

4. If the customer does not respond in person or by mail within ninety days following the date the notice was sent or does not make other contractual arrangements with the molder for storage of the die, mold, or form the rights and title of the customer to the die, mold, or form shall transfer to the molder. After a transfer has occurred the molder may destroy or otherwise dispose of the particular die, mold, or form as the molder's own property without liability to the customer. This section does not affect the right of the customer under federal patent or copyright law or a state or federal law relating to unfair competition.

Sec. 3. The three-year waiting period provided in this Act shall begin on the effective date of this Act in the case of dies, molds, and forms in the possession of the molder on the effective date of this Act.

Approved April 11, 1984

CHAPTER 1067

NONSUBSTANTIVE CODE, CORRECTIONS

S.F. 2129

AN ACT to make nonsubstantive corrections to the Code.

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

Section 1. Section 2.42, subsection 16, Code Supplement 1983, is amended to read as follows:

16. Authority to review proposed rules and forms submitted by the supreme court pursuant to section ~~684.18~~ 602.4202.

Sec. 2. Section 3.1, subsections 2 and 3, Code 1983, are amended to read as follows:

2. Shall refer to the ~~number and~~ session of the general assembly and of the sections and chapters of the Acts ~~thereof~~ to be amended ~~in case if~~ the bill relates to a section or sections of an Act not appearing in the Code or codified in a supplement to the Code.

3. All references to statutes shall be expressed in ~~words, followed by the numerals in parentheses when specified in the bill drafting instructions promulgated by the legislative council,~~ and if omitted the Code editor in preparing Acts for publication in the session laws shall supply the same numerals.

Sec. 3. Section 8.6, subsection 20, Code Supplement 1983, is amended to read as follows:

20. **WORKERS' COMPENSATION CLAIMS.** To employ appropriate staff to handle and adjust claims of state employees for workers' compensation benefits pursuant to chapters 85, 85A, 85B, and 86, or with the approval of the executive council contract for ~~such~~ the services or purchase workers' compensation insurance coverage for state employees or selected groups of state employees. The state comptroller shall quarterly determine an appropriate amount, based upon the cost of workers' compensation insurance, that shall be collected from the agencies, departments or divisions which have not received an appropriation for the payment of workers' compensation insurance and which operate from moneys other than from the general fund and ~~such~~ the payments shall be deposited in the general fund.

Sec. 4. Section 8.41, subsection 2, Code 1983, is amended to read as follows:

2. Federal funds deposited in the state treasury as provided in subsection 1 shall either be included as part of the governor's budget required by section 8.22 or shall be included in a separate recommendation made by the governor to the general assembly. If federal funds received in the form of block grants or categorical grants have not been included in the governor's budget for the current fiscal biennium because of time constraints or because a budget is not being submitted for the second year of a biennium, the governor shall submit a supplemental statement to the general assembly listing the federal funds received and including the same information for the federal funds required by section 2 8.22, part I, subsection 2, paragraph "e" for the statement of federal funds in the governor's budget.

Sec. 5. Section 17.23, Code 1983, is amended to read as follows:

17.23 PRICE OF DEPARTMENTAL REPORTS. The state superintendent of printing shall establish and fix a selling price for all ~~other~~ state departmental reports and any other state publications ~~it~~ the superintendent may designate, which price per volume shall be the amount charged any person, other than public officials, who ~~may desire to purchase~~ purchases the same; ~~such publication.~~ The price shall cover the cost of printing and distribution. The superintendent may distribute gratis to such state or local public officials, or offices, he may deem as the superintendent deems necessary, copies of departmental annual reports.

Sec. 6. Section 19A.9, subsection 2, Code 1983, is amended to read as follows:

