EIGHTY-EIGHTH GENERAL ASSEMBLY
2020 REGULAR SESSION
DAILY

HOUSE CLIP SHEET

June 3, 2020

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HJR 2004	H-8179		HOLT of Crawford
HF 2279	H-8167		PAUSTIAN of Scott
HF 2564	H-8169		HITE of Mahaska
HF 2572	H-8168		HUNTER of Polk
HF 2623	H-8172		SEXTON of Calhoun
SF 388	H-8166	Adopted	WORTHAN of Buena Vista
SJR 2001	H-8180		HOLT of Crawford
SJR 2001	H-8181		HOLT of Crawford
SJR 2001	H-8182		WESSEL-KROESCHELL of Story
SJR 2001	H-8183		WESSEL-KROESCHELL of Story
SJR 2001	H-8184		ANDERSON of Polk
SJR 2001	H-8185		WILBURN of Story
SJR 2001	H-8186		BROWN-POWERS of Black Hawk
SF 2261	H-8165		COMMITTEE ON HUMAN RESOURCES, et al

SF 2261	H-8171	SALMON of Black Hawk
SF 2283	H-8176	KAUFMANN of Cedar
SF 2284	H-8177	COMMITTEE ON EDUCATION, et al
SF 2310	H-8175	COMMITTEE ON EDUCATION, et al
SF 2321	H-8170	HITE of Mahaska
SF 2321	H-8178	ISENHART of Dubuque
SF 2338	H-8173	COMMITTEE ON COMMERCE, et al
SF 2356	H-8174	COMMITTEE ON EDUCATION, et al

Fiscal Notes

SF 2363 — Medical Cannabidiol Changes (LSB5644SV)

HF 2502 — Firearms, Preemption (LSB5735HV)

HF 2554 — Continuous Sexual Abuse of a Child (LSB5316HV.1)

HF 2581 — Hemp Consumer and Public Safety (LSB5404HV.1)

HF 2620 — License Plates, Flying Our Colors (LSB5105HV)

HF 2623 — Sports Betting Debt Setoff (LSB5605HZ)

HOUSE JOINT RESOLUTION 2004

H-8179

1 Amend House Joint Resolution 2004 as follows:
2 1. By striking everything after the resolving clause and
3 inserting:
4 <Section 1. The following amendment to the Constitution of
5 the State of Iowa is proposed:
6 Article I of the Constitution of the State of Iowa is amended
7 by adding the following new section:
8 Sec. 26. **Protection of life.** To defend the dignity of all
9 human life, and to protect mothers and unborn children from
10 efforts to expand abortion even to the day of birth, we the
11 people of the State of Iowa declare that this Constitution
12 shall not be construed to recognize, grant, or secure a right
13 to abortion or to require the public funding of abortion.
14 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
15 to the Constitution of the State of Iowa is referred to the
16 general assembly to be chosen at the next general election for
17 members of the general assembly, and shall be published as
18 provided by law for three consecutive months previous to the
19 date of that election.>
20 2. Title page, by striking lines 1 through 5 and inserting
21 <A Joint Resolution proposing an amendment to the Constitution
22 of the State of Iowa to protect life by declaring that the
23 Constitution of the State of Iowa shall not be construed to
24 recognize, grant, or secure a right to abortion or to require
25 the public funding of abortion.>

By HOLT of Crawford

H-8179 FILED JUNE 3, 2020

HOUSE FILE 2279

H-8167

Amend House File 2279 as follows:

1. By striking everything after the enacting clause and inserting:

<Section 1. Section 452A.3, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Except as otherwise provided in this section and in this subchapter, until June 30, ~~2020~~ 2021, this subsection shall apply to the excise tax imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 2. Section 452A.3, subsection 2, Code 2020, is amended to read as follows:

2. Except as otherwise provided in this section and in this subchapter, after June 30, ~~2020~~ 2021, an excise tax of thirty cents is imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 3. Section 452A.3, subsection 6, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:

(1) Except as otherwise provided in this section and in this subchapter, for the period ending June 30, 2015, and for the period beginning July 1, ~~2020~~ 2021, and thereafter, the tax rate on special fuel for diesel engines of motor vehicles used for any purpose for the privilege of operating motor vehicles in this state is thirty-two and five-tenths cents per gallon.

Sec. 4. Section 452A.3, subsection 6, paragraph a, subparagraph (2), unnumbered paragraph 1, Code 2020, is amended to read as follows:

Except as provided in this section and in this subchapter, for the period beginning July 1, 2015, and ending June 30, ~~2020~~ 2021, this subparagraph shall apply to the excise tax imposed on each gallon of special fuel for diesel engines of motor vehicles used for any purpose for the privilege of operating motor vehicles in this state. The rate of the excise tax shall be based on the number of gallons of biodiesel blended

1 fuel classified as B-11 or higher that is distributed in this
2 state as expressed as a percentage of the number of gallons of
3 special fuel for diesel engines of motor vehicles distributed
4 in this state, which is referred to as the distribution
5 percentage. The department shall determine the percentage
6 basis for each determination period beginning January 1 and
7 ending December 31. The rate for the excise tax shall apply
8 for the period beginning July 1 and ending June 30 following
9 the end of the determination period. The rate for the excise
10 tax shall be as follows:>

By PAUSTIAN of Scott

H-8167 FILED JUNE 3, 2020

HOUSE FILE 2564

H-8169

Amend House File 2564 as follows:

1. By striking everything after the enacting clause and inserting:

<DIVISION I

ADULT AND MINOR GUARDIANSHIPS AND CONSERVATORSHIPS

Section 1. Section 232D.103, Code 2020, is amended to read as follows:

232D.103 Jurisdiction.

The juvenile court has exclusive jurisdiction in a guardianship proceeding concerning a minor who is alleged to be in need of a guardianship, and guardianships of minors.

Sec. 2. Section 232D.105, subsection 1, Code 2020, is amended to read as follows:

1. A petition alleging that a minor is in need of a conservatorship is not subject to this chapter. Such proceedings shall be governed by chapter 633 and may be initiated pursuant to section ~~633.627~~ 633.557.

Sec. 3. Section 232D.301, subsection 2, paragraph d, subparagraph (3), Code 2020, is amended to read as follows:

(3) Any adult who has had the primary care of the minor or with whom the minor has lived for at least six months ~~prior to~~ immediately preceding the filing of the petition.

Sec. 4. Section 232D.302, subsection 2, Code 2020, is amended to read as follows:

2. Notice shall be served upon the minor's known parents listed in the petition in accordance with the rules of civil procedure. If a parent has not filed an affidavit consenting to the appointment of a guardian, the notice shall inform the minor's known parents listed in the petition that the parents are entitled to representation if the parents meet the conditions of section 232D.304.

Sec. 5. Section 232D.305, subsection 1, Code 2020, is amended to read as follows:

1. The court may appoint any qualified person as a court visitor for the minor who has demonstrated sufficient knowledge

1 to appropriately perform the duties that the court directs.
2 Sec. 6. Section 232D.305, Code 2020, is amended by adding
3 the following new subsection:
4 NEW SUBSECTION. 6. A court visitor shall be discharged
5 from all further duties upon the appointment of a guardian or
6 conservator, unless further ordered by the court. The court
7 may order a court visitor to continue to serve if the court
8 determines continued service would be in the best interest of
9 the protected person. If the court continues the service of
10 the court visitor, the court may limit the direct duties of the
11 court visitor as the court deems necessary. The court visitor
12 shall thereafter continue to serve until discharged by the
13 court.
14 Sec. 7. Section 232D.306, Code 2020, is amended by adding
15 the following new subsection:
16 NEW SUBSECTION. 4. A hearing on the petition may be
17 recorded if a court reporter is not used.
18 Sec. 8. Section 232.309, Code 2020, is amended by adding the
19 following new subsection:
20 NEW SUBSECTION. 8. The court may order an extension of
21 the temporary guardianship for thirty days for good cause
22 shown, including a showing that a hearing on a petition for a
23 guardianship under section 232D.301 cannot be scheduled within
24 thirty days after the order for a temporary guardianship is
25 ordered. Prior to or contemporaneously with the filing for an
26 application for the extension of time, the guardian shall file
27 a report with the court setting forth all of the following:
28 *a.* All actions conducted by the guardian on behalf of the
29 protected person from the time of the initial appointment of
30 the guardian up to the time of the report.
31 *b.* All actions that the guardian plans to conduct on behalf
32 of the protected person during the thirty day extension period.
33 Sec. 9. Section 232D.401, subsection 1, Code 2020, is
34 amended to read as follows:
35 1. The order by the court appointing a guardian for a minor

shall state the basis for the order and the date on which the first reporting period for the guardianship shall end.

Sec. 10. Section 232D.401, subsection 3, unnumbered paragraph 1, Code 2020, is amended to read as follows:

An order by the court appointing a guardian for a minor shall state the powers granted to the guardian. Except as otherwise limited by court order, the court may grant the guardian the following powers~~, which may be exercised without prior court approval~~:

Sec. 11. Section 232D.501, subsection 1, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (2A) The guardian's plan, if any, for applying for and receiving funds and benefits payable for the support of the minor.

Sec. 12. Section 232D.501, subsection 1, paragraph b, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11) The results of the guardian's efforts to apply for funds or benefits on behalf of the protected person.

Sec. 13. Section 232D.501, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The failure of a guardian to timely make a report required under subsection 1 shall be reported by the clerk of the court to the court for an order to enforce compliance with the filing requirements.

Sec. 14. NEW SECTION. **232D.506 Confidentiality.**

1. Official juvenile court records in guardianship proceedings shall be confidential and are not public records.

2. Confidential records may be inspected and their contents shall be disclosed to the following without a court order, provided that a person or entity who inspects or receives a confidential record under this subsection shall not disclose the confidential record or its contents unless required by law:

a. The judge and professional court staff.

b. The protected person and the protected person's attorney.

c. The protected person's parent, guardian, custodian, court visitor, and any attorney representing such person.

3. Confidential records may be inspected and their contents shall be disclosed to the following with a court order, provided that a person or entity who inspects or receives a confidential record under this subsection shall not disclose the confidential record or its contents unless required by law:

a. A person or entity conducting bona fide research on minor guardianships.

b. A person or entity for good cause shown.

Sec. 15. Section 633.556, subsections 4, 5, and 8, Code 2020, are amended to read as follows:

4. The petition shall list the name and address of the ~~petitioner and the petitioner's relationship to the respondent.~~ following:

a. The name and address of the respondent.

b. The petitioner and the petitioner's relationship to the respondent.

c. The name and address of the proposed guardian or conservator and the reason the proposed guardian or conservator should be selected.

5. The petition shall list the name and address, to the extent known, of the following:

~~*a.* The name and address of the proposed guardian and the reason the proposed guardian should be selected.~~

~~*b.*~~ *a.* Any spouse of the respondent.

~~*c.*~~ *b.* Any adult children of the respondent.

~~*d.*~~ *c.* Any parents of the respondent.

~~*e.*~~ *d.* Any adult, who has had the primary care of the respondent or with whom the respondent has lived for at least six months ~~prior to~~ immediately preceding the filing of the petition, or any institution or facility where the respondent has resided for at least six months prior to the filing of the petition.

~~*f.*~~ *e.* Any legal representative or representative payee of

the respondent.

~~*g.*~~ *f.* Any person designated as an attorney in fact in a durable power of attorney for health care which is valid under chapter 144B, or any person designated as an agent in a durable power of attorney which is valid under chapter 633B.

~~8. The petition shall provide a brief description of the respondent's alleged functional limitations that make the respondent unable to communicate or carry out important decisions concerning the respondent's financial affairs.~~

Sec. 16. Section 633.558, subsection 3, Code 2020, is amended to read as follows:

3. Notice of the filing of a petition given to persons under ~~subsections~~ subsection 2 ~~and 3~~ shall include a statement that such persons may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

Sec. 17. Section 633.560, subsection 3, Code 2020, is amended to read as follows:

3. The court shall require the proposed guardian or conservator to attend the hearing on the petition but the court may excuse the proposed guardian's or conservator's attendance for good cause shown.

Sec. 18. Section 633.561, subsection 4, paragraphs c and f, Code 2020, are amended to read as follows:

c. Ensure that the respondent has been properly advised of the respondent's rights in a guardianship or conservatorship proceeding.

f. Ensure that the guardianship or conservatorship procedures conform to the statutory and due process requirements of Iowa law.

Sec. 19. Section 633.561, subsection 5, paragraphs a and b, Code 2020, are amended to read as follows:

a. Inform the respondent of the effects of the order entered for appointment of guardian or conservator.

b. Advise the respondent of the respondent's rights to

1 petition for modification or termination of the guardianship
2 or conservatorship.
3 Sec. 20. Section 633.561, subsection 6, Code 2020, is
4 amended to read as follows:
5 6. If the court determines that it would be in the
6 respondent's best interest to have legal representation
7 with respect to any further proceedings in a guardianship
8 or conservatorship, the court may appoint an attorney to
9 represent the respondent at the expense of the respondent or
10 the respondent's estate, or if the respondent is indigent the
11 cost of the court appointed attorney shall be assessed against
12 the county in which the proceedings are pending.
13 Sec. 21. Section 633.562, subsection 1, Code 2020, is
14 amended to read as follows:
15 1. If the court determines that the appointment of a court
16 visitor would be in the best interest of the respondent, the
17 court shall appoint a court visitor at the expense of the
18 respondent or the respondent's estate, or, if the respondent
19 is indigent, the cost of the court visitor shall be assessed
20 against the county in which the proceedings are pending. The
21 court may appoint any qualified person as a court visitor,
22 who has demonstrated sufficient knowledge to appropriately
23 perform the duties that the court directs, in a guardianship
24 or conservatorship proceeding.
25 Sec. 22. Section 633.562, subsection 5, paragraphs a and b,
26 Code 2020, are amended to read as follows:
27 *a.* A recommendation regarding the appropriateness of a
28 limited guardianship or conservatorship for the respondent,
29 including whether less restrictive alternatives are available.
30 *b.* A statement of the qualifications of the guardian or
31 conservator together with a statement of whether the respondent
32 has expressed agreement with the appointment of the proposed
33 guardian or conservator.
34 Sec. 23. Section 633.562, Code 2020, is amended by adding
35 the following new subsection:

NEW SUBSECTION. 7. A court visitor shall be discharged from all further duties upon appointment of a guardian or conservator, unless further ordered by the court. The court may order a court visitor to continue to serve if the court determines continued service would be in the best interest of the protected person. If the court continues the service of the court visitor, the court may limit the direct duties of the court visitor as the court deems necessary. The court visitor shall thereafter continue to serve until discharged by the court.

Sec. 24. Section 633.563, subsection 7, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The results of the evaluation ordered by the court shall be ~~made available to~~ filed with the court and made available to the following:

Sec. 25. Section 633.564, subsection 1, Code 2020, is amended to read as follows:

1. The court shall request criminal record checks and checks of the child abuse, dependent adult abuse, and sexual offender registries in this state for all proposed guardians and conservators, other than financial institutions with Iowa trust powers, unless a proposed guardian or conservator has undergone the required background checks under this section within the twelve months prior to the filing of a petition.

Sec. 26. Section 633.569, subsections 1, 2, and 3, Code 2020, are amended to read as follows:

1. A person authorized to file a petition under section ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an application for the emergency appointment of a temporary guardian or conservator.

2. Such application shall state all of the following:

a. The name and address of the respondent.

b. The name and address of the petitioner.

~~*b.*~~ *c.* The name and address of the proposed guardian or conservator and the reason the proposed guardian or conservator

should be selected.

d. The names and addresses, to the extent known, of any other person who must be named in the petition for appointment of a guardian or conservator under section 633.556 or 633.557.

~~*c.*~~ *e.* The reason the emergency appointment of a temporary guardian or conservator is sought.

3. The court may enter an ex parte order appointing a temporary guardian or conservator on an emergency basis under this section if the court finds that all of the following conditions are met:

a. There is not sufficient time to file a petition and hold a hearing pursuant to section ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557.

b. The appointment of a temporary guardian or conservator is necessary to avoid immediate or irreparable harm to the respondent.

c. There is reason to believe that the basis for appointment of guardian or conservator exists under section ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557.

Sec. 27. Section 633.569, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 8. The court may order an extension of the temporary guardianship or conservatorship for thirty days for good cause shown, including a showing that a hearing on a petition for a guardianship or conservatorship under section 633.556 or 633.557 cannot be scheduled within thirty days after the order for a temporary guardianship or conservatorship is ordered. Prior to or contemporaneously with the filing for an application for the extension of time, the guardian or conservator shall file a report with the court setting forth all of the following:

a. All actions conducted by the guardian or conservator on behalf of the protected person from the time of the initial appointment of the guardian up to the time of the report.

b. All actions that the guardian or conservator plans to

conduct on behalf of the protected person during the thirty-day extension period.

NEW SUBSECTION. 9. The temporary guardian or conservator shall submit any report the court requires.

Sec. 28. Section 633.570, subsections 1 and 2, Code 2020, are amended to read as follows:

1. In a proceeding for the appointment of a guardian, the respondent shall be given written notice which advises the respondent ~~of the powers that~~ that the court may grant a guardian ~~may exercise without court approval pursuant to~~ the powers set out in section 633.635, subsection 2, and the powers ~~that the guardian may exercise only with court approval pursuant to~~ set out in section 633.635, subsection 3.

2. In a proceeding for the appointment of a conservator, the respondent shall be given written notice which advises the respondent ~~of the powers~~ that the court may grant a conservator ~~may exercise without court approval pursuant to~~ the powers set out in section ~~633.646 and the powers that the guardian may exercise only with court approval pursuant to section 633.647~~ 633.642.

Sec. 29. Section 633.635, subsection 1, Code 2020, is amended to read as follows:

1. The order by the court appointing a guardian shall state the basis for the guardianship pursuant to section 633.552 and the date on which the first reporting period for the guardianship shall end.

Sec. 30. Section 633.635, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Based upon the evidence produced at the hearing, the court may grant a guardian the following powers and duties with respect to a protected person ~~which may be exercised without prior court approval~~:

Sec. 31. Section 633.635, subsection 3, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~A~~ Notwithstanding subsection 2, a guardian may be granted

the following powers which may only be exercised upon court approval:

Sec. 32. Section 633.641, subsection 3, Code 2020, is amended to read as follows:

3. ~~If a protected person has executed a valid power of attorney under chapter 633B, the conservator shall act in accordance with the applicable provisions of chapter 633B~~If the court appoints a conservator for a protected person who has previously executed a valid power of attorney under chapter 633B, the power of attorney is suspended unless the power of attorney provides otherwise or the court appointing the conservator orders that the power of attorney should continue. If the power of attorney continues, the agent is accountable to the conservator as well as to the principal. The power of attorney shall be reinstated upon termination of the conservatorship as a result of the principal regaining capacity.

Sec. 33. Section 633.642, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Except as otherwise ordered by the court, and except for those powers relating to all fiduciaries as set out in sections 633.63 through 633.162 which may be exercised without approval of the court unless expressly modified by the court, a conservator must give notice to persons entitled to notice and receive specific prior authorization by the court before the conservator may take any other action on behalf of the protected person. ~~These other powers~~ Powers requiring court approval include but are not limited to the authority of the conservator to:

Sec. 34. Section 633.669, Code 2020, is amended to read as follows:

633.669 ~~Reporting requirements — assistance by clerk~~ Reports by guardians.

1. A guardian appointed by the court under this chapter shall file with the court the following written verified

reports which shall not be waived by the court:

a. An initial care plan filed within sixty days of appointment. The information in the initial care plan shall include but not be limited to the following information:

(1) The current residence of the protected person and the guardian's plan for the protected person's living arrangements.

(2) The current sources of payment for the protected person's living expenses and other expenses, and the guardian's plan for payment of the protected person's living expenses and other expenses.

(3) The protected person's health status and health care needs, and the guardian's plan for meeting the protected person's ~~needs for medical, dental, and other~~ health care needs.

(3A) Whether the protected person has a living will or health care power of attorney.

(4) If applicable, the protected person's need for other professional services for mental, behavioral, or emotional health, and the guardian's plan for other professional services needed by the protected person.

(5) If applicable, the protected person's employment status, the protected person's need for educational, training, or vocational services, and the guardian's plan for meeting the educational, training, and vocational needs of the protected person.

(6) If applicable, the guardian's plan for facilitating the participation of the protected person in social activities.

(7) The guardian's plan for facilitating contacts between the protected person and the protected person's family members and other ~~significant~~ persons significant in the life of the protected person.

(8) The guardian's plan for contact with, and activities on behalf of, the protected person.

(9) The powers that the guardian requests to carry out the initial care plan.

(10) The guardian shall file an amended plan when there has been a significant change in the circumstances or the guardian seeks to deviate significantly from the plan. The guardian must obtain court approval of the amended plan before implementing any of its provisions.

b. An annual report, filed within sixty days of the close of the reporting period~~, unless the court otherwise orders on good cause shown~~. The ~~information in the~~ annual report shall include but not be limited to the following information:

(1) The current living arrangements of the protected person.

(2) The sources of payment for the protected person's living expenses and other expenses.

(3) A description, if applicable, of the following:

(a) The protected person's ~~physical and mental~~ health status and the ~~medical, dental, and other professional~~ health services provided to the protected person.

