

4 brought by any person other than the state under section twelve (12) of this Act
 5 as to all matters respecting which this decree or judgment would be an estoppel
 6 between the state and the defendant. This section shall not affect the application
 7 of collateral estoppel or issue preclusion.

1 SEC. 18. Chapter five hundred fifty-three (553), Code 1975, is repealed.

1 SEC. 19. NEW SECTION. **Effective date.** This Act shall take effect on
 2 January 1, 1977.

Approved June 28, 1976

CHAPTER 1225

PUBLIC IMPROVEMENTS BONDS

H. F. 1327

AN ACT relating to public improvements bond and conditions.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred seventy-three point two (573.2), Code 1975, is
 2 amended to read as follows:

3 **573.2 Public improvements—bond and conditions.** Contracts for the
 4 construction of a public improvement shall, when the contract price equals or
 5 exceeds ~~one~~ five thousand dollars, be accompanied by a bond, with surety,
 6 conditioned for the faithful performance of the contract, and for the fulfillment of
 7 such other requirements as may be provided by law. Such bond may also be
 8 required when the contract price does not equal said amount.

Approved March 23, 1976

CHAPTER 1226

BONDED AGRICULTURAL WAREHOUSES

H. F. 807

AN ACT relating to bonded agricultural warehouses.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred forty-three point one (543.1), subsection eight
 2 (8), Code 1975, is amended to read as follows:

3 8. "Warehouseman" means any person engaged in the business of operating *or*
 4 *controlling* a warehouse for the storing, shipping, handling or processing of
 5 agricultural products.

1 SEC. 2. Section five hundred forty-three point one (543.1), Code 1975, is
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Storage" means any grain or other agricultural products
 4 that have been received and have come under care, custody or control of a

5 warehouseman either for the depositor for which a contract of purchase has not
6 been negotiated or for the warehouseman operating the facility.

7 NEW SUBSECTION. "Open storage" means grain or agricultural products which
8 are received by a warehouseman from a depositor for which warehouse receipts
9 have not been issued or a purchase made and the records documented
10 accordingly.

1 SEC. 3. Section five hundred forty-three point two (543.2), Code 1975, is
2 amended to read as follows:

3 **543.2 Duties and powers of the commission.** The commission is authorized to
4 exercise general supervision over the storage, warehousing, classifying according
5 to grade or otherwise, weighing, and certification of agricultural products. The
6 commission may inspect or cause to be inspected any warehouse and may require
7 the filing of reports describing any warehouse or the operation thereof. If upon
8 any such inspection a deficiency is found to exist as to the quantity or quality of
9 agricultural products stored, the commission shall have the authority to, and may
10 require an ~~inspector~~ *employee* to remain at the licensed warehouse and supervise
11 all operations conducted thereat involving agricultural products stored under the
12 provisions of this chapter until ~~such~~ *the* deficiency is corrected. The commission
13 shall inspect or cause to be inspected every licensed warehouse and the contents
14 thereof not less than once every six months and the commission shall have
15 authority to make available to the United States government, or any of its
16 agencies, including the Commodity Credit Corporation, the results of inspections
17 made and inspection reports submitted to it by employees of the commission,
18 upon payment to it of such charges as may be determined by the commission, but
19 in no event shall such charges be less than the actual cost of such services
20 rendered in regard thereto, as determined by the commission. The commission
21 shall have authority to enter into contracts and agreements for such purpose and
22 shall keep a record of all money thus received. All such money shall be paid over
23 to the treasurer of state as miscellaneous receipts. The commission may classify
24 any warehouse in accordance with its suitability for the storage of agricultural
25 products and shall specify in any license issued for the operation of any
26 warehouse the type or types and the quantity of agricultural products which may
27 be exclusively stored in such warehouse. The commission may prescribe, within
28 the limitations of this chapter, the duties of licensed warehousemen with respect
29 to the care of and responsibility for the contents of licensed warehouses. The
30 commission may from time to time establish and publish standards for
31 agricultural products by which quality or value of such products may be judged
32 or determined. The commission may from time to time publish such data in
33 connection with the administration of this chapter as may be of public interest.
34 The commission shall have the duty of administration of the further provisions of
35 this chapter.

1 SEC. 4. Section five hundred forty-three point five (543.5), subsection seven
2 (7), Code 1975, is amended to read as follows:

3 7. A tariff on a form to be prescribed by the commission, for storage,
4 conditioning of stored products, and ~~delivery receiving and loadout~~ charges.

1 SEC. 5. Section five hundred forty-three point fourteen (543.14), Code 1975, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Upon revocation of a license, any claim by a
4 creditor shall be filed against the warehouseman within one hundred twenty days
5 after the date of revocation.

1 SEC. 6. Section five hundred forty-three point seventeen (543.17), subsection
2 one (1), unnumbered paragraph one (1), and subsection two (2), unnumbered
3 paragraphs one (1), three (3) and four (4), Code 1975, are amended to read as
4 follows:

5 1. Any grain which has been received at any licensed warehouse for which the
6 actual sale price is not fixed and proper documentation made or payment made
7 shall be construed to be grain held for storage within the meaning of this chapter.
8 Grain may be held in open storage or placed on warehouse receipt. Actual
9 payment shall be made on all priced grain, or warehouse receipts shall be issued
10 for all grain held in open storage, within six months of delivery to the warehouse,
11 unless the depositor has signed a statement that he does not desire a warehouse
12 receipt *or unless a deferred payment contract has been concluded pursuant to*
13 *subsection two (2) of this section. Such grain shall then be considered as open*
14 *storage.* Any deposit of grain for which the price has not been fixed and properly
15 documented within thirty days from delivery to the warehouse shall be deemed as
16 storage. The warehouseman's tariff shall apply for any grain that is retained in
17 open storage or under warehouse receipt.

