

3/4/96 Referred to W.C.M.  
3/7/96 Do Pass  
3/25/96 Local Gov't.

SENATE FILE 2268  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO SSB 2207)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the financial procedures of counties, cities,  
2 and drainage districts, by amending the powers and duties of  
3 county treasurers, by eliminating the filing of late claims  
4 for property tax credits, by striking personal property tax  
5 credits of military veterans, by striking outdated property  
6 tax limitations, by providing for properly related matters,  
7 and by providing an applicability date.

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

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1 Section 1. Section 331.508, subsection 6, Code Supplement  
2 1995, is amended to read as follows:

3 6. ~~Fee-book~~ A record of fees within the county system as  
4 provided in section 331.902.

5 Sec. 2. Section 331.553, Code Supplement 1995, is amended  
6 by adding the following new subsections:

7 NEW SUBSECTION. 5. Require that payments be made by cash,  
8 check, or other form of legal tender or payment accepted by  
9 the federal internal revenue service. A treasurer may refuse  
10 a payment which is made in coins.

11 NEW SUBSECTION. 6. May accept electronic transfers of  
12 funds in payment of moneys due to the county, including but  
13 not limited to, state credits, tax payments, and redemptions.

14 NEW SUBSECTION. 7. Require a payor or an agent of a payor  
15 who makes an aggregate payment of one hundred thousand dollars  
16 or more to make payment by electronic transfer of the funds.

17 Sec. 3. Section 331.607, subsection 3, Code 1995, is  
18 amended to read as follows:

19 3. A ~~fee-book~~ record of fees within the county system as  
20 provided in section 331.902.

21 Sec. 4. Section 331.655, subsection 3, Code 1995, is  
22 amended to read as follows:

23 3. The sheriff shall keep an accurate record of the fees  
24 collected ~~in-a-fee-book~~ within the county system, make a  
25 quarterly report of the fees collected to the board, and pay  
26 the fees belonging to the county into the county treasury as  
27 provided in section 331.902.

28 Sec. 5. Section 331.902, subsections 2 and 3, Code 1995,  
29 are amended to read as follows:

30 2. Each elective officer specified in subsection 1 shall  
31 keep a ~~fee-book~~ record of fees within the county system as a  
32 part of the permanent county records of the office. The ~~book~~  
33 record shall ~~be ruled-in-appropriate-columns-for~~ include the  
34 date, kind of service, for whom rendered, and the amount of  
35 fee or charge collected and, when the fee is for recording an

1 instrument, the names of the parties to the instrument. The  
2 required information shall be recorded ~~in-the-fee-book~~ when  
3 the service is rendered.

4 3. Each elective officer specified in subsection 1 shall  
5 make a quarterly report to the board showing, by type, the  
6 fees collected during the preceding quarter. The officer  
7 shall pay at least quarterly to the county treasury the fees  
8 and charges collected, receive duplicate receipts for the  
9 payment, and file one of the receipts in the office of the  
10 auditor, except for the county auditor's transfer fees, which  
11 shall be paid directly to the county treasurer by the county  
12 recorder. The officer shall note in the ~~officer's-fee-book~~  
13 county system the date and amount of each payment into the  
14 county treasury. This subsection does not apply to the county  
15 treasurer if the county treasurer credits the fees daily to  
16 the county treasury and reports the receipts on the monthly  
17 report to the auditor and the board of supervisors.

18 Sec. 6. Section 384.63, unnumbered paragraphs 2 and 4,  
19 Code 1995, are amended to read as follows:

20 The council shall, by resolution, provide that the  
21 deficiencies for the lots specially benefited by a public  
22 improvement shall be certified to the county treasurer, who  
23 shall record them in ~~a-separate-book-entitled-"Special~~  
24 ~~Assessment-Deficiencies"~~ the county system, and to the  
25 appropriate city official charged with the responsibility of  
26 issuing building permits, who shall notify the council when a  
27 private improvement is subsequently constructed on any lot  
28 subject to a deficiency. Certification to the county  
29 treasurer shall include a legal description of each lot. The  
30 period of amortization for a public improvement for which  
31 there are deficiencies shall commence with the adoption of the  
32 resolution of necessity and extend for the same period for  
33 which installments of assessments for the project are made  
34 payable. Deficiencies may be assessed only during the period  
35 of amortization, which shall also be certified to the county

1 treasurer and the city official charged with the  
2 responsibility of issuing building permits. Certification to  
3 the county treasurer shall include a legal description of each  
4 lot.

5 An owner may appeal from the amount of the assessment  
6 within thirty days of the date notice is mailed. County  
7 officials shall collect a deficiency assessment, commencing in  
8 the year following the assessment, in the manner provided for  
9 the collection of other special assessments. Upon collection,  
10 the county treasurer shall make the appropriate credit entries  
11 in the "~~Special-Assessment-Deficiencies~~"-book county system,  
12 and shall credit the amounts collected as provided for other  
13 special assessments on the same public improvement, or to the  
14 city, to the extent that the deficiency has been previously  
15 paid from other city funds.

16 Sec. 7. Section 425.2, unnumbered paragraphs 2 and 6, Code  
17 1995, are amended to read as follows:

18 Upon the filing and allowance of the claim, the claim shall  
19 be allowed on that homestead for successive years without  
20 further filing as long as the property is legally or equitably  
21 owned and used as a homestead by that person or that person's  
22 spouse on July 1 of each of those successive years, and the  
23 owner of the property being claimed as a homestead declares  
24 residency in Iowa for purposes of income taxation, and the  
25 property is occupied by that person or that person's spouse  
26 for at least six months in each of those calendar years in  
27 which the fiscal year begins. When the property is sold or  
28 transferred, the buyer or transferee who wishes to qualify  
29 shall refile for the credit. However, when the property is  
30 transferred as part of a distribution made pursuant to chapter  
31 598, the transferee who is the spouse retaining ownership of  
32 the property is not required to refile for the credit.  
33 Property divided pursuant to chapter 598 shall not be modified  
34 following the division of the property. An owner who ceases  
35 to use a property for a homestead or intends not to use it as

1 a homestead for at least six months in a calendar year shall  
2 provide written notice to the assessor by July 1 following the  
3 date on which the use is changed. ~~If the written notice is~~  
4 ~~not provided to the assessor by the appropriate July 1, the~~  
5 ~~owner forfeits the right to file a belated claim on another~~  
6 ~~homestead for the year the notice should have been given.~~ A  
7 person who sells or transfers a homestead or the personal  
8 representative of a deceased person who had a homestead at the  
9 time of death, shall provide written notice to the assessor  
10 that the property is no longer the homestead of the former  
11 claimant.

12 ~~The failure of a person to file a claim under this section~~  
13 ~~on or before July 1 of the year for which the person is first~~  
14 ~~claiming the credit or to have the evidence of ownership~~  
15 ~~recorded in the office of the county recorder does not~~  
16 ~~disqualify the claim if the person claiming the credit or~~  
17 ~~through whom the credit is claimed is otherwise qualified.~~  
18 ~~The belated claim shall be filed with the appropriate assessor~~  
19 ~~on or before December 31 of the following calendar year and,~~  
20 ~~if approved by the board of supervisors, the county treasurer~~  
21 ~~shall submit the belated claim to the director of revenue and~~  
22 ~~finance who shall send payment to the claimant.--The payment~~  
23 ~~shall be made from funds appropriated to the homestead credit~~  
24 ~~fund.~~

25 Sec. 8. Section 425.20, unnumbered paragraph 2, Code 1995,  
26 is amended to read as follows:

27 A claim for credit for property taxes due shall not be paid  
28 or allowed unless the claim is filed with the county treasurer  
29 between January 1 and June 1, both dates inclusive,  
30 immediately preceding the fiscal year during which the  
31 property taxes are due. However, in case of sickness,  
32 absence, or other disability of the claimant, or if in the  
33 judgment of the county treasurer good cause exists, the county  
34 treasurer may extend the time for filing a claim for credit  
35 through September 30 of the same calendar year. The county

1 treasurer shall ~~submit-the-claim~~ certify to the director of  
2 revenue and finance on or before ~~August~~ May 1 of each year the  
3 total amount of dollars due for claims allowed.

