

Fraiser
Bartz
Zieman

SSB-3145

Local Government
Succeeded By

SENATE FILE (SF/HF 2253)
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON ANGELO)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain county officers' duties relating to
2 property transfer instruments, records of fees paid to a
3 county, notice of certification of utility liens, and notice
4 of mobile homes departing and entering mobile home parks.

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

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1 Section 1: Section 331.602, subsection 1, paragraph d,
2 Code Supplement 1999, is amended to read as follows:

3 d. An instrument conveying an interest in real property
4 other than a mortgage, a mortgage release, or an assignment,
5 shall contain the statement "Address tax statement:" which
6 shall be filled out with a name and complete mailing address.
7 Each instrument conveying an interest in real property shall
8 contain this statement unless otherwise authorized by the
9 county recorder.

10 Sec. 2. Section 331.902, subsection 2, Code 1999, is
11 amended to read as follows:

12 2. Each elective officer specified in subsection 1 shall
13 maintain a permanent record in the county system of each fee
14 and charge collected. The record shall show the date, amount,
15 payor, and type of service, and, when the fee is for recording
16 an instrument, the names of the parties to the instrument.
17 The record of the fees collected shall be retained for three
18 years after audit of the county pursuant to section 11.6.

19 Sec. 3. Section 384.84, subsection 3, paragraph c, Code
20 Supplement 1999, is amended to read as follows:

21 c. A lien for a city utility or enterprise service under
22 paragraph "a" shall not be certified to the county treasurer
23 for collection unless prior written notice of intent to
24 certify a lien is given to the account holder of the
25 delinquent account at least sixty days prior to certification.
26 If the account holder is a tenant, and if the owner or
27 landlord of the property has made a written request for
28 notice, the notice shall also be given to the owner or
29 landlord. The notice shall be sent to the appropriate persons
30 by ordinary mail not less than ten sixty days prior to
31 certification of the lien to the county treasurer.

32 Sec. 4. Section 435.24, subsection 3, Code Supplement
33 1999, is amended to read as follows:

34 3. Each mobile home park owner shall notify monthly the
35 county treasurer concerning any home arriving in or departing

1 from the park ~~without-a-tax-clearance-statement~~. The records
2 of the owner shall be open to inspection by a duly authorized
3 representative of any law enforcement agency. Any property
4 owner, manager, or tenant shall report semiannually by June 1
5 and December 1 to the county treasurer homes parked upon any
6 property owned, managed, or rented by that person.

7 Sec. 5. Section 448.1, Code 1999, is amended to read as
8 follows:

9 448.1 RETURN OF CERTIFICATE OF PURCHASE -- EXECUTION OF
10 DEED.

11 Immediately after the expiration of ninety days from the
12 date of completed service of the notice provided in section
13 447.12 the county treasurer shall make out a deed for each
14 parcel sold and unredeemed, ~~and deliver it to the purchaser~~
15 upon the return of the certificate of purchase and payment of
16 the appropriate deed and recording fees by the purchaser. The
17 treasurer shall record the deed with the county recorder prior
18 to delivering the deed to the purchaser. The treasurer shall
19 receive twenty-five dollars for each deed made by the
20 treasurer, and the treasurer may include any number of parcels
21 purchased by one person in one deed, if authorized by the
22 treasurer.

23 The tax sale certificate holder shall return the
24 certificate of purchase and remit the appropriate deed
25 issuance fee and recording fee to the county treasurer within
26 ninety calendar days after the redemption period expires. The
27 treasurer shall cancel the certificate for any tax sale
28 certificate holder who fails to comply with this paragraph.
29 This paragraph does not apply to certificates held by a
30 county. This paragraph is applicable to all certificates of
31 purchase issued before, on, or after July 1, 1997. Holders of
32 certificates of purchase that are outstanding on July 1, 1997,
33 shall return the certificate of purchase and remit the
34 appropriate deed issuance fee to the county treasurer within
35 ninety calendar days from that date.

