

FILED JAN 15 1986

SENATE FILE 2043  
BY COMMITTEE ON JUDICIARY  
*Approved 1/16 (p 54)*

Passed Senate, Date 1-20-86 (p 96) Passed House, Date \_\_\_\_\_  
Vote: Ayes 41 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to qualification of nonprofit corporations as  
2 conservators.

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

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S.F. 2043

SENATE FILE 2043

S-5005

1 Amend Senate File 2043 as follows:

2 1. Page 1, line 15, by inserting after the word  
3 "the" the words "commissioner of the".

S-5005 Filed January 15, 1986 BY DOYLE  
*Adopted 1-20 (p 96)*

1 Section 1. Section 633.63, subsection 3, Code Supplement  
2 1985, is amended to read as follows:

3 3. A private nonprofit corporation organized under chapter  
4 504 or 504A is qualified to act as a guardian, as defined in  
5 section 633.3, subsection 19, or a conservator, as defined in  
6 section 633.3, subsection 7, if the department of human  
7 services, under rules established by the department, finds the  
8 corporation a suitable agency to perform such duties and  
9 determines that the corporation does not possess a proprietary  
10 or legal interest in an organization which provides direct  
11 services to the individual.

12 Sec. 2. This Act takes effect July 1 following its  
13 enactment. All actions taken by private nonprofit  
14 corporations acting as conservators prior to this date shall  
15 be deemed valid unless objected to by the department of human  
16 services.

17 EXPLANATION

18 This bill provides that a private nonprofit corporation can  
19 qualify as a conservator for an individual whom the court has  
20 determined is in need of a conservator if the corporation is  
21 determined to be a suitable agency to act as a conservator by  
22 the department of human services and does not possess an  
23 interest in an organization which provides direct services to  
24 the individual.

25 The bill takes effect July 1 following enactment and also  
26 provides that actions taken by a private nonprofit conservator  
27 prior to the effective date will be deemed valid unless  
28 objected to by the department of human services.

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1 Section 1. Section 633.63, subsection 3, Code Supplement  
2 1985, is amended to read as follows:

3 3. A private nonprofit corporation organized under chapter  
4 504 or 504A is qualified to act as a guardian, as defined in  
5 section 633.3, subsection 19, or a conservator, as defined in  
6 section 633.3, subsection 7, if the department of human  
7 services, under rules established by the department, finds the  
8 corporation a suitable agency to perform such duties and  
9 determines that the corporation does not possess a proprietary  
10 or legal interest in an organization which provides direct  
11 services to the individual.

12 Sec. 2. This Act takes effect July 1 following its  
13 enactment. All actions taken by private nonprofit  
14 corporations acting as conservators prior to this date shall  
15 be deemed valid unless objected to by the commissioner of the  
16 department of human services.

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HOUSE AMENDMENT TO  
SENATE FILE 2043

S-5588

1 Amend Senate File 2043 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, line 6, by inserting after the figure  
4 "7," the following: "where the assets subject to  
5 the conservatorship are less than fifteen thousand  
6 dollars,".

7 2. Page 1, by striking line 12, and inserting the  
8 following:

9 "Sec. 2. Section 633.172, subsection 2, Code 1985,  
10 is amended to read as follows:

11 2. Unless otherwise required by the instrument  
12 creating the relationship, or by order of court, a  
13 corporate-fiduciary bank and trust companies shall not  
14 be required to provide any bond.

15 Sec. 3. This Act takes effect July 1 following  
16 its".

S-5588 Filed April 4, 1986

REC'D FROM THE HOUSE

*Senate concurred 4/11 (p. 1198)*

SF 2043

be deemed valid unless objected to by the commissioner of the department of human services.

SENATE FILE 2043

AN ACT  
RELATING TO QUALIFICATION OF NONPROFIT CORPORATIONS AS CONSERVATORS.

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

Section 1. Section 633.63, subsection 3, Code Supplement 1985, is amended to read as follows:

3. A private nonprofit corporation organized under chapter 504 or 504A is qualified to act as a guardian, as defined in section 633.3, subsection 19, or a conservator, as defined in section 633.3, subsection 7, where the assets subject to the conservatorship are less than fifteen thousand dollars, if the department of human services, under rules established by the department, finds the corporation a suitable agency to perform such duties and determines that the corporation does not possess a proprietary or legal interest in an organization which provides direct services to the individual.

Sec. 2. Section 633.172, subsection 2, Code 1985, is amended to read as follows:

2. Unless otherwise required by the instrument creating the relationship, or by order of court, a--corporate-fiduciary bank and trust companies shall not be required to provide any bond.

Sec. 3. This Act takes effect July 1 following its enactment. All actions taken by private nonprofit corporations acting as conservators prior to this date shall

\_\_\_\_\_  
ROBERT T. ANDERSON  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2043, Seventy-first General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved \_\_\_\_\_, 1986

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TERRY E. BRANSTAD  
Governor

S.F. 2043