2. For a pay plan within the purview of an appropriation made by the general assembly and not otherwise provided by law for all employees in the merit system, after consultation with appointing authorities with due regard to the results of a collective bargaining agreement negotiated under the provisions of chapter 20 and after a public hearing held by the commission. ~~Such~~ The pay plan shall become ~~becomes~~ effective only after it has been approved by the executive council after submission from the commission. Review of the pay plan for revisions shall be made in the same manner at the discretion of the director, but not less than annually. The annual review by the director shall be made available to the governor a sufficient time in advance of collective bargaining negotiations to permit its recommendations to be considered during ~~such~~ the negotiations. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which employed and, unless otherwise designated by the commission, shall begin employment at the first step of the established range for the employee's class. Unless otherwise established by law, the governor, with the approval of the executive council, shall establish a pay plan for all exempt positions in the executive branch of government except for employees of the governor, the board of regents, the state educational radio and television facility board Iowa department of public broadcasting, the superintendent of public instruction and members of the professional staff of the department of public instruction, appointed under the provisions of section 257.24, who possess a current, valid teacher's certificate or who are assigned to vocational activities or programs, the commission for the blind, members of the Iowa highway safety patrol and other peace officers, as defined in section 97A.1, employed by the department of public safety, and officers and enlisted personnel of the armed services under state jurisdiction.

Sec. 7. Section 25A.14, subsection 4, Code Supplement 1983, is amended to read as follows:

4. Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse ~~or~~ of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

Sec. 8. Section 28.89, Code Supplement 1983, is amended to read as follows:

28.89 IOWA PRODUCT DEVELOPMENT CORPORATION FUND. There is created an

"Iowa product development corporation fund". All funds of the corporation including the proceeds from the issuance of notes or sale of bonds under this division, any funds appropriated from the general fund to the corporation, and other income derived from the exercise of authority granted to the corporation under this division shall be paid to the treasurer of state as an agent of the corporation and the treasurer shall deposit the amounts in the Iowa product development corporation fund. The money in the Iowa product development corporation fund shall be paid out by warrants signed by the ~~treasurer of state~~ comptroller on requisition of the president of the corporation. The money in the Iowa product development corporation fund shall be used for repayment of notes and bonds issued under this division, and the extension of financial aid granted by the corporation under this division, and the amount remaining may be used for the payment of the administrative and overhead costs of the corporation to the extent required.

Sec. 9. Section 28.90, Code Supplement 1983, is amended to read as follows:

28.90 PRODUCT DEVELOPMENT CORPORATION NOTES. The corporation may issue Iowa product development corporation fund notes, the principal and interest of which shall be payable solely from the Iowa product development corporation fund established by this division. The fund notes of each issue shall be dated, shall mature at times not exceeding ten years from their dates of issue, and may be made redeemable before maturity, at the option of the corporation, at prices and under terms and conditions as determined by the corporation. The corporation shall determine the form and manner of execution of the fund notes, including any interest coupons to be attached, and shall fix the denominations and the places of payment of principal and interest, which may be any financial institution within or without the state or any agent, including the lender. If an officer whose signature or a facsimile of whose signature appears on fund notes or coupons ceases to be that officer before the delivery of the notes or coupons, the signature or facsimile is valid and sufficient for all purposes the same as if the officer had remained in office until delivery. The fund notes may be issued in coupon or in registered form, or both, as the corporation determines, and provision may be made for the registration of coupon fund notes as to principal alone and also as to both principal and interest, and for the conversion into coupon fund notes of any fund notes registered as to both principal and interest, and for the interchange of registered and coupon fund notes. Fund notes shall bear interest at rates as determined by the corporation and may be sold in a manner, either at public or private sale, and for a price as the corporation determines to be best to effectuate the purposes of the ~~housing assistance~~ Iowa product development corporation fund. The proceeds of fund notes shall be used solely for the purposes for which issued and shall be disbursed in a manner and under restrictions as provided in this division and in the resolution of the corporation providing for their issuance. The corporation may provide for the replacement of fund notes which become mutilated or are destroyed or lost.

Sec. 10. Section 28E.19, Code Supplement 1983, is amended to read as follows:

28E.19 JOINT COUNTY INDIGENT DEFENSE FUND. Two or more counties may execute an agreement under chapter 28E to create a joint county indigent defense fund to be used to compensate attorneys appointed to represent indigents under section ~~331.778~~ 815.10 when funds budgeted for that purpose are exhausted. In addition to other requirements of an agreement under chapter 28E, the agreement shall provide for the amount to be paid by each county based on its population to establish and maintain an appropriate balance in the joint fund, and for a method of repayment if a county withdraws more funds than it has contributed.