4 Sec. 9. Section 425.23, subsection 3, paragraph a, Code  
5 1995, is amended to read as follows:

6 a. A person who is eligible to file a claim for credit for  
7 property taxes due and who has a household income of six  
8 thousand dollars or less and who has an unpaid special  
9 assessment levied against the homestead may file a claim for  
10 special assessment with the county treasurer ~~that-the-claimant~~  
11 ~~had-a-household-income-of-six-thousand-dollars-or-less-and~~  
12 ~~that-an-unpaid-special-assessment-is-presently-levied-against~~  
13 ~~the-homestead.~~ The department shall provide to the respective  
14 treasurers the forms necessary for the administration of this  
15 subsection. The claim shall be filed not later than September  
16 30 of each year. Upon the filing of the claim, interest for  
17 late payment shall not accrue against the amount of the unpaid  
18 special assessment due and payable. The claim filed by the  
19 claimant constitutes a claim for credit of an amount equal to  
20 the actual amount due upon the unpaid special assessment, plus  
21 interest, payable during the fiscal year for which the claim  
22 is filed against the homestead of the claimant. However,  
23 where the claimant is an individual described in section  
24 425.17, subsection 2, paragraph "b", and the tentative credit  
25 is determined according to the schedule in section 425.23,  
26 subsection 1, paragraph "b", subparagraph (2), the claim filed  
27 constitutes a claim for credit of an amount equal to one-half  
28 of the actual amount due and payable during the fiscal year.  
29 ~~The-department-of-revenue-and-finance-shall,-upon-the-filing~~  
30 ~~of-the-claim-with-the-department-by-the-treasurer,-pay-that~~  
31 ~~amount-of-the-unpaid-special-assessment-during-the-current~~  
32 ~~fiscal-year-to-the-treasurer.~~ The treasurer shall ~~submit-the~~  
33 claims certify to the director of revenue and finance not  
34 later than October 15 of each year the total amount of dollars  
35 due for the claims allowed. ~~The-director-of-revenue-and~~

1 ~~finance shall certify the amount of reimbursement due each~~  
2 ~~county for unpaid special assessment credits allowed under~~  
3 ~~this subsection.~~ The amount of reimbursement due each county  
4 shall be paid by the director of revenue and finance on  
5 ~~October 20~~ by November 15 of each year, drawn upon warrants  
6 payable to the respective treasurer. There is appropriated  
7 annually from the general fund of the state to the department  
8 of revenue and finance an amount sufficient to carry out the  
9 provisions of this subsection. The treasurer shall credit any  
10 moneys received from the department against the amount of the  
11 unpaid special assessment due and payable on the homestead of  
12 the claimant.

13 Sec. 10. Section 427.1, subsection 27, Code Supplement  
14 1995, is amended by striking the subsection.

15 Sec. 11. Section 428A.1, unnumbered paragraph 1, Code  
16 1995, is amended to read as follows:

17 There is imposed on each deed, instrument, or writing by  
18 which any lands, tenements, or other realty in this state are  
19 granted, assigned, transferred, or otherwise conveyed, a tax  
20 determined in the following manner: When there is no  
21 consideration or when the deed instrument or writing is  
22 executed and tendered for recording as an instrument  
23 corrective of title, and so states, there is no tax. When  
24 there is consideration and the actual market value of the real  
25 property transferred is in excess of five hundred dollars, the  
26 tax is eighty cents for each five hundred dollars or  
27 fractional part of five hundred dollars in excess of five  
28 hundred dollars. The term "consideration", as used in this  
29 chapter, means the full amount of the actual sale price of the  
30 real property involved, paid or to be paid, including the  
31 amount of an encumbrance or lien on the property, whether if  
32 ~~assumed or not~~ by the grantee. It is presumed that the sale  
33 price so stated includes the value of all personal property  
34 transferred as part of the sale unless the dollar value of  
35 personal property is stated on the instrument of conveyance.

1 When the dollar value of the personal property included in the  
2 sale is so stated, it shall be deducted from the consideration  
3 shown on the instrument for the purpose of determining the  
4 tax.

5 Sec. 12. Section 435.22, subsection 5, unnumbered  
6 paragraph 1, Code 1995, is amended to read as follows:

7 A claim for credit for home tax due shall not be paid or  
8 allowed unless the claim is actually filed with the county  
9 treasurer between January 1 and June 1, both dates inclusive,  
10 immediately preceding the fiscal year during which the home  
11 taxes are due and, with the exception of a claim filed on  
12 behalf of a deceased claimant by the claimant's legal  
13 guardian, spouse, or attorney, or by the executor or  
14 administrator of the claimant's estate, contains an affidavit  
15 of the claimant's intent to occupy the home for six months or  
16 more during the fiscal year beginning in the calendar year in  
17 which the claim is filed. However, in case of sickness,  
18 absence, or other disability of the claimant, or if in the  
19 judgment of the county treasurer good cause exists, the county  
20 treasurer may extend the time for filing a claim for credit  
21 through September 30 of the same calendar year. The county  
22 treasurer shall ~~submit the claim~~ certify to the director of  
23 revenue and finance on or before ~~August 1~~ November 15 each  
24 year the total dollar amount due for claims allowed.

25 Sec. 13. Section 446.16, unnumbered paragraph 1, Code  
26 Supplement 1995, is amended to read as follows:

27 The person who offers to pay the total amount due, which is  
28 a lien on any parcel, for the smallest percentage of the  
29 parcel is the purchaser, and when the purchaser designates the  
30 percentage of any parcel for which the purchaser will pay the  
31 total amount due, the percentage thus designated shall give  
32 the person an undivided interest upon the issuance of a  
33 treasurer's deed, as provided in chapter 448. If two or more  
34 persons have placed an equal bid and the bids are the smallest  
35 percentage offered, the county treasurer shall use a random

1 selection process to select the bidder to whom a certificate  
2 of purchase will be issued. All bidders shall be at least  
3 eighteen years of age.

4 Sec. 14. Section 446.39, Code 1995, is amended to read as  
5 follows:

6 446.39 IOWA FINANCE AUTHORITY STATEMENT.

7 A city or county, a city or county agency as authorized by  
8 the Iowa finance authority, or the Iowa finance authority may  
9 file with the county treasurer a verified statement that a  
10 parcel to be sold at tax sale is abandoned and deteriorating  
11 in condition, is inhabited but is not safe for human  
12 habitation, or is, or is likely to become, a public nuisance,  
13 and that the parcel is suitable for use and is to be used in  
14 an Iowa homesteading project under section 16.14. Other  
15 information may be included. Upon proper filing of the  
16 statement, and if the parcel is offered at a tax sale and no  
17 bid is received, or if the bid received is less than the total  
18 amount due, ~~or-if-the-parcel-is-to-be-transferred-to-the~~  
19 ~~county-under-section-446.38~~, the city, county, city or county  
20 agency, or Iowa finance authority may bid for the parcel for  
21 use in an Iowa homesteading project, bidding a sum equal to  
22 the total amount due. Each of the tax-levying and tax-  
23 certifying bodies having an interest in the taxes for which  
24 the parcel is sold shall be charged with its proportionate  
25 share of the purchase price.

