintain a suspended tax list book as provided in section 427.12. After ten years from the date of payment, abatement, or cancellation of a suspended tax, special assessment, rate, or charge, the county treasurer may dispose of the official record of the suspended tax, special assessment, rate, or charge. This subsection applies to official records and associated documents in existence before, on, or after July 1, 2003.

20. Carry out duties relating to the preparation and correction of the tax list as provided in chapter 443. After ten years from the date of receipt, the county treasurer may dispose of the tax list delivered to the county treasurer pursuant to chapter 443. This subsection applies to tax lists and associated documents in existence before, on, or after July 1, 2003.

Sec. 6. Section 359A.4, Code 2009, is amended to read as follows:

**359A.4 Decision — deposit.**

At said time and place the fence viewers shall meet and determine by written order the obligations, rights, and duties of the respective parties in such matter, and assign to each owner the part which the owner shall erect, maintain, rebuild, trim or cut back, or pay for, and fix the value thereof, and prescribe the time within which the same shall be completed or paid for, and, in case of repair, may specify the kind of repairs to be made. If the fence is not erected, rebuilt, or repaired within the time prescribed in the order, the fence viewers shall require the complaining landowner to deposit with the fence viewers a sum of money sufficient to pay for the erecting, rebuilding, trimming, cutting back or repairing such fence together with the fees of the fence viewers and costs. Such complaining landowner shall be reimbursed as soon as the taxes costs and fees assessed against the party in default are collected as provided in section 359A.6.

Sec. 7. Section 359A.6, Code 2009, is amended to read as follows:

**359A.6 Default — costs and fees collected ~~as taxes~~.**

If the erecting, rebuilding, or repairing of ~~such a~~ a fence ~~be is~~ not completed within thirty days from and after the time fixed ~~therefor~~ in ~~such~~ the order, the board of township trustees acting as fence viewers shall cause the fence to be erected, rebuilt, and repaired, and the value thereof may be fixed by the fence viewers, and unless the sum so fixed, together with all fees of the fence viewers caused by such default, ~~as taxed by them,~~ is paid to the county treasurer, within ten days after the same is so ascertained; or when ordered to pay for an existing fence, and the value thereof is fixed by the fence viewers, and said sum, together with the fees of the fence viewers, ~~as taxed by them,~~ remains unpaid by the party in default for ten days, the fence viewers shall certify to the county ~~auditor~~ treasurer the full amount due from the party or parties in default, including all fees and costs ~~taxed~~ assessed by the fence viewers, together with a description of the real estate owned by the party or parties in default along or upon which the said fence exists, and the county ~~auditor~~ treasurer shall enter the same upon the ~~tax list~~ county system, and the amount shall be collected ~~as other taxes~~ in the same manner as ordinary taxes. Upon certification to the county treasurer, the amount assessed shall be a lien on the parcel until paid.

Sec. 8. Section 357.22, Code 2009, is amended to read as follows:

**357.22 Lien of assessments — tax.**

When the assessment has been completed, ~~and~~ the bonds have been sold and delivered to the county auditor, and the schedule of assessment ~~shall be turned over~~ has been delivered to the county ~~auditor~~ treasurer, the installments due thereon shall be collected in the same manner as ordinary taxes and shall constitute a lien on the property against which they are made. If the treasurer does not receive sufficient funds to enable the treasurer to pay the interest and retire the bonds as they become due, the auditor shall levy an annual tax of eighty-one cents per thousand dollars of assessed value of all taxable property within the district to pay such deficiency, and the county treasurer shall apply the proceeds of such levy to the payment of the bonds and the interest on the same so long as the bonds are in arrears on either interest or principal.

Sec. 9. Section 445.1, subsection 5, Code Supplement 2009, is amended to read as follows:

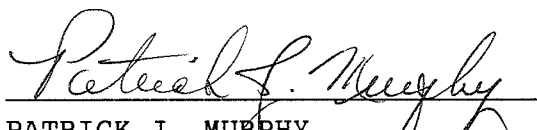
5. "Rate or charge" means an item, including rentals, legally certified to the county treasurer for collection

as provided in sections 169C.6, 331.465, 331.489, 358.20, 359A.6, 364.11, 364.12, and 468.589 and section 384.84, subsection 4.



JOHN P. KIBBIE

President of the Senate



PATRICK J. MURPHY

Speaker of the House

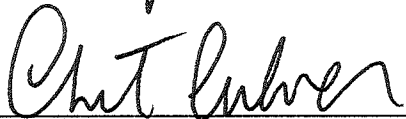
I hereby certify that this bill originated in the Senate and is known as Senate File 2254, Eighty-third General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved April 5<sup>th</sup>, 2010



CHESTER J. CULVER

Governor