Sec. 11. Section 48.3, Code 1983, is amended to read as follows:

48.3 REGISTRATION BY MAIL. As an alternative to the method of registration prescribed by section 48.2, any a person entitled to register under that section may submit a completed voter registration form to the commissioner of registration in the person's county of residence by postage paid United States mail. A registration form or the envelope containing one or more registration forms for the use of individual registrants who are related to each other within the first degree of consanguinity or affinity and who reside at the same address shall be postmarked by the twenty-fifth day prior to an election or the registration will not take effect for that election. A separate registration form shall be signed by each individual registrant. Within five working days after receiving a registration by mail, the commissioner shall send the registrant a receipt of the registration by first class mail marked "do not forward". If the receipt is returned by the postal service the commissioner shall treat the registration as prescribed by section 48.31, subsection 7 6. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official.

Sec. 12. Section 48.6, subsection 9, Code Supplement 1983, is amended to read as follows:

9. A statement in substantially the following form:

"I state that I am or will be an eligible elector at any election at which I attempt to vote and that all of the information I have given upon this voter registration form is true. I hereby authorize cancellation of any prior registration to vote in this or any other jurisdiction and my eligibility to vote in any jurisdiction where voter registration is not required. I am aware that fraudulently registering, or attempting to do so, is a felony an aggravated misdemeanor under Iowa law." At the time the registration is signed by the eligible elector it shall also be signed by a mobile registrar, employee of the commissioner's office, or other eligible elector.

Sec. 13. Section 68B.2, unnumbered paragraph 2, Code Supplement 1983, is amended to read as follows:

~~Whenever~~ When the terms "legislative employee", "member of the general assembly", "employee", or "official" are used in this chapter, ~~the term shall be interpreted to they include any a firm or association of which any of the above those persons is a member or partner and any a corporation of which any of the above those persons holds ten percent or more of the stock either directly or indirectly. The use of the above terms shall also include wives, and the spouse and unemancipated minor children of any of those persons.~~

Sec. 14. Section 85.1, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Except as provided in subsection 5 6 of this section, this chapter ~~shall~~ does not apply to:

Sec. 15. Section 85.26, subsection 3, Code Supplement 1983, is amended to read as follows:

3. Notwithstanding the terms of chapter 17A, the filing with the industrial commissioner of the original notice or petition for an original proceeding or an original notice or petition to reopen an award or agreement of settlement provided by section 86.13, for benefits under the workers' compensation or occupational disease law or the Iowa occupational hearing loss Act ~~chapter 85B shall be this chapter or chapter 85A or 85B is the only Act act constituting "commencement" for purposes of this statutory section.~~

Sec. 16. Section 86.9, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The commissioner shall, at the time provided by law, make a biennial report to the governor setting forth in appropriate form the business and expense of the office for the two preceding years, the number of arbitrations claims before the agency and the results thereof disposition of the claims, and such other matters pertaining to his the office as may be of public interest,

together with any recommendations for change or amendment of the laws as found in this chapter and chapters 85, 85A, 85B, and 87, and such the recommendations, if any, shall be transmitted by the governor to the first general assembly in session thereafter after the report is filed.

Sec. 17. Section 96.3, subsection 5, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

The maximum total amount of benefits payable to any an eligible individual during any a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged hereunder, in the inverse chronological order as the wages on which such the wage credits are based were paid. However if the state and national "off indicators" are "off indicator" is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

Sec. 18. Section 96.8, subsection 2, Code 1983, is amended to read as follows:

2. VOLUNTARY TERMINATION. Except as otherwise provided in subsection 3 of this section, an employing unit shall cease ceases to be an employer subject to this chapter, as of the first day of January of any calendar year, if it files with the department, prior to the fifteenth day of February of such that year, a written application for termination of coverage, and the department finds that such the employing unit did not meet any of the qualifying liability requirements as provided under section 96.19, subsection 5, paragraphs "a," "b," "c," "d," "e," "f," or "g," and paragraphs "l" and "m" and section 96.19, subsection 6, paragraphs "h" or "i" in the preceding calendar year.

Sec. 19. Section 103A.11, subsections 3 and 4, Code 1983, are amended to read as follows:

3. Every rule adopted by the commissioner shall state the date on which it takes effect.

4. 3. Every rule shall, immediately after adoption, be certified by the commissioner and transmitted to the secretary of state for filing in his office and shall then become a part of the state building code. Copies of every rule shall be sent by the commissioner to all governmental subdivisions which have adopted the state building code.