EXPLANATION

1
2 This bill makes several changes relating to the duties of
3 county treasurers, county auditors, county recorders, and
4 sheriffs.

5 Code section 331.602 is amended to provide that mortgages,
6 mortgage releases, and assignments of mortgages are not real
7 property conveyance instruments required to contain the
8 statement "address tax statement:".

9 Code section 331.902 is amended to require that the county
10 auditor, county treasurer, county recorder, and sheriff retain
11 records of fees for three years. Current law requires they be
12 retained permanently.

13 Code section 384.84 is amended to require that notice of a
14 delinquent utility account be given to the holder of the
15 account at least 60 days prior to certification of the lien to
16 the county treasurer for collection.

17 Code section 435.24 is amended to require that a mobile
18 home park owner give the county treasurer notice of a mobile
19 home departing or entering the mobile home park. Current law
20 requires that such notice be given if a mobile home is
21 departing or arriving without a tax clearance statement.

22 Code section 448.1 is amended to provide that a treasurer's
23 deed will be issued upon presentation by the purchaser of the
24 certificate of purchase and payment of the appropriate deed
25 and recording fees. The amendment also provides that the
26 treasurer shall record the deed with the county recorder and
27 shall transmit the deed to the purchaser after recording.

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REPRINTED

FILED FEB 22 2000

SENATE FILE 2253
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 3145)

Passed Senate, ^(P. 460) Date 2/29/00 Passed House, ^(P. 902) Date 3/22/00
Vote: Ayes 47 Nays 1 Vote: Ayes 98 Nays 0
Approved 4-13-00

(P. 886)

Repassed 3-28-00
ReVote 50-0

A BILL FOR

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2 property transfer instruments, records of fees paid to a
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SF 2253

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2 Code Supplement 1999, is amended to read as follows:

3 d. An instrument conveying an interest in real property
4 other than a mortgage, a mortgage release, or an assignment,
5 shall contain the statement "Address tax statement:" which
6 shall be filled out with a name and complete mailing address.
7 Each instrument conveying an interest in real property shall
8 contain this statement unless otherwise authorized by the
9 county recorder.

10 Sec. 2. Section 331.902, subsection 2, Code 1999, is
11 amended to read as follows:

12 2. Each elective officer specified in subsection 1 shall
13 maintain a permanent record in the county system of each fee
14 and charge collected. The record shall show the date, amount,
15 payor, and type of service, and, when the fee is for recording
16 an instrument, the names of the parties to the instrument.
17 The record of the fees collected shall be retained for three
18 years after audit of the county pursuant to section 11.6.

19 Sec. 3. Section 384.84, subsection 3, paragraph c, Code
20 Supplement 1999, is amended to read as follows:

21 c. A lien for a city utility or enterprise service under
22 paragraph "a" shall not be certified to the county treasurer
23 for collection unless prior written notice of intent to
24 certify a lien is given to the account holder of the
25 delinquent account at least thirty days prior to
26 certification. If the account holder is a tenant, and if the
27 owner or landlord of the property has made a written request
28 for notice, the notice shall also be given to the owner or
29 landlord. The notice shall be sent to the appropriate persons
30 by ordinary mail not less than ten thirty days prior to
31 certification of the lien to the county treasurer.

32 Sec. 4. Section 435.24, subsection 3, Code Supplement
33 1999, is amended to read as follows:

34 3. Each mobile home park owner shall notify monthly the
35 county treasurer concerning any home arriving in or departing

1 from the park ~~without a tax clearance statement~~. The records
2 of the owner shall be open to inspection by a duly authorized
3 representative of any law enforcement agency. Any property
4 owner, manager, or tenant shall report semiannually by June 1
5 and December 1 to the county treasurer homes parked upon any
6 property owned, managed, or rented by that person.