18 2. Notwithstanding any provisions of this section, a written agreement may be
19 made *within thirty days of first delivery of any bulk grain to a licensed*
20 *warehouseman that payment will be deferred to a future date between the seller*
21 *and the licensed warehouseman for any bulk grain delivered to or stored at a licensed*
22 *warehouse that payment will be deferred to a later date.* Such agreement shall
23 contain a statement informing the seller that the warehouseman shall not be
24 required to carry insurance or bond on such grain for the benefit of the seller and
25 that the payment for such grain becomes a common claim against the
26 warehouseman.

27 Such agreement must be numbered and signed by both parties and executed in
28 ~~triplicate~~ *duplicate.* One copy shall be retained by the warehouseman; *and* one
29 copy shall be delivered to the seller ~~and one copy shall be forwarded to the~~
30 ~~commission within five days from execution of such agreement.~~

31 Grain received *or purchased in storage* under a deferred payment contract under
32 the provisions of this section shall ~~not~~ be deemed as ~~stored grain warehouse owned~~
33 ~~grain.~~

1 SEC. 7. Section five hundred forty-three point eighteen (543.18), subsection
2 one (1), Code 1975, is amended to read as follows:

3 1. The ~~delivery charge receiving and loadout charges~~ which will be made by the
4 warehouseman.

1 SEC. 8. Section five hundred forty-three point eighteen (543.18), Code 1975, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Warehouses that are not licensed pursuant
4 to this chapter or by the United States government shall not issue warehouse
5 receipts for agricultural products.

1 SEC. 9. Section five hundred forty-three point twenty-eight (543.28),
2 unnumbered paragraphs one (1), two (2), three (3), and five (5), Code 1975, are
3 amended to read as follows:

4 The commission may from time to time prescribe a minimum charge for
5 storage and a minimum ~~delivery receiving and loadout~~ charge. Unless and until
6 otherwise specified by rule of the commission, the minimum storage charge for
7 bulk grain shall be as follows:

8 The minimum ~~delivery receiving or loadout~~ charge for bulk grain shall be two
9 cents per bushel. No ~~delivery receiving or loadout~~ charge shall be made for
10 products sold to the warehouseman whether such product has been in storage or
11 not. The specific ~~delivery receiving or loadout~~ charge herein provided shall not be
12 mandatory as to grain received into grain elevators from railroad cars nor as to
13 grain sold by a warehouseman and carried as storage for the purchaser.

14 The storage charges herein provided for shall commence on the date of ~~delivery~~
15 ~~to receiving into~~ the warehouse. Provided, however, that a storage ~~or delivery,~~
16 ~~receiving or loadout~~ charge other than that specified above may be made, if such
17 charge is required by the terms of a written contract with the United States

18 government, any of its subdivisions or agencies, providing copy of such contract
19 is filed with the commission.

20 It shall be the duty of every warehouseman at the time of making application
21 for a license, to file a tariff with the commission and to publish the same, which
22 shall contain rates to be charged for storage, conditioning of stored products, and
23 ~~delivery receiving or loadout~~ charges, such publication of tariff to be made by the
24 applicant by posting the same in a conspicuous place at the place of business of
25 the applicant. Such tariff shall be in a form as prescribed by the commission and
26 shall become effective at the time the license becomes effective.

1 SEC. 10. Section five hundred forty-three point thirty-three (543.33),
2 subsection five (5), Code 1975, is amended to read as follows:

3 5. For the cost of maintaining an ~~inspector~~ *employee* at a licensed warehouse to
4 supervise the correction of a deficiency, ~~thirty~~ *thirty five* dollars per day.

1 SEC. 11. Section five hundred forty-three point thirty-six (543.36), Code 1975,
2 is amended to read as follows:

3 **543.36 Penalties—misdemeanor.** Every person who violates or fails to
4 comply with any of the provisions of this chapter or to comply with any lawfully
5 authorized order, direction, demand, or rule or regulation of the commission shall
6 be guilty of a misdemeanor and upon conviction shall be punished by a fine not
7 exceeding one hundred dollars or by imprisonment in the county jail for a period
8 of not to exceed thirty days ~~or by both such fine and imprisonment.~~

Approved June 23, 1976

CHAPTER 1227

PROBATE

H. F. 1497

AN ACT making amendments to the probate laws by updating provisions relating to the appointment of a personal representative, providing for a change in the method of serving notice to file objections in a probate proceeding, providing for a change in the disposition of proceeds from a wrongful death action which are property of the estate, providing for self-proved wills, and providing for a disclaimer of inheritance when an administration is not pending.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred ninety point one (590.1), unnumbered
2 paragraph two (2), Code 1975, is amended to read as follows:

3 ~~In all instances prior to January 1, 1967~~ *In all instances where more than five*
4 *years have passed since the appointment of a personal representative or probate of a*
5 *will without administration*, where administrators have failed to publish notice of
6 their appointment as required by section 633.230, and executors have failed to
7 publish a notice of admission of the will to probate and their appointment as
8 required by section 633.304 *and six hundred thirty-three point three hundred five*
9 *(633.305) of the Code*, but have published a notice of appointment or notice of
10 admission of the will to probate and of the appointment of the executor, such
11 notice of appointment or notice of admission of the will to probate and of the
12 appointment of the executor, is hereby legalized and shall have the same force
13 and effect as though the same had been published as required.

1 SEC. 2. Section six hundred thirty-three point forty (633.40), subsection four
2 (4), Code 1975, is amended to read as follows: