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MAR 20 1989

HOUSE FILE 668

BY COMMITTEE ON LOCAL GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 366)

Passed House, Date 3-23-89 (p.976) Passed Senate, Date 4-10-89 (p.1297)
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0
Approved May 8, 1989

A BILL FOR

3576 - 1 An Act relating to deputy state, county, and city officers,
2 including waiver of the exemption of a homestead from
3 execution and liability of the officers.

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

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HOUSE FILE 668

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H-3532

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1 Amend House File 668 as follows:

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2 1. Page 1, by inserting after line 19, the

9

3 following:

10

4 "Sec. ____ . NEW SECTION. 64.15A BONDS OF

11

5 PRINCIPAL OFFICERS.

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6 The exemptions provided in section 561.16 and
7 chapter 627 are applicable to any claim made against a
8 state, county, or city officer and each bond shall so
9 provide."

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H-3532 FILED MARCH 22, 1989

By FOGARTY of Palo Alto
Adopted 3-23-89 (p.975)

1 Section 1. Section 64.15, Code 1989, is amended to read as
2 follows:

3 64.15 BONDS OF DEPUTY OFFICERS AND CLERKS.

4 Bonds required by law of deputy state, county, and city
5 officers shall, unless otherwise provided, be in such amounts
6 as may be fixed by the governor, board of supervisors, or the
7 council, as the case may be, with sureties as required for the
8 bonds of the principal, and filed with the same officer. ~~The~~
9 ~~giving-of-such-bond-shall-not-relieve-the-principal-from~~
10 ~~liability-for-the-official-acts-of-the-deputy~~ Any loss of
11 moneys caused by a deputy shall be paid by the deputy or the
12 surety on the deputy's bond and the deputy's principal is not
13 liable for the loss. The reasonable cost of the bonds
14 required of deputy county officers, clerks, and cashiers
15 employed by county officers shall be paid by the county where
16 the bond is filed.

17 The exemptions provided in section 561.16 and chapter 627
18 are applicable to any claim made against a deputy state,
19 county, or city officer and each bond shall so provide.

3532 20 Sec. 2. Section 561.22, Code 1989, is amended to read as
21 follows:

22 561.22 WAIVER.

3532 23 If a homestead exemption waiver is contained in a written
24 contract affecting agricultural land as defined in section
25 172C.1, or dwellings, buildings, or other appurtenances
26 located on the land, the contract must contain a statement in
27 substantially the following form, in boldface type of a
28 minimum size of ten points, and be signed and dated by the
29 person waiving the exemption at the time of the execution of
30 the contract: "I understand that homestead property is in
31 many cases protected from the claims of creditors and exempt
32 from judicial sale; and that by signing this contract, I
33 voluntarily give up my right to this protection for this
34 property with respect to claims based upon this contract." A
35 deputy state, county, or city officer is not required to waive

1 the deputy's homestead exemption in order to be bonded as
2 required pursuant to chapter 64.

3 EXPLANATION

4 This bill provides that a deputy state, county, or city
5 officer is not required to waive that officer's exemption from
6 execution on the homestead in order to be bonded under chapter
7 64. The exemptions provided in section 561.16 (homestead) and
8 chapter 627 (general exemptions chapter) are made applicable
9 to a claim made against a deputy officer. The bill also
10 provides that the deputy's principal is not liable for any
11 loss of moneys caused by the deputy. The bill may establish a
12 state mandate as defined in section 25B.3.

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HOUSE FILE 668

H-3576

1 Amend House File 668, as follows:
2 1. Title page, line 1, by striking the word
3 "deputy" and inserting the words "bonds for".
By FOGARTY of Palo Alto

H-3576 FILED MARCH 23, 1989
ADOPTED BY UNANIMOUS CONSENT *3-23-89 (p.975)*

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Sen. Local Gov.
DC PASS 4-5-89 (p.1199)

HOUSE FILE 668
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 366)

(As Amended and Passed by the House March 23, 1989)

Passed House, Date 3/23/89 (p.976) Passed Senate, Date 4/10/89 (p.1277)
Vote: Ayes 96 Nays 0 Vote: Ayes 48 Nays 0
Approved May 8, 1989

A BILL FOR

1 An Act relating to bonds for state, county, and city officers,
2 including waiver of the exemption of a homestead from
3 execution and liability of the officers.

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

House Amendments _____

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1 Section 1. Section 64.15, Code 1989, is amended to read as
2 follows:

3 64.15 BONDS OF DEPUTY OFFICERS AND CLERKS.

4 Bonds required by law of deputy state, county, and city
5 officers shall, unless otherwise provided, be in such amounts
6 as may be fixed by the governor, board of supervisors, or the
7 council, as the case may be, with sureties as required for the
8 bonds of the principal, and filed with the same officer. ~~The~~
9 ~~giving-of-such-bond-shall-not-relieve-the-principal-from~~
10 ~~liability-for-the-official-acts-of-the-deputy~~ Any loss of
11 moneys caused by a deputy shall be paid by the deputy or the
12 surety on the deputy's bond and the deputy's principal is not
13 liable for the loss. The reasonable cost of the bonds
14 required of deputy county officers, clerks, and cashiers
15 employed by county officers shall be paid by the county where
16 the bond is filed.

17 The exemptions provided in section 561.16 and chapter 627
18 are applicable to any claim made against a deputy state,
19 county, or city officer and each bond shall so provide.

20 Sec. 2. NEW SECTION. 64.15A BONDS OF PRINCIPAL OFFICERS.

21 The exemptions provided in section 561.16 and chapter 627
22 are applicable to any claim made against a state, county, or
23 city officer and each bond shall so provide.

