

Sen. Ways Means 4/9/87 H. Res 4/22/87 (p. 1468)

MAR 19 1987

WAYS & MEANS CALENDAR

HOUSE FILE 590

BY COMMITTEE ON WAYS AND MEANS

(Formerly House File 118)

Passed House, Date 4-9-87 (p. 1235) Passed Senate, Date 4/24/87 (p. 1517)

Vote: Ayes 99 Nays 2 Vote: Ayes 40 Nays 0

Approved May 15, 1987

A BILL FOR

1 An Act relating to the declaration of value on the transfer of
2 property by certain federal agencies and instrumentalities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 590

H-3669

1 Amend House File 590 as follows:

2 1. Page 1, line 8, by inserting after the word
3 "recorder." the following: "However, in lieu of a
4 declaration of value, the county recorder may file a
5 memorandum of sale where the conveyance is not for a
6 deed and neither the buyer or seller is a federal
7 agency."

8 2. Page 2, line 18, by inserting after the word
9 "instrumentality," the following: "or those
10 conveyances for which the county recorder may file a
11 memorandum of sale as provided in section 428A.1,"

H-3669 FILED APRIL 8, 1987 BY SCHNEKLOTH of Scott

Revised not germane 4/9 (p. 1234)

HOUSE FILE 590

S-3745

1 Amend House File 590 as passed by the House, as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "recorder." the following: "However, in lieu of a
5 declaration of value, the county recorder may file a
6 memorandum of sale where the conveyance is not for a
7 deed and neither the buyer or seller is a federal
8 agency."

9 2. Page 2, line 18, by inserting after the word
10 "instrumentality," the following: "or those
11 conveyances for which the county recorder may file a
12 memorandum of sale as provided in section 428A.1,"

S-3745

Filed April 23, 1987

Loss 4/24 (p. 1514)

BY EDGAR H. HOLDEN

1 Section 1. Section 428A.1, unnumbered paragraph 2, Code
2 1987, is amended to read as follows:

3 At the time each deed, instrument, or writing by which any
4 real property in this state is granted, assigned, transferred,
5 or otherwise conveyed is presented for recording to the county
6 recorder, a declaration of value signed by at least one of the
7 sellers or one of the buyers or their agents shall be
8 submitted to the county recorder. A declaration of value is
9 not required for those instruments described in section
10 428A.2, subsections 2 to 5, 7 to 13, and 16 to 18, or
11 described in section 428A.2, subsection 6, except in the case
12 of a federal agency or instrumentality, or if a transfer is
13 the result of acquisition of lands, whether by contract or
14 condemnation, for public purposes through an exercise of the
15 power of eminent domain. The declaration of value shall state
16 the full consideration paid for the real property transferred.
17 If agricultural land, as defined in section 172C.1, is
18 purchased by a corporation, limited partnership, trust, alien
19 or nonresident alien, the declaration of value shall include
20 the name and address of the buyer, the name and address of the
21 seller, a legal description of the agricultural land, and
22 identify the buyer as a corporation, limited partnership,
23 trust, alien, or nonresident alien. The county recorder shall
24 not record the declaration of value, but shall enter on the
25 declaration of value information the director of revenue and
26 finance requires for the production of the sales/assessment
27 ratio study and transmit all declarations of value to the city
28 or county assessor in whose jurisdiction the property is
29 located. The city or county assessor shall enter on the
30 declaration of value the information the director of revenue
31 and finance requires for the production of the
32 sales/assessment ratio study and transmit one copy of each
33 declaration of value to the director of revenue and finance,
34 at times as directed by the director of revenue and finance.
35 The assessor shall retain one copy of each declaration of

1 value for three years from December 31 of the year in which
2 the transfer of realty for which the declaration was filed
3 took place. The director of revenue and finance shall, upon
4 receipt of the information required to be filed under this
5 chapter by the city or county assessor, send to the office of
6 the secretary of state that part of the declaration of value
7 which identifies a corporation, limited partnership, trust,
8 alien, or nonresident alien as a purchaser of agricultural
9 land as defined in section 172C.1.

10 Sec. 2. Section 428A.4, unnumbered paragraph 2, Code 1987,
11 is amended to read as follows:

12 The county recorder shall refuse to record any deed,
13 instrument, or writing by which any real property in this
14 state shall be granted, assigned, transferred, or otherwise
15 conveyed, except those transfers exempt from tax under section
16 428A.2, subsections 2 to 5, and 7 to 13, or under section
17 428A.2, subsection 6, except in the case of a federal agency
18 or instrumentality, until the declaration of value has been
19 submitted to the county recorder. A declaration of value
20 shall not be required with a deed given in fulfillment of a
21 recorded real estate contract provided the deed has a notation
22 that it is given in fulfillment of a contract.

23 EXPLANATION

24 The bill provides that federal agencies and
25 instrumentalities that transfer real property are no longer
26 exempt from having to file a declaration of value relating to
27 the transfer. Declaration of value reports are used by the
28 department of revenue and finance and local assessors in
29 determining the market value of real property for tax
30 purposes.

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HOUSE FILE 590

AN ACT

RELATING TO THE DECLARATION OF VALUE ON THE TRANSFER OF PROPERTY
BY CERTAIN FEDERAL AGENCIES AND INSTRUMENTALITIES.

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

Section 1. Section 428A.1, unnumbered paragraph 2, Code 1987, is amended to read as follows:

At the time 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 18, 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. 2. Section 428A.4, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The county recorder shall refuse to record any deed, instrument, or writing by which any real property in this state shall be granted, assigned, transferred, or otherwise conveyed, except those transfers exempt from tax under section 428A.2, subsections 2 to 5, and 7 to 13, or under section 428A.2, subsection 6, except in the case of a federal agency or instrumentality, until the declaration of value has been submitted to the county recorder. A declaration of value shall not be required with a deed given in fulfillment of a

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recorded real estate contract provided the deed has a notation that it is given in fulfillment of a contract.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 590, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 15, 1987

TERRY E. BRANSTAD
Governor