

JAN 11 1996

LOCAL GOVERNMENT

HOUSE FILE 2054
BY RANTS

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

A BILL FOR

1 An Act relating to the abolition of the office of county
2 recorder, the transfer of the powers and duties of the office
3 of county recorder, and providing effective dates.

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

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HF 2054

1 Section 1. OFFICE OF COUNTY RECORDER ABOLISHED -- POWERS
2 AND DUTIES TRANSFERRED.

3 1. The county commissioner of elections shall not place
4 the names of candidates for the office of county recorder on
5 the primary election ballot or the general election ballot for
6 the primary election or the general election held in 1998.

7 2. Effective January 1, 1999, the office of county
8 recorder is abolished and the powers and duties of the office
9 of county recorder are transferred to other county officers as
10 provided in this Act.

11 Sec. 2. Section 12C.1, subsection 1, Code 1995, is amended
12 to read as follows:

13 1. All funds held in the hands of the following officers
14 or institutions shall be deposited in one or more depositories
15 first approved by the appropriate governing body as indicated:
16 For the treasurer of state, by the executive council; for
17 judicial officers and court employees, by the supreme court;
18 for the county treasurer, ~~recorder~~, auditor, and sheriff, by
19 the board of supervisors; for the city treasurer or other
20 designated financial officer of a city, by the city council;
21 for the county public hospital or merged area hospital, by the
22 board of hospital trustees; for a memorial hospital, by the
23 memorial hospital commission; for a school corporation, by the
24 board of school directors; for a city utility or combined
25 utility system established under chapter 388, by the utility
26 board; for a regional library established under chapter 256,
27 by the regional board of library trustees; and for an electric
28 power agency as defined in section 28F.2, by the governing
29 body of the electric power agency. However, the treasurer of
30 state and the treasurer of each political subdivision or the
31 designated financial officer of a city shall invest all funds
32 not needed for current operating expenses in time certificates
33 of deposit in approved depositories pursuant to this chapter
34 or in investments permitted by section 12B.10. The list of
35 public depositories and the amounts severally deposited in the

1 depositories are matters of public record. This subsection
2 does not limit the definition of "public funds" contained in
3 subsection 2.

4 Sec. 3. Section 18.97, subsection 15, Code 1995, is
5 amended to read as follows:

6 15. To the clerk of the district court and each separate
7 office of the clerk, the county attorney, the county auditor,
8 ~~the county recorder~~, county and city assessor, the county
9 treasurer, the sheriff and each separate office of a sheriff,
10 the public defender's office, and the administrator of each
11 area education agency in the state and also for use in each
12 courtroom of the district court 1 copy

13 Sec. 4. Section 39.17, unnumbered paragraph 2, Code 1995,
14 is amended to read as follows:

15 There shall be elected in each county at the general
16 election to be held in 1974 and each four years thereafter, a
17 treasurer, ~~a recorder~~ and a county attorney who shall hold
18 office for a term of four years.

19 Sec. 5. Section 44.7, Code 1995, is amended to read as
20 follows:

21 44.7 HEARING BEFORE COMMISSIONER.
22 Objections filed with the commissioner shall be considered
23 by the county auditor, county treasurer, and county attorney,
24 and a majority decision shall be final; but if the objection
25 is to the certificate of nomination of one or more of the
26 above named county officers, the officer or officers objected
27 to shall not pass upon the objection, but their places shall
28 be filled, respectively, by the chairperson of the board of
29 supervisors, the sheriff, and ~~the county recorder~~ another
30 disinterested elected public officer residing in the county
31 selected by the chairperson of the board and the sheriff.

32 Sec. 6. Section 64.11, Code 1995, is amended to read as
33 follows:

34 64.11 EXPENSE OF BONDS PAID BY COUNTY.
35 If a county treasurer, county attorney, ~~recorder~~, auditor,

1 sheriff, medical examiner, member of the veterans affairs
2 commission, member of the board of supervisors, engineer,
3 steward, or matron elects to furnish a bond with an
4 association or incorporation as surety as provided in this
5 chapter, the reasonable cost of the bond shall be paid by the
6 county where the bond is filed.

7 Sec. 7. Section 69.8, subsection 4, Code 1995, is amended
8 to read as follows:

9 4. BOARD OF SUPERVISORS. In the membership of the board
10 of supervisors, by the treasurer, auditor, and recorder
11 attorney, or as provided in section 69.14A. If any of these
12 offices have been abolished through consolidation, the county
13 attorney sheriff shall serve on this committee.

14 Sec. 8. Section 144.5, subsection 3, Code 1995, as amended
15 by 1995 Iowa Acts, chapter 124, section 1, is amended to read
16 as follows:

17 3. Direct, supervise, and control the activities of clerks
18 of the district court and county recorders auditors related to
19 the operation of the vital statistics system and provide
20 registrars with necessary postage.

21 Sec. 9. Section 144.9, unnumbered paragraph 1, Code 1995,
22 as amended by 1995 Iowa Acts, chapter 124, section 3, is
23 amended to read as follows:

24 The county recorder auditor is the county registrar and
25 with respect to the county shall:

26 Sec. 10. Section 257B.35, Code 1995, is amended to read as
27 follows:

28 257B.35 SHERIFF'S DEED TO STATE.

29 When lands have been bid in by the county for the state
30 under foreclosure of permanent school fund mortgages and the
31 time for redemption has expired, a sheriff's deed shall be
32 issued to the state for the use and benefit of the permanent
33 school fund. The county auditor shall ~~file-the-deed-for~~
34 ~~record-in-the-office-of-the-county-recorder-who-shall~~ record
35 the deed without fee and ~~return-it-when-recorded-to-the-county~~

1 ~~auditor-who-shall-then~~ forward it to the secretary of state.
2 The secretary of state shall record the deed and then file it
3 with the director of revenue and finance.