26 Sec. 15. Section 447.9, unnumbered paragraph 1, Code  
27 Supplement 1995, is amended to read as follows:

28 After one year and nine months from the date of sale, or  
29 after nine months from the date of a sale made under section  
30 446.187-~~446.38~~ or 446.39, the holder of the certificate of  
31 purchase may cause to be served upon the person in possession  
32 of the parcel, and also upon the person in whose name the  
33 parcel is taxed, in the manner provided for the service of  
34 original notices in R.C.P. 56.1, if the person resides in  
35 Iowa, or otherwise as provided in section 446.9, subsection 1,

1 a notice signed by the certificate holder or the certificate  
2 holder's agent or attorney, stating the date of sale, the  
3 description of the parcel sold, the name of the purchaser, and  
4 that the right of redemption will expire and a deed for the  
5 parcel be made unless redemption is made within ninety days  
6 from the completed service of the notice. The ninety-day  
7 redemption period begins as provided in section 447.12. When  
8 the notice is given by a county as a holder of a certificate  
9 of purchase the notice shall be signed by the county treasurer  
10 or the county attorney, and when given by a city, it shall be  
11 signed by the city officer designated by resolution of the  
12 council. When the notice is given by the Iowa finance  
13 authority or a city or county agency holding the parcel as  
14 part of an Iowa homesteading project, it shall be signed on  
15 behalf of the agency or authority by one of its officers, as  
16 authorized in rules of the agency or authority.

17 Sec. 16. Section 468.57, subsection 2, unnumbered  
18 paragraph 1, Code Supplement 1995, is amended to read as  
19 follows:

20 To pay the assessments in not less than ten nor more than  
21 twenty equal installments, with the number of payments and  
22 interest rate determined by the board, notwithstanding chapter  
23 74A. The first installment of each assessment, or the total  
24 amount if less than one hundred dollars, is due and payable on  
25 July 1 next succeeding the date of the levy, unless the  
26 assessment is filed with the county treasurer after May 31 in  
27 any year. The first installment shall bear interest on the  
28 whole unpaid assessment from the date of the levy as set by  
29 the board to the first day of December following the due date.  
30 The succeeding annual installments, with interest on the whole  
31 unpaid amount, to the first day of December following the due  
32 date, are respectively due on July 1 annually, and must be  
33 paid at the same time and in the same manner as the first  
34 semiannual payment of ordinary taxes. All future installments  
35 of an assessment may be paid on any date by payment of the

1 then outstanding balance plus interest ~~accrued-to-the-date-of~~  
2 payment to the next December 1, or additional annual  
3 installments may be paid after the current installment has  
4 been paid before December 1. A payment must be for the full  
5 amount of the next installment. If installments remain to be  
6 paid, the next annual installment with interest added to  
7 December 1 will be due. After December 1, if a drainage  
8 assessment is not delinquent, a property owner may pay one-  
9 half or all of the next annual installment of principal and  
10 interest of a drainage assessment prior to the delinquency  
11 date of the installment. When the next installment has been  
12 paid in full, successive principal installments may be  
13 prepaid. The county treasurer shall accept the payments of  
14 the drainage assessment, and shall credit the next annual  
15 installment or future installments of the drainage assessment  
16 to the extent of the payment or payments, and shall remit the  
17 payments to the drainage fund. If a property owner elects to  
18 pay one or more principal installments in advance, the pay  
19 schedule shall be advanced by the number of principal  
20 installments prepaid. Each installment of an assessment with  
21 interest on the unpaid balance is delinquent from October 1  
22 after its due date, including those instances when the last  
23 day of September is a Saturday or Sunday, and bears the same  
24 delinquent interest as ordinary taxes. When collected, the  
25 interest must be credited to the same drainage fund as the  
26 drainage special assessment.

27 Sec. 17. APPLICABILITY DATES. Sections 8, 9, and 12 of  
28 this Act are retroactively applicable to claims filed on or  
29 after January 1, 1996.

30 Sec. 18. Section 444.28, Code 1995, is repealed.

31 EXPLANATION

32 This bill provides amendments to the powers and duties of  
33 county treasurers.

34 Section 2 adds three provisions relating to the form and  
35 method of payment made to county treasurers. The county

1 treasurers are to accept payment by cash, check, or other form  
2 of legal tender or payment accepted by the federal internal  
3 revenue service, but the treasurer may refuse payment in the  
4 form of coins. The county treasurers may also accept  
5 electronic transfers of moneys and may require a payor or  
6 agent of a payor to pay by electronic transfer if the  
7 aggregate payment is \$100,000 or more.

8 Sections 1, 3, and 4 are corresponding amendments to  
9 section 5 which changes reference to a fee book to a record of  
10 fees within the county system.

11 Section 5 amends provisions relating to the keeping of  
12 records of fees collected. The subsections are updated to  
13 refer to the county system of records rather than to fee  
14 books. Section 6 also updates the records of special  
15 assessments to reflect the use of a county system of records  
16 in lieu of books.

17 Sections 7, 8, 9, and 12 amend sections 425.2, 425.20,  
18 425.23, and 435.22 to eliminate the late filing of claims for  
19 homestead credits and other property tax credits. The  
20 amendments allow an extension of the deadline from June 1 to  
21 September 30 in the judgment of the county treasurer in lieu  
22 of the director of revenue and finance. The date of  
23 certification to the department of revenue and finance is  
24 changed to May 1. Certification of special assessment claims  
25 and claims for mobile homes to the department is changed to  
26 November 15.

27 Section 10 strikes a personal property tax exemption for  
28 persons serving in the armed forces of the United States while  
29 they remain on active duty.

30 Section 11 amends the definition of consideration as it  
31 relates to the sale price of real estate which is subject to  
32 the real estate transfer tax. If enacted, the consideration  
33 will include the sale price of the real estate and the amount  
34 of an encumbrance or lien on the property only if the  
35 encumbrance or lien is assumed by the grantee.

1 Section 13 requires that all bidders at tax sales be at  
2 least eighteen years of age.

3 Sections 14 and 15 amend sections 446.39 and 447.9 to  
4 remove a conflict with section 446.38 relating to the  
5 conveyance of property with suspended taxes.

6 Section 16 changes the date of waived drainage future  
7 installment payments to be consistent with waived special  
8 assessments and also changes the delinquency penalty dates to  
9 be consistent with the remainder of the tax collection  
10 process.

11 Section 17 makes sections 8, 9, and 12 retroactively  
12 applicable to claims filed on or after January 1, 1996.

13 Section 18 repeals the property tax limitations for cities  
14 and counties for the fiscal year 1995.

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SENATE FILE 2268  
FISCAL NOTE

REQ. BY SENATOR HALVORSON

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A fiscal note for Senate File 2268 as amended S-5399 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate Amendment S-5399 transfers the motor vehicle license issuance responsibilities from the Department of Transportation to County Treasurers in 24 counties and allows any county in addition to the 24 to issue licenses. The Bill also allows the counties to retain \$5 for each motor vehicle license, nonoperator identification card, and handicapped device processed.

**ASSUMPTIONS**

1. The addition of 24 counties will eliminate five Department of Transportation (DOT) driver license teams and 22 employees at an annual cost savings of \$748,000 in salaries and support.
2. The DOT will hire three additional staff to provide oversight and technical support for the 24 counties licensing functions. The first year cost for salary and support is \$163,000, the annual cost will be \$148,000.
3. The DOT will be required to pay an average weekly unemployment benefit of \$260 for each laid off employee for an estimated 11 weeks, at a cost of \$63,000.
4. The 24 counties will be reimbursed an average of \$427,000 annually for processing 85,400 transactions.
5. The first year cost for equipping the 24 counties will be \$79,000. This represents the equipment needed which is in addition to the license photo imaging equipment leased from Polaroid.
6. The annual lease cost of the license photo imaging equipment will increase by \$699,000 by expanding motor vehicle license issuance to 24 counties.
7. There will be 48 county employees receiving training by the DOT.
8. The first year cost of training 48 county employees by the DOT is \$65,000. This includes county costs of \$60,000 for employee expenses to be paid by the counties, and DOT costs of \$5,000 for rent of adequate facilities for training to be paid from the Road Use Tax Fund.
9. Two additional DOT staff will be required in the central office at an annual cost of \$66,000. These costs include: \$28,000 for one position to provide support for county staff on identifying driver record problems through the Commercial Driver License Information System and the National Driver Records System; \$31,000 for one position to provide assistance on

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technical computer problems associated with the increased number of users; \$7,000 for costs associated with shipping and mailing materials to the additional issuance sites.