Sec. 20. Section 104.9, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Operating permits shall be issued by the commissioner to the owner of every facility when the inspection report indicates compliance with the applicable provisions of this chapter. However, no permits shall be issued if the fees required by section 104.14 104.13 have not been paid. Permits shall be issued within thirty days after filing of the inspection report required by section 104.6, unless the time is extended for cause by the division. No facility shall be operated after the thirty days or after any an extension granted by the commissioner has expired, unless an operating permit has been issued.

Sec. 21. Section 125.43, Code Supplement 1983, is amended to read as follows:

125.43 FUNDING AT MENTAL HEALTH INSTITUTES. Chapter 230 shall govern ~~governs~~ the determination of the costs and payment for treatment provided to substance abusers in a mental health institute under the department of human services, except that the charges shall ~~are not constitute~~ a lien on any real estate owned by persons legally liable for support of the substance abuser and the daily per diem shall be billed at twenty-five percent. ~~Beginning July 1, 1977, the~~ The superintendent of a state hospital shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to substance abusers for purposes of determining the daily per diem. ~~The provisions of section 125.48 shall govern~~ Sections 125.44 and 125.45 govern the determination of who is legally liable for the cost of care, maintenance, and treatment of a substance abuser and of the amount for which the person is liable.

Sec. 22. Section 159.5, subsections 4 and 7, Code Supplement 1983, are amended to read as follows:

4. Maintain a weather division which shall, in co-operation with the United States national weather bureau service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology and climatology of the state. ~~Said~~ The division shall be in charge of a director headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the United States national weather bureau service, if one ~~be~~ is detailed for that purpose by the federal government.

7. Maintain a division of agricultural statistics, which shall, in co-operation with the United States bureau of agricultural economics department of agriculture statistical reporting service, gather, compile, and publish statistical information concerning the condition and progress of crops, the production of crops, livestock, livestock products, poultry, and other such related agricultural statistics, as will generally promote knowledge of the agricultural industry in the state of Iowa. ~~Such~~ The statistics, when published, shall constitute official agricultural statistics for the state of Iowa. ~~Said~~ The division shall be in charge of a director who shall be appointed by the secretary of agriculture and who shall be an officer of the United States bureau of agricultural economics department of agriculture statistical reporting service, if one ~~be~~ is detailed for that purpose by the federal government.

Sec. 23. Section 169.5, subsection 8, paragraph i, Code Supplement 1983, is amended to read as follows:

i. Adopt, amend, or repeal rules relating to the standards of conduct for, testing of, and revocation or suspension of certificates issued to veterinary ~~lay~~ assistants; ~~providing that no.~~ ~~However,~~ a certificate ~~can~~ shall not be suspended or revoked by less than a two-thirds vote of the entire board in a proceeding conducted in compliance with section 17A.12.

Sec. 24. Section 239.12, Code Supplement 1983, is amended to read as follows:

239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is established in the state treasury an account to be known as the "Aid to Dependent Children Account" to which shall be credited all funds appropriated by the state for the payment of assistance and benefits under this chapter, and all other moneys received at any time for such purposes. Moneys assigned to the department under section ~~239.12~~ 239.3 and received by the child support recovery unit pursuant to section 252B.5 and 42 U.S.C. sec. 664 shall be credited to the account in the fiscal year in which the moneys are received. All assistance and benefits under this chapter shall be paid from the account.

Sec. 25. Section 255.28, Code Supplement 1983, is amended to read as follows:

255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS. The commissioner of the department of human services, in respect to institutions under the commissioner's control, the director of any of the divisions of the department, in respect to the institutions under the director's control, the director of the Iowa department of corrections, in respect to the institutions under the department's control, and the state board of regents in respect to the Iowa braille and sight-saving school and the Iowa school for the deaf, may send any inmate, student, or patient of ~~any institutions~~ an institution, or any person committed or applying for admission ~~thereto to an institution~~, to the hospital of the medical college of the state university for treatment and care as provided in this chapter, without securing the order of court required in other cases. The department of human services, the Iowa department of corrections and the state board of regents, shall respectively pay the traveling expenses of a patient thus committed, and when necessary the traveling expenses of an attendant for the patient, out of funds appropriated for the use of the institution from which the patient is sent.