4 Sec. 11. Section 331.101, subsection 12, Code 1995, is
5 amended by striking the subsection.

6 Sec. 12. Section 331.233, subsection 1, paragraph a,
7 subparagraph (2), Code 1995, is amended by striking the
8 subparagraph.

9 Sec. 13. Section 331.302, subsection 12, Code 1995, is
10 amended to read as follows:

11 12. Immediately after the effective date of a measure
12 establishing a zoning district, building lines, or fire
13 limits, the auditor shall ~~certify-the-measure-and-a-plat~~
14 ~~showing-the-district, lines, or limits, to the recorder. The~~
15 ~~recorder shall~~ record the measure and plat in the
16 miscellaneous record or other book provided for special
17 records, and shall index the record.

18 Sec. 14. Section 331.322, subsection 5, Code 1995, is
19 amended to read as follows:

20 5. Furnish offices within the county for the sheriff, and
21 at the county seat for the ~~recorder~~, treasurer, auditor,
22 county attorney, county surveyor or engineer, county assessor,
23 and city assessor. The board shall furnish the officers with
24 fuel, lights, and office supplies. However, the board is not
25 required to furnish the county attorney with law books. The
26 board shall not furnish an office also occupied by a
27 practicing attorney to an officer other than the county
28 attorney.

29 Sec. 15. Section 331.323, subsection 1, paragraph c, Code
30 1995, is amended by striking the paragraph.

31 Sec. 16. Section 331.323, subsection 2, paragraph g, Code
32 1995, is amended to read as follows:

33 g. Establish the number of deputies, assistants, and
34 clerks for the offices of auditor, treasurer, ~~recorder~~,
35 sheriff, and county attorney.

1 Sec. 17. Section 331.502, subsection 7, Code 1995, is
2 amended to read as follows:

3 7. Take temporary possession of the office and all
4 official books and papers in the office of treasurer when a
5 vacancy occurs and hold the office, books, and records until a
6 successor qualifies as provided in section 69.3. The auditor
7 shall ~~also-serve-temporarily-as-the-recorder-if-a-vacancy~~
8 ~~occurs-in-that-office-and,-if-there-is-no-chief-deputy~~
9 ~~assessor,~~ act temporarily as the assessor as provided in
10 section 441.8, if there is no chief deputy assessor.

11 Sec. 18. Section 331.552, Code Supplement 1995, is amended
12 by adding the following new subsections:

13 NEW SUBSECTION. 33. Carry out duties relating to the
14 registration of vessels as provided in sections 462A.5,
15 462A.23, 462A.51, 462A.52, 462A.54, and 462A.55.

16 NEW SUBSECTION. 34. Carry out duties relating to the
17 issuance of hunting, fishing, and fur harvesting licenses as
18 provided in sections 483A.10, 483A.12, 483A.13, 483A.14,
19 483A.15, and 483A.22.

20 NEW SUBSECTION. 35. Issue migratory waterfowl stamps as
21 provided in chapter 484A.

22 NEW SUBSECTION. 36. Issue snowmobile registrations as
23 provided in sections 321G.4, 321G.6, and 321G.21.

24 Sec. 19. Section 331.602, subsections 9, 10, 11, 16, and
25 35, Code Supplement 1995, are amended by striking the
26 subsections.

27 Sec. 20. Section 331.605B, Code 1995, is amended to read
28 as follows:

29 331.605B FEES COLLECTED -- AUDIT.

30 The ~~recorder~~ auditor shall make available any information
31 required by the ~~county-or~~ state auditor concerning the fees
32 collected under section 331.605A for the purposes of
33 determining the amount of fees collected and the uses for
34 which such fees are expended.

35 Sec. 21. Section 331.611, subsection 1, as enacted by 1995

1 Iowa Acts, chapter 124, section 12, is amended to read as
2 follows:

3 1. The ~~recorder~~ auditor shall be the county registrar and
4 carry out duties as provided in chapter 144.

5 Sec. 22. Section 331.902, subsections 1 and 3, Code 1995,
6 are amended to read as follows:

7 1. Unless otherwise specifically provided by statute, the
8 fees and other charges collected by the auditor, treasurer,
9 ~~recorder~~, and sheriff, and their deputies or employees, belong
10 to the county.

11 3. Each elective officer specified in subsection 1 shall
12 make a quarterly report to the board showing, by type, the
13 fees collected during the preceding quarter. The officer
14 shall pay at least quarterly to the county treasury the fees
15 and charges collected, receive duplicate receipts for the
16 payment, and file one of the receipts in the office of the
17 auditor, except for the county auditor's transfer fees, which
18 shall be paid directly to the county treasurer ~~by-the-county~~
19 ~~recorder~~. The officer shall note in the officer's fee book
20 the date and amount of each payment into the county treasury.
21 This subsection does not apply to the county treasurer if the
22 county treasurer credits the fees daily to the county treasury
23 and reports the receipts on the monthly report to the auditor
24 and the board of supervisors.

25 Sec. 23. Section 331.903, subsection 1, Code 1995, is
26 amended to read as follows:

27 1. The auditor, treasurer, ~~recorder~~, sheriff, and county
28 attorney may each appoint, with approval of the board, one or
29 more deputies, assistants, or clerks for whose acts the
30 principal officer is responsible. The number of deputies,
31 assistants, and clerks for each office shall be determined by
32 the board and the number and approval of each appointment
33 shall be adopted by a resolution recorded in the minutes of
34 the board.

