

FEB 19 2001  
LOCAL GOVERNMENT

HOUSE FILE 299  
BY HOUSER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the administration of county government by  
2 providing for the issuance of certain lease or lease-purchase  
3 contracts, the recording of certain property transfers, an  
4 increase in the real estate transfer fee, the imposition of a  
5 real estate contract fee, changing the date for reporting  
6 agricultural land tax credits, and by striking a real estate  
7 record notification requirement regarding name changes on  
8 marriage licenses.

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

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HF 299

1 Section 1. Section 331.301, subsection 10, paragraph e,  
2 subparagraph (1), Code 2001, is amended by adding the  
3 following new paragraph:

4 NEW UNNUMBERED PARAGRAPH. However, if the principal amount  
5 of a lease or lease-purchase contract pursuant to subparagraph  
6 (1) is less than twenty-five thousand dollars, the board may  
7 authorize the lease or lease-purchase contract without  
8 following the authorization procedures of section 331.443.

9 Sec. 2. Section 331.507, subsection 2, paragraph a,  
10 unnumbered paragraph 1, Code 2001, is amended to read as  
11 follows:

12 For a transfer of property made in the transfer records,  
13 ~~five~~ ten dollars for each separate parcel of real estate  
14 described in a deed, or transfer of title certified by the  
15 clerk of the district court. However, the fee shall not  
16 exceed fifty one hundred dollars for a transfer of property  
17 which is described in one instrument of transfer.

18 Sec. 3. Section 426.7, Code 2001, is amended to read as  
19 follows:

20 426.7 WARRANTS DRAWN BY DIRECTOR.

21 After receiving from the county auditors the certifications  
22 provided for in section 426.6, and during the following fiscal  
23 year, the director of revenue and finance shall draw warrants  
24 on the agricultural land credits fund created in section  
25 426.1, payable to the county treasurers in the amount  
26 certified by the county auditors of the respective counties  
27 and mail the warrants to the county auditors on August 15 of  
28 each year taking into consideration the relative budget and  
29 cash position of the state resources. However, if the  
30 agricultural land credits fund is insufficient to pay in full  
31 the total of the amounts certified to the director of revenue  
32 and finance, the director shall prorate the fund to the county  
33 treasurers and notify the county auditors of the pro rata  
34 percentage on or before August June 1.

35 Sec. 4. Section 558.57, unnumbered paragraph 1, Code 2001,

1 is amended to read as follows:

2 The recorder shall not record any deed, real estate  
3 contract, or other instrument unconditionally conveying real  
4 estate until the proper entries have been made upon the  
5 transfer books in the auditor's office, and endorsement made  
6 upon the deed, real estate contract, or other instrument  
7 properly dated and officially signed, in substantially the  
8 following form:

9 Sec. 5. Section 558.58, subsection 1, unnumbered paragraph  
10 1, Code 2001, is amended to read as follows:

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

19 Sec. 6. Section 595.5, subsection 2, Code 2001, is amended  
20 by striking the subsection.

21 Sec. 7. Section 598.21, subsection 1, unnumbered paragraph  
22 1, Code 2001, is amended to read as follows:

23 Upon every judgment of annulment, dissolution, or separate  
24 maintenance the court shall divide the property of the parties  
25 and transfer the title of the property accordingly, including  
26 issuance of a quitclaim deed or a change of title for tax  
27 purposes and delivery of the deed or change of title to the  
28 county recorder of the county in which each parcel of real  
29 estate is located. The county recorder shall record each  
30 quitclaim deed or change of title with or without the payment  
31 of recording fees. The court may protect and promote the best  
32 interests of children of the parties by setting aside a  
33 portion of the property of the parties in a separate fund or  
34 conservatorship for the support, maintenance, education and  
35 general welfare of the minor children. The court shall divide

1 all property, except inherited property or gifts received by  
2 one party, equitably between the parties after considering all  
3 of the following:

4 EXPLANATION

5 This bill includes changes in the administration of a  
6 county by the board of supervisors and other county officers.

7 Code section 331.301 is amended to provide that the board  
8 of supervisors may authorize lease or lease-purchase contracts  
9 without following procedures related to the issuance of  
10 essential corporate bonds if the cost of the lease or lease-  
11 purchase contract is less than \$25,000.

12 Code section 331.507 is amended to increase the fee charged  
13 by the county auditor for a transfer of property in the  
14 transfer records from \$5 to \$10 and the maximum fee from \$50  
15 to \$100 for a transfer of property which is described in one  
16 instrument of transfer. Code sections 558.57 and 558.58 are  
17 also amended to require that real estate contracts be entered  
18 in the county auditor's transfer book which would require the  
19 transfer fee of \$10 to be collected.

20 Code section 426.7 is amended to provide that the director  
21 of revenue and finance shall notify the county auditors of the  
22 pro rata share of the agricultural land tax credit on or  
23 before June 1 instead of August 1.

24 Code section 595.5 is amended to strike a subsection which  
25 requires a county registrar to send a certified copy of a  
26 return of marriage to the recorder's office of each county  
27 where real estate is owned by either of the parties to the  
28 marriage upon the parties' request. Under that subsection,  
29 the return of marriage including the names and former names of  
30 the parties is to be recorded in the miscellaneous records of  
31 the recorder's office.

32 Code section 598.21 is amended to provide that when a  
33 judgment of annulment, dissolution, or separate maintenance is  
34 ordered, the court shall divide the property of the parties  
35 and transfer the title of property accordingly, including the

1 issuance of a quitclaim deed or change of title for tax  
2 purposes and delivery of the deed or change of title to the  
3 appropriate county recorder so that the quitclaim deed or  
4 change of title is recorded with or without the payment of  
5 recording fees.

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