

## CHAPTER 1036

### ESTATE CLAIMS, VOLUNTARY CONSERVATORSHIPS, AND VOLUNTARY TRUSTS

*H.F. 2425*

**AN ACT** relating to certain trust and estate documents by providing for notice requirements for claims against an estate, the validity of a voluntary trust, and voluntary petitions for conservatorships and their required contents.

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

Section 1. Section 633.230, Code Supplement 1989, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** An action based upon the failure to give notice by mail required by this section, section 633.304 or 633.305, to heirs of a decedent or to persons known by the personal representative to own or possess a claim in any estate in which the personal representative was discharged prior to July 1, 1989, shall not be maintained in any court in this state unless commenced prior to July 1, 1991.

Sec. 2. Section 633.591, Code Supplement 1989, is amended to read as follows:

**633.591 VOLUNTARY PETITION FOR APPOINTMENT OF CONSERVATOR — STANDBY BASIS.**

Any person of full age and sound mind may execute a verified petition for the voluntary appointment of a conservator of the person's property upon the express condition that such petition shall be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of the mental or physical health of the petitioner, the occurrence of which event, or the existence of which condition, shall be established in the manner directed in said petition. The petition, if executed on or after July 1, 1989, shall advise the proposed ward of a conservator's powers as provided in section 633.576.

Sec. 3. **NEW SECTION. 682.60A VALIDITY OF VOLUNTARY TRUSTS.**

A voluntary trust is not invalid, merged, or terminated if the trustor is also the sole trustee or a cotrustee, and a beneficiary during the trustor's lifetime.

Approved March 23, 1990

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## CHAPTER 1037

### PUBLIC EMPLOYMENT RELATIONS BOARD AND EMPLOYEE ORGANIZATION DUTIES

*H.F. 2460*

**AN ACT** relating to remedial relief for public employment relations violations and to unfair representation by a bargaining representative of a public employee.

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

Section 1. Section 20.1, subsection 2, Code 1989, is amended to read as follows:

2. Adjudicating prohibited practice complaints and fashioning appropriate remedial relief for violations of this chapter including the exercise of exclusive original jurisdiction over all claims alleging the breach of the duty of fair representation imposed by section 20.17.

Sec. 2. Section 20.1, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 2A.** Fashioning appropriate remedial relief for violations of this chapter, including but not limited to the reinstatement of employees with or without back pay and benefits.

Sec. 3. Section 20.17, subsection 1, Code Supplement 1989, is amended to read as follows:

1. The employee organization certified as the bargaining representative shall be the exclusive representative of all public employees in the bargaining unit and shall represent all public employees fairly. However, any public employee may meet and adjust individual complaints with a public employer. To sustain a claim that a certified employee organization has committed a prohibited practice by breaching its duty of fair representation, a public employee must establish by a preponderance of the evidence action or inaction by the organization which was arbitrary, discriminatory, or in bad faith.

Approved March 23, 1990

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## CHAPTER 1038

### SMALL CLAIMS COURT JURISDICTION OVER EXECUTIONS AND GARNISHMENTS

*H.F. 2471*

**AN ACT** relating to the jurisdiction of small claims court over executions of personal property, including garnishments, and providing for the Act's applicability.

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

Section 1. Section 631.1, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 4.** The district court sitting in small claims has concurrent jurisdiction of motions and orders relating to executions against personal property, including garnishments, where the value of the property or garnished money involved is two thousand dollars or less.

Sec. 2.

This Act is applicable to all actions filed on or after the effective date of the Act.

Approved March 23, 1990

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## CHAPTER 1039

### HEALTH CARE FACILITIES

*H.F. 2489*

**AN ACT** relating to health care facilities, providing a penalty, and providing an effective date.

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

Section 1. Section 135B.33, subsection 5, Code 1989, is amended to read as follows:

5. An analysis of community health needs, ~~specifically including long-term care needs, including intermediate care facility and skilled nursing facility care, pediatric and maternity services, and the health facilities' potential role in facilitating the provision of services to meet these needs.~~