35 Sec. 24. Section 331.904, subsection 1, Code 1995, is

1 amended to read as follows:

2 1. The annual salary of the first and second deputy
3 officer of the ~~office~~ offices of auditor, and treasurer, and
4 ~~recorder~~, and the deputy in charge of the motor vehicle
5 registration and title division shall each be an amount not to
6 exceed eighty percent of the annual salary of the deputy's
7 principal officer. In offices where more than two deputies
8 are required, each additional deputy shall be paid an amount
9 not to exceed seventy-five percent of the principal officer's
10 salary. The amount of the annual salary of each deputy shall
11 be certified by the principal officer to the board and, if a
12 deputy's salary does not exceed the limitations specified in
13 this subsection, the board shall certify the salary to the
14 auditor. The board shall not certify a deputy's salary which
15 exceeds the limitations of this subsection.

16 Sec. 25. Section 331.905, subsection 1, paragraph b, Code
17 1995, is amended to read as follows:

18 b. One member shall be appointed by each of the following
19 county officers: the county auditor, county attorney, ~~county~~
20 ~~recorder~~, county treasurer, and county sheriff.

21 Sec. 26. Section 331.907, subsection 1, Code 1995, is
22 amended to read as follows:

23 1. The annual compensation of the auditor, treasurer,
24 ~~recorder~~, sheriff, county attorney, and supervisors shall be
25 determined as provided in this section. The county compen-
26 sation board annually shall review the compensation paid to
27 comparable officers in other counties of this state, other
28 states, private enterprise, and the federal government. In
29 setting the salary of the county sheriff, the county
30 compensation board shall consider setting the sheriff's salary
31 so that it is comparable to salaries paid to professional law
32 enforcement administrators and command officers of the Iowa
33 highway safety patrol, the division of criminal investigation
34 of the department of public safety, and city police agencies
35 in this state. The county compensation board shall prepare a

1 compensation schedule for the elective county officers for the
2 succeeding fiscal year. A recommended compensation schedule
3 requires a majority vote of the membership of the county
4 compensation board.

5 Sec. 27. Section 354.2, subsections 4 and 11, Code 1995,
6 are amended to read as follows:

7 4. "Conveyance" means an instrument filed with a recorder
8 auditor as evidence of the transfer of title to land,
9 including any form of deed or contract.

10 11. "Official plat" means either an auditor's plat or a
11 subdivision plat that meets the requirements of this chapter
12 and has been filed for record in the offices of the recorder,
13 auditor, and assessor.

14 Sec. 28. Section 354.9, subsection 1, Code 1995, is
15 amended to read as follows:

16 1. If a city, which has adopted ordinances regulating the
17 division of land, desires to review subdivisions outside the
18 city's boundaries, then the city shall establish by ordinance
19 specifically referring to the authority of this section, the
20 area subject to the city's review and approval. The area of
21 review may be identified by individual tracts, by describing
22 the boundaries of the area, or by including all land within a
23 certain distance of the city's boundaries, which shall not
24 extend more than two miles distance from the city's
25 boundaries. The ordinance establishing the area of review or
26 modifying the area of review by a city, shall be recorded in
27 ~~the office of the recorder~~ and filed with the county auditor.

28 Sec. 29. Section 354.18, Code 1995, is amended to read as
29 follows:

30 354.18 RECORDING OF PLATS.

31 A plat of survey prepared pursuant to this chapter and a
32 subdivision plat, with attachments, shall be recorded and
33 filed in the office of the county recorder auditor, and an
34 exact copy of the plat shall be filed in the ~~offices~~ office of
35 the county auditor and assessor. A replat of any part of an

1 official plat pursuant to section 354.25, or a recorded
2 subdivision plat of any part of an existing official plat
3 shall supersede that part of the original official plat,
4 including unused public utility easements.

5 The recorder auditor shall examine each plat of survey and
6 subdivision plat to determine whether the plat is clearly
7 legible and whether the approval by the applicable governing
8 body and the other attachments required by this chapter are
9 presented with the plat. The recorder auditor shall also keep
10 a reproducible copy of the plat from which legible copies can
11 be made. The recorder auditor may specify the material and
12 the size of the plat, not less than eight and one-half inches
13 by eleven inches, that will be accepted for recording in order
14 to comply with this section. The recorder auditor shall not
15 record a subdivision plat that violates this chapter.

16 Sec. 30. Section 354.23, unnumbered paragraph 2, Code
17 1995, is amended to read as follows:

18 The city or county shall vacate by resolution following a
19 public hearing or by ordinance and the vacating instrument
20 shall be recorded. The city or county may convey the vacated
21 property by deed or may convey the property to adjoining
22 proprietors through the vacation instrument. If the vacating
23 instrument is used to convey property then the instrument
24 shall include a list of adjoining proprietors to whom the
25 vacated property is being conveyed along with the
26 corresponding description of each parcel being conveyed. A
27 recorded vacation instrument which conforms to this section is
28 equivalent to a deed of conveyance and the instrument shall be
29 filed and indexed as a conveyance by the ~~recorder~~ and auditor.

30 Sec. 31. Section 354.26, Code 1995, is amended to read as
31 follows:

32 354.26 CORRECTIONS OR CHANGES TO PLATS.

33 A vacation, correction, or replatting as provided for in
34 this chapter, shall be recorded and an exact copy shall be
35 filed with the auditor and assessor. If a governing body

1 changes the addresses or street names shown on an official
2 plat, notice of the change shall note the name or other
3 designation of each official plat affected and shall be filed
4 with the recorder, auditor, and assessor. The recorder
5 auditor shall note the vacation, correction, or replatting on
6 the margin of the official plat or upon an attachment to the
7 official plat for that purpose. ~~The auditor shall make the~~
8 ~~proper changes on the plats required to be kept by the~~
9 ~~auditor.~~

10 Sec. 32. Section 357B.7, Code 1995, is amended to read as
11 follows:

12 357B.7 EXCHANGE OF TERRITORY.