10. The DOT will incur costs totaling \$58,000 for staff time associated with training, equipment installation, procurement, and testing. This cost is primarily for salaries of existing personnel and will be funded from the DOT's current operating budget.
11. All 24 counties will participate in the issuance of driver's licenses and will result in the elimination of five complete DOT Driver License Teams. If the final selection of counties results in the partial elimination of DOT Teams, the cost may be higher than stated in this fiscal note depending on the location of the counties.

#### FISCAL IMPACT

Senate Amendment S-5399 will result in an estimated increased cost to the Road Use Tax Fund of \$754,000 the first year of implementation and an annual operating cost of \$592,000 in subsequent years. In addition, the counties incur an initial cost of \$60,000 for employee training.

The fiscal impact associated with the provision to allow any county the option of issuing motor vehicle licenses cannot be determined.

#### SOURCES

Department of Transportation  
Cass and Appanoose County Treasurers Offices  
Legislative Fiscal Bureau  
Polaroid Corporation

(LSB 3907SV, DLR)

FILED MARCH 21, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 2268

S-5170

1 Amend Senate File 2268 as follows:

2 1. Page 7, by inserting after line 4 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 435.1, subsection 5, Code  
5 Supplement 1995, is amended to read as follows:

6 5. "Modular home" means a factory-built structure  
7 ~~built-on-a-permanent-chassis~~ which is manufactured to  
8 be used as a place of human habitation, is constructed  
9 to comply with the Iowa state building code for  
10 modular factory-built structures, and must display the  
11 seal issued by the state building code commissioner.  
12 If a modular home is placed in a mobile home park, the  
13 home is subject to the annual tax as required by  
14 section 435.22. If a modular home is placed outside a  
15 mobile home park, the home shall be considered real  
16 property and is to be assessed and taxed as real  
17 estate."

18 2. Page 10, by inserting after line 26 the  
19 following:

20 "Sec. \_\_\_\_\_. Section 555B.4, subsection 3, Code  
21 1995, is amended to read as follows:

22 3. If a tax lien exists on the mobile home or  
23 personal property at the time an action for  
24 abandonment is initiated, the real property owner  
25 shall notify the county treasurer of each county in  
26 which a tax lien appears by restricted certified mail  
27 sent not less than ten days before the hearing. The  
28 notice shall describe the mobile home and shall state  
29 the docket, case number, date and time at which the  
30 hearing is scheduled, and the county treasurer's right  
31 to assert a claim to the mobile home at the hearing.  
32 The notice shall also state that failure to assert a  
33 claim to the mobile home is deemed a waiver of all  
34 right, title, claim, and interest in the mobile home  
35 and is deemed consent to the sale or disposal of the  
36 mobile home.

37 Sec. \_\_\_\_\_. Section 562B.7, subsection 6, Code 1995,  
38 is amended by striking the subsection and inserting in  
39 lieu thereof the following:

40 6. "Mobile home park" means a site, lot, field, or  
41 tract of land upon which three or more mobile homes,  
42 manufactured homes, or modular homes, or a combination  
43 of any of these homes are placed on developed spaces  
44 and operated as a for-profit enterprise with water,  
45 sewer or septic, and electrical services available."

46 3. By renumbering as necessary.

By EUGENE FRAISE

S-5170 FILED MARCH 5, 1996

*Adapted 3-19-96  
(P. 857)*

SENATE FILE 2268

S-5143

1 Amend Senate File 2268 as follows:

2 1. Page 10, by inserting after line 26 the  
3 following:

4 "Sec. \_\_\_\_ . Section 555B.4, subsection 3, Code  
5 1995, is amended to read as follows:

6 3. If a tax lien exists on the mobile home or  
7 personal property at the time an action for  
8 abandonment is initiated, the real property owner  
9 shall notify the county treasurer of each county in  
10 which a tax lien appears by restricted certified mail  
11 sent not less than ten days before the hearing. The  
12 notice shall describe the mobile home and shall state  
13 the docket, case number, date and time at which the  
14 hearing is scheduled, and the county treasurer's right  
15 to assert a claim to the mobile home at the hearing.  
16 The notice shall also state that failure to assert a  
17 claim to the mobile home is deemed a waiver of all  
18 right, title, claim, and interest in the mobile home  
19 and is deemed consent to the sale or disposal of the  
20 mobile home."

21 2. By renumbering as necessary.

By EUGENE FRAISE

S-5143 FILED FEBRUARY 28, 1996

*Adopted*  
*3-19-96*

*(p. 857)*

## SENATE FILE 2268

S-5287

1 Amend Senate File 2268 as follows:

2 1. Page 7, line 25, by striking the words "  
3 unnumbered paragraph 1,".

4 2. Page 7, line 27, by striking the word "The"  
5 and inserting the following: "1. The".

6 3. Page 8, by striking lines 2 and 3 and  
7 inserting the following: "of purchase will be issued.

8 2. To ensure that the process is fair to all  
9 bidders, an individual or agent acting on behalf of  
10 another individual shall not contract with or offer  
11 anything of value to another individual to place a bid  
12 on a parcel as provided in subsection 1 for the  
13 purpose of transferring the certificate of purchase to  
14 the contractor or offeror. An individual or agent  
15 acting on behalf of another individual violating this  
16 subsection may be disqualified by a county treasurer  
17 from bidding at a tax sale in this state for three  
18 years."

19 4. Page 10, by inserting after line 30 the  
20 following:

21 "Sec. \_\_\_\_ . EFFECTIVE DATE. This section and  
22 sections 13, 14, and 15 of this Act, being deemed of  
23 immediate importance, take effect upon enactment."

24 5. Title page, line 7, by inserting the word  
25 "date" the following: "and an effective date".

By O. GENE MADDOX  
ALBERT G. SORENSEN

S-5287 FILED MARCH 11, 1996

*Adopted*

*3-19-96*

*(P. 857)*

1996 MARCH 11

## SENATE FILE 2268

S-5229

- 1 Amend Senate File 2268 as follows:  
2 1. Page 7, line 25, by striking the words "  
3 unnumbered paragraph 1,".  
4 2. Page 7, line 27, by striking the word "The"  
5 and inserting the following: "1. The".  
6 3. Page 8, by striking lines 2 and 3 and  
7 inserting the following: "of purchase will be issued.  
8 2. To ensure that the random selection process is  
9 fair to all bidders, an individual shall not contract  
10 with or offer anything of value to another individual  
11 to place a bid on a parcel as provided in subsection 1  
12 for the purpose of transferring the certificate of  
13 purchase to the contractor or offeror if the bid is  
14 selected to receive the certificate of purchase by the  
15 random selection process. An individual violating  
16 this subsection is guilty of a simple misdemeanor. A  
17 county treasurer may disqualify a repeat offender from  
18 bidding at a tax sale for three years."  
19 4. Title page, line 6, by inserting after the  
20 word "matters," the following: "by providing a  
21 penalty,".

By O. GENE MADDOX  
ALBERT G. SORENSEN

S-5229 FILED MARCH 6, 1996

**WITHDRAWN**

3-19-96

(p. 857)

## SENATE FILE 2268

S-5399

1 Amend Senate File 2268 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. 100. Section 321.179, Code Supplement 1995,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 3. By July 1, 1996, an additional  
7 twenty-four counties as designated by the department,  
8 and by July 1, 1997, any county requesting to do so,  
9 shall be authorized to issue motor vehicle licenses,  
10 nonoperator's identification cards, and handicapped  
11 identification devices on a permanent basis, as  
12 provided in this section."

13 2. Page 10, by inserting after line 26 the  
14 following:

15 "Sec. 101. ISSUANCE OF MOTOR VEHICLE LICENSES BY  
16 COUNTY TREASURERS -- EXPANSION -- FUNDING.