7 Sec. 5. Section 448.1, Code 1999, is amended to read as
8 follows:

9 448.1 RETURN OF CERTIFICATE OF PURCHASE -- EXECUTION OF
10 DEED.

11 Immediately after the expiration of ninety days from the
12 date of completed service of the notice provided in section
13 447.12 the county treasurer shall make out a deed for each
14 parcel sold and unredeemed, ~~and deliver it to the purchaser~~
15 upon the return of the certificate of purchase and payment of
16 the appropriate deed and recording fees by the purchaser. The
17 treasurer shall record the deed with the county recorder prior
18 to delivering the deed to the purchaser. The treasurer shall
19 receive twenty-five dollars for each deed made by the
20 treasurer, and the treasurer may include any number of parcels
21 purchased by one person in one deed, if authorized by the
22 treasurer.

23 The tax sale certificate holder shall return the
24 certificate of purchase and remit the appropriate deed
25 issuance fee and recording fee to the county treasurer within
26 ninety calendar days after the redemption period expires. The
27 treasurer shall cancel the certificate for any tax sale
28 certificate holder who fails to comply with this paragraph.
29 This paragraph does not apply to certificates held by a
30 county. This paragraph is applicable to all certificates of
31 purchase issued before, on, or after July 1, 1997. Holders of
32 certificates of purchase that are outstanding on July 1, 1997,
33 shall return the certificate of purchase and remit the
34 appropriate deed issuance fee to the county treasurer within
35 ninety calendar days from that date.

EXPLANATION

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This bill makes several changes relating to the duties of county treasurers, county auditors, county recorders, and sheriffs.

Code section 331.602 is amended to provide that mortgages, mortgage releases, and assignments of mortgages are not real property conveyance instruments required to contain the statement "address tax statement:".

Code section 331.902 is amended to require that the county auditor, county treasurer, county recorder, and sheriff retain records of fees for three years. Current law requires they be retained permanently.

Code section 384.84 is amended to require that notice of a delinquent utility account be given to the holder of the account at least 30 days prior to certification of the lien to the county treasurer for collection.

Code section 435.24 is amended to require that a mobile home park owner give the county treasurer notice of a mobile home departing or entering the mobile home park. Current law requires that such notice be given if a mobile home is departing or arriving without a tax clearance statement.

Code section 448.1 is amended to provide that a treasurer's deed will be issued upon presentation by the purchaser of the certificate of purchase and payment of the appropriate deed and recording fees. The amendment also provides that the treasurer shall record the deed with the county recorder and shall transmit the deed to the purchaser after recording.

SENATE FILE 2253

S-5028

1 Amend Senate File 2253 as follows:

2 1. Page 1, by striking line 34 through page 2,
3 line 6 and inserting the following:

4 "3. Each mobile home park owner shall notify
5 monthly the county treasurer concerning any home
6 arriving in or departing from the park without a tax
7 clearance statement. The records of the owner shall
8 be open to inspection by a duly authorized
9 representative of any law enforcement agency. Any
10 ~~property-owner,-manager-or-tenant-shall-report-to-the~~
11 ~~county-treasurer-homes-parked-upon-any-property-owned,~~
12 ~~managed,-or-rented-by-that-person-~~ The mobile home
13 park owner or manager shall make an annual report to
14 the county treasurer due June 1 of the homes sited in
15 the mobile home park, listing the owner and mailing
16 address of each home located in the mobile home park.
17 The report is delinquent if not filed with the county
18 treasurer by June 30. In addition to the annual
19 report, the owner or manager shall also report any
20 changes of homes or owners in a report due December 1,
21 which is delinquent if not filed by December 31.
22 However, if no changes have occurred since the June
23 annual report, the December report is not required to
24 be filed."