13 The trustees of a benefited fire district may exchange
14 territory with the trustees of a township to provide fire
15 protection services by agreement. The agreement shall provide
16 for the satisfaction of any outstanding obligation to which
17 the affected territory is subject, the disposition of property
18 affected by the exchange, the effective date of the exchange,
19 and any other matter deemed necessary to carry out the
20 exchange. The agreement shall be filed with the county
21 ~~recorder and~~ auditor of each county in which the exchanged
22 property is located.

23 Sec. 33. Section 359A.12, Code 1995, is amended to read as
24 follows:

25 359A.12 DIVISION BY AGREEMENT -- RECORD.

26 The several owners may, in writing, agree upon the portion
27 of partition fences between their lands which shall be erected
28 and maintained by each, which writing shall describe the lands
29 and the parts of the fences so assigned, be signed and
30 acknowledged by them, and filed and recorded in the office of
31 the ~~recorder of deeds~~ county auditor of the county or counties
32 in which they are situated.

33 Sec. 34. Section 359A.13, Code 1995, is amended to read as
34 follows:

35 359A.13 ORDERS AND AGREEMENTS -- EFFECT.

1 Any order made by the fence viewers, or any agreement in
2 writing between adjoining landowners, when recorded in the
3 office of the recorder-of-deeds county auditor, as in this
4 chapter provided, shall bind the makers, their heirs, and
5 subsequent grantees.

6 Sec. 35. Section 359A.14, Code 1995, is amended to read as
7 follows:

8 359A.14 LANDS IN DIFFERENT TOWNSHIPS.

9 When the adjoining lands are situated in different
10 townships in the same or different counties, the clerk of the
11 township of the owner making the application shall select two
12 trustees of the clerk's township as fence viewers, and the
13 clerk of the other township one from that clerk's township,
14 who shall possess, in such case, all the powers given to fence
15 viewers in this chapter, but all orders, notices, and
16 valuations and taxation of costs made by them must be recorded
17 in both townships and in the office of the recorder-of-deeds
18 county auditor of each county.

19 Sec. 36. Section 359A.24, Code 1995, is amended to read as
20 follows:

21 359A.24 CERTIFICATION OF DECREE.

22 Upon the final determination of said the appeal the clerk
23 of the district court shall certify to the recorder-of-deeds
24 county auditor the fact that a judgment has been entered upon
25 such the appeal, with the book and page of such the judgment,
26 and the recorder auditor shall thereupon enter on the
27 recorder's auditor's record a notation that a judgment on
28 appeal has been entered and that the same judgment may be
29 found in the office of the clerk of the district court, in the
30 book and page designated in said the certificate.

31 Sec. 37. Section 359A.25, Code 1995, is amended to read as
32 follows:

33 359A.25 RECORD KEPT -- FEES OF CLERK.

34 The township clerk shall enter all matters herein required
35 to be made of record in the clerk's record book, and shall

1 receive ten cents for each one hundred words in entering of
2 record and making certified copies of the matters herein
3 provided for, and twenty-five cents additional for the clerk's
4 certificate thereto when required, and shall also receive the
5 costs of recording in the office of the recorder-of-deeds
6 county auditor of any instrument required to be so recorded.

7 Sec. 38. Section 455B.134, subsection 3, paragraph f,
8 subparagraph (2), Code Supplement 1995, is amended to read as
9 follows:

10 (2) A person may build or expand an anaerobic lagoon or an
11 earthen waste slurry storage basin closer to a residence not
12 owned by the owner of the anaerobic lagoon or to a public use
13 area than is otherwise permitted by subparagraph (1) of this
14 paragraph, if the affected landowners enter into a written
15 agreement with the anaerobic lagoon owner to waive the
16 separation distances under such terms the parties negotiate.
17 The written agreement becomes effective only upon recording in
18 the office of the recorder-of-deeds county auditor of the
19 county in which the residence is located.

20 Sec. 39. Section 491.13, unnumbered paragraph 2, Code
21 1995, is amended to read as follows:

22 When a corporation changes its principal place of business
23 from one county to another, an amendment for this purpose
24 shall be filed with the secretary of state, recorded in the
25 office of the recorder-of-deeds county auditor of the county
26 of the previous place of business, and then said the amendment
27 together with the articles of incorporation and all amendments
28 thereto shall be filed with the recorder-of-deeds county
29 auditor of the county to which said corporation's principal
30 place of business is changed.

31 Sec. 40. Section 507C.13, subsection 1, Code 1995, is
32 amended to read as follows:

33 1. An order to rehabilitate the business of a domestic
34 insurer or an alien insurer domiciled in this state shall
35 appoint the commissioner as the rehabilitator. The order

1 shall direct the rehabilitator to take possession of the
2 assets of the insurer, and to administer them under the
3 general supervision of the court. The filing or recording of
4 the order with the clerk of the district court or ~~recorder-of~~
5 ~~deeds~~ county auditor of the county in which the principal
6 business of the insurer is conducted, or the county in which
7 its principal office or place of business is located, is the
8 same notice as a deed, bill of sale, or other evidence of
9 title duly filed or recorded with that ~~recorder-of-deeds~~
10 county auditor. The order to rehabilitate the insurer shall
11 vest title to all assets of the insurer in the rehabilitator.

