

February 1, 1967  
County and Township Affairs.  
*Pass 2-16 Governmental Subdivision 2-27*  
*Pass 3-2-67*

House File 79  
By DISTELHORST

Passed House, Date 2-24-67 Passed Senate, Date 5-18-67  
Vote: Ayes 104 Nays 10 Vote: Ayes 38 Nays 20  
Approved June 30, 1967

## A BILL FOR

*motion to reconsider filed 5-19-67*  
*" " " prevailed 6-21*  
*Passed Senate 6-21-67*  
*52-9*  
*motion to reconsider tabled 6-21*

An Act relating to the sale of documentary stamps.

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

- 1 Section 1. Section four hundred twenty-eight A point seven
- 2 (428A.7), Code 1966, is hereby amended as follows:
- 3 1. By striking from line four (4) the word "treasurers" and
- 4 inserting in lieu thereof the word "recorders".
- 5 2. By striking from line six (6) the word "treasurer" and
- 6 inserting in lieu thereof the word "recorder".
- 1 Sec. 2. Section four hundred twenty-eight A point eight
- 2 (428A.8), Code 1966, is hereby amended as follows:
- 3 1. By striking from line three (3) the word "treasurer" and
- 4 inserting in lieu thereof the word "recorder".
- 5 2. By striking from line nine (9) the word "treasurer" and
- 6 inserting in lieu thereof the word "recorder".
- 1 Sec. 3. Section four hundred twenty-eight A point nine
- 2 (428A.9), Code 1966, is hereby amended as follows:
- 3 1. By striking from line three (3) the word "treasurers" and
- 4 inserting in lieu thereof the word "recorders".
- 5 2. By striking from line four (4) the word "treasurers" and
- 6 inserting in lieu thereof the word "recorders".

### EXPLANATION

This Act would provide for county recorders to handle sale of documentary stamps instead of county treasurers, so that transfers of real estate can be handled in one office.

1 Amend House File 79 by striking all after the enacting  
2 clause and inserting in lieu thereof the following:  
3 "Section 1. Chapter four hundred twenty-eight A (428A),  
4 Code 1966, is hereby repealed.  
5 "Sec. 2. Every person who conveys any interest in real  
6 estate by a deed or other instrument shall state therein the  
7 actual consideration; provided however, the validity of the  
8 transaction as between the parties thereto, and as to any  
9 other person who would otherwise be bound thereby, shall not  
10 be affected by failure to comply with the provisions of this  
11 Act.  
12 "Sec. 3. The provisions of this Act shall not apply to:  
13 "1. Any executory contract for the sale of land under  
14 which the vendee is entitled to or does take possession  
15 thereof, or any assignment or cancellation thereof.  
16 "2. Any mortgage or any assignment, extension, partial  
17 release, or satisfaction thereof.  
18 "3. Any will.  
19 "4. Any plat.  
20 "5. Any lease.  
21 "6. Any deed, instrument, or writing in which the United  
22 States or any agency or instrumentality thereof or the state  
23 of Iowa or any agency, instrumentality, or governmental or  
24 political subdivision thereof is the grantor, assignor,  
25 transferor, or conveyor.  
26 "7. Deeds for cemetery lots.  
27 "Sec. 4. The tax commission shall enforce the provisions  
28 of this Act and may prescribe rules and regulations necessary  
29 thereto.  
30 "Sec. 5. Violation of any provisions of this Act or the  
31 rules and regulations of the tax commission shall constitute  
32 a misdemeanor."

Filed - *adopted 5-5, Reconsidered and lost 5-18*  
April 26, 1967

By RIGLER and MILLS

1 Amend the Gaudineer amendment to House File 79 by adding  
2 the following:  
3 "The validity of the transaction as between the parties  
4 thereto, and as to any person who would otherwise be bound  
5 thereby, shall not be affected by the failure to comply  
6 herewith; nor if an instrument is accepted for recording  
7 or filing contrary to the provision hereof, shall the  
8 failure to comply herewith destroy or impair the record  
9 thereof as notice."

Filed - *withdrawn 5-18*  
May 15, 1967

By MILLS

1 Amend the Rigler-Mills Amendment to House File 79 by  
2 inserting  
3 in line eleven (11) after the word, "Act" the words, "the  
4 county  
5 recorder shall not record any conveyance that does not conform  
6 to this Act."

Filed and adopted  
May 5, 1967

By GAUDINEER

1 Amend House File 79 as follows:  
2 Add a new section to House File 79 as follows: Strike  
3 the first eight (8) lines of section four hundred twenty-eight  
4 A point eight (428A.8) of the Code and insert in lieu thereof  
5 the following:  
6 "Receipts from the sale of documentary stamps shall be  
7 retained in the respective county in which the said  
8 documentary stamps are sold."

Filed and adopted, *Reconsidered 6-21, Lost 6-21*  
May 18, 1967

By RILEY and REICHARDT