Sec. 26. Section 258A.1, subsection 1, paragraph g, Code Supplement 1983, is amended by striking the paragraph.

Sec. 27. Section 258A.3, subsection 2, paragraph a, Code Supplement 1983, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in ~~sections~~ section 114.21, 116.21, 117.29, 118.13, 118A.15, ~~120.10~~, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.219 ~~and or~~ 602.3203 ~~and chapters or chapter~~ 135E, 151, 507B ~~and or~~ 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 28. Section 258A.4, subsection 1, paragraph f, Code Supplement 1983, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under ~~sections~~ section 114.21, 116.21, 117.29, 118.13, 118A.15, ~~120.10~~, 147.55, 148B.7, 153.34, 154A.24, 169.13, 455B.187 ~~and or~~ 602.3203 ~~and chapters or chapter~~ 135E, 151, 507B ~~and or~~ 522, as applicable, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 29. Section 283.1, Code 1983, is amended to read as follows:

283.1 FEDERAL FUNDS ACCEPTED. The state board of public instruction is ~~hereby designated as the "state educational authority" for the purpose of accepting and administering such funds as may be appropriated by Congress~~ congress for educational purposes and ~~all such the funds shall be deposited with the treasurer of state and disbursed through the office of state comptroller on vouchers audited as provided by law. When state matching funds are required as a condition to the acceptance of such federal funds, the state board of public instruction is authorized to may make expenditures for matching only from funds provided by the legislature for such that purpose; provided, however, that. However, when federal funds may be matched with expenditures from funds appropriated for the general operation of the department of public instruction such, this may be done with the approval of the budget and financial control committee~~ legislative council.

Sec. 30. Section 303A.10, Code 1983, is amended to read as follows:

303A.10 AGREEMENTS. The compact administrator and the chief executive of any a county, city, ~~village, town~~ or library board is hereby authorized and empowered to may enter into agreements with other states or their political subdivisions pursuant to the compact. ~~Such~~ The agreements as may be made pursuant to this compact on behalf of the state of Iowa shall be made by the compact administrator. ~~Such~~ The agreements as ~~may~~ be made on behalf of a political subdivision shall be made after due notice to and consultation with the compact administrator ~~and consultation with him~~.

Sec. 31. Section 321.43, Code 1983, is amended to read as follows:

321.43 NEW IDENTIFYING NUMBERS. The department is authorized to may assign a distinguishing number to a vehicle ~~or auxiliary axle whenever~~ when the serial number ~~thereon~~ on the vehicle is destroyed or obliterated and to issue to the owner a special plate bearing ~~such~~ the distinguishing number which shall be affixed to the vehicle ~~or auxiliary axle~~ in a position to be determined by the director. ~~Such~~ The vehicle ~~or auxiliary axle~~ shall be registered and titled under ~~such~~ the distinguishing number in lieu of the former serial number.

Sec. 32. Section 321.116, Code Supplement 1983, is amended to read as follows:

321.116 ELECTRIC AUTOMOBILES. For all an electric motor ~~vehicles~~ vehicle the annual fee shall be is twenty-five dollars. ~~When any~~ However, if an electric motor vehicle which is more than five model years old the annual registration fee shall be is fifteen dollars.

Sec. 33. Section 321.482, Code 1983, is amended to read as follows:

321.482 PENALTIES FOR SIMPLE MISDEMEANOR. It is a simple misdemeanor for ~~any~~ a person to do any an act forbidden or to fail to perform any an act required by any of the provisions of this chapter unless any such the violation is by this chapter or other law of this state declared to be a serious or aggravated misdemeanor or a felony. Chapter 232 shall ~~have~~ has no application in the prosecution of offenses committed in violation of this chapter which are simple misdemeanors.

Sec. 34. Section 327G.78, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Subject to sections 327G.77 and 471.16 when a railroad corporation, its trustee, or successor in interest ~~have~~ has interests in real property adjacent to a railroad right-of-way that are abandoned by order of the interstate commerce commission, reorganization court, bankruptcy court, or the authority, or when a railroad corporation, trustee, or successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation or trustee shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the authority to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The authority shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute within ninety days after the application is filed. All correspondence shall be by certified mail.

Sec. 35. Section 331.321, subsection 1, paragraph h, Code Supplement 1983, is amended to read as follows:

h. A county commission of veteran affairs in accordance with sections 250.3 and 250.4, and a person to provide for the burial of indigent veterans in accordance with section 250.13.