12 Sec. 41. Section 507C.18, subsection 1, Code 1995, is
13 amended to read as follows:

14 1. An order to liquidate the business of a domestic
15 insurer shall appoint the commissioner as liquidator and shall
16 direct the liquidator to immediately take possession of the
17 assets of the insurer and to administer them under the general
18 supervision of the court. The liquidator is vested with the
19 title to the property, contracts, and rights of action and the
20 books and records of the insurer ordered liquidated, wherever
21 located, as of the entry of the final order of liquidation.
22 The filing or recording of the order with the clerk of the
23 court and the ~~recorder-of-deeds~~ county auditor of the county
24 in which its principal office or place of business is located,
25 or, in the case of real estate with the ~~recorder-of-deeds~~
26 county auditor of the county where the property is located, is
27 notice as a deed, bill of sale, or other evidence of title
28 duly filed or recorded with the ~~recorder-of-deeds~~ county
29 auditor.

30 Sec. 42. Section 507C.21, subsection 1, paragraph q, Code
31 1995, is amended to read as follows:

32 q. File necessary documents for record in the office of a
33 ~~recorder-of-deeds-or-record-office~~ county auditor of a county
34 in this state or elsewhere where property of the insurer is
35 located.

1 Sec. 43. Section 507C.27, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. After a petition for rehabilitation or liquidation has
4 been filed a transfer of real property of the insurer made to
5 a person acting in good faith is valid against the receiver if
6 made for a present fair equivalent value. If the transfer was
7 not made for a present fair equivalent value, then the
8 transfer is valid to the extent of the present consideration
9 actually paid for which amount the transferee shall have a
10 lien on the property transferred. The commencement of a
11 proceeding in rehabilitation or liquidation is constructive
12 notice upon the recording of a copy of the petition for or
13 order of rehabilitation or liquidation with the ~~recorder-of~~
14 ~~deeds~~ county auditor in the county where any real property in
15 question is located. The exercise by a court of the United
16 States or a state or jurisdiction to authorize a judicial sale
17 of real property of the insurer within a county in a state
18 shall not be impaired by the pendency of a proceeding unless
19 the copy is recorded in the county prior to the consummation
20 of the judicial sale.

21 Sec. 44. Section 507C.50, subsection 3, Code 1995, is
22 amended to read as follows:

23 3. The court may issue the order in whatever terms it
24 deems appropriate. The filing or recording of the order with
25 the clerk of court or the ~~recorder-of-deeds~~ county auditor of
26 the county in which the principal business of the company is
27 located or the county in which its principal office or place
28 of business is located is the same notice as a deed, bill of
29 sale, or other evidence of title duly filed or recorded with
30 that ~~recorder-of-deeds~~ county auditor.

31 Sec. 45. Section 507C.51, subsection 3, Code 1995, is
32 amended to read as follows:

33 3. If it appears to the court that the best interests of
34 creditors, policyholders, and the public require, the court
35 may issue an order to liquidate in whatever terms it deems

1 appropriate. The filing or recording of the order with the
2 clerk of the court or the recorder-of-deeds county auditor of
3 the county in which the principal business of the company is
4 located or the county in which its principal office or place
5 of business is located, is same notice as a deed, bill of
6 sale, or other evidence of title duly filed or recorded with
7 that recorder-of-deeds county auditor.

8 Sec. 46. Section 507C.53, subsection 2, Code 1995, is
9 amended to read as follows:

10 2. The court may issue an order appointing an ancillary
11 receiver in whatever terms it deems appropriate. The filing
12 or recording of the order with the recorder-of-deeds county
13 auditor in this state is the same notice as a deed, bill of
14 sale, or other evidence of title duly filed or recorded with
15 that recorder-of-deeds county auditor.

16 Sec. 47. Section 523A.22, subsection 2, paragraph a, Code
17 Supplement 1995, is amended to read as follows:

18 a. An order to liquidate the business of a funeral
19 establishment shall appoint the commissioner as liquidator and
20 shall direct the liquidator to immediately take possession of
21 the assets of the funeral establishment and to administer them
22 under the general supervision of the court. The liquidator is
23 vested with the title to the property, contracts, and rights
24 of action and the books and records of the funeral
25 establishment ordered liquidated, wherever located, as of the
26 entry of the final order of liquidation. The filing or
27 recording of the order with the clerk of court and the
28 recorder-of-deeds county auditor of the county in which its
29 principal office or place of business is located, or, in the
30 case of real estate with the recorder-of-deeds county auditor
31 of the county where the property is located, is notice as a
32 deed, bill of sale, or other evidence of title duly filed or
33 recorded with the recorder-of-deeds county auditor.

34 Sec. 48. Section 523A.22, subsection 3, paragraph a,
35 subparagraph (17), Code Supplement 1995, is amended to read as

1 follows:

2 (17) File necessary documents for recording in the office
3 of a ~~recorder-of-deeds-or-record-office~~ county auditor of the
4 county in this state ~~or-elsewhere~~ where property of the
5 funeral establishment is located.

6 Sec. 49. Section 523A.22, subsection 8, paragraph a, Code
7 Supplement 1995, is amended to read as follows:

8 a. After a petition for liquidation has been filed a
9 transfer of real property of the funeral establishment made to
10 a person acting in good faith is valid against the liquidator
11 if made for a present fair equivalent value. If the transfer
12 was not made for a present fair equivalent value, then the
13 transfer is valid to the extent of the present consideration
14 actually paid for which amount the transferee shall have a
15 lien on the property transferred. The commencement of a
16 proceeding in liquidation is constructive notice upon the
17 recording of a copy of the petition for or order of
18 liquidation with the ~~recorder-of-deeds-in~~ county auditor of
19 the county where any real property in question is located.
20 The exercise by a court of the United States or a state or
21 jurisdiction to authorize a judicial sale of real property of
22 the funeral establishment within a county in a state shall not
23 be impaired by the pendency of a proceeding unless the copy is
24 recorded in the county prior to the consummation of the
25 judicial sale.