(b) If applicable, the protected person's employment status and the educational, training, and vocational services provided to the protected person.

(0c) The guardian's facilitation of the participation of the protected person in social activities.

(c) The contact of the protected person with family members and other significant persons.

(d) The nature and extent of the guardian's visits with, and activities on behalf of, the protected person.

(04) The guardian's changes to the care plan for the protected person for the next annual reporting period.

(004) The powers that the guardian requests to carry out the care plan for the protected person for the next annual reporting period.

(4) The guardian's recommendation as to the need for continuation of the guardianship.

(5) The ability of the guardian to continue as guardian.

(6) The need of the guardian for assistance in providing or

arranging for the provision of the care and protection of the protected person.

c. A final report within thirty days of the termination of the guardianship under section 633.675 unless that time is extended by the court.

2. The court shall develop a simplified uniform reporting form for use in filing the required reports.

3. The clerk of the court shall notify the guardian in writing of the reporting requirements and shall provide information and assistance to the guardian in filing the reports.

4. Reports of guardians shall be reviewed and approved by a district court judge or referee.

5. Reports required by this section shall be served on the protected person, the protected person's attorney, if any, and the court visitor, if any.

Sec. 35. Section 633.670, Code 2020, is amended to read as follows:

633.670 Reports by conservators.

1. A conservator appointed by the court under this chapter shall file ~~an~~ with the court a written verified initial financial management plan for protecting, managing, investing, expending, and distributing the assets of the conservatorship estate within ninety days after appointment which shall not be waived by the court. The plan must be based on the needs of the protected person and take into account the best interest of the protected person as well as the protected person's preference, values, and prior directions to the extent known to, or reasonably ascertainable by, the conservator.

a. ~~The initial plan shall include all of the following:~~ The initial financial management plan shall state the protected person's age, residence, living arrangements, and sources of payment for living expenses.

~~(1) A budget containing projected expenses and resources, including an estimate of the total amount of fees the~~

~~conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each service the conservator anticipates providing to the protected person.~~

~~(2) A statement as to how the conservator will involve the protected person in decisions about management of the conservatorship estate.~~

~~(3) If ordered by the court, any step the conservator plans to take to develop or restore the ability of the protected person to manage the conservatorship estate.~~

~~(4) An estimate of the duration of the conservatorship.~~

b. If applicable, the protected person's will shall be attached to the plan or filed with the court and the protected person's prepaid burial trust and powers of attorney shall be described.

c. The conservator shall include a proposed budget for the protected person and budget-related information for the next annual reporting period including all of the following:

(1) The protected person's receipts and income and the projected sources of income including, if applicable, wages, social security income, pension and retirement plan distribution, veterans' benefits, rental income, interest earnings, and dividends, and the total estimated receipts and income.

(2) The protected person's liabilities and debts including, if applicable, mortgage, car loans, credit card debt, federal, state, and property taxes owed and the total estimated liabilities and debts; a list and concise explanation of any liability or debt owed by the protected person to the conservator; a list and concise explanation of the liability of any other person for a liability of the protected person.

(3) The protected person's estimated expenses on a monthly and annual basis including, if applicable, nursing home or facility charge, real property expenses for residence, food and household expenses, utilities, household help and caregiver

expenses, health services and health insurance expenses, educational and vocational expenses, personal auto and other transportation expenses, clothing expenses, personal allowance and other personal expenses, liabilities and debts, attorney fees and other professional expenses, conservator fees, and other administrative expenses.

d. The conservator shall include a list of the protected person's assets and the conservator's plan for management of these assets including, if applicable, financial accounts including checking and certificates of deposit and cash, investments including stocks, bonds, mutual funds, exchange-traded funds, individual retirement accounts and other investment accounts, pension, profit-sharing, annuities, and retirement fund, personal property including household goods and vehicles, receivables including mortgages and liens payable to the protected person's estate or trust, life insurance, and other property.

e. The conservator shall include a statement as to how the conservator will involve the protected person in decisions about management of the conservatorship estate.

f. If ordered by the court, the conservator shall include any action the conservator plans to take to develop or restore the ability of the protected person to manage the conservatorship estate.

g. The conservator shall include the authority that the conservator requests to carry out the initial financial plan including expenditures in accordance with the proposed budget for the protected person and the plan for the management of the assets of the protected person for the next annual reporting period.

~~*b.*~~ *h.* ~~Within two days after filing the initial plan, the~~ The conservator shall ~~give~~ provide notice of the filing of the initial plan with a copy of the plan to the protected person, the protected person's attorney, if any, and court ~~advisor~~ visitor, if any, and others as directed by the court.

The notice must state that any person entitled to a copy of the plan must file any objections to the plan not later than ~~fifteen days after it is filed~~ twenty days from the date of mailing notice of filing the initial plan.

~~*c.*~~ *i.* At least twenty days after the plan has been filed, the court shall review and determine whether the plan should be approved or revised, after considering objections filed and whether the plan is consistent with the conservator's powers and duties.

~~*d.*~~ *j.* After approval by the court, the conservator shall provide a copy of the approved plan and order approving the plan to the protected person, the protected person's attorney, if any, and court ~~advisor~~ visitor, if any, and others as directed by the court.

~~*e.*~~ *k.* The conservator shall file an amended plan when there has been a significant change in circumstances or the conservator seeks to deviate significantly from the plan. Before the amended plan is implemented, the provisions for court approval of the plan shall be followed as provided in paragraphs ~~"*b*", "*c*", and "*d*"~~ "*h*", "*i*", and "*j*".

2. A conservator shall file an inventory of the protected person's assets within ninety days after appointment which includes an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits. ~~Copies~~ After approval by the court, the conservator shall provide a copy of the inventory ~~shall be provided~~ to the protected person, the protected person's attorney, if any, and court ~~advisor~~ visitor, if any, and others as directed by the court. When the conservator receives additional property of the protected person, or becomes aware of its existence, a description of the property shall be included in the conservator's next annual report.

3. A conservator shall file a written ~~and~~ verified report on an annual basis for the period since the end of the preceding report period~~. The court~~ which shall not ~~waive these reports~~

be waived by the court.

a. ~~These reports shall include all of the following:~~ The annual report shall state the age, the residence and the living arrangements of the protected person, and sources of payment for the protected person's living expenses during the reporting period.

~~(1) Balance of funds on hand at the beginning and end of the period.~~

~~(2) Disbursements made.~~

~~(3) Changes in the conservator's plan.~~

~~(4) List of assets as of the end of the period.~~

~~(5) Bond amount and surety's name.~~

~~(6) Residence and physical location of the protected person.~~

~~(7) General physical and mental condition of the protected person.~~

~~(8) Other information reflecting the condition of the conservatorship estate.~~

b. ~~These reports shall be filed:~~ The conservator shall submit with the annual report an inventory of the assets of the protected person as of the last day of the reporting period including the total value of assets at the beginning and end of the reporting period.

~~(1) On an annual basis within sixty days of the end of the reporting period unless the court orders an extension for good cause shown in accordance with the rules of probate procedure.~~

c. The annual report shall include an itemization of all income or funds received and all expenditures made by the conservator on behalf of the protected person. If any of the expenditures were made to provide support for or pay the debts of another person, the annual report shall include an explanation of these expenditures. If any of the expenditures were made to pay any liability or debt owed by the protected person to the conservator, the annual report shall include an explanation of these expenditures. If any of the expenditures

were made to pay any liability or debt that is also owed by another person or entity, the annual report shall include an explanation of these expenditures.

d. The annual report shall include the following budget and information related to the budget for the protected person:

(1) A description of changes, if any, made in the budget approved by the court for the preceding reporting period.

(2) A proposed budget and budget-related information for the next reporting period containing the information set forth in subsection 1, paragraph *"c"*.

(3) A request for approval of the proposed budget and authority to make expenditures in accordance with the proposed budget.

e. The annual report shall include the following information related to the management of the assets of the protected person:

(1) A description of changes, if any, in the plan for management of the assets of the protected person approved by the court for the preceding reporting period.

(2) A proposed plan for management of the assets of the protected person for the next reporting period.

(3) A request for approval of the proposed plan for management of the assets of the protected person and the authority to carry out the plan.

f. The annual report shall describe, if applicable, how the protected person was involved and will be involved in decisions about management of assets.

g. The annual report shall describe, if ordered by the court, the actions that have been taken and that will be taken by the conservator to develop or restore the ability of the protected person to manage the conservatorship's assets.

h. The conservator may request court approval of fees provided by an attorney on behalf of the conservatorship or the protected person during the preceding reporting period.

i. The conservator may request court approval of fees

provided the conservator on behalf of the conservatorship or the protected person during the preceding reporting period.

4. The conservator shall file a written verified final report with the court as follows:

~~(2)~~ *a.* Within thirty days following removal of the conservator.

~~(3)~~ *b.* Upon the conservator's filing of a resignation and before the resignation is accepted by the court.

~~(4)~~ *c.* Within sixty days following the termination of the conservatorship.

~~(5)~~ *d.* At other times as ordered by the court.

~~*c.*~~ 5. Reports required by this section shall be served on the protected person, the protected person's attorney ~~and court advisor~~, if any, the court visitor, if any, and the veterans administration if the protected person is receiving veterans benefits.

Sec. 36. Section 633.675, subsections 2, 3, and 4, Code 2020, are amended to read as follows:

2. The court shall terminate a guardianship if ~~it~~ the court finds ~~by clear and convincing evidence~~ that the basis for appointing a guardian pursuant to section 633.552 is not satisfied.

3. The court shall terminate a conservatorship if the court finds ~~by clear and convincing evidence~~ that the basis for appointing a conservator pursuant to section 633.553 or 633.554 is not satisfied.

4. The standard of proof and the burden of proof to be applied in a termination proceeding to terminate a guardianship or conservatorship for an adult shall be the same as set forth in section 633.551, subsection 2.

Sec. 37. REPORTS AND POWERS OF GUARDIANS AND CONSERVATORS — TRANSITION PROVISIONS.

1. Minor guardianships. Notwithstanding the provisions of section 232D.501, subsection 1, paragraph "a", designating a verified initial care plan be filed by the guardian within

1 sixty days of appointment, for all minor guardianship cases
2 wherein the guardianship was established and the guardian was
3 appointed prior to January 1, 2020, the initial care plan
4 required by section 232D.501, subsection 1, paragraph "a",
5 shall be filed with the previously scheduled annual report.
6 The annual report must comply with the requirements set forth
7 in section 232D.501, subsection 1, paragraph "a". Guardians
8 appointed prior to January 1, 2020, have continuing authority
9 to perform acts concerning the protected person that were
10 authorized prior to January 1, 2020, through the date of the
11 guardian's previously scheduled annual report.
12 2. Adult guardianships. Notwithstanding the provisions of
13 section 633.669, subsection 1, paragraph "a", designating an
14 initial care plan be filed by the guardian within sixty days
15 of appointment, for all adult guardianship cases wherein the
16 guardianship was established and the guardian was appointed
17 prior to January 1, 2020, the initial care plan required by
18 section 633.669, subsection 1, paragraph "a", shall be filed
19 with the previously scheduled annual report. The annual report
20 must comply with the requirements set forth in section 633.669,
21 subsection 1, paragraph "a". Guardians appointed prior to
22 January 1, 2020, have continuing authority to perform acts
23 concerning the protected person that were authorized prior to
24 January 1, 2020, through the date of the guardian's previously
25 scheduled annual report.
26 3. Conservatorships. Notwithstanding the provisions of
27 section 633.670, subsection 1, paragraph "a", and section
28 633.670, subsection 2, designating an initial plan and
29 inventory be filed within ninety days of appointment, for
30 all conservatorship cases wherein the conservatorship was
31 established and the conservator was appointed prior to
32 January 1, 2020, the initial plan required by section 633.670,
33 subsection 1, paragraph "a", and inventory required by section
34 633.670, subsection 2, shall be filed with the previously
35 scheduled annual report. The annual report must comply with

the requirements set forth in section 633.670, subsection 3, paragraph "a". Conservators appointed prior to January 1, 2020, have continuing authority to perform acts concerning the protected person that were authorized prior to January 1, 2020, through the date of the conservator's previously scheduled annual report.

Sec. 38. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this division of this Act relating to transition provisions for reports and powers of guardians and conservators.

Sec. 39. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2020:

The section of this division of this Act relating to transition provisions for reports and powers of guardians and conservators.

DIVISION II

CONFORMING CHANGES

Sec. 40. Section 633.3, subsections 9, 17, 22, and 23, Code 2020, are amended to read as follows:

9. *Conservator* — a person appointed by the court to have the custody and control of the property of a ~~ward~~ protected person under the provisions of this probate code.

17. *Estate* — the real and personal property of either a decedent or a ~~ward~~ protected person, and may also refer to the real and personal property of a trust described in section 633.10.

22. *Guardian* — the person appointed by the court to have the custody of the person of the ~~ward~~ protected person under the provisions of this probate code.

23. *Guardian of the property* — at the election of the person appointed by the court to have the custody and care of the property of a ~~ward~~ protected person, the term "*guardian of the property*" may be used, which term shall be synonymous with the term "*conservator*".

Sec. 41. Section 633.78, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A fiduciary under this chapter may present a written request to any person for the purpose of obtaining property owned by a decedent or by a ~~ward~~ protected person of a conservatorship for which the fiduciary has been appointed, or property to which a decedent or ~~ward~~ protected person is entitled, or for information about such property needed to perform the fiduciary's duties. The request must contain statements confirming all of the following:

Sec. 42. Section 633.78, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. The request has been signed by all fiduciaries acting on behalf of the decedent or ~~ward~~ protected person.

Sec. 43. Section 633.78, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. Damages sustained by the decedent's or ~~ward's~~ protected person's estate.

Sec. 44. Section 633.80, Code 2020, is amended to read as follows:

633.80 Fiduciary of a fiduciary.

A fiduciary has no authority to act in a matter wherein the fiduciary's decedent or ~~ward~~ protected person was merely a fiduciary, except that the fiduciary shall file a report and accounting on behalf of the decedent or ~~ward~~ protected person in said matter.

Sec. 45. Section 633.93, Code 2020, is amended to read as follows:

633.93 Limitation on actions affecting deeds.

No action for recovery of any real estate sold by any fiduciary can be maintained by any person claiming under the deceased, the ~~ward~~ protected person, or a beneficiary, unless brought within five years after the date of the recording of the conveyance.

Sec. 46. Section 633.112, Code 2020, is amended to read as

follows:

633.112 Discovery of property.

The court may require any person suspected of having possession of any property, including records and documents, of the decedent, ~~ward~~ protected person, or the estate, or of having had such property under the person's control, to appear and submit to an examination under oath touching such matters, and if on such examination it appears that the person has the wrongful possession of any such property, the court may order the delivery thereof to the fiduciary. Such a person shall be liable to the estate for all damages caused by the person's acts.

Sec. 47. Section 633.123, subsection 1, paragraph b, subparagraph (3), Code 2020, is amended to read as follows:

(3) The needs and rights of the beneficiaries or the ~~ward~~ protected person.

Sec. 48. Section 633.558, subsection 3, Code 2020, is amended to read as follows:

3. Notice of the filing of a petition given to persons under ~~subsections~~ subsection 2 ~~and 3~~ shall include a statement that such persons may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

Sec. 49. Section 633.560, subsection 3, Code 2020, is amended to read as follows:

3. The court shall require the proposed guardian or conservator to attend the hearing on the petition but the court may excuse the proposed guardian's or conservator's attendance for good cause shown.

Sec. 50. Section 633.561, subsection 4, paragraphs c and f, Code 2020, are amended to read as follows:

c. Ensure that the respondent has been properly advised of the respondent's rights in a guardianship or conservatorship proceeding.

f. Ensure that the guardianship or conservatorship

1 procedures conform to the statutory and due process
2 requirements of Iowa law.
3 Sec. 51. Section 633.561, subsection 5, paragraphs a and b,
4 Code 2020, are amended to read as follows:
5 *a.* Inform the respondent of the effects of the order entered
6 for appointment of guardian or conservator.
7 *b.* Advise the respondent of the respondent's rights to
8 petition for modification or termination of the guardianship
9 or conservatorship.
10 Sec. 52. Section 633.562, subsection 5, paragraphs a and b,
11 Code 2020, are amended to read as follows:
12 *a.* A recommendation regarding the appropriateness of a
13 limited guardianship or conservatorship for the respondent,
14 including whether less restrictive alternatives are available.
15 *b.* A statement of the qualifications of the guardian or
16 conservator together with a statement of whether the respondent
17 has expressed agreement with the appointment of the proposed
18 guardian or conservator.
19 Sec. 53. Section 633.580, subsections 1 and 4, Code 2020,
20 are amended to read as follows:
21 1. The name, age, and last known post office address of the
22 proposed ~~ward~~ protected person.
23 4. A general description of the property of the proposed
24 ~~ward~~ protected person within this state and of the proposed
25 ~~ward's~~ protected person's right to receive property; also, the
26 estimated present value of the real estate, the estimated value
27 of the personal property, and the estimated gross annual income
28 of the estate. If any money is payable, or to become payable,
29 to the proposed ~~ward~~ protected person by the United States
30 through the United States department of veterans affairs, the
31 petition shall so state.
32 Sec. 54. Section 633.591A, Code 2020, is amended to read as
33 follows:
34 **633.591A Voluntary petition for appointment of conservator**
35 **for a minor — standby basis.**

A person having physical and legal custody of a minor may execute a verified petition for the appointment of a standby conservator of the proposed ~~ward's~~ protected person's property, upon the express condition that the 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 the petition.

Sec. 55. Section 633.603, Code 2020, is amended to read as follows:

633.603 Appointment of foreign conservators.

When there is no conservatorship, nor any application therefor pending, in this state, the duly qualified foreign conservator or guardian of a nonresident ~~ward~~ protected person may, upon application, be appointed conservator of the property of such person in this state; provided that a resident conservator is appointed to serve with the foreign conservator; and provided further, that for good cause shown, the court may appoint the foreign conservator to act alone without the appointment of a resident conservator.

Sec. 56. Section 633.604, Code 2020, is amended to read as follows:

633.604 Application.

The application for appointment of a foreign conservator or guardian as conservator in this state shall include the name and address of the nonresident ~~ward~~ protected person, and of the nonresident conservator or guardian, and the name and address of the resident conservator to be appointed. It shall be accompanied by a certified copy of the original letters or other authority conferring the power upon the foreign conservator or guardian to act as such. The application shall also state the cause for the appointment of the foreign conservator to act as sole conservator, if such be the case.

Sec. 57. Section 633.605, Code 2020, is amended to read as

follows:

633.605 Personal property.

A foreign conservator or guardian of a nonresident may be authorized by the court of the county wherein such ~~ward~~ protected person has personal property to receive the same upon compliance with the provisions of sections 633.606, 633.607 and 633.608.

Sec. 58. Section 633.607, Code 2020, is amended to read as follows:

633.607 Order for delivery.

Upon the filing of the bond as above provided, and the court being satisfied with the amount thereof, it shall order the personal property of the ~~ward~~ protected person delivered to such conservator or guardian.

Sec. 59. Section 633.633, Code 2020, is amended to read as follows:

633.633 Provisions applicable to all fiduciaries shall govern.

The provisions of this probate code applicable to all fiduciaries shall govern the appointment, qualification, oath and bond of guardians and conservators, except that a guardian shall not be required to give bond unless the court, for good cause, finds that the best interests of the ~~ward~~ protected person require a bond. The court shall then fix the terms and conditions of such bond.

Sec. 60. Section 633.633B, Code 2020, is amended to read as follows:

633.633B Tort liability of guardians and conservators.

The fact that a person is a guardian or conservator shall not in itself make the person personally liable for damages for the acts of the ~~ward~~ protected person.

Sec. 61. Section 633.636, Code 2020, is amended to read as follows:

633.636 Effect of appointment of guardian or conservator.

The appointment of a guardian or conservator shall not

1 constitute an adjudication that the ~~ward~~ protected person is of
2 unsound mind.
3 Sec. 62. Section 633.637, Code 2020, is amended to read as
4 follows:
5 **633.637 Powers of ~~ward~~ protected person.**
6 1. A ~~ward~~ protected person for whom a conservator has been
7 appointed shall not have the power to convey, encumber, or
8 dispose of property in any manner, other than by will if the
9 ~~ward~~ protected person possesses the requisite testamentary
10 capacity, unless the court determines that the ~~ward~~ protected
11 person has a limited ability to handle the ~~ward's~~ protected
12 person's own funds. If the court makes such a finding, the
13 court shall specify to what extent the ~~ward~~ protected person
14 may possess and use the ~~ward's~~ protected person's own funds.
15 2. Any modification of the powers of the ~~ward~~ protected
16 person that would be more restrictive of the ~~ward's~~ protected
17 person's control over the ~~ward's~~ protected person's financial
18 affairs shall be based upon clear and convincing evidence
19 and the burden of persuasion is on the conservator. Any
20 modification that would be less restrictive of the ~~ward's~~
21 protected person's control over the ~~ward's~~ protected person's
22 financial affairs shall be based upon proof in accordance with
23 the requirements of section 633.675.
24 Sec. 63. Section 633.637A, Code 2020, is amended to read as
25 follows:
26 **633.637A Rights of ~~ward~~ protected person under guardianship.**
27 An adult ~~ward~~ protected person under a guardianship has the
28 right of communication, visitation, or interaction with other
29 persons upon the consent of the adult ~~ward~~ protected person,
30 subject to section 633.635, subsection 2, paragraph *"i"*, and
31 section 633.635, subsection 3, paragraph *"c"*. If an adult ~~ward~~
32 protected person is unable to give express consent to such
33 communication, visitation, or interaction with a person due
34 to a physical or mental condition, consent of an adult ~~ward~~
35 protected person may be presumed by a guardian or a court based

on an adult ~~ward's~~ protected person's prior relationship with such person.

