

at a hospital or facility or required to remain at a hospital or facility leaves the facility without permission or without having been discharged, the chief medical officer may notify the sheriff of the person's absence and the sheriff shall take the person into custody and return the person promptly to the hospital or facility.

Approved April 13, 1992

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## CHAPTER 1073

### COUNTY OFFICERS' POWERS AND DUTIES

*H.F. 2443*

**AN ACT** making technical amendments to the powers, duties, and procedures of county officers and providing for other properly related matters.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 106.77, subsection 7, Code 1991, is amended to read as follows:

7. The county recorder shall maintain a record of any certificate of title ~~it which the county recorder issues and shall keep each certificate of title on record until the certificate of title has been inactive for five years.~~

Sec. 2. Section 176.5, Code 1991, is amended to read as follows:

#### 176.5 ADDITIONAL PROVISIONS.

~~Such~~ The articles may include other provisions which are not inconsistent with the provisions of this chapter and shall be recorded by the county recorder ~~without~~ for the fee specified in section 331.604.

Sec. 3. Section 321.126, subsection 6, unnumbered paragraph 1, Code 1991, is amended to read as follows:

If a vehicle is sold or junked ~~and a replacement vehicle is not purchased within the thirty days following the date of sale or junking,~~ the owner in whose name the vehicle was registered, ~~after the expiration of the thirty-day period,~~ may make claim to the department for a refund of the sold or junked vehicle's registration fee. Also if the owner of a vehicle receives a vehicle registration fee credit under section 321.46, subsection 3, and the credit allowed exceeds the amount of the registration fee for the vehicle acquired, the owner may claim a refund for the balance of the credit. The refund is subject to the following limitations:

Sec. 4. Section 321.153, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The distributed teleprocessing network shall be used in the collection, receipting, accounting, and reporting of any fee collected through the registration renewal or title process, with sufficient time and financial resources provided for implementation.

Sec. 5. Section 331.486, Code 1991, is amended to read as follows:

#### 331.486 ASSESSMENT OF COSTS OF PUBLIC IMPROVEMENTS.

A county may assess to property within a county special assessment district the cost of construction and repair of public improvements benefiting the district and may assess to ~~county~~ property within a joint special assessment district the cost of construction and repair of public improvements benefiting the district. A county may construct and assess the cost of public improvements within a district in the same manner as a city may proceed under chapter 384,

division IV, and chapter 384, division IV, applies to counties with respect to public improvements, the assessment of their costs, and the issuance of bonds for the public improvements. A county may contract for a public improvement benefiting a district under this part pursuant to chapter 331, division III, part 3.

Sec. 6. Section 331.602, subsection 1, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

Record all instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. The instruments presented for filing or recordation shall be legible and reproducible, and shall have typed or legibly printed on them the names of all signatories including the names of acknowledging officers and witnesses beneath the original signatures. The instruments shall be no larger than eight and one-half inches by fourteen inches ~~except as otherwise provided in section 409.31, subsection 2, or~~ except as otherwise authorized by the recorder.

Sec. 7. Section 331.602, subsection 14, Code Supplement 1991, is amended to read as follows:

14. Record ~~without~~ fee the articles of incorporation of farm aid associations as provided in section 176.5 for the fee specified in section 331.604.

Sec. 8. Section 331.602, subsection 42, Code Supplement 1991, is amended to read as follows:

42. Carry out duties relating to the indexing of name changes, and the recorder ~~may~~ shall charge a fee for indexing as provided in section 331.604.

Sec. 9. Section 425.2, unnumbered paragraph 6, Code Supplement 1991, is amended to read as follows:

The failure of a person to file a claim under this section on or before July 1 of the year for which the person is first claiming the credit or to have the evidence of ownership recorded in the office of the county recorder does not disqualify the claim if the person claiming the credit or through whom the credit is claimed is otherwise qualified. The belated claim shall be filed with the appropriate assessor on or before December 31 of the following calendar year and, if approved by the board of supervisors, the county treasurer shall ~~file an amended certificate of homestead tax credits with~~ submit the belated claim to the director of revenue and finance pursuant to section 425.4 who shall send payment to the claimant. The payment shall be made from funds appropriated to the homestead credit fund.

Sec. 10. Section 427.1, subsection 23, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

A society or organization claiming an exemption under subsection 6 or subsection 9 of this section shall file with the assessor not later than ~~February~~ July 1 a statement upon forms to be prescribed by the director of revenue and finance, describing the nature of the property upon which the exemption is claimed and setting out in detail any uses and income from the property derived from the rentals, leases, or other uses of the property not solely for the appropriate objects of the society or organization. Upon the filing and allowance of the claim, the claim shall be allowed on the property for successive years without further filing as long as the property is used for the purposes specified in the original claim for exemption. When the property is sold or transferred, the county recorder shall provide notice of the transfer to the assessor. The notice shall describe the property transferred and the name of the person to whom title to the property is transferred.

Sec. 11. Section 427.1, subsection 24, Code Supplement 1991, is amended by striking the subsection.

Sec. 12. Section 428A.1, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

When each deed, instrument, or writing by which any real property in this state is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder,

a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. A declaration of value is not required for those instruments described in section 428A.2, subsections 2 to 5, 7 to 13, and 16 to 20, 21, or described in section 428A.2, subsection 6, except in the case of a federal agency or instrumentality, or if a transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 172C.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the declaration of value, but shall enter on the declaration of value information the director of revenue and finance requires for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall enter on the declaration of value the information the director of revenue and finance requires for the production of the sales/assessment ratio study and transmit one copy of each declaration of value to the director of revenue and finance, at times as directed by the director of revenue and finance. The assessor shall retain one copy of each declaration of value for three years from December 31 of the year in which the transfer of realty for which the declaration was filed took place. The director of revenue and finance shall, upon receipt of the information required to be filed under this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 172C.1.

Sec. 13. Section 441.23, Code 1991, is amended to read as follows:

**441.23 NOTICE OF VALUATION.**

If there has been an increase or decrease in the valuation of the property, or upon the written request of the person assessed, the assessor shall, at the time of making the assessment, inform the person assessed, in writing, of the valuation put upon the taxpayer's property, and notify the person, if the person feels aggrieved, to appear before the board of review and show why the assessment should be changed. However, if the valuation of a class of property is uniformly decreased, the assessor may notify the affected property owners by publication in the official newspapers of the county. The owners of real property shall be notified not later than April 15 of any adjustment of the real property assessment.

**Sec. 14. NEW SECTION. 443.23 DEFINITION.**

As used in this chapter, unless the context otherwise requires, "tax list", "assessment list", "book", or "record" kept by a county auditor, assessor, treasurer, or other county officer means the county system as defined in section 445.1.

**Sec. 15. NEW SECTION. 558.1A DEFINITION.**

As used in this chapter, unless the context otherwise requires, "list", "book", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, or other county officer means the county system as defined in section 445.1.

Approved April 13, 1992

**CHAPTER 1074****PURCHASE OF RECYCLED PRODUCTS***S.F. 84*

**AN ACT** relating to the purchase of recycled products including recycled paper by state agencies.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 18.18, subsection 2, paragraph a, subparagraphs (1) and (2), Code Supplement 1991, are amended to read as follows:

(1) "Recycled paper" means a paper product with not less than ~~forty~~ forty five percent of its total weight consisting of secondary and postconsumer material and recovered paper material. At least ten percent of the total weight of recycled paper shall be postconsumer materials.

(2) "Postconsumer material" means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from solid waste for the purposes of collection, recycling, and disposition. Postconsumer material does not include manufacturing wastes.

Sec. 2. Section 18.18, subsection 2, paragraph a, subparagraph (3), Code Supplement 1991, is amended by striking the subparagraph and inserting in lieu thereof the following:

(3) "Secondary material" means fragments of finished products or finished products of a manufacturing process which has converted a resource into a commodity of real economic value, and includes postconsumer material but does not include excess virgin resources of the manufacturing process.

Sec. 3. Section 18.18, subsection 2, Code Supplement 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. c. The department shall adopt standards for the allowable content of postconsumer and secondary material of recycled paper which shall conform with but may be more stringent than the American society for testing and materials standards.

NEW PARAGRAPH. d. The department shall establish a prioritization procedure for the purchase of recycled paper which provides for a five percent differential in the cost of the purchase of paper which has been recycled through the use of a nonchlorinated process.

NEW PARAGRAPH. e. If a provision under this subsection results in the limitation of sources for the purchase of printing and writing paper to three or fewer sources, the department may waive the requirement in order to purchase necessary amounts of printing and writing paper.

NEW PARAGRAPH. f. The department, in conjunction with the department of natural resources, shall review the availability of a higher percentage content of postconsumer content printing and writing paper and shall, by rule, adjust the percentage requirement accordingly.

Sec. 4. Section 18.18, subsection 2, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. Notwithstanding the requirements of this subsection regarding the purchase of recycled paper, the department shall purchase acid-free permanent paper in the amount necessary for the production or reproduction of documents, papers, or similar materials produced or reproduced for permanent preservation pursuant to law.

Sec. 5. Section 18.18, Code 1991,\* is amended by adding the following new subsection:

NEW SUBSECTION. 8. The department of general services, by January 1, 1993, shall seek an agreement with the agencies of the states of Minnesota and Wisconsin authorized to purchase general use items for state agencies, to provide for the cooperative purchase of recycled products.

Approved April 14, 1992

\*Code Supplement 1991 probably intended