Sec. 36. Section 390.3, unnumbered paragraph 2, Code 1983, is amended to read as follows:

However, in the performance of a joint agreement, the governing body ~~shall~~ is not be subject to statutes generally applicable to public contracts, including hearings on plans, specifications, form of contracts, costs, notice and competitive bidding required under ~~chapter 23 or chapter 397 of the 1973 Code or sections 384.95 to through 384.103~~, unless all parties to the joint agreement are cities located within the state of Iowa.

Sec. 37. Section 422.100, unnumbered paragraph 2, Code Supplement 1983, is amended by striking the unnumbered paragraph.

Sec. 38. Section 422A.2, subsection 4, paragraph d, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

The provisions of division III of chapter 384 relating to the issuance of ~~essential~~ corporate purpose bonds apply to the issuance by a city of bonds payable as provided in this section and the provisions of chapter ~~23~~ 331, ~~division IV, part 3~~, relating to the issuance of county ~~purpose~~ bonds apply to the issuance by a county of bonds payable as provided in this section. The provisions of chapter 76 apply to the bonds payable as provided in this section except that the mandatory levy to be assessed pursuant to section 76.2 shall be at a rate to generate an amount which together with the receipts from the pledged portion of the hotel and motel tax is sufficient to pay the interest and principal on the bonds. All amounts collected as a result of the levy assessed pursuant to section 76.2 and paid out in the first instance for bond principal and interest shall be repaid to the city or county which levied the tax from the first available hotel and motel tax collections received in excess of the requirement for the payment of the principal and interest of the bonds and when repaid shall be applied in reduction of property taxes.

Sec. 39. Section 467D.17, Code Supplement 1983, is amended to read as follows:

467D.17 PLAN PRESENTED TO COMMITTEE, DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT, AND SOIL CONSERVATION DISTRICTS. The board shall tentatively adopt the plan by resolution and shall present the plan to the committee and the department of water, air and waste management for review. The department of water, air and waste management shall within ninety days review the plan as presented and make recommendations it deems necessary to bring the conservancy district's plan into conformity with the comprehensive water allocation plan established by the department of water, air and waste management pursuant to section 455B.263. The recommendations of the department of water, air and waste management shall be submitted to the board for incorporation into the plan. The plan shall then be submitted to the soil conservation districts located entirely or partially within the conservancy district. The soil conservation districts shall review, comment and record a vote within ninety days indicating their support of or opposition to the plan in the same manner provided in section 467D.5, subsection 1. The committee shall inform the soil conservation districts of the votes of the districts within the conservancy district. The committee shall review the plan as presented, give consideration to the comments and ~~vote~~ votes of the soil conservation districts, give final approval or disapproval of the plan within ninety days, and provide a written statement detailing the basis of its decision.

A subsequent major change in the plan, as determined by the conservancy board, is not effective until approved by the process provided in this section for approval of the original plan.

Sec. 40. Section 511.8, subsection 10, paragraph a, Code 1983, is amended to read as follows:

a. ~~Any such real~~ Real estate in this state as which is necessary for the accommodation of the company or association as a home office or in the transaction of its business. In the erection of

any buildings for such purposes, there may be added thereto rooms for rent. Before the company or association shall invest invests any of its funds in accordance with the provisions of this paragraph it shall first obtain the consent of the executive council of this state. The maximum amount which any such a company or association shall be permitted to invest in accordance with these provisions shall not exceed ten percent of the legal reserve; provided, however, that. However, a stock company may invest such portion of its paid-up capital, in addition to said ten percent of the legal reserve, as is not held to constitute a part of its legal reserve, under section 508.12; provided, further, that 508.36, and the total legal reserve of such the company shall be equal to or exceed the amount of its paid-up capital stock.

Sec. 41. Section 524.101, Code 1983, is amended to read as follows:

524.101 SHORT TITLE. This chapter shall be known and may be cited as the Iowa Banking Act of 1969.

Sec. 42. Section 524.1602, subsection 1, Code 1983, is amended by striking the subsection.