Sec. 64. Section 633.638, Code 2020, is amended to read as follows:

633.638 Presumption of fraud.

If a conservator be appointed, all contracts, transfers and gifts made by the ~~ward~~ protected person after the filing of the petition shall be presumed to be a fraud against the rights and interest of the ~~ward~~ protected person except as otherwise directed by the court pursuant to section 633.637.

Sec. 65. Section 633.639, Code 2020, is amended to read as follows:

633.639 Title to ~~ward's~~ protected person's property.

The title to all property of the ~~ward~~ protected person is in the ~~ward~~ protected person and not the conservator subject, however, to the possession of the conservator and to the control of the court for the purposes of administration, sale or other disposition, under the provisions of the law. Any real property titled at any time in the name of a conservatorship shall be deemed to be titled in the ~~ward's~~ protected person's name subject to the conservator's right of possession.

Sec. 66. Section 633.640, Code 2020, is amended to read as follows:

633.640 Conservator's right to possession.

Every conservator shall have a right to, and shall take, possession of all of the real and personal property of the ~~ward~~ protected person. The conservator shall pay the taxes and collect the income therefrom until the conservatorship is terminated. The conservator may maintain an action for the possession of the property, and to determine the title to the same.

Sec. 67. Section 633.643, Code 2020, is amended to read as follows:

633.643 Disposal of will by conservator.

When an instrument purporting to be the will of the ~~ward~~ protected person comes into the hands of a conservator, the conservator shall immediately deliver it to the court.

Sec. 68. Section 633.644, Code 2020, is amended to read as follows:

633.644 Court order to preserve testamentary intent of ~~ward~~ protected person.

Upon receiving an instrument purporting to be the will of a living ~~ward~~ protected person under the provisions of section 633.643, the court may open said will and read it. The court with or without notice, as it may determine, may enter such orders in the conservatorship as it deems advisable for the proper administration of the conservatorship in light of the expressed testamentary intent of the ~~ward~~ protected person.

Sec. 69. Section 633.645, Code 2020, is amended to read as follows:

633.645 Court to deliver will to clerk.

An instrument purporting to be the will of a ~~ward~~ protected person coming into the hands of the court under the provisions of section 633.643, shall thereafter be resealed by the court and be deposited with the clerk to be held by said clerk as provided in sections 633.286 through 633.289.

Sec. 70. Section 633.653A, Code 2020, is amended to read as follows:

633.653A Claims for cost of medical care or services.

The provision of medical care or services to a ~~ward~~ protected person who is a recipient of medical assistance under chapter 249A creates a claim against the conservatorship for the amount owed to the provider under the medical assistance program for the care or services. The amount of the claim, after being allowed or established as provided in this part, shall be paid by the conservator from the assets of the conservatorship.

Sec. 71. Section 633.654, Code 2020, is amended to read as follows:

633.654 Form and verification of claims — general

requirements.

No claim shall be allowed against the estate of a ~~ward~~ protected person upon application of the claimant unless it shall be in writing, filed in duplicate with the clerk, stating the claimant's name and address, and describing the nature and the amount thereof, if ascertainable. It shall be accompanied by the affidavit of the claimant, or of someone for the claimant, that the amount is justly due, or if not due, when it will or may become due, that no payments have been made thereon which are not credited, and that there are no offsets to the same, to the knowledge of the affiant, except as therein stated. The duplicate of said claim shall be mailed by the clerk to the conservator or the conservator's attorney of record; however, valid contract claims arising in the ordinary course of the conduct of the business or affairs of the ~~ward~~ protected person by the conservator may be paid by the conservator without requiring affidavit or filing.

Sec. 72. Section 633.656, Code 2020, is amended to read as follows:

633.656 How claim entitled.

All claims filed against the estate of the ~~ward~~ protected person shall be entitled in the name of the claimant against the conservator as such, naming the conservator, and in all further proceedings thereon, this title shall be preserved.

Sec. 73. Section 633.660, Code 2020, is amended to read as follows:

633.660 Execution and levy prohibited.

No execution shall issue upon, nor shall any levy be made against, any property of the estate of a ~~ward~~ protected person under any judgment against the ~~ward~~ protected person or a conservator, but the provisions of this section shall not be so construed as to prevent the enforcement of a mortgage, pledge, or other lien upon property in an appropriate proceeding.

Sec. 74. Section 633.661, Code 2020, is amended to read as follows:

633.661 Claims of conservators.

If the conservator is a creditor of the ~~ward~~ protected person, the conservator shall file the claim as other creditors, and the court shall appoint some competent person as temporary conservator to represent the ~~ward~~ protected person at the hearing on the conservator's claim. The same procedure shall be followed in the case of coconservators where all such conservators are creditors of the ~~ward~~ protected person; but if one of the coconservators is not a creditor of the ~~ward~~ protected person, such disinterested conservator shall represent the ~~ward~~ protected person at the hearing on any claim against the ~~ward~~ protected person by a coconservator.

Sec. 75. Section 633.662, Code 2020, is amended to read as follows:

633.662 Claims not filed.

The conservator may pay any valid claim against the estate of the ~~ward~~ protected person even though such claim has not been filed, but all such payments made by the conservator shall be at the conservator's own peril.

Sec. 76. Section 633.664, Code 2020, is amended to read as follows:

633.664 Liens not affected by failure to file claim.

Nothing in sections 633.654 and 633.658 shall affect or prevent an action or proceeding to enforce any mortgage, pledge, or other lien upon the property of the ~~ward~~ protected person.

Sec. 77. Section 633.665, Code 2020, is amended to read as follows:

633.665 Separate actions and claims.

1. Any action pending against the ~~ward~~ protected person at the time the conservator is appointed shall also be considered a claim filed in the conservatorship if notice of substitution is served on the conservator as defendant and a duplicate of the proof of service of notice of such proceeding is filed in the conservatorship proceeding.

2. A separate action based on a debt or other liability of the ~~ward~~ protected person may be commenced against the conservator in lieu of filing a claim in the conservatorship. Such an action shall be commenced by serving an original notice on the conservator and filing a duplicate of the proof of service of notice of such proceeding in the conservatorship proceeding. Such an action shall also be considered a claim filed in the conservatorship. Such an action may be commenced only in a county where the venue would have been proper if there were no conservatorship and the action had been commenced against the ~~ward~~ protected person.

Sec. 78. Section 633.667, Code 2020, is amended to read as follows:

633.667 Payment of claims in insolvent conservatorships.

When it appears that the assets in a conservatorship are insufficient to pay in full all the claims against such conservatorship, the conservator shall report such matter to the court, and the court shall, upon hearing, with notice to all persons who have filed claims in the conservatorship, make an order for the pro rata payment of claims giving claimants the same priority, if any, as they would have if the ~~ward~~ protected person were not under conservatorship.

Sec. 79. Section 633.668, Code 2020, is amended to read as follows:

633.668 Conservator may make gifts.

For good cause shown and under order of court, a conservator may make gifts on behalf of the ~~ward~~ protected person out of the assets under a conservatorship to persons or religious, educational, scientific, charitable, or other nonprofit organizations to whom or to which such gifts were regularly made prior to the commencement of the conservatorship, or on a showing to the court that such gifts would benefit the ~~ward~~ protected person or the ~~ward's~~ protected person's estate from the standpoint of income, gift, estate or inheritance taxes. The making of gifts out of the assets must not foreseeably

1 impair the ability to provide adequately for the best interests
2 of the ~~ward~~ protected person.
3 Sec. 80. Section 633.673, Code 2020, is amended to read as
4 follows:
5 **633.673 Court costs in guardianships.**
6 The ~~ward~~ protected person or the ~~ward's~~ protected person's
7 estate shall be charged with the court costs of a ~~ward's~~
8 protected person's guardianship, including the guardian's fees
9 and the fees of the attorney for the guardian. The court
10 may, upon application, enter an order waiving payment of the
11 court costs in indigent cases. However, if the ~~ward~~ protected
12 person or ~~ward's~~ protected person's estate becomes financially
13 capable of paying any waived costs, the costs shall be paid
14 immediately.
15 Sec. 81. Section 633.676, Code 2020, is amended to read as
16 follows:
17 **633.676 Assets exhausted.**
18 At any time that the assets of the ~~ward's~~ protected person's
19 estate do not exceed the amount of the charges and claims
20 against it, the court may direct the conservator to proceed to
21 terminate the conservatorship.
22 Sec. 82. Section 633.677, Code 2020, is amended to read as
23 follows:
24 **633.677 Accounting to ~~ward~~ protected person — notice.**
25 Upon the termination of a conservatorship, the conservator
26 shall pay the costs of administration and shall render a full
27 and complete accounting to the ~~ward~~ protected person or the
28 ~~ward's~~ protected person's personal representative and to the
29 court. Notice of the final report of a conservator shall be
30 served on the ~~ward~~ protected person or the ~~ward's~~ protected
31 person's personal representative, in accordance with section
32 633.40, unless notice is waived. An order prescribing notice
33 may be made before or after the filing of the final report.
34 Sec. 83. Section 633.681, Code 2020, is amended to read as
35 follows:

1 **633.681 Assets of minor ~~ward~~ protected person exhausted.**
2 When the assets of a minor ~~ward's~~ protected person's
3 conservatorship are exhausted or consist of personal property
4 only of an aggregate value not in excess of twenty-five
5 thousand dollars, the court, upon application or upon its
6 own motion, may terminate the conservatorship. The order
7 for termination shall direct the conservator to deliver any
8 property remaining after the payment of allowed claims and
9 expenses of administration to a custodian under any uniform
10 transfers to minors Act. Such delivery shall have the same
11 force and effect as if delivery had been made to the ~~ward~~
12 protected person after attaining majority.
13 Sec. 84. Section 633.682, Code 2020, is amended to read as
14 follows:
15 **633.682 Discharge of conservator and release of bond.**
16 Upon settlement of the final accounting of a conservator,
17 and upon determining that the property of the ~~ward~~ protected
18 person has been delivered to the person or persons lawfully
19 entitled thereto, the court shall discharge the conservator and
20 exonerate the surety on the conservator's bond.>
21 2. Title page, by striking lines 1 through 4 and
22 inserting <An Act relating to the opening, administration,
23 and termination of adult and minor guardianships and
24 conservatorships, and including effective date and retroactive
25 applicability provisions.>

By HITE of Mahaska

H-8169 FILED JUNE 3, 2020

HOUSE FILE 2572

H-8168

1 Amend House File 2572 as follows:
2 1. Page 7, by striking lines 27 through 34.
3 2. Page 7, line 35, by striking <2.>
4 3. By renumbering as necessary.

By HUNTER of Polk

H-8168 FILED JUNE 3, 2020

HOUSE FILE 2623

H-8172

1 Amend House File 2623 as follows:
2 1. Page 1, after line 24 by inserting:
3 <Sec. ___. Section 99E.5, subsection 2, Code 2020, is
4 amended by adding the following new paragraph:
5 NEW PARAGRAPH. *j.* Prohibit participants in an internet
6 fantasy sports contest from making any payments by credit
7 card.>
8 2. Page 2, after line 7 by inserting:
9 <Sec. ___. Section 99F.9, subsection 7, Code 2020, is
10 amended to read as follows:
11 7. A licensee shall not accept a credit card as defined
12 in section 537.1301, subsection 17, for sports wagering or to
13 purchase coins, tokens, or other forms of credit to be wagered
14 on gambling games.>
15 3. Title page, line 1, by striking <facility>
16 4. Title page, line 2, after <wagers> by inserting <,
17 payments by credit card,>
18 5. By renumbering as necessary.

By SEXTON of Calhoun

H-8172 FILED JUNE 3, 2020

SENATE FILE 388

H-8166

1 Amend Senate File 388, as passed by the Senate, as follows:
2 1. By striking everything after the enacting clause and
3 inserting:
4 <Section 1. NEW SECTION. **314.31 Iowa medal of honor**
5 **highway — signs purchased and installed by private entities.**
6 1. The segment of the highway known as United States highway
7 20 which crosses this state from Sioux City to Dubuque shall be
8 designated as the "Iowa Medal of Honor Highway".
9 2. The department shall adopt rules pursuant to chapter 17A
10 to provide for an application, approval, and inspection process
11 for the purchase and installation of signs indicating the "Iowa
12 Medal of Honor Highway" designation by private entities. The
13 department shall approve applications for sign purchase and
14 installation that meet its rule requirements. All costs and
15 expenses of the purchase and installation of the signs shall be
16 paid by the private entity whose application is approved. The
17 department may approve more than one application to purchase
18 and install the signs. The department shall require that any
19 signs placed pursuant to this subsection include a graphic
20 depiction of the three versions of the medal of honor for the
21 army, navy, and air force.
22 Sec. 2. APPLICABILITY. This Act applies to the segment
23 of the highway known as United States highway 20 described in
24 this Act on the effective date of this Act, and shall apply to
25 the segment of that highway thereafter regardless of whether
26 the highway's designation as United States highway 20 is
27 subsequently changed by the government of the United States.>
28 2. Title page, line 1, by striking <patriots memorial> and
29 inserting <medal of honor>

By WORTHAN of Buena Vista

H-8166 FILED JUNE 3, 2020
ADOPTED

SENATE JOINT RESOLUTION 2001

H-8180

1 Amend Senate Joint Resolution 2001, as passed by the Senate,
2 as follows:
3 1. By striking everything after the resolving clause and
4 inserting:
5 <Section 1. The following amendment to the Constitution of
6 the State of Iowa is proposed:
7 Article I of the Constitution of the State of Iowa is amended
8 by adding the following new section:
9 Sec. 26. **Protection of life.** To defend the dignity of all
10 human life, and to protect mothers and unborn children, we the
11 people of the State of Iowa declare that this Constitution
12 shall not be construed to recognize, grant, or secure a right
13 to abortion or to require the public funding thereof.
14 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
15 to the Constitution of the State of Iowa is referred to the
16 general assembly to be chosen at the next general election for
17 members of the general assembly, and shall be published as
18 provided by law for three consecutive months previous to the
19 date of that election.>

By HOLT of Crawford

H-8180 FILED JUNE 3, 2020

SENATE JOINT RESOLUTION2001

H-8181

1 Amend the amendment, H-8180, to Senate Joint Resolution
2 2001, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 19 and inserting:
4 <Amend Senate Joint Resolution 2001, as passed by the
5 Senate, as follows:
6 1. By striking everything after the resolving clause and
7 inserting:
8 <Section 1. The following amendment to the Constitution of
9 the State of Iowa is proposed:
10 Article I of the Constitution of the State of Iowa is amended
11 by adding the following new section:
12 Sec. 26. **Constitutional clarification.** To defend and
13 protect unborn children, we the people of the State of Iowa
14 declare that this Constitution does not recognize, grant,
15 or secure a right to abortion or require the public funding
16 thereof.
17 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
18 to the Constitution of the State of Iowa is referred to the
19 general assembly to be chosen at the next general election for
20 members of the general assembly, and shall be published as
21 provided by law for three consecutive months previous to the
22 date of that election.>
23 ___. Title page, lines 3 and 4, by striking <shall not be
24 construed to> and inserting <does not>
25 ___. Title page, lines 4 and 5, by striking <to require the
26 public funding of abortion> and inserting <require the public
27 funding thereof>>

By HOLT of Crawford

H-8181 FILED JUNE 3, 2020

SENATE JOINT RESOLUTION 2001

H-8182

1 Amend Senate Joint Resolution 2001, as passed by the Senate,
2 as follows:
3 1. Page 1, line 10, after <of abortion.> by inserting
4 <This section shall not be construed to prohibit or affect the
5 disposition of unused embryos produced for the purposes of
6 in-vitro fertilization.>

By WESSEL-KROESCHELL of Story

H-8182 FILED JUNE 3, 2020

SENATE JOINT RESOLUTION 2001

H-8183

1 Amend Senate Joint Resolution 2001, as passed by the Senate,
2 as follows:
3 1. Page 1, line 10, after <of abortion.> by inserting <This
4 section shall not be construed to prohibit the sale, use,
5 prescription, or administration of a measure, drug, or chemical
6 designed for the purposes of contraception.>

By WESSEL-KROESCHELL of Story

H-8183 FILED JUNE 3, 2020

SENATE JOINT RESOLUTION 2001

H-8184

1 Amend Senate Joint Resolution 2001, as passed by the Senate,
2 as follows:
3 1. Page 1, line 10, after <of abortion> by inserting <,
4 unless the pregnancy is the result of rape or incest, or unless
5 the woman is certified by a physician to be in danger of death
6 unless the abortion is performed>

By ANDERSON of Polk

H-8184 FILED JUNE 3, 2020

SENATE JOINT RESOLUTION 2001

H-8185

1 Amend Senate Joint Resolution 2001, as passed by the Senate,
2 as follows:
3 1. By striking everything after the resolving clause and
4 inserting:
5 <Section 1. The following amendment to the Constitution of
6 the State of Iowa is proposed:
7 Article I of the Constitution of the State of Iowa is amended
8 by adding the following new section:
9 Sec. 26. **Prohibition of racial discrimination.** The state
10 shall prohibit and bring to an end by all appropriate means,
11 including legislation, as required by the circumstances, racial
12 discrimination by any person, group, or organization.
13 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
14 to the Constitution of the State of Iowa is referred to the
15 general assembly to be chosen at the next general election for
16 members of the general assembly, and shall be published as
17 provided by law for three consecutive months previous to the
18 date of that election.>
19 2. Title page, by striking lines 2 through 5 and inserting
20 <of the State of Iowa to prohibit racial discrimination.>

By WILBURN of Story

H-8185 FILED JUNE 3, 2020

SENATE JOINT RESOLUTION 2001

H-8186

1 Amend Senate Joint Resolution 2001, as passed by the Senate,
2 as follows:
3 1. By striking everything after the resolving clause and
4 inserting:
5 <Section 1. The following amendment to the Constitution of
6 the State of Iowa is proposed:
7 Article I of the Constitution of the State of Iowa is amended
8 by adding the following new section:
9 Sec. 26. **Pandemic — protections.** During a pandemic, the
10 health care of Iowans and the rights of workers are public
11 concerns and all reasonable efforts shall be made to protect
12 them.
13 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
14 to the Constitution of the State of Iowa is referred to the
15 general assembly to be chosen at the next general election for
16 members of the general assembly, and shall be published as
17 provided by law for three consecutive months previous to the
18 date of that election.>
19 2. Title page, by striking lines 2 through 5 and inserting
20 <of the State of Iowa establishing that during a pandemic the
21 health care of Iowans and the rights of workers are public
22 concerns to be protected.>

By BROWN-POWERS of Black Hawk

H-8186 FILED JUNE 3, 2020

SENATE FILE 2261

H-8165

1 Amend Senate File 2261, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 2, by striking lines 33 through 35 and inserting <or
4 guardian for the student to participate in such screening.>
5 2. Page 3, by striking lines 13 through 17 and inserting:
6 <*b.* The mental health professional may notify the student's
7 primary care provider following provision of written consent
8 by the student's parent or guardian. If a student does not
9 have a primary care provider, the mental health professional
10 may provide a listing of local primary care providers to the
11 student's parent or guardian.>
12 3. By striking page 5, line 25, through page 6, line 3.
13 4. Page 6, line 26, after <faith> by inserting <and in
14 accordance with the provisions of this chapter>
15 5. By renumbering, redesignating, and correcting internal
16 references as necessary.

By COMMITTEE ON HUMAN RESOURCES
LUNDGREN of Dubuque, Chairperson

H-8165 FILED JUNE 3, 2020

SENATE FILE 2261

H-8171

1 Amend Senate File 2261, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 1, line 9, by striking <or "screening">
4 2. Page 1, lines 33 and 34, by striking <a behavioral health
5 screening or other>
6 3. By striking page 2, line 24, through page 3, line 17,
7 and inserting
8 <Sec. ___. NEW SECTION. **280A.2 Behavioral health screenings**
9 **and assessments in school settings — prohibited.**
10 A school district, an accredited nonpublic school, or
11 an area education agency shall not contract with a mental
12 health professional to provide behavioral health screenings to
13 students.>
14 4. Page 6, line 24, by striking <voluntary behavioral health
15 screenings or>
16 5. By renumbering, redesignating, and correcting internal
17 references as necessary.

By SALMON of Black Hawk

H-8171 FILED JUNE 3, 2020

SENATE FILE 2283

H-8176

1 Amend Senate File 2283, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 1, before line 1 by inserting:
4 <DIVISION I
5 LENGTH OF SERVICE AWARD PROGRAMS
6 Section 1. NEW SECTION. **100B.41 Length of service award**
7 **programs — authorization.**
8 The governing body of a municipality, as defined in section
9 100B.21, shall be authorized to establish a length of service
10 award program for volunteer fire fighters as defined in
11 section 85.61, volunteer emergency medical care providers
12 as defined in section 147A.1, and reserve peace officers as
13 defined in section 80D.1A. The program shall provide length
14 of service awards, as described in section 457(e)(11) of the
15 Internal Revenue Code, to volunteer fire fighters, volunteer
16 emergency medical care providers, and reserve peace officers
17 serving a municipality that elects to establish a program. The
18 program shall be designed to treat awards from the program as
19 a tax-deferred benefit under the Internal Revenue Code. The
20 governing body of the municipality shall, in consultation with
21 the chief or other person in command of the fire department
22 and police department serving the municipality, as applicable,
23 adopt guidelines providing for eligibility requirements for
24 participation by volunteer fire fighters, volunteer emergency
25 medical care providers, and reserve peace officers, minimum
26 vesting requirements, distribution requirements, and such other
27 guidelines as deemed necessary to operate the program.
28 Sec. ___. NEW SECTION. **100B.42 Length of service award**
29 **program grant fund — appropriation.**
30 1. A length of service award program grant fund is created
31 in the state treasury under the control of the state fire
32 service and emergency response council. The fund shall consist
33 of all moneys appropriated to the fund.
34 2. Moneys in the length of service award program grant
35 fund are appropriated to the state fire service and emergency

response council for the purpose of providing grants to municipalities establishing a length of service award program as described in section 100B.41 to provide contributions to the program on behalf of participants in the program. The state fire service and emergency response council shall develop and submit to the state fire marshal for adoption rules establishing a grant application process. The grant process shall provide for up to a dollar-for-dollar funding match from a municipality establishing a length of service award program.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund shall not revert at the close of a fiscal year.

DIVISION ___

EMERGENCY MEDICAL SERVICES TRAINING PROGRAMS>

2. Page 1, by striking lines 17 and 18 and inserting:

<Sec. ___. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION ___

OPTIONAL TAXES FOR EMERGENCY MEDICAL SERVICES

Sec. ___. Section 422D.1, Code 2020, is amended to read as follows:

422D.1 Authorization — ~~election —~~ imposition and repeal — use of revenues.

1. *a.* ~~A~~ Upon adoption of a resolution declaring emergency medical services to be an essential county service under subsection 1A, and subject to the limitations of this chapter, a county board of supervisors may ~~offer for voter approval~~ impose any of the following taxes or a combination of the following taxes:

(1) Local option income surtax.

(2) An ad valorem property tax.

b. Revenues generated from these taxes shall be used for emergency medical services as provided in section 422D.6.

1A. *a.* To be effective, the resolution declaring emergency

medical services to be an essential service shall be considered and voted on for approval at two meetings of the board prior to the meeting at which the resolution is to be finally approved by a majority of the board by recorded vote, as defined in section 331.101. Notice of the first meeting of the board at which the resolution is considered and voted on shall be published not less than sixty days prior to the date of the meeting in one or more newspapers that meet the requirements of section 618.14. The requirements for approval of the resolution or approval of the imposition of a tax under this chapter shall not be suspended or waived by the board.

b. Each county for which a resolution has been adopted under this subsection shall coordinate efforts between the county emergency management coordinator and the local emergency medical services agencies to establish a county emergency medical services system advisory council to assist in researching and assessing the service needs of the county and guiding implementation of services in the county within a council structure and in the manner provided in the most recently updated Iowa emergency medical services system standards.

c. The county emergency medical services system advisory council established under paragraph "*b*" shall annually assess and review the emergency medical services needs of the county and shall include the results of such review and assessment in an annual report filed with the board of supervisors. The annual report shall be publicly available upon filing with the board of supervisors. The board of supervisors shall receive public comment regarding the report at one or more meetings of the board of supervisors. Any meeting of the board of supervisors at which public comment on the annual report is heard shall be at least fourteen days following the date the annual report is filed with the board of supervisors.

2. *a.* ~~The taxes for emergency medical services shall only be imposed after an election at which a majority of those~~

~~voting on the question of imposing the tax or combination of taxes specified in subsection 1, paragraph "a", subparagraph (1) or (2), vote in favor of the question. However, the~~ A tax or combination of taxes specified in subsection 1 shall not be imposed on property within or on residents of a benefited emergency medical services district under chapter 357F. ~~The question of imposing the tax or combination of the taxes may be submitted at the regular city election, a special election, or the general election. Notice of the question shall be provided by publication at least sixty days before the time of the election and shall identify the tax or combination of taxes and the rate or rates, as applicable. If a majority of those voting on the question approve the imposition of the tax or combination of taxes, the~~ The tax or combination of taxes ~~shall~~ may be imposed as follows:

(1) A local option income surtax ~~shall~~ may be imposed for tax years beginning on or after January 1 of the fiscal year in which the ~~favorable election was held~~ ordinance imposing the surtax is filed with the director under section 422D.3.

(2) An ad valorem property tax ~~shall~~ may be imposed for the fiscal year in which the ~~election was held~~ resolution under subsection 1A is adopted.

b. Before a county imposes an income surtax as specified in subsection 1, paragraph *"a"*, subparagraph (1), a benefited emergency medical services district in the county shall be dissolved, and the county shall be liable for the outstanding obligations of the benefited district. If the benefited district extends into more than one county, the county imposing the income surtax shall be liable for only that portion of the obligations relating to the portion of the benefited district in the county.

3. Revenues received by the county from the taxes imposed under this chapter shall be deposited into the emergency medical services trust fund created pursuant to section 422D.6 and shall be used as provided in that section.

4. *a.* ~~Any tax or combination of taxes imposed shall be for a maximum period of five years.~~ Discontinuance of the authority to impose a tax under this chapter shall be by election under paragraph *"b"* or by petition and election under paragraph *"c"*.

b. At the next general election or regular city election following adoption of the resolution under subsection 1A, whichever occurs first, the board of supervisors shall, subject to the election deadlines for ballot printing and publication, direct the county commissioner of elections to submit to the voters of the county the question of whether to discontinue the authority to impose one or more of the taxes under this chapter.

c. Upon receipt of a valid petition as provided in section 331.306, the board of supervisors shall direct the county commissioner of elections to submit to the voters of the county the question of whether to discontinue the authority to impose one or more of the taxes under this chapter.

d. If a majority of those voting on the question of discontinuance of the board's authority to impose the tax favors discontinuance, the board shall not impose the property tax for any fiscal year beginning after the election approving the discontinuance and shall not impose the income surtax for any tax year beginning after the election approving the discontinuance unless imposition is subsequently again authorized. Following discontinuance of the authority to impose the taxes under this chapter, authority to reimpose the taxes requires approval in accordance with this section.

Sec. ___. Section 422D.3, subsection 1, Code 2020, is amended to read as follows:

1. A local income surtax shall be imposed January 1 of the fiscal year in which the ~~favorable election was held~~ ordinance imposing the surtax is filed with the director under subsection 3 for tax years beginning on or after January 1, and is repealed as provided in section 422D.1, subsection 4~~, as of~~

~~December 31 for tax years beginning after December 31~~.

Sec. ___. Section 422D.5, Code 2020, is amended to read as follows:

422D.5 Property tax levy.

A county may levy an emergency medical services tax at the rate set by the board of supervisors ~~and approved at the election as provided in section 422D.1,~~ on all taxable property in the county for fiscal years beginning with the fiscal year in which the ~~favorable election was held~~ resolution under subsection 1A is adopted. ~~The reason for imposing the tax and the amount needed shall be set out on the ballot.~~ The rate shall be set so as to raise only the amount needed. The authority to impose the levy ~~is repealed for subsequent fiscal years~~ may be discontinued as provided in section 422D.1, subsection 4.

Sec. ___. Section 422D.6, Code 2020, is amended to read as follows:

422D.6 Emergency medical services trust fund.

1. A county authorized to impose a tax under this chapter shall establish an emergency medical services trust fund into which revenues received from the taxes imposed shall be deposited. Moneys in the trust fund shall be used for any operational cost of providing emergency medical services. In addition, moneys in the fund may be used for the purpose of matching federal or state funds for education and training related to emergency medical services. Moneys remaining in the fund following discontinuance of the authority to impose the taxes as provided in section 422D.1, subsection 4, shall remain in the fund and may be expended for the purposes specified in this section.

2. A county may enter into chapter 28E agreements ~~with other counties~~ in order to ensure adequate coverage of the county's service area.

~~3. Costs which are eligible for emergency medical services trust fund expenditures include, but are not limited to:~~

1 ~~*a.* Defibrillators.~~
2 ~~*b.* Nondisposable essential ambulance equipment, as defined~~
3 ~~by rule by the Iowa department of public health.~~
4 ~~*c.* Communications pagers, radios, and base repeaters.~~
5 ~~*d.* Training in the use of emergency medical services~~
6 ~~equipment.~~
7 ~~*e.* Vehicles including, but not limited to, ambulances,~~
8 ~~fire apparatus, boats, rescue/first response vehicles, and~~
9 ~~snowmobiles.~~
10 ~~*f.* Automotive parts.~~
11 ~~*g.* Buildings.~~
12 ~~*h.* Land.~~
13 Sec. ___. IMPLEMENTATION. This division of this Act
14 shall not affect the imposition and collection of taxes under
15 chapter 422D in effect on the effective date of this division
16 of this Act, and such taxes shall continue to be imposed and
17 administered until the period of authority to impose such taxes
18 in effect immediately prior to the effective date of this
19 division of this Act expires.>
20 3. Title page, by striking lines 1 and 2 and inserting
21 <An Act relating to emergency services by authorizing length
22 of service award programs, modifying provisions relating to
23 authorized training programs, modifying provisions relating to
24 optional taxes for emergency medical services, and including
25 effective>
26 4. By renumbering as necessary.

By KAUFMANN of Cedar

H-8176 FILED JUNE 3, 2020

SENATE FILE 2284

H-8177

1 Amend Senate File 2284, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 3, by striking lines 7 through 12.
4 2. By renumbering as necessary.

By COMMITTEE ON EDUCATION
DOLECHECK of Ringgold, Chairperson

H-8177 FILED JUNE 3, 2020

SENATE FILE 2310

H-8175

1 Amend Senate File 2310, as amended, passed, and reprinted by
2 the Senate, as follows:
3 1. Page 1, before line 1 by inserting:
4 <DIVISION ___
5 ONLINE LEARNING PROGRAM AND COURSEWORK REQUIREMENTS>
6 2. Page 5, after line 26 by inserting:
7 <DIVISION ___
8 TEMPORARY FLEXIBILITY FOR USE OF CERTAIN MONEYS BY SCHOOL
9 DISTRICTS TO PROVIDE ADDITIONAL INSTRUCTIONAL TIME
10 Sec. ___. PROFESSIONAL DEVELOPMENT MONEYS AND HOURS
11 REQUIREMENTS FOR ADDITIONAL INSTRUCTIONAL TIME FOR THE
12 2020-2021 SCHOOL YEAR. Notwithstanding section 257.10,
13 subsection 10, and the professional development requirements
14 of chapter 284, for the school year beginning July 1, 2020,
15 and ending June 30, 2021, the moneys calculated and paid to
16 the school district for professional development pursuant to
17 section 257.10, subsection 10, or section 257.37A, subsection
18 2, to provide thirty-six hours of professional development
19 opportunities held outside of the minimum school day, may
20 instead be used by a school district to provide instructional
21 time to the school calendar in addition to the amount of
22 instructional time required under section 279.10, subsection 1,
23 and the thirty-six-hour professional development requirement
24 of chapter 284 shall be reduced by such number of hours of
25 additional instructional time.
26 Sec. ___. DISTRICT MANAGEMENT LEVY FUND — PERMISSIBLE USES
27 BUDGET YEAR 2020-2021.
28 1. For the school budget year beginning July 1, 2020, and
29 ending June 30, 2021, unencumbered moneys remaining in the
30 district management levy fund under section 298A.3 at the
31 end of the budget year beginning July 1, 2019, and ending
32 June 30, 2020, and the taxes certified for levy before the
33 effective date of this Act under section 298.4 and deposited in
34 the district management levy fund for the school budget year
35 beginning July 1, 2020, and ending June 30, 2021, in addition

1 to the purposes authorized under section 298.4, may be expended
2 by a school district to provide additional instructional time
3 to the school calendar in excess of the amount of instructional
4 time required under section 279.10, subsection 1, during the
5 school year beginning July 1, 2020, and ending June 30, 2021.
6 2. The board of directors of a school district,
7 notwithstanding the budget amendment requirements of chapters
8 24 and 257, may authorize the expenditure of specified district
9 management levy funds for purposes specified in subsection 1
10 by resolution of the board specifying the amount to be used
11 and the purposes from which the funds will be reallocated, if
12 the resolution of the board is approved and filed with the
13 department of education on or before June 30, 2021.>
14 3. Title page, by striking lines 1 through 4 and inserting
15 <An Act relating to educational instructional requirements and
16 funding flexibility.>
17 4. By renumbering as necessary.

By COMMITTEE ON EDUCATION
DOLECHECK of Ringgold, Chairperson

H-8175 FILED JUNE 3, 2020

SENATE FILE 2321

H-8170

Amend Senate File 2321, as amended, passed, and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting:

<DIVISION I

MINOR GUARDIANSHIPS

Section 1. Section 232.3, subsection 1, Code 2020, is amended to read as follows:

1. During the pendency of an action under this chapter, a party to the action is estopped from litigating concurrently the custody, guardianship, or placement of a child who is the subject of the action, in a court other than the juvenile court with jurisdiction of the pending action under this chapter. A district judge, district associate judge, juvenile court judge, magistrate, or judicial hospitalization referee, upon notice of the pendency of an action under this chapter, shall not issue an order, finding, or decision relating to the custody, guardianship, or placement of the child who is the subject of the action, under any law, including but not limited to chapter 232D, 598, or 598B~~, or 633~~.

Sec. 2. Section 232.3, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 3. An action which is pending under chapter 232D prior to an action being brought under this chapter shall be stayed by the court in the chapter 232D action unless the court follows the procedures in subsection 2 and authorizes a party to the action to litigate a specific issue under this chapter.

Sec. 3. Section 232D.103, Code 2020, is amended to read as follows:

232D.103 Jurisdiction.

The juvenile court has exclusive jurisdiction in a guardianship proceeding concerning a minor who is alleged to be in need of a guardianship, and guardianships of minors.

Sec. 4. Section 232D.105, subsection 1, Code 2020, is

amended to read as follows:

1. A petition alleging that a minor is in need of a conservatorship is not subject to this chapter. Such proceedings shall be governed by chapter 633 and may be initiated pursuant to section ~~633.627~~ 633.557.

Sec. 5. NEW SECTION. **232D.107 Confidentiality.**

Official juvenile court records in guardianship proceedings shall be confidential and are not public records. Confidential records may be inspected and their contents shall be disclosed to the following without court order, provided that a person or entity who inspects or receives a confidential record under this section shall not disclose the confidential record or its contents unless required by law:

1. The judge and professional court staff.

2. The minor and the minor's counsel.

3. The minor's parent, guardian or custodian, court visitor, and any counsel representing such person.

Sec. 6. Section 232D.301, subsection 2, paragraph d, subparagraph (3), Code 2020, is amended to read as follows:

(3) Any adult who has had the primary care of the minor or with whom the minor has lived for ~~at least~~ any time during the six months ~~prior to~~ immediately preceding the filing of the petition.

Sec. 7. Section 232D.301, subsection 4, Code 2020, is amended to read as follows:

4. The petition shall state whether a limited guardianship is appropriate, and whether a conservatorship for the minor is needed or already in existence.

Sec. 8. Section 232D.302, subsection 2, Code 2020, is amended to read as follows:

2. Notice shall be served upon the minor's known parents listed in the petition in accordance with the rules of civil procedure. If the parent has not filed a consent to the appointment of a guardian, the notice shall inform any parent named in the petition that the parent may be entitled to

representation under the conditions described in section 232D.304.

Sec. 9. Section 232D.305, subsection 1, Code 2020, is amended to read as follows:

1. The court may appoint a court visitor for the minor. A person is qualified to serve as a court visitor if the court determines the person has demonstrated sufficient knowledge of guardianships to adequately perform the duties in subsection 3.

Sec. 10. Section 232D.306, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A hearing on the petition may be recorded if a court reporter is not used.

Sec. 11. Section 232D.307, subsections 1 and 2, Code 2020, are amended to read as follows:

1. The court shall request criminal record checks and checks of the child abuse, dependent adult abuse, and sex offender registries in this state for all proposed guardians other than financial institutions with Iowa trust powers unless a proposed guardian has undergone the required background checks in this section within the ~~twelve~~ six months prior to the filing of a petition and the background check has been provided to the court.

2. The court shall review the results of background checks in determining the suitability of a proposed guardian for appointment, and may, for good cause, share with the respondent, the respondent's attorney, and the protected person's attorney, the results of background checks.

Sec. 12. Section 232D.401, subsection 1, Code 2020, is amended to read as follows:

1. The order by the court appointing a guardian for a minor shall state the basis for the order and the date on which the first reporting period for the guardianship will end.

Sec. 13. Section 232D.401, subsection 3, unnumbered paragraph 1, Code 2020, is amended to read as follows:

An order by the court appointing a guardian for a minor shall

state the powers granted to the guardian. Except as otherwise limited by court order, the court may grant the guardian the following powers, which may be exercised without ~~prior~~ further court approval:

Sec. 14. Section 232D.401, subsection 3, paragraph e, Code 2020, is amended to read as follows:

e. Applying for and receiving funds and benefits payable for the support of the minor if the minor does not have a conservator. If the minor has a conservator, the guardian shall notify the conservator at least ten days before applying for funds or benefits for the support of the minor.

Sec. 15. Section 232D.501, subsection 1, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A verified initial care plan filed within sixty days of appointment. The information, to the extent known, in the initial care plan shall include but not be limited to the following information:

Sec. 16. Section 232D.501, subsection 1, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (2A) The guardian's plan, if any, for applying for and receiving funds and benefits payable for the support of the minor.

Sec. 17. Section 232D.501, subsection 1, paragraph b, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A verified annual report filed within thirty days of the close of the reporting period. The information, to the extent known, in the annual report shall include but not be limited to the following information:

Sec. 18. Section 232D.501, subsection 1, paragraph b, Code 2020, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (11) The results of the guardian's efforts to apply for funds or benefits for the minor, and an accounting for the use of such funds or benefits by the

guardian.

NEW SUBPARAGRAPH. (12) Any other information the guardian deems necessary for the court to consider.

Sec. 19. Section 232D.501, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 5. A copy of the verified initial care plan and verified annual report shall be served, annually, on the protected person, the protected person's attorney, if any, and court visitor, if any.

NEW SUBSECTION. 6. The court, for good cause, may extend the deadline for filing required reports. Required reports of a guardian which are not timely filed and which are delinquent, and for which no extension for filing has been granted by the court, shall be administered in the same manner as provided in section 633.32.

DIVISION II

ADULT GUARDIANSHIPS AND MINOR AND ADULT CONSERVATORSHIPS

Sec. 20. Section 235B.6, subsection 2, paragraph d, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) To a district court conducting checks of the dependent adult abuse registry for all proposed guardians and conservators pursuant to section 633.564.

Sec. 21. Section 633.556, subsections 4, 5, and 8, Code 2020, are amended to read as follows:

4. The petition shall list the name and address of the ~~petitioner and the petitioner's relationship to the respondent.~~ following:

a. The respondent.

b. The petitioner and the petitioner's relationship to the respondent.

c. The proposed guardian or conservator and the reason the proposed guardian or conservator should be selected.

5. The petition shall list the name and address, to the extent known, of the following:

~~*a.* The name and address of the proposed guardian and the~~

~~reason the proposed guardian should be selected.~~

~~*b.*~~ *a.* Any spouse of the respondent.

~~*c.*~~ *b.* Any adult children of the respondent.

~~*d.*~~ *c.* Any parents of the respondent.

~~*e.*~~ *d.* Any adult, who has had the primary care of the respondent or with whom the respondent has lived for ~~at least~~ any time during the six months ~~prior to~~ immediately preceding the filing of the petition, or any institution or facility where the respondent has resided ~~for at least six months prior to~~ any time during the six months immediately preceding the filing of the petition.

~~*f.*~~ *e.* Any legal representative or representative payee of the respondent.

~~*g.*~~ *f.* Any person designated as an attorney in fact in a durable power of attorney for health care which is valid under chapter 144B, or any person designated as an agent in a durable power of attorney which is valid under chapter 633B.

8. ~~The~~ A petition for conservator shall provide a brief description of the respondent's alleged functional limitations that make the respondent unable to communicate or carry out important decisions concerning the respondent's financial affairs. A petition for guardianship shall provide a brief description of the respondent's alleged functional limitations that make the respondent unable to provide for the respondent's safety, care, or necessities.

Sec. 22. Section 633.561, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. ~~If the respondent is an adult and is not the petitioner~~ Except as provided in paragraph *"b"*, the respondent is entitled to representation by an attorney. Upon the filing of the petition, the court shall appoint an attorney to represent the respondent, set a hearing on the petition, and provide for notice of the appointment of counsel and the date for hearing.

Sec. 23. Section 633.561, subsection 6, Code 2020, is amended to read as follows:

6. If the court determines that it would be in the respondent's best interest to have legal representation with respect to any further proceedings in a guardianship or conservatorship, the court may appoint an attorney to represent the respondent at the expense of the respondent or the respondent's estate, or if the respondent is indigent the cost of the court appointed attorney shall be assessed against the county in which the proceedings are pending.

Sec. 24. Section 633.562, subsection 1, Code 2020, is amended to read as follows:

1. If the court determines that the appointment of a court visitor would be in the best interest of the respondent, the court shall appoint a court visitor at the expense of the respondent or the respondent's estate, or, if the respondent is indigent, the cost of the court visitor shall be assessed against the county in which the proceedings are pending. The court may appoint any qualified person as a court visitor in a guardianship or conservatorship proceeding. A person is qualified to serve in this capacity if the court determines the person has demonstrated sufficient knowledge of guardianships or conservatorships to adequately perform the duties in subsection 3.

Sec. 25. Section 633.562, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A court visitor shall be discharged from all further duties upon appointment of a guardian or conservator, unless otherwise ordered by the court. The court may order a court visitor to continue to serve if the court determines continued service would be in the best interest of the protected person. If the court continues the service of the court visitor, the court may limit the direct duties of the court visitor as the court deems necessary. The court visitor shall thereafter continue to serve until discharged by the court.

Sec. 26. Section 633.563, subsection 7, unnumbered

paragraph 1, Code 2020, is amended to read as follows:

The results of the evaluation ordered by the court shall be ~~made available to~~ filed with the court and made available to the following:

Sec. 27. Section 633.564, subsections 1 and 2, Code 2020, are amended to read as follows:

1. The court shall request criminal record checks and checks of the child abuse, dependent adult abuse, and sexual offender registries in this state for all proposed guardians and conservators, other than financial institutions with Iowa trust powers, unless a proposed guardian or conservator has undergone the required background checks required by this section within the six months prior to the filing of a petition and the background check has been provided to the court.

2. The court shall review the results of background checks in determining the suitability of a proposed guardian or conservator for appointment, and may, for good cause, share with the respondent, the respondent's attorney, and the protected person's attorney, the results of the background checks.

Sec. 28. Section 633.569, Code 2020, is amended to read as follows:

633.569 Emergency appointment of temporary guardian or conservator.

1. A person authorized to file a petition under section ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an application for the emergency appointment of a temporary guardian or conservator.

2. Such application shall state all of the following:

a. The name and address of the respondent.

0b. The name and address of the petitioner and the petitioner's relationship to the respondent.

b. The name and address of the proposed guardian or conservator and the reason the proposed guardian or conservator should be selected.

0c. The names and addresses, to the extent known, of any other persons who must be named in the petition for appointment of a guardian or conservator under section 633.556 or 633.557.

c. The reason the emergency appointment of a temporary guardian or conservator is sought.

3. The court may enter an ex parte order appointing a temporary guardian or conservator on an emergency basis under this section if the court finds by clear and convincing evidence that all of the following conditions are met:

a. There is not sufficient time to file a petition and hold a hearing pursuant to section ~~633.552, 633.553, or 633.554~~ 633.556, 633.557, or 633.560.

b. The appointment of a temporary guardian or conservator is necessary to avoid immediate or irreparable harm to the respondent before a hearing with notice to the respondent can be held.

c. There is reason to believe that the basis for appointment of guardian or conservator exists under section ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557.

04. Immediately on filing of an application for the emergency appointment of a temporary guardian or conservator, the court shall appoint an attorney to represent the respondent in the proceeding.

4. Notice of a petition for the appointment of a temporary guardian or conservator and the issuance of an ex parte order appointing a temporary guardian or conservator shall be provided not later than forty-eight hours after the issuance of the order of appointment to the respondent, the respondent's attorney, and any other person the court determines should receive notice. Notice shall be provided by personal service unless otherwise directed by the court.

5. ~~Upon the issuance of an ex parte order, if the respondent is an adult, the respondent may file a request for a hearing. If the respondent is a minor, the respondent, a parent having legal custody of the respondent, or any other person having~~

~~legal custody of the respondent may file a written request for a hearing. Such hearing shall be held no later than seven days after the filing of a written request~~ A hearing shall be held not more than seven days after the issuance of an ex parte order appointing a temporary guardian or conservator.

6. The powers of the temporary guardian or conservator set forth in the order of the court shall be limited to those necessary to address the emergency situation requiring the appointment of a temporary guardian or conservator.

7. The temporary guardianship or conservatorship shall terminate within ~~thirty~~ sixty days after the order is issued.

8. The court may extend the duration of the temporary guardianship or conservatorship for good cause beyond the sixty days if the court determines after a hearing that the temporary guardianship or conservatorship should continue. An extension shall not be for more than sixty days at a time.

9. The temporary guardian or conservator shall submit any report the court requires.

Sec. 29. Section 633.635, subsection 1, Code 2020, is amended to read as follows:

1. The order by the court appointing a guardian shall state the basis for the guardianship pursuant to section 633.552 and the date on which the first reporting period for the guardianship shall end.

Sec. 30. Section 633.641, subsection 3, Code 2020, is amended to read as follows:

3. ~~If a protected person has executed a valid power of attorney under chapter 633B, the conservator shall act in accordance with the applicable provisions of chapter 633B~~ If the court appoints a conservator for a protected person who has previously executed a valid power of attorney under chapter 633B, the power of attorney is suspended unless the power of attorney provides otherwise or the court appointing the conservator orders that the power of attorney should continue. If the power of attorney continues, the agent is

accountable to the conservator as well as the principal. The power of attorney shall be reinstated upon termination of the conservatorship for reasons other than the protected person's death.

Sec. 31. Section 633.642, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Except as otherwise ordered by the court, and except for those powers relating to all fiduciaries as set out in sections 633.63 through 633.162 which may be exercised without approval of the court unless expressly modified by the court, a conservator must give notice to persons entitled to notice and receive specific prior authorization by the court before the conservator may take any other action on behalf of the protected person. ~~These other powers~~ Powers requiring court approval include, but are not limited to the authority of the conservator to:

Sec. 32. Section 633.669, Code 2020, is amended to read as follows:

633.669 ~~Reporting requirements — assistance by clerk~~ Reports by guardians.

1. A guardian appointed by the court under this chapter shall file with the court the following ~~written~~ verified reports which shall not be waived by the court:

a. An initial care plan filed within sixty days of appointment. The information, to the extent known, in the initial care plan shall include but not be limited to the following information:

(1) The current residence of the protected person and the guardian's plan for the protected person's living arrangements.

(2) The current sources of payment for the protected person's living expenses and other expenses, and the guardian's plan for payment of the protected person's living expenses and other expenses.

(3) The protected person's health status and health care needs, and the guardian's plan for meeting the protected

person's ~~needs for medical, dental, and other~~ health care needs.

(3A) Whether the protected person has a living will or health care power of attorney.

(4) If applicable, the protected person's need for other professional services for mental, behavioral, or emotional health, and the guardian's plan for other professional services needed by the protected person.

(5) If applicable, the protected person's employment status, the protected person's need for educational, training, or vocational services, and the guardian's plan for meeting the educational, training, and vocational needs of the protected person.

(6) If applicable, the guardian's plan for facilitating the participation of the protected person in social activities.

(7) The guardian's plan for facilitating contacts between the protected person and the protected person's family members and other ~~significant~~ persons significant in the life of the protected person.

(8) The guardian's plan for contact with, and activities on behalf of, the protected person.

(9) The powers that the guardian requests to carry out the initial care plan.

(10) The guardian shall file an amended plan when there has been a significant change in the circumstances or the guardian seeks to deviate significantly from the plan. The guardian must obtain court approval of the amended plan before implementing any of its provisions.

b. An annual report, filed within sixty days of the close of the reporting period~~, unless the court otherwise orders on good cause shown~~. The ~~information in the~~ annual report shall include but not be limited to, to the extent known, the following information:

(1) The current living arrangements of the protected person.

(2) The sources of payment for the protected person's living expenses and other expenses.

(3) A description, if applicable, of the following:

(a) The protected person's ~~physical and mental~~ health status and the ~~medical, dental, and other professional~~ health services provided to the protected person.

(b) If applicable, the protected person's employment status and the educational, training, and vocational services provided to the protected person.

(0c) The guardian's facilitation of the participation of the protected person in social activities.

(c) The contact of the protected person with family members and other significant persons.

(d) The nature and extent of the guardian's visits with, and activities on behalf of, the protected person.

(04) The guardian's changes to the care plan for the protected person for the next annual reporting period.

(004) The powers that the guardian requests to carry out the care plan for the protected person for the next annual reporting period.

(4) The guardian's recommendation as to the need for continuation of the guardianship.

(5) The ability of the guardian to continue as guardian.

(6) The need of the guardian for assistance in providing or arranging for the provision of the care and protection of the protected person.

(7) Any other information the guardian deems necessary for the court to consider.

c. A final report within thirty days of the termination of the guardianship under section 633.675 unless that time is extended by the court.

2. The court shall develop a simplified uniform reporting form for use in filing the required reports.

3. The clerk of the court shall notify the guardian in writing of the reporting requirements and shall provide

information and assistance to the guardian in filing the reports.

4. Reports of guardians shall be reviewed and approved by a district court judge or referee.

5. The court, for good cause, may extend the deadline for filing required reports. Required reports of a guardian which are not timely filed and which are delinquent, and for which no extension for filing has been granted by the court, shall be administered as provided in section 633.32.

Sec. 33. Section 633.669, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A copy of the verified initial care plan and verified annual report shall be served, annually, on the protected person, the protected person's attorney, if any, and court visitor, if any.

Sec. 34. Section 633.670, Code 2020, is amended to read as follows:

633.670 Reports by conservators.

1. A conservator shall file ~~an~~ a verified initial financial management plan for protecting, managing, investing, expending, and distributing the assets of the conservatorship estate within ninety days after appointment which shall not be waived by the court. The plan must be based on the needs of the protected person and take into account the best interest of the protected person as well as the protected person's preference, values, and prior directions to the extent known to, or reasonably ascertainable by, the conservator.

a. ~~The initial plan shall include all of the following:~~ The initial financial management plan shall state the protected person's age, residence, living arrangements, and sources of payment for living expenses.

~~(1) A budget containing projected expenses and resources, including an estimate of the total amount of fees the conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each~~

~~service the conservator anticipates providing to the protected person.~~

~~(2) A statement as to how the conservator will involve the protected person in decisions about management of the conservatorship estate.~~

~~(3) If ordered by the court, any step the conservator plans to take to develop or restore the ability of the protected person to manage the conservatorship estate.~~

~~(4) An estimate of the duration of the conservatorship.~~

b. If applicable, the protected person's will shall be filed with the court clerk and the protected person's prepaid burial trust and powers of attorney shall be described.

c. The conservator shall include a proposed budget for the protected person and budget-related information for the next annual reporting period including all of the following:

(1) The protected person's receipts and income and the projected source of income, if applicable, and the total estimated receipts and income.

(2) The protected person's liabilities and debts and the total estimated liabilities and debts; a list and explanation of any liability or debt owed by the protected person to the conservator; a list and explanation of the liability of any other person for a liability of the protected person.

(3) The protected person's estimated expenses on a monthly and annual basis including conservator fees and other administrative expenses.

d. The conservator shall include a list of the protected person's assets and the conservator's plan for management of these assets.

e. The conservator shall include a statement as to how the conservator will involve the protected person in decisions about management of the conservatorship estate.

f. If ordered by the court, the conservator shall include any action the conservator plans to take to develop or restore the ability of the protected person to manage the

conservatorship estate.

g. The conservator shall include the authority that the conservator requests to carry out the initial financial plan including expenditures in accordance with the proposed budget for the protected person and the plan for the management of the assets of the protected person for the next annual reporting period.

~~*b.*~~ *h.* ~~Within two days after filing the initial plan, the~~ The conservator shall ~~give~~ provide notice of the filing of the initial plan ~~with~~ and a copy of the initial plan to the protected person, the protected person's attorney, if any, and court ~~advisor~~ visitor, if any, and others as directed by the court. The notice must state that any person entitled to a copy of the plan must file any objections to the plan not later than ~~fifteen days after it is filed~~ twenty days from the date of mailing notice of filing the initial plan.

~~*c.*~~ *i.* ~~At least~~ If no objections have been filed within twenty days after ~~the plan has been filed, the court shall review and determine whether the plan should be approved or revised, after considering objections filed and whether the plan is consistent with the conservator's powers and duties~~ mailing notice of filing the initial plan, the conservator shall submit a proposed order to the court approving the initial plan. Upon the court's approval of the plan under this subsection, the conservator shall provide a copy of the approved plan and order approving the plan to the protected person, the protected person's attorney, if any, and court visitor, if any, and others as directed by the court.

~~*d.*~~ *j.* ~~After approval by the court, the conservator shall provide a copy of the approved plan and order approving the plan to the protected person, the protected person's attorney and court advisor, if any, and others as directed by the court~~ If any objections to the proposed plan are filed within twenty days after the conservator has mailed notice of filing the plan, the court shall set the matter for hearing and provide

notice of the hearing date, time, and place to the same parties who were sent copies of the initial plan. Following the hearing on the conservator's proposed plan, the conservator shall provide a copy of the approved plan and order approving the plan to the protected person, the protected person's attorney, if any, and court visitor, if any, and others as directed by the court.

~~*e.*~~ *k.* The conservator shall file an amended plan when there has been a significant change in circumstances or the conservator seeks to deviate significantly from the plan. Before the amended plan is implemented, the provisions for court approval of the plan shall be followed as provided in ~~paragraphs "*b*", "*c*", and "*d*"~~ the initial financial management plan.

2. A conservator shall ~~file~~ attach an inventory of the protected person's assets ~~within ninety days after appointment~~ and debts to the initial financial management plan, which includes an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits. Copies of the inventory shall be provided to the protected person, the protected person's attorney, if any, and court ~~advisor~~ visitor, if any, and others as directed by the court. When the conservator receives additional property of the protected person, or becomes aware of its existence, a description of the property shall be included in the conservator's next annual report.

3. A conservator shall file a ~~written and~~ verified report on an annual basis for the period since the end of the preceding report period~~. The court~~ which shall not ~~waive these reports~~ be waived by the court.

a. ~~These reports shall include all of the following:~~ The annual report shall state the age, the residence and the living arrangements of the protected person, and sources of payment for the protected person's living expenses during the reporting period.

~~(1) Balance of funds on hand at the beginning and end of the period.~~

~~(2) Disbursements made.~~

~~(3) Changes in the conservator's plan.~~

~~(4) List of assets as of the end of the period.~~

~~(5) Bond amount and surety's name.~~

~~(6) Residence and physical location of the protected person.~~

~~(7) General physical and mental condition of the protected person.~~

~~(8) Other information reflecting the condition of the conservatorship estate.~~

b. ~~These reports shall be filed:~~ The conservator shall submit with the annual report an inventory of the assets of the protected person as of the last day of the reporting period the total value of assets at the beginning and end of the reporting period.

~~(1) On an annual basis within sixty days of the end of the reporting period unless the court orders an extension for good cause shown in accordance with the rules of probate procedure.~~

c. The annual report shall include an itemization of all income or funds received and all expenditures made by the conservator on behalf of the protected person. If any of the expenditures were made to provide support for or pay the debts of another person, the annual report shall include an explanation of these expenditures. If any of the expenditures were made to pay any liability or debt owed by the protected person to the conservator, the annual report shall include an explanation of these expenditures. If any of the expenditures were made to pay any liability or debt that is also owed by another person or entity, the annual report shall include an explanation of these expenditures.

d. The annual report shall include the following budget and information related to the budget for the protected person:

(1) A description of changes, if any, made in the budget

1 approved by the court for the preceding reporting period.
2 (2) A proposed budget and budget-related information for
3 the next reporting period containing the information set forth
4 in subsection 1, paragraph *"c"*.
5 (3) A request for approval of the proposed budget and
6 authority to make expenditures in accordance with the proposed
7 budget.
8 *e.* The annual report shall include the following information
9 related to the management of the assets of the protected
10 person:
11 (1) A description of changes, if any, in the plan for
12 management of the assets of the protected person approved by
13 the court for the preceding reporting period.
14 (2) A proposed plan for management of the assets of the
15 protected person for the next reporting period.
16 (3) A request for approval of the proposed plan for
17 management of the assets of the protected person and the
18 authority to carry out the plan.
19 *f.* The conservator shall include a statement as to how the
20 conservator will involve the protected person in decisions
21 about management of the conservatorship estate.
22 *g.* The annual report shall describe, if ordered by the
23 court, the actions that have been taken and that will be taken
24 by the conservator to develop or restore the ability of the
25 protected person to manage the conservatorship's assets.
26 *h.* The conservator may request court approval of fees
27 provided by an attorney on behalf of the conservatorship or the
28 protected person during the preceding reporting period.
29 *i.* The conservator may request court approval of fees
30 provided the conservator on behalf of the conservatorship or
31 the protected person during the preceding reporting period.
32 4. The conservator shall file a verified final report with
33 the court as follows:
34 ~~(2)~~ *a.* Within thirty days following removal of the
35 conservator.

1 ~~(3)~~ *b.* Upon the conservator's filing of a resignation and
2 before the resignation is accepted by the court.
3 ~~(4)~~ *c.* Within sixty days following the termination of the
4 conservatorship.
5 ~~(5)~~ *d.* At other times as ordered by the court.
6 ~~*c.*~~ 5. ~~Reports required by this section~~ The initial
7 financial management plan, the inventory of the protected
8 person's assets, and the annual report shall be served,
9 annually, on the protected person, the protected person's
10 attorney, if any, and court ~~advisor~~ visitor, if any, and the
11 veterans administration if the protected person is receiving
12 ~~veterans~~ veterans' benefits.
13 6. The court, for good cause, may extend the deadline for
14 filing required reports. Required reports of a conservator
15 which are not timely filed and which are delinquent, and for
16 which no extension for filing has been granted by the court,
17 shall be administered as provided in section 633.32.
18 Sec. 35. Section 633.675, subsections 2, 3, and 4, Code
19 2020, are amended to read as follows:
20 2. The court shall terminate a guardianship for an adult if
21 ~~it~~ the court finds ~~by clear and convincing evidence~~ that the
22 basis for appointing a guardian pursuant to section 633.552 is
23 not satisfied.
24 3. The court shall terminate a conservatorship for an adult
25 if the court finds ~~by clear and convincing evidence~~ that the
26 basis for appointing a conservator pursuant to section 633.553
27 or 633.554 is not satisfied.
28 4. The standard of proof and the burden of proof to be
29 applied in a termination proceeding to terminate a guardianship
30 or conservatorship for an adult shall be the same as set forth
31 in section 633.551, subsection 2.
32 Sec. 36. REPEAL. Section 633.671, Code 2020, is repealed.
33 Sec. 37. EFFECTIVE DATE. The following, being deemed of
34 immediate importance, take effect upon enactment:
35 1. The section of this division of this Act amending section

633.669, subsection 1.

2. The section of this division of this Act amending section 633.670.

Sec. 38. RETROACTIVE APPLICABILITY. The following apply retroactively to January 1, 2020:

1. The section of this division of this Act amending section 633.669, subsection 1.

2. The section of this division of this Act amending section 633.670.

DIVISION III

CONFORMING CHANGES

Sec. 39. Section 633.3, subsections 9, 17, 22, and 23, Code 2020, are amended to read as follows:

9. *Conservator* — a person appointed by the court to have the custody and control of the property of a ~~ward~~ protected person under the provisions of this probate code.

17. *Estate* — the real and personal property of either a decedent or a ~~ward~~ protected person, and may also refer to the real and personal property of a trust described in section 633.10.

22. *Guardian* — the person appointed by the court to have the custody of the person of the ~~ward~~ protected person under the provisions of this probate code.

23. *Guardian of the property* — at the election of the person appointed by the court to have the custody and care of the property of a ~~ward~~ protected person, the term *"guardian of the property"* may be used, which term shall be synonymous with the term *"conservator"*.

Sec. 40. Section 633.78, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A fiduciary under this chapter may present a written request to any person for the purpose of obtaining property owned by a decedent or by a ~~ward~~ protected person of a conservatorship for which the fiduciary has been appointed, or property to which a decedent or ~~ward~~ protected person is entitled, or

for information about such property needed to perform the fiduciary's duties. The request must contain statements confirming all of the following:

Sec. 41. Section 633.78, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. The request has been signed by all fiduciaries acting on behalf of the decedent or ~~ward~~ protected person.

Sec. 42. Section 633.78, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. Damages sustained by the decedent's or ~~ward's~~ protected person's estate.

Sec. 43. Section 633.80, Code 2020, is amended to read as follows:

633.80 Fiduciary of a fiduciary.

A fiduciary has no authority to act in a matter wherein the fiduciary's decedent or ~~ward~~ protected person was merely a fiduciary, except that the fiduciary shall file a report and accounting on behalf of the decedent or ~~ward~~ protected person in said matter.

Sec. 44. Section 633.93, Code 2020, is amended to read as follows:

633.93 Limitation on actions affecting deeds.

No action for recovery of any real estate sold by any fiduciary can be maintained by any person claiming under the deceased, the ~~ward~~ protected person, or a beneficiary, unless brought within five years after the date of the recording of the conveyance.

Sec. 45. Section 633.112, Code 2020, is amended to read as follows:

633.112 Discovery of property.

The court may require any person suspected of having possession of any property, including records and documents, of the decedent, ~~ward~~ protected person, or the estate, or of having had such property under the person's control, to appear and submit to an examination under oath touching such matters,

and if on such examination it appears that the person has the wrongful possession of any such property, the court may order the delivery thereof to the fiduciary. Such a person shall be liable to the estate for all damages caused by the person's acts.

Sec. 46. Section 633.123, subsection 1, paragraph b, subparagraph (3), Code 2020, is amended to read as follows:

(3) The needs and rights of the beneficiaries or the ~~ward~~ protected person.

Sec. 47. Section 633.558, subsection 3, Code 2020, is amended to read as follows:

3. Notice of the filing of a petition given to persons under ~~subsections~~ subsection 2 ~~and 3~~ shall include a statement that such persons may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

Sec. 48. Section 633.560, subsection 3, Code 2020, is amended to read as follows:

3. The court shall require the proposed guardian or conservator to attend the hearing on the petition but the court may excuse the proposed guardian's or conservator's attendance for good cause shown.

Sec. 49. Section 633.561, subsection 4, paragraphs c and f, Code 2020, are amended to read as follows:

c. Ensure that the respondent has been properly advised of the respondent's rights in a guardianship or conservatorship proceeding.

f. Ensure that the guardianship or conservatorship procedures conform to the statutory and due process requirements of Iowa law.

Sec. 50. Section 633.561, subsection 5, paragraphs a and b, Code 2020, are amended to read as follows:

a. Inform the respondent of the effects of the order entered for appointment of guardian or conservator.

b. Advise the respondent of the respondent's rights to

1 petition for modification or termination of the guardianship
2 or conservatorship.
3 Sec. 51. Section 633.562, subsection 5, paragraphs a and b,
4 Code 2020, are amended to read as follows:
5 *a.* A recommendation regarding the appropriateness of a
6 limited guardianship or conservatorship for the respondent,
7 including whether less restrictive alternatives are available.
8 *b.* A statement of the qualifications of the guardian or
9 conservator together with a statement of whether the respondent
10 has expressed agreement with the appointment of the proposed
11 guardian or conservator.
12 Sec. 52. Section 633.580, subsections 1 and 4, Code 2020,
13 are amended to read as follows:
14 1. The name, age, and last known post office address of the
15 proposed ~~ward~~ protected person.
16 4. A general description of the property of the proposed
17 ~~ward~~ protected person within this state and of the proposed
18 ~~ward's~~ protected person's right to receive property; also, the
19 estimated present value of the real estate, the estimated value
20 of the personal property, and the estimated gross annual income
21 of the estate. If any money is payable, or to become payable,
22 to the proposed ~~ward~~ protected person by the United States
23 through the United States department of veterans affairs, the
24 petition shall so state.
25 Sec. 53. Section 633.591A, Code 2020, is amended to read as
26 follows:
27 **633.591A Voluntary petition for appointment of conservator**
28 **for a minor — standby basis.**
29 A person having physical and legal custody of a minor
30 may execute a verified petition for the appointment of a
31 standby conservator of the proposed ~~ward's~~ protected person's
32 property, upon the express condition that the petition shall
33 be acted upon by the court only upon the occurrence of an event
34 specified or the existence of a described condition of the
35 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 the petition.

Sec. 54. Section 633.603, Code 2020, is amended to read as follows:

633.603 Appointment of foreign conservators.

When there is no conservatorship, nor any application therefor pending, in this state, the duly qualified foreign conservator or guardian of a nonresident ~~ward~~ protected person may, upon application, be appointed conservator of the property of such person in this state; provided that a resident conservator is appointed to serve with the foreign conservator; and provided further, that for good cause shown, the court may appoint the foreign conservator to act alone without the appointment of a resident conservator.

Sec. 55. Section 633.604, Code 2020, is amended to read as follows:

633.604 Application.

The application for appointment of a foreign conservator or guardian as conservator in this state shall include the name and address of the nonresident ~~ward~~ protected person, and of the nonresident conservator or guardian, and the name and address of the resident conservator to be appointed. It shall be accompanied by a certified copy of the original letters or other authority conferring the power upon the foreign conservator or guardian to act as such. The application shall also state the cause for the appointment of the foreign conservator to act as sole conservator, if such be the case.

Sec. 56. Section 633.605, Code 2020, is amended to read as follows:

633.605 Personal property.

A foreign conservator or guardian of a nonresident may be authorized by the court of the county wherein such ~~ward~~ protected person has personal property to receive the same upon compliance with the provisions of sections 633.606, 633.607 and 633.608.

Sec. 57. Section 633.607, Code 2020, is amended to read as follows:

633.607 Order for delivery.

Upon the filing of the bond as above provided, and the court being satisfied with the amount thereof, it shall order the personal property of the ~~ward~~ protected person delivered to such conservator or guardian.

Sec. 58. Section 633.633, Code 2020, is amended to read as follows:

633.633 Provisions applicable to all fiduciaries shall govern.

The provisions of this probate code applicable to all fiduciaries shall govern the appointment, qualification, oath and bond of guardians and conservators, except that a guardian shall not be required to give bond unless the court, for good cause, finds that the best interests of the ~~ward~~ protected person require a bond. The court shall then fix the terms and conditions of such bond.

Sec. 59. Section 633.633B, Code 2020, is amended to read as follows:

633.633B Tort liability of guardians and conservators.

The fact that a person is a guardian or conservator shall not in itself make the person personally liable for damages for the acts of the ~~ward~~ protected person.

Sec. 60. Section 633.636, Code 2020, is amended to read as follows:

633.636 Effect of appointment of guardian or conservator.

The appointment of a guardian or conservator shall not constitute an adjudication that the ~~ward~~ protected person is of unsound mind.

Sec. 61. Section 633.637, Code 2020, is amended to read as follows:

633.637 Powers of ~~ward~~ protected person.

1. A ~~ward~~ protected person for whom a conservator has been appointed shall not have the power to convey, encumber, or

1 dispose of property in any manner, other than by will if the
2 ~~ward~~ protected person possesses the requisite testamentary
3 capacity, unless the court determines that the ~~ward~~ protected
4 person has a limited ability to handle the ~~ward's~~ protected
5 person's own funds. If the court makes such a finding, the
6 court shall specify to what extent the ~~ward~~ protected person
7 may possess and use the ~~ward's~~ protected person's own funds.
8 2. Any modification of the powers of the ~~ward~~ protected
9 person that would be more restrictive of the ~~ward's~~ protected
10 person's control over the ~~ward's~~ protected person's financial
11 affairs shall be based upon clear and convincing evidence
12 and the burden of persuasion is on the conservator. Any
13 modification that would be less restrictive of the ~~ward's~~
14 protected person's control over the ~~ward's~~ protected person's
15 financial affairs shall be based upon proof in accordance with
16 the requirements of section 633.675.
17 Sec. 62. Section 633.637A, Code 2020, is amended to read as
18 follows:
19 **633.637A Rights of ~~ward~~ protected person under guardianship.**
20 An adult ~~ward~~ protected person under a guardianship has the
21 right of communication, visitation, or interaction with other
22 persons upon the consent of the adult ~~ward~~ protected person,
23 subject to section 633.635, subsection 2, paragraph *"i"*, and
24 section 633.635, subsection 3, paragraph *"c"*. If an adult ~~ward~~
25 protected person is unable to give express consent to such
26 communication, visitation, or interaction with a person due
27 to a physical or mental condition, consent of an adult ~~ward~~
28 protected person may be presumed by a guardian or a court based
29 on an adult ~~ward's~~ protected person's prior relationship with
30 such person.
31 Sec. 63. Section 633.638, Code 2020, is amended to read as
32 follows:
33 **633.638 Presumption of fraud.**
34 If a conservator be appointed, all contracts, transfers and
35 gifts made by the ~~ward~~ protected person after the filing of the

1 petition shall be presumed to be a fraud against the rights
2 and interest of the ~~ward~~ protected person except as otherwise
3 directed by the court pursuant to section 633.637.
4 Sec. 64. Section 633.639, Code 2020, is amended to read as
5 follows:
6 **633.639 Title to ~~ward's~~ protected person's property.**
7 The title to all property of the ~~ward~~ protected person is
8 in the ~~ward~~ protected person and not the conservator subject,
9 however, to the possession of the conservator and to the
10 control of the court for the purposes of administration,
11 sale or other disposition, under the provisions of the
12 law. Any real property titled at any time in the name of a
13 conservatorship shall be deemed to be titled in the ~~ward's~~
14 protected person's name subject to the conservator's right of
15 possession.
16 Sec. 65. Section 633.640, Code 2020, is amended to read as
17 follows:
18 **633.640 Conservator's right to possession.**
19 Every conservator shall have a right to, and shall take,
20 possession of all of the real and personal property of the
21 ~~ward~~ protected person. The conservator shall pay the taxes
22 and collect the income therefrom until the conservatorship is
23 terminated. The conservator may maintain an action for the
24 possession of the property, and to determine the title to the
25 same.
26 Sec. 66. Section 633.643, Code 2020, is amended to read as
27 follows:
28 **633.643 Disposal of will by conservator.**
29 When an instrument purporting to be the will of the ~~ward~~
30 protected person comes into the hands of a conservator, the
31 conservator shall immediately deliver it to the court.
32 Sec. 67. Section 633.644, Code 2020, is amended to read as
33 follows:
34 **633.644 Court order to preserve testamentary intent of ~~ward~~**
35 **protected person.**

Upon receiving an instrument purporting to be the will of a living ~~ward~~ protected person under the provisions of section 633.643, the court may open said will and read it. The court with or without notice, as it may determine, may enter such orders in the conservatorship as it deems advisable for the proper administration of the conservatorship in light of the expressed testamentary intent of the ~~ward~~ protected person.

Sec. 68. Section 633.645, Code 2020, is amended to read as follows:

633.645 Court to deliver will to clerk.

An instrument purporting to be the will of a ~~ward~~ protected person coming into the hands of the court under the provisions of section 633.643, shall thereafter be resealed by the court and be deposited with the clerk to be held by said clerk as provided in sections 633.286 through 633.289.

Sec. 69. Section 633.653A, Code 2020, is amended to read as follows:

633.653A Claims for cost of medical care or services.

The provision of medical care or services to a ~~ward~~ protected person who is a recipient of medical assistance under chapter 249A creates a claim against the conservatorship for the amount owed to the provider under the medical assistance program for the care or services. The amount of the claim, after being allowed or established as provided in this part, shall be paid by the conservator from the assets of the conservatorship.

Sec. 70. Section 633.654, Code 2020, is amended to read as follows:

633.654 Form and verification of claims — general requirements.

No claim shall be allowed against the estate of a ~~ward~~ protected person upon application of the claimant unless it shall be in writing, filed in duplicate with the clerk, stating the claimant's name and address, and describing the nature and the amount thereof, if ascertainable. It shall be accompanied by the affidavit of the claimant, or of someone for

the claimant, that the amount is justly due, or if not due, when it will or may become due, that no payments have been made thereon which are not credited, and that there are no offsets to the same, to the knowledge of the affiant, except as therein stated. The duplicate of said claim shall be mailed by the clerk to the conservator or the conservator's attorney of record; however, valid contract claims arising in the ordinary course of the conduct of the business or affairs of the ~~ward~~ protected person by the conservator may be paid by the conservator without requiring affidavit or filing.

Sec. 71. Section 633.656, Code 2020, is amended to read as follows:

633.656 How claim entitled.

All claims filed against the estate of the ~~ward~~ protected person shall be entitled in the name of the claimant against the conservator as such, naming the conservator, and in all further proceedings thereon, this title shall be preserved.

Sec. 72. Section 633.660, Code 2020, is amended to read as follows:

633.660 Execution and levy prohibited.

No execution shall issue upon, nor shall any levy be made against, any property of the estate of a ~~ward~~ protected person under any judgment against the ~~ward~~ protected person or a conservator, but the provisions of this section shall not be so construed as to prevent the enforcement of a mortgage, pledge, or other lien upon property in an appropriate proceeding.

Sec. 73. Section 633.661, Code 2020, is amended to read as follows:

633.661 Claims of conservators.

If the conservator is a creditor of the ~~ward~~ protected person, the conservator shall file the claim as other creditors, and the court shall appoint some competent person as temporary conservator to represent the ~~ward~~ protected person at the hearing on the conservator's claim. The same procedure shall be followed in the case of coconservators where all

1 such conservators are creditors of the ~~ward~~ protected person;
2 but if one of the coconservators is not a creditor of the
3 ~~ward~~ protected person, such disinterested conservator shall
4 represent the ~~ward~~ protected person at the hearing on any claim
5 against the ~~ward~~ protected person by a coconservator.
6 Sec. 74. Section 633.662, Code 2020, is amended to read as
7 follows:
8 **633.662 Claims not filed.**
9 The conservator may pay any valid claim against the estate of
10 the ~~ward~~ protected person even though such claim has not been
11 filed, but all such payments made by the conservator shall be
12 at the conservator's own peril.
13 Sec. 75. Section 633.664, Code 2020, is amended to read as
14 follows:
15 **633.664 Liens not affected by failure to file claim.**
16 Nothing in sections 633.654 and 633.658 shall affect or
17 prevent an action or proceeding to enforce any mortgage,
18 pledge, or other lien upon the property of the ~~ward~~ protected
19 person.
20 Sec. 76. Section 633.665, Code 2020, is amended to read as
21 follows:
22 **633.665 Separate actions and claims.**
23 1. Any action pending against the ~~ward~~ protected person at
24 the time the conservator is appointed shall also be considered
25 a claim filed in the conservatorship if notice of substitution
26 is served on the conservator as defendant and a duplicate of
27 the proof of service of notice of such proceeding is filed in
28 the conservatorship proceeding.
29 2. A separate action based on a debt or other liability
30 of the ~~ward~~ protected person may be commenced against the
31 conservator in lieu of filing a claim in the conservatorship.
32 Such an action shall be commenced by serving an original notice
33 on the conservator and filing a duplicate of the proof of
34 service of notice of such proceeding in the conservatorship
35 proceeding. Such an action shall also be considered a claim

filed in the conservatorship. Such an action may be commenced only in a county where the venue would have been proper if there were no conservatorship and the action had been commenced against the ~~ward~~ protected person.

Sec. 77. Section 633.667, Code 2020, is amended to read as follows:

633.667 Payment of claims in insolvent conservatorships.

When it appears that the assets in a conservatorship are insufficient to pay in full all the claims against such conservatorship, the conservator shall report such matter to the court, and the court shall, upon hearing, with notice to all persons who have filed claims in the conservatorship, make an order for the pro rata payment of claims giving claimants the same priority, if any, as they would have if the ~~ward~~ protected person were not under conservatorship.

Sec. 78. Section 633.668, Code 2020, is amended to read as follows:

633.668 Conservator may make gifts.

For good cause shown and under order of court, a conservator may make gifts on behalf of the ~~ward~~ protected person out of the assets under a conservatorship to persons or religious, educational, scientific, charitable, or other nonprofit organizations to whom or to which such gifts were regularly made prior to the commencement of the conservatorship, or on a showing to the court that such gifts would benefit the ~~ward~~ protected person or the ~~ward's~~ protected person's estate from the standpoint of income, gift, estate or inheritance taxes. The making of gifts out of the assets must not foreseeably impair the ability to provide adequately for the best interests of the ~~ward~~ protected person.

Sec. 79. Section 633.673, Code 2020, is amended to read as follows:

633.673 Court costs in guardianships.

The ~~ward~~ protected person or the ~~ward's~~ protected person's estate shall be charged with the court costs of a ~~ward's~~

protected person's guardianship, including the guardian's fees and the fees of the attorney for the guardian. The court may, upon application, enter an order waiving payment of the court costs in indigent cases. However, if the ~~ward~~ protected person or ~~ward's~~ protected person's estate becomes financially capable of paying any waived costs, the costs shall be paid immediately.

Sec. 80. Section 633.676, Code 2020, is amended to read as follows:

633.676 Assets exhausted.

At any time that the assets of the ~~ward's~~ protected person's estate do not exceed the amount of the charges and claims against it, the court may direct the conservator to proceed to terminate the conservatorship.

Sec. 81. Section 633.677, Code 2020, is amended to read as follows:

633.677 Accounting to ~~ward~~ protected person — notice.

Upon the termination of a conservatorship, the conservator shall pay the costs of administration and shall render a full and complete accounting to the ~~ward~~ protected person or the ~~ward's~~ protected person's personal representative and to the court. Notice of the final report of a conservator shall be served on the ~~ward~~ protected person or the ~~ward's~~ protected person's personal representative, in accordance with section 633.40, unless notice is waived. An order prescribing notice may be made before or after the filing of the final report.

Sec. 82. Section 633.681, Code 2020, is amended to read as follows:

633.681 Assets of minor ~~ward~~ protected person exhausted.

When the assets of a minor ~~ward's~~ protected person's conservatorship are exhausted or consist of personal property only of an aggregate value not in excess of twenty-five thousand dollars, the court, upon application or upon its own motion, may terminate the conservatorship. The order for termination shall direct the conservator to deliver any

1 property remaining after the payment of allowed claims and
2 expenses of administration to a custodian under any uniform
3 transfers to minors Act. Such delivery shall have the same
4 force and effect as if delivery had been made to the ~~ward~~
5 protected person after attaining majority.
6 Sec. 83. Section 633.682, Code 2020, is amended to read as
7 follows:
8 **633.682 Discharge of conservator and release of bond.**
9 Upon settlement of the final accounting of a conservator,
10 and upon determining that the property of the ~~ward~~ protected
11 person has been delivered to the person or persons lawfully
12 entitled thereto, the court shall discharge the conservator and
13 exonerate the surety on the conservator's bond.>
14 2. Title page, by striking lines 1 through 4 and
15 inserting <An Act relating to the opening, administration,
16 and termination of adult and minor guardianships and
17 conservatorships, including conforming changes, and including
18 effective date and retroactive applicability provisions.>

By HITE of Mahaska

H-8170 FILED JUNE 3, 2020

SENATE FILE 2321

H-8178

1 Amend the amendment, H-8170, to Senate File 2321, as
2 amended, passed, and reprinted by the Senate, as follows:
3 1. Page 2, after line 17 by inserting:
4 <4. The office of ombudsman.>

By ISENHART of Dubuque

H-8178 FILED JUNE 3, 2020

1 Amend Senate File 2338, as passed by the Senate, as follows:
2 1. Page 1, by striking lines 1 through 14 and inserting:
3 <DIVISION I
4 EVIDENCE OF MEDICAL EXPENSES AND RECOVERABLE DAMAGES FOR
5 MEDICAL EXPENSES>
6 2. Page 2, after line 5 by inserting:
7 <DIVISION ___
8 COVID-19-RELATED LIABILITY
9 Sec. ___. NEW SECTION. **686D.1 Short title.**
10 This chapter shall be known and may be cited as the *"COVID-19*
11 *Response and Back-to-Business Limited Liability Act"*.
12 Sec. ___. NEW SECTION. **686D.2 Definitions.**
13 When used in this chapter, unless the context otherwise
14 requires:
15 1. *"COVID-19"* means the novel coronavirus identified
16 as SARS-CoV-2, the disease caused by the novel coronavirus
17 SARS-CoV-2 or a virus mutating therefrom, and conditions
18 associated with the disease caused by the novel coronavirus
19 SARS-CoV-2 or a virus mutating therefrom.
20 2. *"Disinfecting or cleaning supplies"* means and includes
21 hand sanitizers, disinfectants, sprays, and wipes.
22 3. *"Health care facility"* means and includes all of the
23 following:
24 *a.* A facility as defined in section 514J.102.
25 *b.* A facility licensed pursuant to chapter 135B.
26 *c.* A facility licensed pursuant to chapter 135C.
27 *d.* Residential care facilities, nursing facilities,
28 intermediate care facilities for persons with mental illness,
29 intermediate care facilities for persons with intellectual
30 disabilities, hospice programs, elder group homes, and assisted
31 living programs.
32 4. *"Health care professional"* means physicians and other
33 health care practitioners who are licensed, certified, or
34 otherwise authorized or permitted by the laws of this state
35 to administer health care services in the ordinary course

of business or in the practice of a profession, whether paid or unpaid, including persons engaged in telemedicine or telehealth. *"Health care professional"* includes the employer or agent of a health care professional who provides or arranges health care.

5. *"Health care provider"* means and includes a health care professional, health care facility, home health care facility, and any other person or facility otherwise authorized or permitted by any federal or state statute, regulation, order, or public health guidance to administer health care services or treatment.

6. *"Health care services"* means services for the diagnosis, prevention, treatment, care, cure, or relief of a health condition, illness, injury, or disease.

7. *"Minimum medical condition"* means a diagnosis of COVID-19 that requires inpatient hospitalization or results in death.

8. *"Person"* means the same as defined in section 4.1. *"Person"* includes an agent of a person.

9. *"Personal protective equipment"* means and includes protective clothing, gloves, face shields, goggles, facemasks, respirators, gowns, aprons, coveralls, and other equipment designed to protect the wearer from injury or the spread of infection or illness.

10. *"Premises"* means and includes any real property and any appurtenant building or structure serving a commercial, residential, educational, religious, governmental, cultural, charitable, or health care purpose.

11. *"Public health guidance"* means and includes written guidance related to COVID-19 issued by any of the following:

a. The centers for disease control and prevention of the federal department of health and human services.

b. The centers for Medicare and Medicaid services of the federal department of health and human services.

c. The federal occupational safety and health administration.

1 *d.* The office of the governor.
2 *e.* Any state agency, including the department of public
3 health.
4 12. *"Qualified product"* means and includes all of the
5 following:
6 *a.* Personal protective equipment used to protect the wearer
7 from COVID-19 or to prevent the spread of COVID-19.
8 *b.* Medical devices, equipment, and supplies used to treat
9 COVID-19, including medical devices, equipment, or supplies
10 that are used or modified for an unapproved use to treat
11 COVID-19 or to prevent the spread of COVID-19.
12 *c.* Medical devices, equipment, and supplies used outside of
13 their normal use to treat COVID-19 or to prevent the spread of
14 COVID-19.
15 *d.* Medications used to treat COVID-19, including medications
16 prescribed or dispensed for off-label use to attempt to treat
17 COVID-19.
18 *e.* Tests to diagnose or determine immunity to COVID-19.
19 *f.* Any component of an item described in paragraphs *"a"*
20 through *"e"*.
21 Sec. ___. NEW SECTION. **686D.3 Actual injury requirement in**
22 **civil actions alleging COVID-19 exposure.**
23 A person shall not bring or maintain a civil action alleging
24 exposure or potential exposure to COVID-19 unless one of the
25 following applies:
26 1. The civil action relates to a minimum medical condition.
27 2. The civil action involves an act that was intended to
28 cause harm.
29 3. The civil action involves an act that constitutes actual
30 malice.
31 Sec. ___. NEW SECTION. **686D.4 Premises owner's duty of care**
32 **— limited liability.**
33 A person who possesses or is in control of a premises,
34 including a tenant, lessee, or occupant of a premises, who
35 directly or indirectly invites or permits an individual onto

a premises, shall not be liable for civil damages for any injuries sustained from the individual's exposure to COVID-19, whether the exposure occurs on the premises or during any activity managed by the person who possesses or is in control of a premises, unless any of the following apply to the person who possesses or is in control of the premises:

1. The person who possesses or is in control of the premises recklessly disregards a substantial and unnecessary risk that the individual would be exposed to COVID-19.

2. The person who possesses or is in control of the premises exposes the individual to COVID-19 through an act that constitutes actual malice.

3. The person who possesses or is in control of the premises intentionally exposes the individual to COVID-19.

Sec. ___. NEW SECTION. **686D.5 Safe harbor for compliance with regulations, executive orders, or public health guidance.**

A person in this state shall not be held liable for civil damages for any injuries sustained from exposure or potential exposure to COVID-19 if the act or omission alleged to violate a duty of care was in substantial compliance or was consistent with any federal or state statute, regulation, order, or public health guidance related to COVID-19 that was applicable to the person or activity at issue at the time of the alleged exposure or potential exposure.

Sec. ___. NEW SECTION. **686D.6 Liability of health care providers.**

1. A health care provider shall not be liable for civil damages for causing or contributing, directly or indirectly, to the death or injury of an individual as a result of the health care provider's acts or omissions while providing or arranging health care in support of the state's response to COVID-19. This subsection shall apply to all of the following:

a. Injury or death resulting from screening, assessing, diagnosing, caring for, or treating individuals with a suspected or confirmed case of COVID-19.

1 *b.* Prescribing, administering, or dispensing a
2 pharmaceutical for off-label use to treat a patient with a
3 suspected or confirmed case of COVID-19.
4 *c.* Acts or omissions while providing health care to
5 individuals unrelated to COVID-19 when those acts or omissions
6 support the state's response to COVID-19, including any of the
7 following:
8 (1) Delaying or canceling nonurgent or elective dental,
9 medical, or surgical procedures, or altering the diagnosis or
10 treatment of an individual in response to any federal or state
11 statute, regulation, order, or public health guidance.
12 (2) Diagnosing or treating patients outside the normal
13 scope of the health care provider's license or practice.
14 (3) Using medical devices, equipment, or supplies outside
15 of their normal use for the provision of health care, including
16 using or modifying medical devices, equipment, or supplies for
17 an unapproved use.
18 (4) Conducting tests or providing treatment to any
19 individual outside the premises of a health care facility.
20 (5) Acts or omissions undertaken by a health care provider
21 because of a lack of staffing, facilities, medical devices,
22 equipment, supplies, or other resources attributable to
23 COVID-19 that renders the health care provider unable to
24 provide the level or manner of care to any person that
25 otherwise would have been required in the absence of COVID-19.
26 (6) Acts or omissions undertaken by a health care provider
27 relating to use or nonuse of personal protective equipment.
28 2. This section shall not relieve any person of liability
29 for civil damages for any act or omission which constitutes
30 recklessness or willful misconduct.
31 Sec. ___. NEW SECTION. **686D.7 Supplies, equipment, and**
32 **products designed, manufactured, labeled, sold, distributed, and**
33 **donated in response to COVID-19.**
34 1. Any person that designs, manufactures, labels, sells,
35 distributes, or donates household disinfecting or cleaning

1 supplies, personal protective equipment, or a qualified product
2 in response to COVID-19 shall not be liable in a civil action
3 alleging personal injury, death, or property damage caused by
4 or resulting from the design, manufacturing, labeling, selling,
5 distributing, or donating of the household disinfecting
6 or cleaning supplies, personal protective equipment, or a
7 qualified product.
8 2. Any person that designs, manufactures, labels, sells,
9 distributes, or donates household disinfecting or cleaning
10 supplies, personal protective equipment, or a qualified product
11 in response to COVID-19 shall not be liable in a civil action
12 alleging personal injury, death, or property damage caused by
13 or resulting from a failure to provide proper instructions or
14 sufficient warnings.
15 3. This section shall not apply in the event of any of the
16 following:
17 *a.* The person that designs, manufactures, labels, sells,
18 distributes, or donates household disinfecting or cleaning
19 supplies, personal protective equipment, or a qualified
20 product had actual knowledge of a defect in the household
21 disinfecting or cleaning supplies, personal protective
22 equipment, or a qualified product when put to the use for which
23 the household disinfecting or cleaning supplies, personal
24 protective equipment, or a qualified product was designed,
25 manufactured, sold, distributed, or donated, and the person
26 recklessly disregarded a substantial and unnecessary risk that
27 the household disinfecting or cleaning supplies, personal
28 protective equipment, or a qualified product would cause
29 serious personal injury, death, or serious property damage.
30 *b.* The person that designs, manufactures, labels, sells,
31 distributes, or donates household disinfecting or cleaning
32 supplies, personal protective equipment, or a qualified product
33 acted with actual malice.
34 Sec. ___. NEW SECTION. **686D.8 Construction.**
35 This chapter shall not be construed to do any of the

1 following:
2 1. Create, recognize, or ratify a claim or cause of action
3 of any kind.
4 2. Eliminate or satisfy a required element of a claim or
5 cause of action of any kind.
6 3. Affect the rights or limits under workers' compensation
7 as provided in chapter 85, 85A, or 85B.
8 4. Abrogate, amend, repeal, alter, or affect any statutory
9 or common law immunity or limitation of liability.
10 Sec. ___. RETROACTIVE APPLICABILITY. This division of this
11 Act applies retroactively to January 1, 2020.>
12 3. Title page, by striking lines 1 through 4 and inserting
13 <An Act relating to civil actions, including recoverable
14 damages for medical expenses, evidence offered to prove
15 past medical expenses, and civil actions related to the
16 novel coronavirus, and including retroactive applicability
17 provisions.>
18 4. By renumbering as necessary.

By COMMITTEE ON COMMERCE
CARLSON of Muscatine, Chairperson

H-8173 FILED JUNE 3, 2020

SENATE FILE 2356

H-8174

1 Amend Senate File 2356, as passed by the Senate, as follows:
2 1. Page 5, line 26, by striking <or endorsement for>
3 and inserting <with an endorsement for prekindergarten,
4 prekindergarten or elementary>
5 2. Page 5, line 26, by striking <education> and inserting
6 <education,>

By COMMITTEE ON EDUCATION
DOLECHECK of Ringgold, Chairperson

H-8174 FILED JUNE 3, 2020

Fiscal Note

Fiscal Services Division

SF 2363 – Medical Cannabidiol Changes (LSB5644SV)
Staff Contact: Kenneth Ohms (515.725.2200) kenneth.ohms@legis.iowa.gov
Fiscal Note Version – New

Description

Senate File 2363 amends the Iowa Medical Cannabidiol (mCBD) Program. Changes relevant to the fiscal impact include:

- Revises "untreatable pain" to "severe or chronic pain" on the list of debilitating medical conditions for which mCBD may be used.
- Adds autism and post-traumatic stress disorder to the list of debilitating medical conditions for which mCBD may be used.
- Expands the definition of "health care practitioner" to include physician assistants, podiatrists, advanced registered nurse practitioners, and advanced practice registered nurses, and makes conforming Program changes.
- Removes mCBD Program participation restrictions on felons.
- Removes the Department of Transportation (DOT) from the mCBD registration card issuing process, and requires the Department of Public Health (DPH) to issue the registration cards to patients, and makes conforming changes.
- Removes the restriction on mCBD containing more than 3.0% tetrahydrocannabinol (THC).
- Adds a restriction that an mCBD dispensary cannot dispense more than a combined total of 25 grams of THC to a patient or primary caregiver in a 90-day period.
- Extends the validity time period for an mCBD registration card from one year to two years.
- Caps the annual renewal fee at $2,000 for mCBD manufacturers and dispensaries.

Background

Sales of mCBD through the Iowa mCBD Program began in December 2018. The mCBD Program transitioned to a fee-sustained program and does not include any General Fund revenues in the FY 2020 budget. Iowa currently licenses two mCBD manufacturers and five mCBD dispensaries. A high-level summary of the mCBD Program revenues and total expenditures from the State Accounting System is presented in the following table.

	FY 2016	FY 2017	FY 2018	FY 2019	Estimated FY 2020
Beginning Balance	$ 0	$ 0	$ 0	$ 165,187	$ 692,246
General Fund	$ 25,000	$ 22,100	$ 322,100	$ 322,100	$ 0
Card Fees	0	650	171,225	232,381	190,790
Manufacturer Fees	0	0	0	300,000	200,000
Dispensary Fees	0	0	0	300,000	200,000
Annual Revenues	$ 25,000	$ 22,750	$ 493,325	$ 1,154,481	$ 590,790
Total Resources	**$ 25,000**	**$ 22,750**	**$ 493,325**	**$ 1,319,668**	**$ 1,283,036**
Total Expenses	$ 25,000	$ 22,750	$ 328,138	$ 627,422	$ 1,283,036
Carry Forward Balance	**$ 0**	**$ 0**	**$ 165,187**	**$ 692,246**	**$ 0**

Assumptions

- Under current law, total card revenue for FY 2020 is estimated at $288,000.
- Since sales began in December 2018, there is not sufficient data available to forecast new enrollment versus renewal enrollment at this time. For the purposes of this estimate, all cards issued in FY 2020 will be renewed in FY 2021. New enrollment, while foreseeable, is excluded.
- Expanding the list of debilitating medical conditions for which mCBD may be used and allowing for more certifying health care practitioners will increase patient access to mCBD.
- The $2,000 annual fee for manufacturers and dispensaries listed in the Bill will limit the DPH authority in Iowa Code section 124E.11(2)(f) to charge fees for regulation.
- The fee DPH would assess manufacturers and dispensaries in FY 2021 and future fiscal years under current law will be $200,000 annually.
- The cost of an mCBD registration card is established in Iowa Code and cannot be changed by the DPH. Registration cards for patients are $100 unless the patient is on Social Security disability benefits, supplemental security income payments, or is a Medicaid recipient, then the fee is $25. Caregiver cards are $25, and 15.0% of enrolled patients have caregivers who get cards.
- An estimated 40.0% of patients qualify for the reduced fee card.
- The mCBD Program retains fees at the end of the fiscal year for use in the following fiscal year. The estimated amount of fee revenue to carry forward into FY 2021 is $500,000.
- The Seed-to-Sale tracking system will require updates to comply with the new purchasing cap.
- The data collection and reporting on patient outcomes study language is permissive.

Fiscal Impact

Moving to a biennial registration card issuance cycle will decrease revenues to the mCBD Program. Capping manufacturer and dispensary regulatory fees will decrease revenues to the mCBD Program. The estimated impact of these two changes are outlined in the table below.

	Current Law			**SF 2363**			
	Registration Card Fees	Manufacturer Fees	Dispensary Fees	Registration Card Fees	Manufacturer Fees	Dispensary Fees	**Fee Revenue Fiscal Impact**
FY 2021	$ 288,000	$ 100,000	$ 100,000	$ 0	$ 4,000	$ 10,000	$ -474,000
FY 2022	288,000	100,000	100,000	288,000	4,000	10,000	-186,000
FY 2023	288,000	100,000	100,000	0	4,000	10,000	-474,000
FY 2024	288,000	100,000	100,000	288,000	4,000	10,000	-186,000
FY 2025	288,000	100,000	100,000	0	4,000	10,000	-474,000

To the extent that more patients qualify for the Program and more certifying health care practitioners are available to certify conditions, there will be increased applications and fees to the DPH for mCBD registration. The scope of this impact is unknown. It takes approximately 1,560 patient and caregiver card applications to generate $100,000 in fee revenue. If the application volume increases enough, the DPH will need to hire additional registration clerks at approximately $47,000 for every 3,000 applications received in a given year.

While revenues would decrease in FY 2021, the estimated balance carryforward would be sufficient to fund the Program. FY 2022 is difficult to forecast due to the unknown impact of additional covered conditions and certifying health care practitioners.

Costs associated with updating the patient tracking system for the DPH to issue cards are estimated at $25,000 in FY 2021. The DOT operating budget is projected to save an estimated

$27,000 annually, due to no longer having to issue registration cards. The DPH may contract for data collection and reporting on patient outcomes if the budget has sufficient capacity.

Sources

Department of Public Health
Department of Transportation
LSA analysis and calculations

/s/ Holly M. Lyons

June 2, 2020

Doc ID 1131378

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

HF 2502 – Firearms, Preemption (LSB5735HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – New
Requestor: Senator Kevin Kinney

Description

House File 2502 relates to the carrying, possession, or transportation of weapons in buildings or physical structures located on property under the control of a political subdivision, in county courthouses, and the regulation by counties and cities related to the storage of weapons and location of shooting ranges.

Sections 1 and 2: Shooting Ranges

The Bill prohibits a county board of supervisors, a city council, or an appropriate city or county zoning commission from requiring an individual to seek approval to comply with any conditions on the establishment, use, or maintenance of a shooting range that are more stringent than those imposed by State law. However, the board of supervisors, city council, or appropriate zoning commission is still required to apply and enforce properly adopted restrictions and zoning regulations.

Section 3: Firearm Attachments and Modifications

The Bill expands the existing prohibition of a political subdivision enacting any ordinance regulating the ownership, possession, transfer, transportation, registration, and licensing of firearms to include the modification of firearms, and adds firearm attachments and other weapons to the list of items prohibited from regulation by local law.

Section 3 of the Bill also provides that beginning July 1, 2020, any individual adversely affected by a political subdivision's ordinance or similar policy regulating firearms may take legal action to seek damages that have resulted out of the violation. Should the affected individual's legal action prove successful, the presiding court shall also award the individual reasonable attorney fees and litigation costs.

Section 4: Regulation and Screening – Political Subdivisions

Section 4 of the Bill allows a political subdivision to restrict weapons in buildings and structures under its control if adequate arrangements are made to screen persons for weapons and the political subdivision provides armed security personnel inside the building or structure where the restriction is in effect.

Section 5: Storage of Weapons

Beginning July 1, 2020, the Bill prohibits a political subdivision from enacting an ordinance, motion, resolution, or amendment regulating the storage of weapons or ammunition.

Section 6: Weapon Prohibition – County Courthouses

The Bill provides that any Supreme Court or Judicial Branch order that prohibits a person from lawfully carrying, possessing, or transporting a weapon in a county courthouse or other joint-use

public facility is unenforceable and void unless such an order only applies to a courtroom or court office, or to a courthouse used only for Judicial Branch functions.

Background

Pursuant to Iowa Code section 724.28, a political subdivision is currently prohibited from enacting, adopting, or amending any ordinance or similar policy that regulates ownership, possession, legal transfer, transportation, registration, or otherwise lawful licensing of firearms. A political subdivision, as referenced in Iowa Code section 724.28, is defined as a county, city, or township.

Under current law, an individual seeking to improve property acquired to establish, use, or maintain a shooting range, or substantially change the existing use of a shooting range, must first obtain approval from the appropriate city or county zoning commission, the county board of supervisors, or city council.

Additionally, current law provides that a political subdivision is prohibited from enacting, adopting, or amending any ordinance or similar policy that regulates ownership, possession, legal transfer, transportation, registration, or otherwise lawful licensing of firearms. On June 19, 2017, the Iowa Supreme Court issued a supervisory order that prohibited all firearms in court-controlled spaces and public areas of courthouses. In December 2017, the Court supplemented the order by requiring county supervisors or other local government officials to file a written request with the Chief Judge of a judicial district to allow firearms in certain areas of a courthouse. Under current law, firearm prohibition measures differ from courthouse to courthouse.

Assumptions

- Although the Bill does not so mandate, it is likely individual political subdivisions, including courthouses, will continue to provide security parameters regarding firearms and ammunition.
- If a political subdivision chooses to restrict firearms in a public building, security personnel, such as guards, deputies, and police officers, would be required to be available for duty approximately 40 to 60 hours per week in public buildings located in political subdivisions that elect to limit firearms.
- According to the National Institute for Justice, a magnetometer, or security wand, generally costs $140 per unit.

Fiscal Impact

Sections 1 and 2:

Sections 1 and 2 of HF 2502 are not expected to have a fiscal impact.

Section 3:

The fiscal impact of Section 3 cannot be determined. This section explicitly prohibits political subdivisions from enacting an ordinance or policy that regulates firearm modification and adds firearms attachments and other weapons to the list of nonregulated items. Individual political subdivisions may need to adjust existing security measures to accommodate these additions. Any resulting costs would be the responsibility of the political subdivision and cannot be determined at this time.

Section 4:

The fiscal impact of Section 4 cannot be determined at this time. Although the Bill does not mandate political subdivisions to provide security personnel and screening measures in public

buildings, it requires them to adequately do so if that political subdivision makes the choice to explicitly restrict the carrying and possession of a firearm in any area of the building that is not solely used for Judicial Branch functions. Potential costs arising from this decision are the responsibility of the political subdivision.

Political Subdivision – Counties:
Data was collected from a cross-section of different counties located in the State, ranging from population of approximately 17,200 to 474,000. This cross-section of counties included counties that currently utilize some combination of security personnel and screening equipment, and counties that would need to hire additional security personnel and invest in new screening equipment.

Of the counties that responded to the information request from the Iowa State Association of Counties (ISAC), none indicated that they would choose not to restrict firearms in public buildings. However, it is possible that a county may elect to restrict firearms and as a result, need to invest in security personnel and screening equipment.

Depending on the population size, various counties estimated an increased need for security personnel ranging from one to five additional positions. These positions, which will likely be staffed by uniform officers—i.e., security guards, bailiffs, or sheriff deputies—range in salary and benefit cost estimates from approximately $77,000 to $110,000 annually. Estimated annual costs of screening and security equipment also vary widely, from $140 for a magnetometer up to $300,000 for purchasing, implementing, and maintaining a single point of entry screening tool, such as an x-ray machine.

Individual county costs may vary greatly based on the security measures a county currently utilizes, as well as other factors such as population, building size, and building usage. Should a county choose to place restrictions on weapons in public buildings and structures under its control, costs to accommodate the salary and benefits of security personnel and new screening equipment may range from no fiscal impact to minimal fiscal impact to approximately $900,000 or more annually.

Political Subdivision – Cities:
According to the Iowa League of Cities (ILOC), which represents more than 870 cities of various population size within the State, costs of hiring security personnel and screening technology should a city choose to regulate firearms in a public building or structure may vary based on a variety of factors, including existing technology, city population, building size, number, and building usage.

The ILOC has provided a basic estimate for a city that chooses to regulate firearms in a public building. Below are two cost estimate scenarios for hiring security personnel and purchasing screening equipment.

Scenario 1: Security Guard	
Salary and Benefits	$48,750
Security Guard Wand	140
***Total:**	**$48,890**
**per building, per year*	

Scenario 2: Police Officer	
Salary and Benefits	$87,750
Security Guard Wand	140
***Total:**	**$87,890**
**per building, per year*	

Should a city choose to restrict firearms in a public building and as a result, install a body scanner, the cost is estimated to total $20,000 per body scanner and $10,000 per baggage scanner. Installation and building modification costs are estimated to total up to $100,000 per public building.

Some cities and counties may choose not to restrict firearms in public buildings, in which case, the Bill would not have a fiscal impact in these political subdivisions.

Section 5:
Section 5 of the Bill is not expected to have a fiscal impact.

Section 6:
The fiscal impact of Section 6 cannot be determined. Although the Judicial Branch does not expect to incur any costs related to the implementation of the Bill, individual county courthouses oversee and fund courthouse security parameters. It is possible that individual courthouses and/or county sheriffs who provide courthouse security may experience an increase in security-related costs resulting from the provisions of the Bill.

In response to a potential cost estimate for accommodating the provisions of HF 2502, Story County officials estimate the county would need to hire five additional court security officers (CSO) at approximately $87,500 each for salary and benefits, uniforms, and job-related equipment. Story County estimates costs totaling approximately $437,500 in the first year of implementation, and approximately $411,000 each year thereafter.

Sources

Legislative Services Agency
Iowa League of Cities
Iowa State Association of Counties
Judicial Branch
National Institute of Justice

/s/ Holly M. Lyons

June 2, 2020

Doc ID 1132321

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

HF 2554 – Continuous Sexual Abuse of a Child (LSB5316HV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description

House File 2554 as amended creates a new criminal offense of continuous sexual abuse of a child. Under the Bill, a person 18 years of age or older commits continuous sexual abuse of a child when the victim is a child (under the age of 14), at least 30 days have elapsed between the first and last acts of sexual abuse, and the person engages in three or more acts of sexual abuse in violation of:

- Iowa Code section 709.2 (1st degree Sexual Abuse),
- Iowa Code section 709.3 (2nd degree Sexual Abuse),
- Iowa Code section 709.4 (3rd degree Sexual Abuse),
- Iowa Code section 709.8 (Lascivious Acts with a Child), or
- Iowa Code section 709.12 (Indecent Contact with a Child)

House File 2554 as amended defines continuous sexual abuse as an aggravated offense or an aggravated offense against a minor under Iowa Code section 692A.101 for the purposes of the sex offender registry. Under the Bill, a violation of new Iowa Code section 709.23 is a Tier II sex offense for the purposes of the sex offender registry.

Under the Bill, a person who is convicted of continuous sexual abuse is subject to an enhanced penalty under Iowa Code section 902.14. The Bill also provides that a person who is convicted of continuous sexual abuse may be required by the court or the Board of Parole to undergo hormonal intervention therapy under Iowa Code section 903B.10 as part of a condition of release.

Background

A person who commits a violation of this Bill is guilty of a Class B felony. The Bill allows a court to sentence a person guilty of continuous sexual abuse to maximum confinement of 50 years, if the combination of three acts includes a violation of sexual abuse in the second degree or sexual abuse in the third degree. The default sentence for a Class B felony is maximum confinement of 25 years.

Under Iowa Code section 902.14, a person receives an enhanced penalty and commits a class A felony if the person commits a second or subsequent offense involving any combination of the following offenses:

- Sexual Abuse in the Second Degree (Iowa Code section 709.3)
- Sexual Abuse in the Third Degree (Iowa Code section 709.4)
- Lascivious Acts with a Child (Iowa Code section 709.4)

This Bill adds continuous sexual abuse as an offense that may qualify towards the enhanced penalty.

Any person convicted of a serious sex offense as defined by Iowa Code section 903B.10 may be required by the court or the Board of Parole to undergo hormonal intervention therapy as a

condition of release. Persons required to undergo this treatment are required to pay a reasonable fee to pay for the costs of providing the treatment. A requirement that a person pay a fee shall include a provision for reduction, deferral, or waiver of payment if the person is financially unable to pay the fee. Under the Bill, those who are convicted of continuous sexual abuse may be required to undergo this treatment.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be $50 per day.
- The average marginal cost for prison is $20.38 per day.
- The average length of stay of an individual convicted of continuous sexual abuse of a child will be 176.6 months.

Correctional Impact

House File 2554 as amended creates a new criminal offense and the correctional impact is unknown. In FY 2019, there were 156 individuals who were admitted to prison on at least one of the offenses listed under this Bill. Sixty-one of these individuals were convicted of an offense which specified a child victim was involved.

It is estimated that some of those who are admitted annually to prison for similar offenses and serving Class C or D felonies will receive sentence enhancements under this Bill. In FY 2019, the current average length of stay for those exiting prison under those sentences was 54.3 months for a Class C felony and 25.0 months for a Class D felony. It is estimated that the average length of stay for those convicted of this offense would increase to 176.6 months. The extent of the increase cannot be calculated due to unavailable data relating to the duration of abuse.

Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, Cost Estimates Used for Correctional Impact Statements, dated January 16, 2020, for information related to the correctional system.

Minority Impact

House File 2554 as amended creates a new criminal offense and the minority impact cannot be estimated due to a lack of data.

Refer to the LSA memo addressed to the General Assembly, Minority Impact Statement, dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact of HF 2554 as amended cannot be estimated due to the unknown correctional impact. Given that the average length of stay would increase to 176.6 months, the estimated cost for an admission to prison for a violation of this Bill would be approximately $109,000 per offender.

Currently, the cost to incarcerate an individual convicted of a Class C or D felony listed in this Bill is approximately $34,000 and $15,000, respectively. It is estimated that some of these admissions will become Class B felonies under this Bill. The increased cost for those previously admitted to prison as a Class C or D felony would be $76,000 and $94,000, respectively.

The State cost of a Class A felony must be calculated on an individual basis to determine prison costs. At a minimum, Class A felonies require two indigent defense attorneys at a cost of approximately $36,000 and include court time and jury trial costs ranging from $10,000 to $14,300.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

/s/ Holly M. Lyons

June 3, 2020

Doc ID 11333101133310

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

HF 2581 – Hemp Consumer and Public Safety (LSB5404HV)
Staff Contact: Christin Mechler (515.250.0458) christin.mechler@legis.iowa.gov
Fiscal Note Version – As amended and passed by the House

Description and Background

House File 2581 amends several provisions of Senate File 599 (Iowa Hemp Act), as enacted in 2019, including associated provisions of new Iowa Code chapter 204. Senate File 599 authorized the production of *Cannabis sativa L.*, a certain type of cannabis, as well as the manufacture, sale, and transportation of hemp products if such products contain a concentration of no more than 0.3% delta-9 tetrahydrocannabinol (THC) on a dry weight basis.

The federal Agriculture Improvement Act of 2018, commonly known as the 2018 Farm Bill, included provisions authorizing the production of hemp, allowing states and tribes to assume primary regulatory authority over the production of hemp by submitting a plan of approval to the United States Department of Agriculture (USDA). At this time, the USDA has not approved or denied Iowa's state plan. The Iowa Hemp Act is to be implemented on the publication date of the Iowa Administrative Bulletin that includes an approval statement of Iowa's state plan from the USDA.

House File 2581 regulates hemp as a commodity and allows for the manufacture, sale, and consumption of consumable hemp products by humans if all of the following provisions apply:

- The consumable hemp product was manufactured in Iowa in compliance with Iowa Code chapter 204.
- The hemp contained in the consumable hemp product was produced exclusively in Iowa in compliance with Iowa Code chapter 204.
- The consumable hemp product complies with certain packaging and labeling requirements.

The Bill defines "consumable hemp product" as a hemp product that includes a substance that is metabolized or is otherwise subject to a biotransformative process when introduced into the human body. The Bill allows the importation of consumable hemp if the state or jurisdiction from which the product is being imported has a USDA-approved state or tribal plan pursuant to federal hemp law, and has testing requirements substantially similar to requirements for the State of Iowa. The Bill also provides for the registration and licensing of manufacturers and sellers of consumable hemp to be completed by the Department of Inspections and Appeals (DIA) including establishing a temporary permit, and provides for total delta-9 tetrahydrocannabinol acid (THCA) crop testing procedures and requirements for the Iowa Department of Agriculture and Land Stewardship (IDALS) and the Department of Public Safety (DPS) and local law enforcement. The Bill also requires disposal of nonqualifying consumable hemp and eliminates a provision that allows a derivative of hemp to be added to certain products intended for human consumption.

House File 2581 also prohibits possessing, using, manufacturing, marketing, transporting, delivering, or distributing harvested hemp or a hemp product if the intended use of such harvested hemp or hemp product is introduction into the body of a human through any method of inhalation. This includes methods using cigarettes, cigars, cigarillos, and pipes, and smoke

from combustion and vapor devices. Prohibition of such activity is not applicable to any extent that the federal government, including the federal Food, Drug, and Cosmetic Act, allows for the use of harvested hemp or a hemp product by method of inhalation. A person who violates the prohibition of ingesting harvested hemp or a hemp product through the methods mentioned above is guilty of a serious misdemeanor and is subject to a civil penalty of not less than $500 and not more than $2,500, as imposed, assessed, and collected by the IDALS.

A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least $315 but not more than $1,875.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be $50 per day.
- Quantification testing for what is commonly known as THC and total THCA varies significantly in method, procedure, and instrumentation. It is likely that local law enforcement agencies who currently perform identification analysis would not be able to quantify THC and THCA. As a result, those cannabis items traditionally tested by local law enforcement would now need to be tested at the DPS Division of Criminal Investigation (DCI) laboratory.
- The DPS assumes that both THC and THCA quantification will be required on a significant amount of crop testing, and that the DPS would need to hire additional staff and invest in specific testing technology to accommodate the provisions of HF 2581. In all cases involving any species of cannabis submitted to the DCI laboratory, the cannabis would need to undergo additional analysis to quantify the concentration of THC and THCA to assess if the total is above the 0.3% threshold.
- In order to effectively register manufacturers and sellers of consumable hemp, the DIA estimates that it would need to establish new labeling, inspection, and compliance regulations. The DIA also assumes that it would need to enhance its current electronic registration system.
- Should the current electronic registration be incompatible with the requirements of the Bill, the DIA assumes it would need to invest in a new system. The DIA assumes the cost of such a system could range from approximately $229,000 to $349,000 for implementation, and from $56,000 to $87,000 for maintenance and upkeep. For estimating purposes, a midpoint of $71,500 is used (**Table 2)**.
- Additionally, the DIA assumes it would need to hire additional personnel to accommodate the increased amount of registration and licensing requirements included in the Bill.

Correctional Impact

The correctional impact of HF 2581 cannot be determined. The Bill establishes a new offense, and the number of convictions cannot be estimated.

Table 1 shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of a serious misdemeanor. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, Cost Estimates

Used for Correctional Impact Statements, dated January 16, 2020, for information related to the correctional system.

Table 1 — Sentencing Estimates

Conviction Offense Class	Percent to Prison	FY 19 Avg Length of Stay Prison (months)	FY 19 Marginal Cost/Day Prison	FY 19 Avg Length of Stay Probation (months)	FY 19 Avg Cost/Day Probation	Percent to CBC	FY 19 Avg Length of Stay Parole (months)	FY 19 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Serious Misdemeanor	2.0%	5	$20.38	13.4	$6.12	1.0%	2.4	6.12	69.0%	$50.00

Minority Impact

The minority impact of HF 2581 is unknown. Refer to the LSA memo addressed to the General Assembly, Minority Impact Statement, dated January 15, 2020, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 2581 establishes a new criminal offense, and the resulting cost to the Justice System cannot be estimated. The average State cost for one serious misdemeanor conviction ranges from $410 to $4,900. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Any revenue collected by the IDALS as a result of the civil penalty established by the Bill will be deposited in the General Fund, but is expected to be minimal.

The Bill requires the DIA to establish registration, licensing, and inspection fees pursuant to the Department's rulemaking authority. At this time, it is unknown how the Department would charge for registration, licensing, and inspection fees, and it is not possible to estimate any amount of collected fee revenue.

The identifiable fiscal impact for the first year of implementation of HF 2581 is estimated to range from approximately $965,000 to $1.3 million. For the second year of implementation, the identifiable fiscal impact is estimated to range from approximately $885,000 to $906,000. **Table 2** provides the estimated costs per affected State agency.

Table 2 — Estimated Costs, HF 2581

Agency	Year 1 Cost		Year 2 Cost	
Department of Public Safety	**Minimum**	**Maximum**	**Minimum**	**Maximum**
3.0 Criminalist Full-Time Equivalent (FTE) Positions ($83,500/position)	$ 251,000	$ 251,000	$ 251,000	$ 251,000
Computer Technology and Supplies ($20,000/position)	60,000	60,000	60,000	60,000
2.0 Gas Chromatograph/Flame Ionization Detection Instruments ($50,000/instrument)	100,000	100,000	100,000	100,000
Subtotal	**$ 411,000**	**$ 411,000**	**$ 411,000**	**$ 411,000**
Department of Inspections and Appeals	**Minimum**	**Maximum**	**Minimum**	**Maximum**
Electronic Registration System Implementation Cost	$ 0	$ 289,000	$ 0	$ 0
Annual System Support and Maintenance	0	71,500	0	71,500
Existing System Enhancements	50,000	0	50,000	0
0.5 Clerk FTE Position	30,000	30,000	30,000	30,000
1.0 Senior Environmental Specialist FTE Position	72,000	72,000	72,000	72,000
5.0 Environmental Specialist FTE Positions ($64,200/position)	321,000	321,000	321,000	321,000
One-Time Staffing Expenses (vehicle, technology, phone)	80,000	80,000	0	0
Subtotal	**$ 553,000**	**$ 863,500**	**$ 473,000**	**$ 494,500**
	Minimum	**Maximum**	**Minimum**	**Maximum**
Total	**$ 964,000**	**$ 1,274,500**	**$ 884,000**	**$ 905,500**

Sources

Legislative Services Agency
Iowa Department of Agriculture and Land Stewardship
Department of Public Safety
Department of Inspections and Appeals
Office of Drug Control Policy
Criminal and Juvenile Justice Planning Division, Department of Human Rights
Department of Corrections

/s/ Holly M. Lyons

June 3, 2020

Doc ID 1133306

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

HF 2620 – License Plates, Flying Our Colors (LSB5105HV)
Staff Contact: Adam Broich (515.281.8223) adam.broich@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2620 creates a "Flying Our Colors" license plate and requires the Department of Transportation (DOT) to design the plate. The plate requires two fees, an initial special fee of $35 and an annual special fee of $10. These fees are deposited in the Road Use Tax Fund (RUTF). At the end of each month, the Treasurer of State is required to credit the amount equal to the special fees deposited in the RUTF from the Statutory Allocations Fund (SAF) to the Flood Mitigation Fund. The image to the right is a mockup of the proposed plate provided by the DOT. The Bill also specifies that the initial fee for a personalized plate is $25 and the annual renewal fee for such plate is $5. The fees for personalized plates are not subject to deposit in the Flood Mitigation Fund.

Background

The State of Iowa currently has over 70 types of specialty license plates that citizens may select. Over 221,000 of the 4.5 million vehicles registered in Iowa have specialty plates. The top 16 plate types account for 86.1% of all specialty plates issued in Iowa. The top 16 license plates in Iowa are as listed below. However, there are over 50 types not represented in the data below that have far fewer plates issued.

Top 16 Iowa Specialty Plates			
Blackout	93,634	Business Trade	4,258
University of Iowa	25,617	DNR Pheasant	3,738
Iowa State University	16,740	DNR Deer	3,532
DNR Goldfinch	13,133	God Bless America	3,465
Fire Fighter	11,860	Fallen Peace Officer	2,957
Veteran	9,505	Univ. of Northern Iowa	2,219
Cattleman's	6,426	Breast Cancer	1,463
DNR Eagle	4,600	Share the Road	1,449

Note: Through December 2019.

Assumptions

- An estimated 3,500 “Flying Our Colors” license plates will be issued within two years.
- This would make the plate as popular as the “God Bless America” plate currently issued by the DOT. It is estimated that 1,750 plates will be issued in FY 2021 and 1,750 plates will be issued in FY 2022. Approximately 30.0% of the “Flying Our Colors” plates will be personalized. This is similar to the percentage of other special plates that are personalized.

Fiscal Impact

House File 2620 is estimated to increase revenue to the Flood Mitigation Fund by $61,250 in FY 2021, $70,000 in FY 2022, and $17,500 each year thereafter. The RUTF will fund plate production costs (Iowa Code section 312.2(3)), but expenditure on these plates is expected to be minimal and can only be attributed to implementation of the Bill when individuals prematurely replace a license plate in order to replace it with the new plate.

Estimated Fiscal Impact	FY 2021	FY 2022	FY 2023
Existing Plates	-	1,750	3,500
New Plates Issued	1,750	1,750	-
Initial Special Fee	$ 61,250	$ 61,250	$ -
Annual Fee	-	17,500	35,000
RUTF Revenue	$ 61,250	$ 78,750	$ 35,000
SAF Transfer to Flood Mitig.	$ 61,250	$ 78,750	$ 35,000

Revenues to the RUTF and transfers from the SAF to the Flood Mitigation Fund will offset at the end of the fiscal year.

The cost to produce the new plates is estimated to be $7,400 per year in FY 2021 and FY 2022. The costs will be funded from the RUTF.

Assuming 30.0% of the new plates are personalized, the RUTF will receive an increase in revenue of $13,100 per year in FY 2021 and FY 2022 and $17,500 each year thereafter.

Sources

Iowa Department of Transportation
LSA calculations

s// Holly M. Lyons

March 25, 2020

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division

HF 2623 – Sports Wagering Debt Setoff (LSB5605HZ)
Staff Contact: Angel Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov
Fiscal Note Version – New

Description

House File 2623 requires that all winnings reported on Internal Revenue Service (IRS) Form W-2G be applied to the full amount of debt owed by the individual who wins money on a wager at a racetrack, excursion gambling boat, or gambling structure. The Bill also amends provisions pertaining to qualified sponsoring organizations licensed to conduct or operate gambling games by providing that the inclusion of a member of the city council or a member of the county board of supervisors as an ex officio member of the board of directors is at the option of the city or county.

Background

Iowa Code section 8A.504 permits the Department of Administrative Services to recover delinquent payments owed to State and political subdivisions by withholding payments that would otherwise be paid to individuals and vendors. The Department then applies the moneys toward the debt the individual owes to the State of Iowa or local governments, after charging a $7 administrative fee for costs incurred to the agency requesting placement of the debt into the setoff program. The administrative fee, which is deducted from the gross proceeds collected through the program, covers salaries, supplies, equipment, and system modification and development costs, and indirect costs such as office space, security, and utility costs. Some of the debt types recovered are child support, court fees and restitution, State individual income taxes, and fees for traffic citations.

Under Iowa Code sections 99D.28 and 99F.19, a debtor who wins money on a wager at a racetrack, excursion gambling boat, or gambling structure in the State is subject to a setoff from those winnings in the amount of debt owed if the winnings are equal to or greater than $1,200. However, the requirements to file IRS Form W-2G correspond to several winning threshold amounts and wager types, and the Bill requires debtors to be subject to the setoff if the winnings are required to be reported on the form.

Gambling winnings are required to be reported on the form if:

1. The winnings (not reduced by the wager) are $1,200 or more from a bingo game or slot machine.
2. The winnings (reduced by the wager) are $1,500 or more from a keno game.
3. The winnings (reduced by the wager or buy-in) are more than $5,000 from a poker tournament.
4. The winnings (except winnings from bingo, slot machines, keno, and poker tournaments) reduced, at the option of the payer, by the wager are:
   a. $600 or more; and
   b. At least 300 times the amount of the wager.
5. The winnings are subject to federal income tax withholding (either regular gambling withholding or backup withholding).

State tax receipts from sports wagering for FY 2020, as deposited into the Sports Wagering Receipts Fund, are estimated at $3.2 million. As this is the first year of legal sports wagering and fantasy sports in the State, debt has not yet been recovered from this form of wagering winnings.

The following tables show the amount of debt recovered through the setoff procedure at Iowa casinos in FY 2019. Other State agencies recovering debt include Iowa Workforce Development, the Department of Inspections and Appeals, the judicial districts, the Department of Commerce, and the Attorney General.

Table 1 — Setoff Debt Recovered by Entity in FY 2019

Entity	Debt Recovered
Judicial Branch	$ 1,668,315
Department of Revenue	1,433,430
Department of Human Services	1,061,163
Other State Agencies/Political Subdivisions	373,827
	$ 4,536,735

Table 2 — Setoff Debt Recovered by Other State Agencies and Political Subdivisions in FY 2019

Entity	Debt Recovered
Other State Agencies	$ 149,378
Cities	105,551
Community Colleges	68,361
Municipal Utilities	26,651
Universities	23,282
Housing Authorities	604
	$ 373,827

Assumptions

- Approximately $4.6 million in setoff funds, or 9.0% of funds collected through the setoff program, is collected by the 19 licensed Iowa casinos.
- Iowa casinos are responsible for checking claimants' winnings money on wagers at the facility against the State debt database.
- State General Fund revenue, in addition to city and county revenue, could increase as the setoff threshold is removed and sports wagering winnings are added to the debt collection pool.
- The amount of debt recovered from wagering winnings and placed in the setoff program cannot be less than $50.

Fiscal Impact

While the fiscal impact cannot be estimated at this time, the Bill is expected to increase collections through the State Offset Program as sports wagering winnings are included and the number of taxable gambling events, and the eligible amount won from those taxable events, is expanded. There is no estimated fiscal impact as a result of language in the Bill pertaining to qualified sponsoring organizations.

Sources

Department of Administrative Services
Iowa Racing and Gaming Commission
Iowa Gaming Association

/s/ Holly M. Lyons

June 3, 2020

Doc ID 1136519

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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