

JAN 17 1995

LOCAL GOVERNMENT

HOUSE FILE

45

BY RANTS, NUTT, KLEMME,
and WARNSTADT

WITHDRAWN

4-12-95

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

A BILL FOR

1 An Act relating to the performance of duties of the office of
2 recorder on abolition of the office and the filing of
3 documents and providing an effective date and for retroactive
4 applicability.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

WITHDRAWN

HF 45

1 Section 1. Section 331.610, Code 1995, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 331.610. ABOLITION OF OFFICE OF RECORDER -- IDENTIFICATION
5 OF OFFICE -- PLACE OF FILING.

6 If the office of county recorder is abolished in a county,
7 the auditor of that county shall be referred to as the county
8 auditor and recorder. After abolition of the office of county
9 recorder, references in the Code requiring filing or recording
10 of documents with the county recorder shall be deemed to re-
11 quire the filing in the office of the county auditor and re-
12 corder, and all duties of the abolished office of recorder
13 shall be performed by the county auditor and recorder.

14 However, the board of supervisors may direct that any of the
15 duties of the abolished office of recorder prescribed in
16 section 331.602, subsection 9, 10, 11, or 16, or section
17 331.605, subsection 1, 2, 3, or 4, shall be performed by other
18 county officers or employees as provided in section 331.323.

19 Sec. 2. FILINGS LEGALIZED. Any instrument affecting
20 interests in real property, fixtures, or personal property
21 filed with the auditor of Woodbury county, Iowa, between
22 January 1, 1995, and the effective date of this Act, both
23 dates inclusive, shall be deemed to be properly filed and
24 constitute constructive notice as if the office of the
25 recorder of Woodbury county, Iowa, had not been abolished.

26 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill provides for filing of documents and the
30 performance of the duties of the office of the recorder if
31 abolished under section 331.323 and ensures uniformity
32 throughout the state of the performance of the duties of the
33 recorder upon abolition of the office. However, the duties of
34 the abolished recorder's office relating to the issuance of
35 watercraft and snowmobile registrations; hunting, fishing, and

1 trapping licenses; and waterfowl stamps may be combined with
2 the duties of other county offices or employees as directed by
3 the board of supervisors.

4 This bill takes effect upon enactment and is retroactive to
5 January 1, 1995, for instruments filed or recorded between
6 January 1, 1995, and the effective date of this Act.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35