17 1. By July 1, 1996, twenty-four counties in  
18 addition to those counties referenced in section  
19 321.179 and by July 1, 1997, any other county  
20 requesting to do so, shall be authorized to issue  
21 motor vehicle licenses on a permanent basis. The  
22 department shall select the twenty-four new counties  
23 from a pool of counties which have so requested. The  
24 county treasurers' offices in the designated counties  
25 shall issue motor vehicle licenses, including  
26 commercial driver's licenses, nonoperator's  
27 identification cards, and handicapped identification  
28 devices. The department shall designate the counties  
29 by July 1, 1996. The department shall authorize any  
30 other county requesting to do so, to issue motor  
31 vehicle licenses pursuant to this section and section  
32 321.179 by July 1, 1997.

33 2. The state department of transportation shall  
34 work in conjunction with the county treasurer in each  
35 designated county and with a representative of the  
36 Iowa state county treasurers association to facilitate  
37 and implement the transfer of licensing duties and  
38 responsibilities to the designated counties in  
39 accordance with all of the following:

40 a. The department shall retain all administrative  
41 authority over licensing functions which shall include  
42 administrative procedures relating to cancellation,  
43 revocation, or suspension of licenses, administrative  
44 hearings and appeals, and training.

45 b. The department shall provide the county  
46 treasurer's office in each of the counties with all of  
47 the supplies, materials, and equipment necessary to  
48 carry out the provisions of this subsection.

49 c. If it is necessary for a county treasurer to  
50 hire additional employees, first priority in hiring

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1 shall be given to current employees of the department  
2 who become unemployed due to the changes necessitated  
3 by this section.

4 d. The county treasurers in the designated  
5 counties shall be required to offer hours and days of  
6 service to the public equal to or greater than the  
7 hours and days of service provided by the state  
8 department of transportation in the designated county  
9 immediately prior to the start of the county's  
10 provision of the service.

11 3. Notwithstanding any other provisions to the  
12 contrary, the county treasurers of the counties  
13 authorized to issue motor vehicle licenses may retain  
14 for deposit in the county general fund, up to five  
15 dollars for each motor vehicle license transaction,  
16 including, but not limited to, issuance or renewal of  
17 motor vehicle licenses, nonoperator's identification  
18 cards, or handicapped identification devices.

19 4. As a condition for retention of moneys under  
20 subsection 3, a county treasurer shall document the  
21 actual quarterly expenditures associated with motor  
22 vehicle license issuance including the amount of time  
23 spent during that quarter on motor vehicle license-  
24 related activities, the proportionate share of  
25 salaries and benefits for county employees performing  
26 motor vehicle license-related activities, the total  
27 numbers of transactions conducted, and other costs  
28 related to the administration of motor vehicle  
29 license-related activities. Each county treasurer  
30 shall provide the documentation of expenditures to the  
31 state department of transportation and legislative  
32 fiscal bureau. If the county treasurer's total  
33 expenses are less than the moneys retained under this  
34 subsection, the county treasurer shall submit the  
35 difference to the treasurer of state on a quarterly  
36 basis. The treasurer of state shall deposit that  
37 amount in the road use tax fund."

38 3. Page 10, by inserting after line 30 the  
39 following:

40 "Sec. \_\_\_\_ . Sections 100 and 101 of this Act, being  
41 deemed of immediate importance, take effect upon  
42 enactment."

43 4. Title page, by striking line 7 and inserting  
44 the following: "and by providing retroactive  
45 applicability and effective dates."

46 5. By renumbering as necessary.

By EUGENE FRAISE  
JOANN DOUGLAS  
JOHN P. KIBBIE

DERRYL McLAREN  
NANCY BOETTGER

S-5399 FILED MARCH 19, 1996

## SENATE FILE 2268

S-5463

1 Amend Senate File 2268 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. \_\_\_\_ . Section 34A.3, subsection 1, unnumbered  
5 paragraph 1, Code 1995, is amended to read as follows:  
6 The board of supervisors of each county shall  
7 establish a joint 911 service board not later than  
8 January 1, 1989. Each political subdivision of the  
9 ~~state having a public safety agency serving territory~~  
10 within the county is entitled to voting membership on  
11 the joint 911 service board. Each ~~private public~~  
12 safety agency operating within the area is entitled to  
13 ~~nonvoting voting~~ membership on the board. ~~A township~~  
14 ~~which does not operate its own public safety agency,~~  
15 ~~but contracts~~ Each private safety agency under  
16 ~~contract with a political subdivision within the~~  
17 ~~county for the provision of public safety services, is~~  
18 ~~not entitled to membership on the joint 911 service~~  
19 ~~board, but its contractor is entitled to membership~~  
20 ~~according to the contractor's status as a public or~~  
21 ~~private safety agency is entitled to voting membership~~  
22 ~~on the board. The board of supervisors of the county~~  
23 ~~establishing the board is also entitled to voting~~  
24 ~~membership on the board. The joint 911 service board~~  
25 shall develop an enhanced 911 service plan  
26 encompassing at minimum the entire county, unless an  
27 exemption is granted by the administrator permitting a  
28 smaller E911 service area. The administrator may  
29 grant a discretionary exemption from the single county  
30 minimum service area requirement based upon an E911  
31 joint service board's or other E911 service plan  
32 operating authority's presentation of evidence which  
33 supports the requested exemption if the administrator  
34 finds that local conditions make adherence to the  
35 minimum standard unreasonable or technically  
36 infeasible, and that the purposes of this chapter  
37 would be furthered by granting an exemption. The  
38 minimum size requirement is intended to prevent  
39 unnecessary duplication of public safety answering  
40 points and minimize other administrative, personnel,  
41 and equipment expenses. An E911 service area must  
42 encompass a geographically contiguous area. No  
43 exemption shall be granted from the contiguous area  
44 requirement. The administrator may order the  
45 inclusion of a specific territory in an adjoining E911  
46 service plan area to avoid the creation by exclusion  
47 of a territory smaller than a single county not  
48 serviced by surrounding E911 service plan areas upon  
49 request of the joint 911 service board representing  
50 the territory. The E911 service plan operating

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-1-

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Page 2

1 authority shall submit the plan on or before January  
2 1, 1994, to all of the following:"

3 2. By renumbering as necessary.

By EUGENE FRAISE  
TOM FLYNN

S-5463 FILED MARCH 20, 1996

## SENATE FILE 2268

S-5455

1 Amend Senate File 2268 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. \_\_\_\_ . Section 34A.3, subsection 1, unnumbered  
5 paragraph 1, Code 1995, is amended to read as follows:

6 The board of supervisors of each county shall  
7 establish a joint 911 service board not later than  
8 January 1, 1989. Each political subdivision ~~of the~~  
9 ~~state having a public safety agency serving territory~~  
10 within the county is entitled to voting membership on  
11 the joint 911 service board. Each public and private  
12 safety agency operating within the area is entitled to  
13 nonvoting voting membership on the board. A township  
14 ~~which does not operate its own public safety agency,~~  
15 ~~but contracts for the provision of public safety~~  
16 ~~services, is not entitled to membership on the joint~~  
17 ~~911 service board, but its contractor is entitled to~~  
18 ~~membership according to the contractor's status as a~~  
19 ~~public or private safety agency. The board of~~  
20 supervisors of the county establishing the board is  
21 also entitled to voting membership on the board. The  
22 joint 911 service board shall develop an enhanced 911  
23 service plan encompassing at minimum the entire  
24 county, unless an exemption is granted by the  
25 administrator permitting a smaller E911 service area.  
26 The administrator may grant a discretionary exemption  
27 from the single county minimum service area  
28 requirement based upon an E911 joint service board's  
29 or other E911 service plan operating authority's  
30 presentation of evidence which supports the requested  
31 exemption if the administrator finds that local  
32 conditions make adherence to the minimum standard  
33 unreasonable or technically infeasible, and that the  
34 purposes of this chapter would be furthered by  
35 granting an exemption. The minimum size requirement  
36 is intended to prevent unnecessary duplication of  
37 public safety answering points and minimize other  
38 administrative, personnel, and equipment expenses. An  
39 E911 service area must encompass a geographically  
40 contiguous area. No exemption shall be granted from  
41 the contiguous area requirement. The administrator  
42 may order the inclusion of a specific territory in an  
43 adjoining E911 service plan area to avoid the creation  
44 by exclusion of a territory smaller than a single  
45 county not serviced by surrounding E911 service plan  
46 areas upon request of the joint 911 service board  
47 representing the territory. The E911 service plan  
48 operating authority shall submit the plan on or before  
49 January 1, 1994, to all of the following:"

50 2. By renumbering as necessary.