By EUGENE S. FRAISE

S-5028 FILED FEBRUARY 29, 2000

ADOPTED

(p. 460)

1 Section 1. Section 331.602, subsection 1, paragraph d,
2 Code Supplement 1999, is amended to read as follows:

3 d. An instrument conveying an interest in real property
4 other than a mortgage, a mortgage release, or an assignment,
5 shall contain the statement "Address tax statement:" which
6 shall be filled out with a name and complete mailing address.
7 Each instrument conveying an interest in real property shall
8 contain this statement unless otherwise authorized by the
9 county recorder.

10 Sec. 2. Section 331.902, subsection 2, Code 1999, is
11 amended to read as follows:

12 2. Each elective officer specified in subsection 1 shall
13 maintain a permanent record in the county system of each fee
14 and charge collected. The record shall show the date, amount,
15 payor, and type of service, and, when the fee is for recording
16 an instrument, the names of the parties to the instrument.
17 The record of the fees collected shall be retained for three
18 years after audit of the county pursuant to section 11.6.

19 Sec. 3. Section 384.84, subsection 3, paragraph c, Code
20 Supplement 1999, is amended to read as follows:

21 c. A lien for a city utility or enterprise service under
22 paragraph "a" shall not be certified to the county treasurer
23 for collection unless prior written notice of intent to
24 certify a lien is given to the account holder of the
25 delinquent account at least thirty days prior to
26 certification. If the account holder is a tenant, and if the
27 owner or landlord of the property has made a written request
28 for notice, the notice shall also be given to the owner or
29 landlord. The notice shall be sent to the appropriate persons
30 by ordinary mail not less than ten thirty days prior to
31 certification of the lien to the county treasurer.

32 Sec. 4. Section 435.24, subsection 3, Code Supplement
33 1999, is amended to read as follows:

34 3. Each mobile home park owner shall notify monthly the
35 county treasurer concerning any home arriving in or departing

1 from the park without a tax clearance statement. The records
2 of the owner shall be open to inspection by a duly authorized
3 representative of any law enforcement agency. ~~Any property~~
4 ~~owner, manager or tenant shall report to the county treasurer~~
5 ~~homes parked upon any property owned, managed, or rented by~~
6 ~~that person.~~ The mobile home park owner or manager shall make
7 an annual report to the county treasurer due June 1 of the
8 homes sited in the mobile home park, listing the owner and
9 mailing address of each home located in the mobile home park.
10 The report is delinquent if not filed with the county
11 treasurer by June 30. In addition to the annual report, the
12 owner or manager shall also report any changes of homes or
13 owners in a report due December 1, which is delinquent if not
14 filed by December 31. However, if no changes have occurred
15 since the June annual report, the December report is not
16 required to be filed.

17 Sec. 5. Section 448.1, Code 1999, is amended to read as
18 follows:

19 448.1 RETURN OF CERTIFICATE OF PURCHASE -- EXECUTION OF
20 DEED.

21 Immediately after the expiration of ninety days from the
22 date of completed service of the notice provided in section
23 447.12 the county treasurer shall make out a deed for each
24 parcel sold and unredeemed, ~~and deliver it to the purchaser~~
25 upon the return of the certificate of purchase and payment of
26 the appropriate deed and recording fees by the purchaser. The
27 treasurer shall record the deed with the county recorder prior
28 to delivering the deed to the purchaser. The treasurer shall
29 receive twenty-five dollars for each deed made by the
30 treasurer, and the treasurer may include any number of parcels
31 purchased by one person in one deed, if authorized by the
32 treasurer.

33 The tax sale certificate holder shall return the
34 certificate of purchase and remit the appropriate deed
35 issuance fee and recording fee to the county treasurer within

1 ninety calendar days after the redemption period expires. The
2 treasurer shall cancel the certificate for any tax sale
3 certificate holder who fails to comply with this paragraph.
4 This paragraph does not apply to certificates held by a
5 county. This paragraph is applicable to all certificates of
6 purchase issued before, on, or after July 1, 1997. Holders of
7 certificates of purchase that are outstanding on July 1, 1997,
8 shall return the certificate of purchase and remit the
9 appropriate deed issuance fee to the county treasurer within
10 ninety calendar days from that date.

