

FEB 7 1990

Place On Calendar

HOUSE FILE 2324
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 557)

Substituted for S.F. 2231

Passed House, Date 2/19/90 (p. 436) Passed Senate, Date 3/12/90 (p. 1013)
Vote: Ayes 91 Nays 3 Vote: Ayes 45 Nays 0
Approved March 19, 1990 (p. 1225)

A BILL FOR

1 An Act relating to disposition of instruments filed with the
2 county recorder, and providing for the applicability of
3 certain instruments.

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

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HF 2324

1 Section 1. Section 331.606, Code 1989, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 3. The county recorder may give the
4 county sheriff the records filed under this chapter or chapter
5 695 of prior Codes pertaining to the sale and registration of
6 weapons or may dispose of those records if the sheriff does
7 not wish to receive the records.

8 Sec. 2. Section 331.609, subsection 3, paragraph a,
9 subparagraph (2), Code Supplement 1989, is amended to read as
10 follows:

11 (2) If the filing officer is a recorder, the recorder
12 shall endorse on the notice the recorder's identification and
13 the date and time of receipt and record it alphabetically or
14 enter it in an alphabetical index showing the name and address
15 of the person named in the notice, the date and time of
16 receipt, the title and address of the official or entity
17 certifying the lien, and the total appearing on the notice of
18 lien. The recorder may return the original instrument to the
19 sender or dispose of the instrument if the sender does not
20 wish the instrument returned. A document filed in the
21 recorder's office before July 1, 1990, may be returned to the
22 sender or disposed of if the sender does not wish to have the
23 document returned and if there is an official copy of that
24 document in the recorder's office.

25 Sec. 3. Section 472.38, Code 1989, is amended to read as
26 follows:

27 472.38 RECORD OF PROCEEDINGS.

28 The county recorder shall record ~~said~~ the papers,
29 statements, and certificate in the record of deeds, and
30 ~~properly index the same, and carefully preserve the originals~~
31 ~~as files of the recorder's office~~ them. The recorder may
32 return the original instrument to the sender or dispose of
33 that instrument if the sender does not wish to have the
34 instrument returned. A document filed in the recorder's
35 office before July 1, 1990, may be returned to the sender or

1 disposed of if the sender does not wish to have the document
2 returned and if there is an official copy of that document in
3 the recorder's office.

4 Sec. 4. Section 547.3, Code Supplement 1989, is amended to
5 read as follows:

6 547.3 FEE FOR RECORDING.

7 The county recorder shall charge and receive a fee in the
8 amount specified in section 331.604 for each verified
9 statement recorded under this chapter. The recorder may
10 return the original instrument to the sender or dispose of the
11 instrument if the sender does not wish to have the instrument
12 returned. An instrument filed in the recorder's office before
13 July 1, 1990, may be returned to the sender or disposed of if
14 the sender does not wish to have the instrument returned and
15 if there is an official copy of the instrument in the
16 recorder's office.

17 EXPLANATION

18 This bill provides that documents and records filed with
19 the county recorder may be returned to the sender or may be
20 disposed of by the recorder if the sender does not want the
21 record or document. Documents or records filed before July 1,
22 1990, may also be returned or discarded if it is not wanted by
23 the sender and if an official copy of the record is retained
24 in the recorder's office. This applies to federal tax lien
25 records, deeds and records under proceedings of eminent
26 domain, and trade names.

27 Records relating to weapons' sales and registrations under
28 chapter 695 of prior Codes may be returned to the sheriff or
29 otherwise disposed of if the sheriff does not want the
30 records.

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Fuller ch.

Conners
Ranken

HOUSE FILE 2324

BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY
CHAIRPERSON FOGARTY)

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

A BILL FOR

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2 county recorder, and providing for the applicability of
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19 sender or dispose of the instrument if the sender does not
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21 recorder's office before July 1, 1990, may be returned to the
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28 chapter 695 of prior Codes may be returned to the sheriff or
29 otherwise disposed of if the sheriff does not want the
30 records.

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HOUSE FILE 2324

AN ACT

RELATING TO DISPOSITION OF INSTRUMENTS FILED WITH THE COUNTY RECORDER, AND PROVIDING FOR THE APPLICABILITY OF CERTAIN INSTRUMENTS.

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

Section 1. Section 331.606, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The county recorder may give the county sheriff the records filed under this chapter or chapter 695 of prior Codes pertaining to the sale and registration of weapons or may dispose of those records if the sheriff does not wish to receive the records.

Sec. 2. Section 331.609, subsection 3, paragraph a, subparagraph (2), Code Supplement 1989, is amended to read as follows:

(2) If the filing officer is a recorder, the recorder shall endorse on the notice the recorder's identification and the date and time of receipt and record it alphabetically or

enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the title and address of the official or entity certifying the lien, and the total appearing on the notice of lien. The recorder may return the original instrument to the sender or dispose of the instrument if the sender does not wish the instrument returned. A document filed in the recorder's office before July 1, 1990, may be returned to the sender or disposed of if the sender does not wish to have the document returned and if there is an official copy of that document in the recorder's office.

Sec. 3. Section 472.38, Code 1989, is amended to read as follows:

472.38 RECORD OF PROCEEDINGS.

The county recorder shall record ~~said~~ the papers, statements, and certificate in the record of deeds, and properly index ~~the same and carefully preserve the originals as files of the recorder's office~~ them. The recorder may return the original instrument to the sender or dispose of that instrument if the sender does not wish to have the instrument returned. A document filed in the recorder's office before July 1, 1990, may be returned to the sender or disposed of if the sender does not wish to have the document returned and if there is an official copy of that document in the recorder's office.

Sec. 4. Section 547.3, Code Supplement 1989, is amended to read as follows:

547.3 FEE FOR RECORDING.

The county recorder shall charge and receive a fee in the amount specified in section 331.604 for each verified statement recorded under this chapter. The recorder may return the original instrument to the sender or dispose of the instrument if the sender does not wish to have the instrument returned. An instrument filed in the recorder's office before July 1, 1990, may be returned to the sender or disposed of if

the sender does not wish to have the instrument returned and if there is an official copy of the instrument in the recorder's office.

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 2324, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved March 19, 1990

TERRY E. BRANSTAD
Governor