By EUGENE FRAISE  
TOM FLYNN

S-5455 FILED MARCH 20, 1996

## SENATE FILE 2268

S-5414

1 Amend the amendment, S-5399, to Senate File 2268 as  
2 follows:

3 1. Page 1, by inserting after line 12 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321.190, subsection 1, Code  
6 1995, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. e. Notwithstanding paragraph "d",  
9 the fee for a nonoperator's identification card issued  
10 by a county treasurer's office, shall be eight  
11 dollars.

12 Sec. \_\_\_\_ . Section 321.191, Code 1995, is amended  
13 by adding the following new subsection:

14 NEW SUBSECTION. 11. ADDITIONAL FEE.

15 Notwithstanding any of the fees provided for in this  
16 section, an additional fee of three dollars shall be  
17 required for issuance of any motor vehicle license by  
18 a county treasurer's office.""

19 2. By renumbering as necessary.

By ROD HALVORSON

S-5414 FILED MARCH 19, 1996

Fraiser  
Sorensen  
Maddox

SS B-2207  
Local Government  
Succeeded By  
(SF) HF 2268

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BY  
CHAIRPERSON SORENSEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the financial procedures of counties, cities,  
2 and drainage districts, by amending the powers and duties of  
3 county treasurers, by eliminating the filing of late claims  
4 for property credits, by striking personal property tax  
5 credits of military veterans, by striking outdated property  
6 tax limitations, by providing for properly related matters,  
7 and by providing an applicability date.

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

9  
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23

1 Section 1. Section 331.508, subsection 6, Code Supplement  
2 1995, is amended to read as follows:

3 6. ~~Fee-book~~ A record of fees within the county system as  
4 provided in section 331.902.

5 Sec. 2. Section 331.553, Code Supplement 1995, is amended  
6 by adding the following new subsections:

7 NEW SUBSECTION. 5. Require that payments be made by cash,  
8 check, or other form of legal tender or payment accepted by  
9 the federal internal revenue service. A treasurer may refuse  
10 a payment which is made in coins.

11 NEW SUBSECTION. 6. May accept electronic transfers of  
12 funds in payment of moneys due to the county, including but  
13 not limited to, state credits, tax payments, and redemptions.

14 NEW SUBSECTION. 7. Require a payor or an agent of a payor  
15 who makes an aggregate payment of one hundred thousand dollars  
16 or more to make payment by electronic transfer of the funds.

17 Sec. 3. Section 331.607, subsection 3, Code 1995, is  
18 amended to read as follows:

19 3. A ~~fee-book~~ record of fees within the county system as  
20 provided in section 331.902.

21 Sec. 4. Section 331.655, subsection 3, Code 1995, is  
22 amended to read as follows:

23 3. The sheriff shall keep an accurate record of the fees  
24 collected ~~in-a-fee-book~~ within the county system, make a  
25 quarterly report of the fees collected to the board, and pay  
26 the fees belonging to the county into the county treasury as  
27 provided in section 331.902.

28 Sec. 5. Section 331.902, subsections 2 and 3, Code 1995,  
29 are amended to read as follows:

30 2. Each elective officer specified in subsection 1 shall  
31 keep a ~~fee-book~~ record of fees within the county system as a  
32 part of the permanent county records of the office. The ~~book~~  
33 record shall ~~be ruled in appropriate columns for~~ include the  
34 date, kind of service, for whom rendered, and the amount of  
35 fee or charge collected and, when the fee is for recording an

1 instrument, the names of the parties to the instrument. The  
2 required information shall be recorded ~~in-the-fee-book~~ when  
3 the service is rendered.

4 3. Each elective officer specified in subsection 1 shall  
5 make a quarterly report to the board showing, by type, the  
6 fees collected during the preceding quarter. The officer  
7 shall pay at least quarterly to the county treasury the fees  
8 and charges collected, receive duplicate receipts for the  
9 payment, and file one of the receipts in the office of the  
10 auditor, except for the county auditor's transfer fees, which  
11 shall be paid directly to the county treasurer by the county  
12 recorder. The officer shall note in the ~~officer's-fee-book~~ in  
13 the county system the date and amount of each payment into the  
14 county treasury. This subsection does not apply to the county  
15 treasurer if the county treasurer credits the fees daily to  
16 the county treasury and reports the receipts on the monthly  
17 report to the auditor and the board of supervisors.

18 Sec. 6. Section 384.63, unnumbered paragraphs 2 and 4,  
19 Code 1995, are amended to read as follows:

20 The council shall, by resolution, provide that the  
21 deficiencies for the lots specially benefited by a public  
22 improvement shall be certified to the county treasurer, who  
23 shall record them in ~~a-separate-book-entitled-"Special~~  
24 ~~Assessment-Deficiencies"~~ the county system, and to the  
25 appropriate city official charged with the responsibility of  
26 issuing building permits, who shall notify the council when a  
27 private improvement is subsequently constructed on any lot  
28 subject to a deficiency. Certification to the county  
29 treasurer shall include a legal description of each lot. The  
30 period of amortization for a public improvement for which  
31 there are deficiencies shall commence with the adoption of the  
32 resolution of necessity and extend for the same period for  
33 which installments of assessments for the project are made  
34 payable. Deficiencies may be assessed only during the period  
35 of amortization, which shall also be certified to the county

1 treasurer and the city official charged with the  
2 responsibility of issuing building permits. Certification to  
3 the county treasurer shall include a legal description of each  
4 lot.

5 An owner may appeal from the amount of the assessment  
6 within thirty days of the date notice is mailed. County  
7 officials shall collect a deficiency assessment, commencing in  
8 the year following the assessment, in the manner provided for  
9 the collection of other special assessments. Upon collection,  
10 the county treasurer shall make the appropriate credit entries  
11 in the "~~Special-Assessment-Deficiencies~~"-book county system,  
12 and shall credit the amounts collected as provided for other  
13 special assessments on the same public improvement, or to the  
14 city, to the extent that the deficiency has been previously  
15 paid from other city funds.

16 Sec. 7. Section 425.2, unnumbered paragraphs 2 and 6, Code  
17 1995, are amended to read as follows:

18 Upon the filing and allowance of the claim, the claim shall  
19 be allowed on that homestead for successive years without  
20 further filing as long as the property is legally or equitably  
21 owned and used as a homestead by that person or that person's  
22 spouse on July 1 of each of those successive years, and the  
23 owner of the property being claimed as a homestead declares  
24 residency in Iowa for purposes of income taxation, and the  
25 property is occupied by that person or that person's spouse  
26 for at least six months in each of those calendar years in  
27 which the fiscal year begins. When the property is sold or  
28 transferred, the buyer or transferee who wishes to qualify  
29 shall refile for the credit. However, when the property is  
30 transferred as part of a distribution made pursuant to chapter  
31 598, the transferee who is the spouse retaining ownership of  
32 the property is not required to refile for the credit.