24 Sec. 3. Section 561.22, Code 1989, is amended to read as
25 follows:

26 561.22 WAIVER.

27 If a homestead exemption waiver is contained in a written
28 contract affecting agricultural land as defined in section
29 172C.1, or dwellings, buildings, or other appurtenances
30 located on the land, the contract must contain a statement in
31 substantially the following form, in boldface type of a
32 minimum size of ten points, and be signed and dated by the
33 person waiving the exemption at the time of the execution of
34 the contract: "I understand that homestead property is in
35 many cases protected from the claims of creditors and exempt

1 from judicial sale; and that by signing this contract, I
2 voluntarily give up my right to this protection for this
3 property with respect to claims based upon this contract." A
4 principal or deputy state, county, or city officer shall not
5 be required to waive the officer's homestead exemption in
6 order to be bonded as required pursuant to chapter 64.

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125B 366

LOCAL GOVERNMENT

HOUSE FILE 468
BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL)

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

A BILL FOR

1 An Act relating to deputy state, county, and city officers,
2 including waiver of the exemption of a homestead from
3 execution and liability of the officers.

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

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1 Section 1. Section 64.15, Code 1989, is amended to read as
2 follows:

3 64.15 BONDS OF DEPUTY OFFICERS AND CLERKS.

4 Bonds required by law of deputy state, county, and city
5 officers shall, unless otherwise provided, be in such amounts
6 as may be fixed by the governor, board of supervisors, or the
7 council, as the case may be, with sureties as required for the
8 bonds of the principal, and filed with the same officer. ~~The~~
9 ~~giving-of-such-bond-shall-not-relieve-the-principal-from~~
10 ~~liability-for-the-official-acts-of-the-deputy~~ Any loss of
11 moneys caused by a deputy shall be paid by the deputy or the
12 surety on the deputy's bond and the deputy's principal is not
13 liable for the loss. The reasonable cost of the bonds
14 required of deputy county officers, clerks, and cashiers
15 employed by county officers shall be paid by the county where
16 the bond is filed.

17 The exemptions provided in section 561.16 and chapter 627
18 are applicable to any claim made against a deputy state,
19 county, or city officer and each bond shall so provide.

20 Sec. 2. Section 561.22, Code 1989, is amended to read as
21 follows:

22 561.22 WAIVER.

23 If a homestead exemption waiver is contained in a written
24 contract affecting agricultural land as defined in section
25 172C.1, or dwellings, buildings, or other appurtenances
26 located on the land, the contract must contain a statement in
27 substantially the following form, in boldface type of a
28 minimum size of ten points, and be signed and dated by the
29 person waiving the exemption at the time of the execution of
30 the contract: "I understand that homestead property is in
31 many cases protected from the claims of creditors and exempt
32 from judicial sale; and that by signing this contract, I
33 voluntarily give up my right to this protection for this
34 property with respect to claims based upon this contract." A
35 deputy state, county, or city officer is not required to waive

1 the deputy's homestead exemption in order to be bonded as
2 required pursuant to chapter 64.

3 EXPLANATION

4 This bill provides that a deputy state, county, or city
5 officer is not required to waive that officer's exemption from
6 execution on the homestead in order to be bonded under chapter
7 64. The exemptions provided in section 561.16 (homestead) and
8 chapter 627 (general exemptions chapter) are made applicable
9 to a claim made against a deputy officer. The bill also
10 provides that the deputy's principal is not liable for any
11 loss of moneys caused by the deputy. The bill may establish a
12 state mandate as defined in section 25B.3.

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HOUSE FILE 668

AN ACT

RELATING TO BONDS FOR STATE, COUNTY, AND CITY OFFICERS,
INCLUDING WAIVER OF THE EXEMPTION OF A HOMESTEAD FROM
EXECUTION AND LIABILITY OF THE OFFICERS.

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

Section 1. Section 64.15, Code 1989, is amended to read as follows:

64.15 BONDS OF DEPUTY OFFICERS AND CLERKS.

Bonds required by law of deputy state, county, and city officers shall, unless otherwise provided, be in such amounts as may be fixed by the governor, board of supervisors, or the council, as the case may be, with sureties as required for the bonds of the principal, and filed with the same officer. ~~The giving of such bond shall not relieve the principal from liability for the official acts of the deputy~~ Any loss of moneys caused by a deputy shall be paid by the deputy or the surety on the deputy's bond and the deputy's principal is not liable for the loss. The reasonable cost of the bonds required of deputy county officers, clerks, and cashiers employed by county officers shall be paid by the county where the bond is filed.

The exemptions provided in section 561.16 and chapter 627 are applicable to any claim made against a deputy state, county, or city officer and each bond shall so provide.

Sec. 2. NEW SECTION. 64.15A BONDS OF PRINCIPAL OFFICERS.

The exemptions provided in section 561.16 and chapter 627 are applicable to any claim made against a state, county, or city officer and each bond shall so provide.

Sec. 3. Section 561.22, Code 1989, is amended to read as follows:

561.22 WAIVER.

If a homestead exemption waiver is contained in a written contract affecting agricultural land as defined in section

172C.1, or dwellings, buildings, or other appurtenances located on the land, the contract must contain a statement in substantially the following form, in boldface type of a minimum size of ten points, and be signed and dated by the person waiving the exemption at the time of the execution of the contract: "I understand that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this contract, I voluntarily give up my right to this protection for this property with respect to claims based upon this contract." A principal or deputy state, county, or city officer shall not be required to waive the officer's homestead exemption in order to be bonded as required pursuant to chapter 64.

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 668, Seventy-third General Assembly.

Approved May 8, 1989

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor

HF 668