26 Sec. 50. Section 523I.5, subsection 2, paragraph a, Code
27 Supplement 1995, is amended to read as follows:

28 a. An order to liquidate the business of a perpetual care
29 cemetery shall appoint the commissioner as liquidator and
30 shall direct the liquidator to immediately take possession of
31 the assets of the cemetery and to administer them under the
32 general supervision of the court. The liquidator is vested
33 with the title to the property, contracts, and rights of
34 action and the books and records of the cemetery ordered
35 liquidated, wherever located, as of the entry of the final

1 order of liquidation. The filing or recording of the order
2 with the clerk of court and the recorder-of-deeds county
3 auditor of the county in which its principal office or place
4 of business is located, or, in the case of real estate with
5 the recorder-of-deeds county auditor of the county where the
6 property is located, is notice as a deed, bill of sale, or
7 other evidence of title duly filed or recorded with the
8 recorder-of-deeds county auditor.

9 Sec. 51. Section 523I.5, subsection 3, paragraph a,
10 subparagraph (17), Code Supplement 1995, is amended to read as
11 follows:

12 (17) File necessary documents for recording in the office
13 of a recorder-of-deeds-or-record-office county auditor of a
14 county in this state ~~or-elsewhere~~ where property of the
15 cemetery is located.

16 Sec. 52. Section 523I.5, subsection 8, paragraph a, Code
17 Supplement 1995, is amended to read as follows:

18 a. After a petition for liquidation has been filed a
19 transfer of real property of the cemetery made to a person
20 acting in good faith is valid against the receiver if made for
21 a present fair equivalent value. If the transfer was not made
22 for a present fair equivalent value, then the transfer is
23 valid to the extent of the present consideration actually paid
24 for which amount the transferee shall have a lien on the
25 property transferred. The commencement of a proceeding in
26 liquidation is constructive notice upon the recording of a
27 copy of the petition for or order of liquidation with the
28 recorder-of-deeds county auditor in the county where any real
29 property in question is located. The exercise by a court of
30 the United States or a state or jurisdiction to authorize a
31 judicial sale of real property of the cemetery within a county
32 in a state shall not be impaired by the pendency of a
33 proceeding unless the copy is recorded in the county prior to
34 the consummation of the judicial sale.

35 Sec. 53. Section 543C.2, subsection 10, Code 1995, is

1 amended to read as follows:

2 10. The subdivider, if a corporation, must register to do
3 business in the state of Iowa as a foreign corporation with
4 the secretary of state and furnish a copy of the certificate
5 of authority to do business in the state of Iowa. If not a
6 corporation, the subdivider must comply with the provisions of
7 chapter 547, by filing a proper trade name with the Polk
8 county recorder auditor. The provisions of this subsection
9 shall also apply to any person, partnership, firm, company,
10 corporation, or association, other than the subdivider, which
11 is engaged by or through the subdivider for the purpose of
12 advertising or selling the land involved in the filing.

13 Sec. 54. Section 558.1A, Code 1995, is amended to read as
14 follows:

15 558.1A DEFINITION.

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

20 Sec. 55. Section 558.11, Code 1995, is amended to read as
21 follows:

22 558.11 RECORD -- CONSTRUCTIVE NOTICE.

23 The evidence of title shall be filed with the ~~recorder-of~~
24 deeds auditor of the county in which the real estate is
25 situated, who shall record the same, and place an abstract
26 thereof upon the index of deeds. The recording thereof shall
27 be constructive notice to all persons, as provided in other
28 cases of entries upon said index, and the ~~recorder~~ county
29 auditor shall receive the same fees therefor as for recording
30 other instruments.

31 Sec. 56. Section 558.57, Code 1995, is amended to read as
32 follows:

33 558.57 ENTRY ON AUDITOR'S TRANSFER BOOKS.

34 The ~~recorder~~ auditor shall not record any deed or other
35 instrument unconditionally conveying real estate until the

1 proper entries have been made upon the transfer books in the
2 ~~auditor's office~~, and endorsement made upon the deed or other
3 instrument properly dated and officially signed, in
4 substantially the following form:

5 Entered upon transfer books and for taxation this ... day
6 of, 19... My fee \$.... ~~collected by recorder~~
7
8 Auditor.

9 Sec. 57. Section 558.58, subsection 1, Code 1995, is
10 amended to read as follows:

11 1. At the time of filing a deed or other instrument
12 mentioned in section 558.57, the ~~recorder~~ auditor shall
13 collect from the person filing the deed or instrument the
14 recording fee provided by law and the auditor's transfer fee,
15 except as provided in subsection 2. The ~~recorder~~ auditor
16 shall ~~deliver the deed or instrument to the county auditor,~~
17 ~~after endorsing~~ endorse upon the instrument the following:

18 Filed for record, ~~and indexed, and delivered to the county~~
19 ~~auditor~~ this ... day of, 19.., at o'clock .. M.
20 ~~Recorder's and auditor's fee~~ Auditor's
21 fees \$..... paid.
22
23 Recorder Auditor.

24 Sec. 58. Section 567.9, subsection 3, Code 1995, is
25 amended to read as follows:

26 3. The attorney general shall file a notice of the
27 pendency of the action with the ~~recorder of deeds~~ county
28 auditor of each county in which any of the land is located.
29 If the court finds that the land in question has been acquired
30 or held in violation of this chapter or the required
31 registration has not been timely filed, it shall enter an
32 order so declaring and shall file a copy of the order with the
33 ~~recorder of deeds~~ county auditor of each county in which any
34 portion of the land is located.