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SENATE FILE 2253

H-8360

1 Amend Senate File 2253, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 321.45, subsection 4, Code
6 Supplement 1999, is amended to read as follows:

7 4. A After acquiring a used mobile home or
8 manufactured housing to be titled in Iowa, a mobile
9 home dealer, as defined in section 322B.2, shall
10 within thirty days of-acquiring-a-used-mobile-home-or
11 manufactured-housing,-titled-in-Iowa, apply for and
12 obtain from the county treasurer of the dealer's
13 county of residence a new certificate of title for the
14 mobile home or manufactured housing. In the event
15 that there is a prior lien or encumbrance to be
16 released, as required by section 321.50, subsection 4,
17 the thirty-day time period in this subsection does not
18 begin to run until the lien or encumbrance is
19 released.

20 Sec. ____ . Section 321.50, subsection 4, unnumbered
21 paragraph 1, Code Supplement 1999, is amended to read
22 as follows:

23 When a security interest is discharged, the holder
24 shall note a cancellation of same the security
25 interest on the face of the certificate of title over
26 the holder's signature, and deliver the certificate of
27 title to the county treasurer where title was issued.
28 The county treasurer shall immediately note the
29 cancellation of the security interest on the face of
30 the certificate of title and in the county records
31 system. The county treasurer shall on the same day
32 deliver the certificate of title to the then first
33 secured party or, if there is no such person, to the
34 person as directed by the owner, in writing, on a form
35 prescribed by the department or, if there is no person
36 designated, then to the owner. The cancellation of
37 the security interest shall be noted on the
38 certificate of title by the county treasurer without
39 charge. The holder of a security interest discharged
40 by payment who fails to release the security interest
41 within fifteen days after being requested in writing
42 to do so shall forfeit to the person making the
43 payment the sum of twenty-five dollars for each day
44 the holder fails to release the security interest
45 subsequent to the fifteen-day period. In an action to
46 recover such forfeited sum, the prevailing party is
47 entitled to recover costs and reasonable attorney
48 fees."

49 3. By renumbering as necessary.

By CARROLL of Poweshiek
HUSER of Polk
WELTER of Jones
MAY of Worth

COHOON of Des Moines
LARKIN of Lee
DRAKE of Pottawattamie

H-8360 FILED MARCH 14, 2000

indicated

3/1/00
adopted
(p. 902)
3/22/00

HOUSE AMENDMENT TO
SENATE FILE 2253

S-5212

1 Amend Senate File 2253, as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 321.45, subsection 4, Code
6 Supplement 1999, is amended to read as follows:

7 4. A After acquiring a used mobile home or
8 manufactured housing to be titled in Iowa, a mobile
9 home dealer, as defined in section 322B.2, shall
10 within thirty days of-acquiring-a-used-mobile-home-or
11 manufactured-housing,-titled-in-Iowa, apply for and
12 obtain from the county treasurer of the dealer's
13 county of residence a new certificate of title for the
14 mobile home or manufactured housing. In the event
15 that there is a prior lien or encumbrance to be
16 released, as required by section 321.50, subsection 4,
17 the thirty-day time period in this subsection does not
18 begin to run until the lien or encumbrance is
19 released.

20 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5212 FILED MARCH 22, 2000

Senate Concurred
3-28-00
(p. 886)

SENATE FILE 2253

AN ACT

RELATING TO CERTAIN COUNTY OFFICERS' DUTIES RELATING TO PROPERTY TRANSFER INSTRUMENTS, RECORDS OF FEES PAID TO A COUNTY, NOTICE OF CERTIFICATION OF UTILITY LIENS, AND NOTICE OF MOBILE HOMES DEPARTING AND ENTERING MOBILE HOME PARKS.