33 Property divided pursuant to chapter 598 shall not be modified  
34 following the division of the property. An owner who ceases  
35 to use a property for a homestead or intends not to use it as

1 a homestead for at least six months in a calendar year shall  
2 provide written notice to the assessor by July 1 following the  
3 date on which the use is changed. ~~If the written notice is~~  
4 ~~not provided to the assessor by the appropriate July 1, the~~  
5 ~~owner forfeits the right to file a belated claim on another~~  
6 ~~homestead for the year the notice should have been given.~~ A  
7 person who sells or transfers a homestead or the personal  
8 representative of a deceased person who had a homestead at the  
9 time of death, shall provide written notice to the assessor  
10 that the property is no longer the homestead of the former  
11 claimant.

12 ~~The failure of a person to file a claim under this section~~  
13 ~~on or before July 1 of the year for which the person is first~~  
14 ~~claiming the credit or to have the evidence of ownership~~  
15 ~~recorded in the office of the county recorder does not~~  
16 ~~disqualify the claim if the person claiming the credit or~~  
17 ~~through whom the credit is claimed is otherwise qualified.~~  
18 ~~The belated claim shall be filed with the appropriate assessor~~  
19 ~~on or before December 31 of the following calendar year and,~~  
20 ~~if approved by the board of supervisors, the county treasurer~~  
21 ~~shall submit the belated claim to the director of revenue and~~  
22 ~~finance who shall send payment to the claimant. The payment~~  
23 ~~shall be made from funds appropriated to the homestead credit~~  
24 ~~fund.~~

25 Sec. 8. Section 425.20, unnumbered paragraph 2, Code 1995,  
26 is amended to read as follows:

27 A claim for credit for property taxes due shall not be paid  
28 or allowed unless the claim is filed with the county treasurer  
29 between January 1 and June 1, both dates inclusive,  
30 immediately preceding the fiscal year during which the  
31 property taxes are due. However, in case of sickness,  
32 absence, or other disability of the claimant, or if in the  
33 judgment of the county treasurer good cause exists, the county  
34 treasurer may extend the time for filing a claim for credit  
35 through September 30 of the same calendar year. The county

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 treasurer shall ~~submit-the-claim~~ certify to the director of  
2 revenue and finance on or before August May 1 of each year the  
3 total amount of dollars due for claims allowed.

4 Sec. 9. Section 425.23, subsection 3, paragraph a, Code  
5 1995, is amended to read as follows:

6 a. A person who is eligible to file a claim for credit for  
7 property taxes due and who has a household income of six  
8 thousand dollars or less and who has an unpaid special  
9 assessment levied against the homestead may file a claim for  
10 special assessment with the county treasurer ~~that-the-claimant~~  
11 ~~had-a-household-income-of-six-thousand-dollars-or-less-and~~  
12 ~~that-an-unpaid-special-assessment-is-presently-levied-against~~  
13 ~~the-homestead.~~ The department shall provide to the respective  
14 treasurers the forms necessary for the administration of this  
15 subsection. The claim shall be filed not later than September  
16 30 of each year. Upon the filing of the claim, interest for  
17 late payment shall not accrue against the amount of the unpaid  
18 special assessment due and payable. The claim filed by the  
19 claimant constitutes a claim for credit of an amount equal to  
20 the actual amount due upon the unpaid special assessment, plus  
21 interest, payable during the fiscal year for which the claim  
22 is filed against the homestead of the claimant. However,  
23 where the claimant is an individual described in section  
24 425.17, subsection 2, paragraph "b", and the tentative credit  
25 is determined according to the schedule in section 425.23,  
26 subsection 1, paragraph "b", subparagraph (2), the claim filed  
27 constitutes a claim for credit of an amount equal to one-half  
28 of the actual amount due and payable during the fiscal year.  
29 ~~The-department-of-revenue-and-finance-shall,-upon-the-filing~~  
30 ~~of-the-claim-with-the-department-by-the-treasurer,-pay-that~~  
31 ~~amount-of-the-unpaid-special-assessment-during-the-current~~  
32 ~~fiscal-year-to-the-treasurer.~~ The treasurer shall ~~submit-the~~  
33 claims certify to the director of revenue and finance not  
34 later than October 15 of each year the total amount of dollars  
35 due for the claims allowed. ~~The-director-of-revenue-and~~

1 ~~finance shall certify the amount of reimbursement due each~~  
2 ~~county for unpaid special assessment credits allowed under~~  
3 ~~this subsection.~~ The amount of reimbursement due each county  
4 shall be paid by the director of revenue and finance on  
5 ~~October 20~~ by November 15 of each year, drawn upon warrants  
6 payable to the respective treasurer. There is appropriated  
7 annually from the general fund of the state to the department  
8 of revenue and finance an amount sufficient to carry out the  
9 provisions of this subsection. The treasurer shall credit any  
10 moneys received from the department against the amount of the  
11 unpaid special assessment due and payable on the homestead of  
12 the claimant.

13 Sec. 10. Section 427.1, subsection 27, Code Supplement  
14 1995, is amended by striking the subsection.

15 Sec. 11. Section 428A.1, unnumbered paragraph 1, Code  
16 1995, is amended to read as follows:

17 There is imposed on each deed, instrument, or writing by  
18 which any lands, tenements, or other realty in this state are  
19 granted, assigned, transferred, or otherwise conveyed, a tax  
20 determined in the following manner: When there is no  
21 consideration or when the deed instrument or writing is  
22 executed and tendered for recording as an instrument  
23 corrective of title, and so states, there is no tax. When  
24 there is consideration and the actual market value of the real  
25 property transferred is in excess of five hundred dollars, the  
26 tax is eighty cents for each five hundred dollars or  
27 fractional part of five hundred dollars in excess of five  
28 hundred dollars. The term "consideration", as used in this  
29 chapter, means the full amount of the actual sale price of the  
30 real property involved, paid or to be paid, including the  
31 amount of an encumbrance or lien on the property, whether if  
32 ~~assumed or not~~ by the grantee. It is presumed that the sale  
33 price so stated includes the value of all personal property  
34 transferred as part of the sale unless the dollar value of  
35 personal property is stated on the instrument of conveyance.

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 When the dollar value of the personal property included in the  
2 sale is so stated, it shall be deducted from the consideration  
3 shown on the instrument for the purpose of determining the  
4 tax.

5 Sec. 12. Section 435.22, subsection 5, unnumbered  
6 paragraph 1, Code 1995, is amended to read as follows:

7 A claim for credit for home tax due shall not be paid or  
8 allowed unless the claim is actually filed with the county  
9 treasurer between January 1 and June 1, both dates inclusive,  
10 immediately preceding the fiscal year during which the home  
11 taxes are due and, with the exception of a claim filed on  
12 behalf of a deceased claimant by the claimant's legal  
13 guardian, spouse, or attorney, or by the executor or  
14 administrator of the claimant's estate, contains an affidavit  
15 of the claimant's intent to occupy the home for six months or  
16 more during the fiscal year beginning in the calendar year in  
17 which the claim is filed. However, in case of sickness,  
18 absence, or other disability of the claimant, or if in the  
19 judgment of the county treasurer good cause exists, the county  
20 treasurer may extend the time for filing a claim for credit  
21 through September 30 of the same calendar year. The county  
22 treasurer shall ~~submit the claim~~ certify to the director of  
23 revenue and finance on or before ~~August 1~~ November 15 each  
24 year the total dollar amount due for claims allowed.

25 Sec. 13. Section 446.16, unnumbered paragraph 1, Code  
26 Supplement 1995, is amended to read as follows:

27 The person who offers to pay the total amount due, which is  
28 a lien on any parcel, for the smallest percentage of the  
29 parcel is the purchaser, and when the purchaser designates the  
30 percentage of any parcel for which the purchaser will pay the  
31 total amount due, the percentage thus designated shall give  
32 the person an undivided interest upon the issuance of a  
33 treasurer's deed, as provided in chapter 448. If two or more  
34 persons have placed an equal bid and the bids are the smallest  
35 percentage offered, the county treasurer shall use a random

1 selection process to select the bidder to whom a certificate  
2 of purchase will be issued. All bidders shall be at least  
3 eighteen years of age.