35 Sec. 59. Section 589.26, Code 1995, is amended to read as

1 follows:

2 589.26 LAND TRANSFERS BY THE DEPARTMENT OF HUMAN SERVICES
3 LEGALIZED.

4 Every deed, release or other instrument in writing
5 purporting to transfer any interest in land held or claimed by
6 the department of human services or a predecessor agency,
7 which is signed by a departmental official, and which was
8 filed of record more than ten years earlier, in the office of
9 the auditor ~~or-recorder~~ or clerk of the district court of any
10 county is legalized and shall be good and valid in law and in
11 equity as fully as if the record expressly showed that it in
12 all respects complied with and was fully authorized as
13 provided in any statute pertaining to ~~such~~ the instrument, any
14 other provision of law to the contrary notwithstanding.

15 Sec. 60. Section 589.30, Code 1995, is amended to read as
16 follows:

17 589.30 ESTABLISHMENT OF ANCIENT COUNTY ROADS.

18 Effective January 1, 1993, the establishment of a county
19 road pursuant to proceedings by a board of supervisors, in
20 which the proceedings, plans, or plats were on file or
21 recorded with the county auditor or county recorder prior to
22 January 1, 1920, are not ineffectual because of the failure of
23 the board of supervisors to comply with any of the steps
24 necessary for the establishment of the road, and these
25 proceedings are legalized and valid as if the record showed
26 that the law had been complied with, unless the adjacent
27 property owner, or an attorney, agent, guardian, conservator,
28 trustee, or parent of a minor adjacent property owner, files
29 in the office of the county ~~recorder~~ auditor in the county
30 where the property is located, a statement in writing, which
31 is duly acknowledged, and which specifically describes the
32 property involved, the nature and extent of the right of the
33 interest claimed, and the nature of the alleged failure to
34 comply with any of the steps necessary for the establishment
35 of the road, on or before December 31, 1992.

1 Sec. 61. Section 598.21, subsection 11, unnumbered
2 paragraph 1, Code Supplement 1995, is amended to read as
3 follows:

4 If the court orders a transfer of title to real property,
5 the clerk of court shall issue a certificate under chapter 558
6 relative to each parcel of real estate affected by the order
7 and immediately deliver the certificate for recording to the
8 county ~~recorder~~ auditor of the county in which the real estate
9 is located. Any fees assessed shall be included as part of
10 the court costs. ~~The county recorder shall deliver the~~
11 ~~certificates to the county auditor as provided in section~~
12 ~~558.58, subsection 1.~~

13 Sec. 62. Section 614.17, unnumbered paragraph 3, Code
14 1995, is amended to read as follows:

15 For the purposes of this section and section 614.17A, such
16 possession of real estate may be shown of record by affidavits
17 showing the possession, and when the affidavits have been
18 filed and recorded, it is the duty of the recorder auditor to
19 enter upon the margin of the record, a certificate to the
20 effect that the affidavits were filed by the owner in
21 possession, as named in the affidavits, or by the owner's
22 attorney in fact, as shown by the records and in like manner,
23 the affidavits may be filed and recorded where any action was
24 barred on any claim by this section as in force prior to July
25 1, 1991.

26 Sec. 63. Section 618.7, Code 1995, is amended to read as
27 follows:

28 618.7 SELECTION BY COUNTY OFFICERS.

29 The clerk of the district court, sheriff, auditor, and
30 ~~treasurer, and recorder~~ shall designate the newspapers in
31 which the notices pertaining to their respective offices shall
32 be published and the board of supervisors shall designate the
33 newspapers in which all other county notices and proceedings,
34 not required to be published in the official county
35 newspapers, shall be published.

1 Sec. 64. Section 633.480, Code 1995, is amended to read as
2 follows:

3 633.480 CERTIFICATE TO COUNTY RECORDER AUDITOR FOR TAX
4 PURPOSES WITH ADMINISTRATION.

5 After discharge as provided in section 633.479, the clerk
6 shall certify under chapter 558 relative to each parcel of
7 real estate described in the final report of the personal
8 representative which has not been sold by the personal
9 representative, and deliver the certificate to the county
10 recorder auditor of the county in which the real estate is
11 situated. ~~The county recorder shall deliver the certificate~~
12 ~~to the county auditor as provided in section 558-58-~~

13 Sec. 65. Section 633.481, Code 1995, is amended to read as
14 follows:

15 633.481 CERTIFICATE TO COUNTY RECORDER AUDITOR FOR TAX
16 PURPOSES WITHOUT ADMINISTRATION.

17 When an inventory or report is filed under section 450.22,
18 without administration of the estate of the decedent, the
19 clerk shall issue and deliver to the county recorder auditor
20 of the county in which the real estate is situated a
21 certificate pertaining to each parcel of real estate described
22 in the inventory or report. Any fees for certificates or
23 recording fees required by this section or section 633.480
24 shall be assessed as costs of administration. The fee for
25 recording and indexing the instrument shall be as provided in
26 section 331.604. ~~The county recorder shall deliver the~~
27 ~~certificates to the county auditor as provided in section~~
28 ~~558-58-~~

29 Sec. 66. Section 674.14, Code 1995, is amended to read as
30 follows:

31 674.14 INDEXING IN REAL PROPERTY RECORD.

32 The ~~county recorder and~~ county auditor of each county in
33 which the petitioner owns real property shall charge fees in
34 the amounts specified in sections 331.604 and 331.507,
35 subsection 2, paragraph "b", for indexing a change of name for

1 each parcel of real estate.