Sec. 43. Section 533.6, subsection 4, unnumbered paragraph 1, Code 1983, is amended to read as follows:

If after notice and opportunity for hearing the administrator determines that a credit union has violated any of the provisions of this chapter, the administrator shall, except when the credit union is insolvent, order the credit union to correct the condition. The administrator may grant the credit union not more than sixty days within which to comply with the order. Failure to comply shall afford gives the administrator grounds to revoke the certificate of approval and shall afford gives the administrator the authority to apply to the district court of the county in which this credit union is located for the appointment of a receiver for the credit union. Notwithstanding any other provision of this chapter, upon a determination by the administrator that a credit union's assets, if made immediately available, would not be sufficient to discharge the credit union's liabilities, the administrator shall take control of the credit union, and if the administrator determines that the condition cannot be corrected, the administrator shall revoke the certificate of approval and shall apply to the district court in the county in which the main office of the credit union is located for the appointment of a receiver for the credit union. The district court shall appoint the administrator of the credit union department as receiver unless the administrator of the credit union department has tendered the appointment to the administrator of the plan by which the accounts of the credit union are insured. Either administrator as receiver shall possess the rights, powers, and privileges granted by state law to a receiver of a state credit union. Neither administrator shall be required to furnish bond as receiver of a state credit union. This subsection does not apply to violations of section 533.44 or 533.45, except in the event of insolvency of the credit union.

Sec. 44. Section 534.48, subsection 8, Code 1983, is amended to read as follows:

8. The requirements of section 534.3, subsection 3, paragraph "a," for a domestic association desiring to establish an office and any other Other matters of fact which the council may require requires.

Sec. 45. Section 534.92, subsection 5, paragraph e, Code 1983, is amended to read as follows:

e. The organization will not have sufficient personnel with adequate knowledge and experience to conduct its business and administer any fiduciary accounts which it proposes to handle.

Sec. 46. Section 558.6, Code 1983, is amended to read as follows:

558.6 CHRISTIAN GIVEN NAMES—VARIATION—EFFECT. When there is a difference between the christian given names or initials in which title is taken, and the christian

given names or initials of the grantor in a succeeding conveyance, and the surnames in both instances are written the same or sound the same, ~~such the~~ conveyances or the record thereof shall be of them is presumptive evidence that the surname in the several conveyances and instruments refers to the same person.

Sec. 47. Section 633.213, Code 1983, is amended to read as follows:

633.213 APPRAISAL. Prior to the settlement of every intestate estate in which there is a surviving spouse, and in which appraisal has not been waived by the surviving spouse and all the heirs of the decedent, ~~it shall be the duty of~~ the court, upon application of the personal representative, the surviving spouse, or any of the heirs of the decedent, ~~to~~ shall appoint three competent disinterested appraisers to appraise ~~such the~~ estate and to make their report to the court, at ~~such the~~ time as the court may direct by order, unless the court, after notice, finds further appraisal unnecessary. In ~~such the~~ appraisal, the homestead, if any, shall be appraised separately.

Sec. 48. Section 633.574, Code 1983, is amended to read as follows:

633.574 PROCEDURE IN LIEU OF CONSERVATORSHIP. If a conservator has not been appointed, money due a minor or other property to which a minor is entitled, not exceeding in the aggregate four thousand dollars in value, may be paid or delivered to the parent or other person entitled to the custody of the minor, for the use of the minor, upon written statement verified by the oath of the parent or other person that all money or property of the minor does not exceed in the aggregate four thousand dollars. The written receipt of the parent ~~shall constitute or other person entitled to the custody of the minor constitutes~~ an acquittance of the person making the payment of money or delivery of property.

Sec. 49. Section 657.9, unnumbered paragraph 2, Code 1983, is amended to read as follows:

A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range where there has not been any a substantial change in the nature of the use of the range. This section ~~shall does~~ not be in any way construed to enjoin prohibit actions for negligence or recklessness in the operation of the range or by any a person using the range.

Sec. 50. Section 805.10, subsection 1, Code Supplement 1983, is amended to read as follows:

1. When the violation charged involved or resulted in an accident or injury to property, and the total damages are two hundred fifty dollars or more, or in an injury to person.

Sec. 51. Sections 18.137, 24.39 through 24.47, 49.108, 49.112, 49.122, 148A.5, 422.87, 511.6, 524.1901, 615.4, and 904.3, Code 1983, are repealed.

Approved April 11, 1984