4 Sec. 14. Section 446.39, Code 1995, is amended to read as  
5 follows:

6 446.39 IOWA FINANCE AUTHORITY STATEMENT.

7 A city or county, a city or county agency as authorized by  
8 the Iowa finance authority, or the Iowa finance authority may  
9 file with the county treasurer a verified statement that a  
10 parcel to be sold at tax sale is abandoned and deteriorating  
11 in condition, is inhabited but is not safe for human  
12 habitation, or is, or is likely to become, a public nuisance,  
13 and that the parcel is suitable for use and is to be used in  
14 an Iowa homesteading project under section 16.14. Other  
15 information may be included. Upon proper filing of the  
16 statement, and if the parcel is offered at a tax sale and no  
17 bid is received, or if the bid received is less than the total  
18 amount due, ~~or-if-the-parcel-is-to-be-transferred-to-the~~  
19 ~~county-under-section-446.38~~, the city, county, city or county  
20 agency, or Iowa finance authority may bid for the parcel for  
21 use in an Iowa homesteading project, bidding a sum equal to  
22 the total amount due. Each of the tax-levying and tax-  
23 certifying bodies having an interest in the taxes for which  
24 the parcel is sold shall be charged with its proportionate  
25 share of the purchase price.

26 Sec. 15. Section 447.9, unnumbered paragraph 1, Code  
27 Supplement 1995, is amended to read as follows:

28 After one year and nine months from the date of sale, or  
29 after nine months from the date of a sale made under section  
30 446.187-446.38 or 446.39, the holder of the certificate of  
31 purchase may cause to be served upon the person in possession  
32 of the parcel, and also upon the person in whose name the  
33 parcel is taxed, in the manner provided for the service of  
34 original notices in R.C.P. 56.1, if the person resides in  
35 Iowa, or otherwise as provided in section 446.9, subsection 1,

1 a notice signed by the certificate holder or the certificate  
2 holder's agent or attorney, stating the date of sale, the  
3 description of the parcel sold, the name of the purchaser, and  
4 that the right of redemption will expire and a deed for the  
5 parcel be made unless redemption is made within ninety days  
6 from the completed service of the notice. The ninety-day  
7 redemption period begins as provided in section 447.12. When  
8 the notice is given by a county as a holder of a certificate  
9 of purchase the notice shall be signed by the county treasurer  
10 or the county attorney, and when given by a city, it shall be  
11 signed by the city officer designated by resolution of the  
12 council. When the notice is given by the Iowa finance  
13 authority or a city or county agency holding the parcel as  
14 part of an Iowa homesteading project, it shall be signed on  
15 behalf of the agency or authority by one of its officers, as  
16 authorized in rules of the agency or authority.

17 Sec. 16. Section 468.57, subsection 2, unnumbered  
18 paragraph 1, Code Supplement 1995, is amended to read as  
19 follows:

20 To pay the assessments in not less than ten nor more than  
21 twenty equal installments, with the number of payments and  
22 interest rate determined by the board, notwithstanding chapter  
23 74A. The first installment of each assessment, or the total  
24 amount if less than one hundred dollars, is due and payable on  
25 July 1 next succeeding the date of the levy, unless the  
26 assessment is filed with the county treasurer after May 31 in  
27 any year. The first installment shall bear interest on the  
28 whole unpaid assessment from the date of the levy as set by  
29 the board to the first day of December following the due date.  
30 The succeeding annual installments, with interest on the whole  
31 unpaid amount, to the first day of December following the due  
32 date, are respectively due on July 1 annually, and must be  
33 paid at the same time and in the same manner as the first  
34 semiannual payment of ordinary taxes. All future installments  
35 of an assessment may be paid on any date by payment of the

1 then outstanding balance plus interest ~~accrued-to-the-date-of~~  
2 payment to the next December 1, or additional annual  
3 installments may be paid after the current installment has  
4 been paid before December 1. A payment must be for the full  
5 amount of the next installment. If installments remain to be  
6 paid, the next annual installment with interest added to  
7 December 1 will be due. After December 1, if a drainage  
8 assessment is not delinquent, a property owner may pay one-  
9 half or all of the next annual installment of principal and  
10 interest of a drainage assessment prior to the delinquency  
11 date of the installment. When the next installment has been  
12 paid in full, successive principal installments may be  
13 prepaid. The county treasurer shall accept the payments of  
14 the drainage assessment, and shall credit the next annual  
15 installment or future installments of the drainage assessment  
16 to the extent of the payment or payments, and shall remit the  
17 payments to the drainage fund. If a property owner elects to  
18 pay one or more principal installments in advance, the pay  
19 schedule shall be advanced by the number of principal  
20 installments prepaid. Each installment of an assessment with  
21 interest on the unpaid balance is delinquent from October 1  
22 after its due date, including those instances when the last  
23 day of September is a Saturday or Sunday, and bears the same  
24 delinquent interest as ordinary taxes. When collected, the  
25 interest must be credited to the same drainage fund as the  
26 drainage special assessment.

27 Sec. 17. APPLICABILITY DATES. Sections 8, 9, and 12 of  
28 this Act are retroactively applicable to claims filed on or  
29 after January 1, 1996.

30 Sec. 18. Section 444.28, Code 1995, is repealed.

31 EXPLANATION

32 This bill provides amendments to the powers and duties of  
33 county treasurers.

34 Section 2 adds three provisions relating to the form and  
35 method of payment made to county treasurers. The county

1 treasurers are to accept payment by cash, check, or other form  
2 of legal tender or payment accepted by the federal internal  
3 revenue service, but the treasurer may refuse payment in the  
4 form of coins. The county treasurers may also accept  
5 electronic transfers of moneys and may require a payor or  
6 agent of a payor to pay by electronic transfer if the  
7 aggregate payment is \$100,000 or more.

8 Sections 1, 3, and 4 are corresponding amendments to  
9 section 5 which changes reference to a fee book to a record of  
10 fees within the county system.

11 Section 5 amends provisions relating to the keeping of  
12 records of fees collected. The subsections are updated to  
13 refer to the county system of records rather than to fee  
14 books. Section 6 also updates the records of special  
15 assessments to reflect the use of a county system of records  
16 in lieu of books.

17 Sections 7, 8, 9, and 12 amend sections 425.2, 425.20,  
18 425.23, and 435.22 to eliminate the late filing of claims for  
19 homestead credits and other property tax credits. The  
20 amendments allow an extension of the deadline from June 1 to  
21 September 30 in the judgment of the county treasurer in lieu  
22 of the director of revenue and finance. The date of  
23 certification to the department of revenue and finance is  
24 changed to May 1. Certification of special assessment claims  
25 and claims for mobile homes to the department is changed to  
26 November 15.

27 Section 10 strikes a personal property tax exemption for  
28 persons serving in the armed forces of the United States while  
29 they remain on active duty.

30 Section 11 amends the definition of consideration as it  
31 relates to the sale price of real estate which is subject to  
32 the real estate transfer tax. If enacted, the consideration  
33 will include the sale price of the real estate and the amount  
34 of an encumbrance or lien on the property only if the  
35 encumbrance or lien is assumed by the grantee.

1 Section 13 requires that all bidders at tax sales be at  
2 least eighteen years of age.

3 Sections 14 and 15 amend sections 446.39 and 447.9 to  
4 remove a conflict with section 446.38 relating to the  
5 conveyance of property with suspended taxes.

6 Section 16 changes the date of waived drainage future  
7 installment payments to be consistent with waived special  
8 assessments and also changes the delinquency penalty dates to  
9 be consistent with the remainder of the tax collection  
10 process.

11 Section 17 makes sections 8, 9, and 12 retroactively  
12 applicable to claims filed on or after January 1, 1996.

13 Section 18 repeals the property tax limitations for cities  
14 and counties for the fiscal year 1995.

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