2 Sec. 67. REPLACE COUNTY RECORDER WITH COUNTY AUDITOR.

3 1. Sections 1.17, 6B.35, 6B.36, 6B.38, 6B.39, 6B.40,
4 10A.108, 16.91, 28A.8, 28A.15, 96.14, 96.16, 99A.5, 124C.4,
5 161A.18, 176.2, 176.5, 176A.15, 207.5, 262.16, 308.9, 321.251,
6 327G.77, 330A.7, 331.302, 331.603, 331.604, 331.605, 331.605A,
7 331.606, 331.607, 331.608, 331.609, 354.8, 354.11, 354.16,
8 354.24, 355.10, 355.11, 355.12, 358.32, 358.36, 359.15,
9 359.40, 359A.10, 368.2, 368.7, 368.8, 368.20, 380.11, 384.38,
10 386.3, 386.4, 403.6, 422.26, 424.11, 425.2, 425.3, 425.11,
11 425A.2, 427.5, 427.6, 428A.1, 428A.4, 428A.5, 428A.7, 428A.8,
12 448.16, 448.17, 450.81, 450B.6, 455B.275, 455B.302, 455B.392,
13 455B.396, 455B.431, 456B.12, 458A.10, 458A.22, 458A.24,
14 465C.9, 468.607, 468.612, 468.623, 468.624, 468.625, 468.626,
15 468.628, 478.15, 490.902, 490.1701, 499.47, 499A.1, 499B.3,
16 524.1311, 533.1, 533.21, 533.22, 542B.35, 547.1, 547.3,
17 554.9407, 554.11105, 554B.3, 557.22, 557.24, 557.26, 557C.3,
18 557C.4, 558.12, 558.13, 558.41, 558.44, 558.45, 558.49,
19 558.52, 558.53, 558.54, 558.55, 558.58, 558.59, 558.66,
20 558.69, 558A.2, 559.1, 559.6, 561.4, 564A.5, 575.1, 586.1,
21 589.3, 589.13, 589.23, 589.24, 591.3, 591.7, 592.3, 607A.9,
22 614.14, 614.17A, 614.18, 614.21, 614.22, 614.23, 614.24,
23 614.29, 614.35, 622.41, 622.44, 624.23, 633.146, 633.356,
24 633.497, 636.26, 654.18, 655.4, 655.5, 655A.3, 655A.6, 655A.7,
25 656.2, 656.5, 656.9, 657A.3, 657A.7, and 681.3, Code 1995, are
26 amended by striking the word "recorder" or "recorder's" where
27 it appears in those sections and inserting in lieu thereof the
28 word "auditor" or "auditor's", as applicable.

29 2. Sections 6B.3, 28E.8, 161A.7, 331.602, 346.27, 358C.8,
30 427.1, 448.3, 448.15, 450.7, 455B.133, 455B.165, 455B.474,
31 504A.100, 524.306, 524.1306, 524.1309, 524.1404, 524.1408,
32 524.1414, 524.1506, 524.1508, 554.9401, 602.8102, 633.704, and
33 654C.5, Code Supplement 1995, are amended by striking the word
34 "recorder" or "recorder's" as it appears in those sections and
35 inserting in lieu thereof the word "auditor" or "auditor's",

1 as applicable.

2 Sec. 68. REPLACE COUNTY RECORDER WITH COUNTY TREASURER.

3 1. Sections 321G.4, 321G.6, 321G.7, 321G.21, 321G.27,
4 462A.2, 462A.5, 462A.23, 462A.44, 462A.46, 462A.51, 462A.52,
5 462A.53, 462A.54, 462A.55, 462A.77, 462A.80, 462A.82, 462A.84,
6 483A.10, 483A.11, 483A.12, 483A.13, 483A.14, 483A.15, 483A.16,
7 and 483A.22, Code 1995, are amended by striking the word
8 "recorder" or "recorder's" where it appears in those sections
9 and inserting in lieu thereof the word "treasurer" or
10 "treasurer's", as applicable.

11 2. Section 462A.78, Code Supplement 1995, is amended by
12 striking the word "recorder" or "recorder's" where it appears
13 in the section and inserting in lieu thereof the word
14 "treasurer" or "treasurer's", as applicable.

15 Sec. 69. REPEALER.

16 1. Section 331.610, Code Supplement 1995, is repealed.

17 2. Section 331.601, Code 1995, as amended by 1995 Iowa
18 Acts, chapter 124, section 9, is repealed.

19 Sec. 70. EFFECTIVE DATES.

20 1. Section 1 and this section of this Act take effect on
21 July 1, 1996.

22 2. Section 4 of this Act takes effect on January 1, 1998.

23 3. The remaining sections of this Act take effect on
24 January 1, 1999.

25

EXPLANATION

26 This bill abolishes the office of county recorder as of
27 January 1, 1999, and transfers the powers and duties of the
28 office of county recorder to the office of county auditor
29 except those duties relating to the registration of vessels,
30 issuance of certain hunting, fishing, and fur harvesting
31 licenses, the issuance of waterfowl stamps, and the
32 registration of snowmobiles. The registration and licensing
33 duties of the county recorder are transferred to the office of
34 county treasurer.

35 The effective date for the transfer of powers and duties of

1 the county recorder coincides with the expiration of the terms
2 of office of incumbent county recorders in January 1999. The
3 county commissioner of elections will not include the office
4 of county recorder on the primary or general election ballot
5 in 1998.

6 Section 1 of this bill, which provides for the abolition of
7 the office of county recorder as of January 1, 1999, and
8 directs the county commissioner of elections to exclude the
9 office of county recorder from the primary and general
10 election ballots in 1998, takes effect on July 1, 1996.
11 Section 4 of this bill takes effect on January 1, 1998. The
12 remainder of this bill takes effect on January 1, 1999.

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