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

Section 1. Section 321.45, subsection 4, Code Supplement 1999, is amended to read as follows:

4. A After acquiring a used mobile home or manufactured housing to be titled in Iowa, a mobile home dealer, as defined in section 322B.2, shall within thirty days of-acquiring-a used-mobile-home-or-manufactured-housing-titled-in-iowa, apply for and obtain from the county treasurer of the dealer's county of residence a new certificate of title for the mobile home or manufactured housing. In the event that there is a prior lien or encumbrance to be released, as required by section 321.50, subsection 4, the thirty-day time period in this subsection does not begin to run until the lien or encumbrance is released.

Sec. 2. Section 331.602, subsection 1, paragraph d, Code Supplement 1999, is amended to read as follows:

d. An instrument conveying an interest in real property other than a mortgage, a mortgage release, or an assignment, shall contain the statement "Address tax statement:" which shall be filled out with a name and complete mailing address. Each instrument conveying an interest in real property shall contain this statement unless otherwise authorized by the county recorder.

Sec. 3. Section 331.902, subsection 2, Code 1999, is amended to read as follows:

2. Each elective officer specified in subsection 1 shall maintain a permanent record in the county system of each fee and charge collected. The record shall show the date, amount, payor, and type of service, and, when the fee is for recording an instrument, the names of the parties to the instrument. The record of the fees collected shall be retained for three years after audit of the county pursuant to section 11.6.

Sec. 4. Section 384.84, subsection 3, paragraph c, Code Supplement 1999, is amended to read as follows:

c. A lien for a city utility or enterprise service under paragraph "a" shall not be certified to the county treasurer for collection unless prior written notice of intent to certify a lien is given to the account holder of the delinquent account at least thirty days prior to certification. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than ten thirty days prior to certification of the lien to the county treasurer.

Sec. 5. Section 435.24, subsection 3, Code Supplement 1999, is amended to read as follows:

3. Each mobile home park owner shall notify monthly the county treasurer concerning any home arriving in or departing from the park without a tax clearance statement. The records of the owner shall be open to inspection by a duly authorized representative of any law enforcement agency. Any-property owner,-manager-or-tenant-shall-report-to-the-county-treasurer homes-parked-upon-any-property-owned,-managed,-or-rented-by that-person: The mobile home park owner or manager shall make an annual report to the county treasurer due June 1 of the homes sited in the mobile home park, listing the owner and

SF 2253

mailing address of each home located in the mobile home park. The report is delinquent if not filed with the county treasurer by June 30. In addition to the annual report, the owner or manager shall also report any changes of homes or owners in a report due December 1, which is delinquent if not filed by December 31. However, if no changes have occurred since the June annual report, the December report is not required to be filed.

Sec. 6. Section 448.1, Code 1999, is amended to read as follows:

448.1 RETURN OF CERTIFICATE OF PURCHASE -- EXECUTION OF DEED.

Immediately after the expiration of ninety days from the date of completed service of the notice provided in section 447.12 the county treasurer shall make out a deed for each parcel sold and unredeemed, ~~and deliver it to the purchaser~~ upon the return of the certificate of purchase and payment of the appropriate deed and recording fees by the purchaser. The treasurer shall record the deed with the county recorder prior to delivering the deed to the purchaser. The treasurer shall receive twenty-five dollars for each deed made by the treasurer, and the treasurer may include any number of parcels purchased by one person in one deed, if authorized by the treasurer.

The tax sale certificate holder shall return the certificate of purchase and remit the appropriate deed issuance fee and recording fee to the county treasurer within ninety calendar days after the redemption period expires. The treasurer shall cancel the certificate for any tax sale certificate holder who fails to comply with this paragraph. This paragraph does not apply to certificates held by a county. This paragraph is applicable to all certificates of purchase issued before, on, or after July 1, 1997. Holders of certificates of purchase that are outstanding on July 1, 1997,

shall return the certificate of purchase and remit the appropriate deed issuance fee to the county treasurer within ninety calendar days from that date.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2253, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/13, 2000

THOMAS J. VILSACK
Governor