

## CHAPTER 1043

### ASSESSOR EXAMINING AND REVIEW BOARDS

*H.F. 2061*

**AN ACT** to require members of examining boards and board of review to be residents of the assessor jurisdiction.

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

Section 1. Section 441.3, Code 1987, is amended to read as follows:

#### 441.3 EXAMINING BOARD.

At a regular meeting of the conference board each voting unit of the conference board shall appoint one qualified person who is a resident of the assessor jurisdiction to serve as a member of an examining board to hold an examination for the positions of assessor or deputy assessor. This examining board shall organize as soon as possible after its appointment with a chairperson and secretary. All its necessary expenditures shall be paid as hereinafter provided. Members of the board shall serve without compensation. The terms of each shall be for six years.

Sec. 2. Section 441.31, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The chairperson of the conference board shall call a meeting by written notice to all of the members ~~thereof of the board~~ for the purpose of appointing a board of review for all assessments made by the assessor. ~~Such~~ The board of review may consist of either three members or five members. As nearly as possible this board shall include one licensed real estate broker and one registered architect or person experienced in the building and construction field. In the case of a county, at least one member of the board shall be a farmer. Not more than two members of the board of review shall be of the same profession or occupation and ~~no two~~ members of the board of review shall be citizens of the same city or township ~~except in the case of cities having their own assessor in which case the members shall be selected so as to give each of the townships included within the city the highest possible numerical representation residents of the assessor jurisdiction.~~ The terms of the members of the board of review shall be for six years, beginning with January 1 of the year following their selection. In boards of review having three members the term of one member of the first board to be appointed shall be for two years, one member for four years and one member for six years. In the case of boards of review having five members, the term of one member of the first board to be appointed shall be for one year, one member for two years, one member for three years, one member for four years and one member for six years.

Approved April 11, 1988

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## CHAPTER 1044

### TRUCK AND TRACTOR BRAKES

*H.F. 2129*

**AN ACT** relating to brake requirements for certain trucks and truck tractors.

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

Section 1. Section 321.430, subsection 4, paragraph c, Code 1987, is amended to read as follows:

c. Trucks and truck tractors having equipped with three or more axles and manufactured before July 25, 1980, need not have brakes on the front wheels, except that such vehicles equipped with two or more front axles shall be equipped with brakes on at least one of ~~such~~

the axles; provided that however, the service brakes of such the vehicle shall comply with the performance requirements of section 321.431.

Approved April 11, 1988

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## CHAPTER 1045

### DISCLAIMER BY BENEFICIARY — FIDUCIARY

*H.F. 2166*

**AN ACT** relating to a disclaimer of interest by a beneficiary also acting as a fiduciary.

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

Section 1. Section 633.704, subsection 4, Code 1987, is amended to read as follows:

4. **WAIVER AND BAR.** An assignment, conveyance, encumbrance, pledge, or transfer of any property, interest, or right, or a contract therefor, or a written waiver of the right to disclaim, or an acceptance of any property, interest, or right, by an heir, devisee, donee, transferee, joint owner, person succeeding to a disclaimed interest, annuitant, beneficiary under a life insurance policy, or person designated to take pursuant to a power of appointment exercised by testamentary instrument, or a sale of property by execution, made before the expiration of the period in which a person may disclaim as provided in this section, bars the right to disclaim that property, interest, or right. An election by a surviving spouse under sections 633.236 to 633.246 is not a waiver or bar of the right to disclaim. The right to disclaim exists irrespective of any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction. A disclaimer, when received, as provided in this section, or a written waiver of the right to disclaim, is binding upon the disclaimant or person waiving and all parties claiming by, through, and under the disclaimant or person waiving. If a beneficiary who disclaims any property, interest, or right is also a fiduciary, actions taken by the person in the exercise of fiduciary powers to preserve or maintain the property, interest, or right shall not be treated as an acceptance of the property, interest, or right. A fiduciary, however, does not retain discretionary power to direct the enjoyment of the disclaimed property, interest, or right. A fiduciary power to distribute any property, interest, or right to designated beneficiaries, if subject to an ascertainable standard, does not bar the right to disclaim by a beneficiary who is also a fiduciary.

Approved April 11, 1988

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## CHAPTER 1046

### RECORDED INSTRUMENTS

*H.F. 2168*

**AN ACT** relating to the recording of instruments by a county recorder.

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

Section 1. Section 331.602, subsection 1, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

Record all instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law. The instruments presented for filing or recordation shall be legible and reproducible, and shall have