



Polk County Bar
2021 Legislative
Update
May 20, 2021

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2021 Legislative Session Review & Landscape



The Iowa House in 2021

- Split 59 Republicans vs. 41 Democrats
 - 16 Freshman
 - 2 Returning members - Brent Siegrist (R) & Steve Hansen (D)
- Pat Grassley – (R) New Hartford
 - Speaker of the House
- Matt Windschitl – (R) Missouri Valley
 - House Majority Leader
- Todd Pritchard – (D) Charles City – Lawyer Legislator
 - Minority Leader



The Iowa Senate in 2021

- Split 32 Republicans vs. 18 Democrats
 - There is one open seat – Sen. Miller-Meeks
 - Republican Senator Adrian Dickey (R) defeated Mary Stewart (D) in the special election held 1.26.21
 - 10 Freshman
- Jack Whitver – (R) Ankeny – Lawyer Legislator
 - Majority Leader of the Senate
- Jake Chapman – (R) Adel
 - President of the Senate
- Zach Wahls – (D) Coralville
 - Minority Leader

Lawyer Legislators – 89th General Assembly

House:

HD 2	Representative Megan Jones	Republican	Sioux Rapids, Iowa
HD 22	Representative Jon Jacobsen	Republican	Treynor, Iowa
HD 25	Representative Stan Gustafson	Republican	Cumming, Iowa
HD 30	Representative Brian Lohse	Republican	Bondurant, Iowa
HD 31	Representative Rick Olson	Democrat	Des Moines, Iowa
HD 33	Representative Brian Meyer	Democrat	Des Moines, Iowa
HD 41	Representative Jo Oldson	Democrat	Des Moines, Iowa
HD 52	Representative Todd Prichard	Democrat	Charles City, Iowa
HD 79	Representative Dustin Hite	Republican	New Sharon, Iowa
HD 85	Representative Christina Bohannon	Democrat	Iowa City, Iowa
HD 98	Representative Mary Wolfe	Democrat	Clinton, Iowa

Senate:

SD 1	Senator Zach Whiting	Republican	Spirit Lake, Iowa
SD 3	Senator Jim Carlin	Republican	Sioux City, Iowa
SD 13	Senator Julian Garrett	Republican	Indianola, Iowa
SD 16	Senator Nate Boulton	Democrat	Des Moines, Iowa
SD 19	Senator Jack Whitver	Republican	Ankeny, Iowa
SD 33	Senator Rob Hogg	Democrat	Cedar Rapids, Iowa



89th Iowa General Assembly
2021 IOWA LEGISLATIVE
SESSION TIMETABLE*



Note: This Session Timetable is subject to change

*See SCR 5, SR 3, and HR 11 (2019)

JANUARY 11	First day of session (Iowa Code Sec. 2.1)
FEBRUARY 12 (Friday of the 5 th week)	Final day for individual Senator and Representative requests for bill and joint resolution drafts to the Legislative Services Agency (Senate Rule 27 and House Rule 29)
MARCH 5 (Friday of the 8 th week)**	Final date for Senate bills and joint resolutions to be reported out of Senate Committees and House bills and joint resolutions out of House committees (Joint Rule 20)
MARCH 15 - 19 (10 th week)	Senate considers only Senate bills, joint resolutions, and unfinished business House considers only House bills, joint resolutions, and unfinished business (Joint Rule 20)
MARCH 22 - APRIL 2 (11 th and 12 th weeks)	Debate not limited by rule
APRIL 2 (Friday of the 12 th week)**	Final date for Senate bills and joint resolutions to be reported out of House committees and House bills and joint resolutions out of Senate committees (Joint Rule 20)
APRIL 5 - 9 (13 th week)	Senate considers only House bills, joint resolutions, and unfinished business House considers only Senate bills, joint resolutions, and unfinished business (Joint Rule 20)
APRIL 12 (Beginning of the 14 th week)	Only the following bills and resolutions are eligible for consideration: (Joint Rule 20) <ul style="list-style-type: none"> • Bills passed by both Houses • Appropriations Bills • Ways and Means Bills • Government Oversight Bills • Legalizing Acts • Administrative Rules Review Committee Bills • Committee Bills related to delayed or suspended Administrative Rules [Iowa Code Sec. 17A.8(9)] • Bills co-sponsored by Majority and Minority Leaders of one House • Conference Committee Reports • Companion Bills sponsored by Senate and House Majority Leaders • Concurrent or Simple Resolutions • Joint Resolutions nullifying Administrative Rules • Bills on the Veto Calendar (Joint Rule 23) • Unfinished Business
APRIL 12 (Beginning of the 14 th week)	Amendments need not be filed on the day preceding floor debate (House Rule 31.8)
APRIL 30	110 th calendar day of the session [Per diem expenses end - Iowa Code Sec. 2.10(1)]

**The March 5 and April 2 committee deadlines do not apply to Appropriations Bills, Ways and Means Bills, Government Oversight Bills, Legalizing Acts, Administrative Rules Review Committee Bills, Committee Bills related to delayed or suspended Administrative Rules [Iowa Code Sec. 17A.8(9)], Bills co-sponsored by Majority and Minority Leaders of one House, Conference Committee Reports, Companion Bills sponsored by the Majority Leaders of both Houses after consultation with the respective Minority Leaders, Concurrent or Simple Resolutions, and Joint Resolutions nullifying Administrative Rules.
 Legislative Information Office: 07/29/2020

Session Timetable

- Bill Request Deadlines
 - Legislators
 - 2.12.2021
 - Committee Chairs
 - 3.5.2021
 - Ways & Approps
 - None
 - Leadership
 - None
- Funnels
 - 1st – 3.5.2021
 - 2nd – 4.2.2021
- Redistricting Year
- Amend from Floor
 - 4.12.2021
- Sine Die –
4.30.2021????

ISBA Legislative and Administrative Review Flow Chart

Step 1: Chair designates Legislative Sub-Committee of no more than 3 person. Bills and/or administrative rules are sent to Legislative Sub-Committee by ISBA Legislative Council or ISBA Headquarters.

Step 2: Legislative contact directory prepared by Legislative Council after appointments by Section and Committee Chairs.

Step 3: Bills reviewed daily by Legislative Council and referred to section/committee Legislative Sub-Committee. Proposed administrative rules reviewed upon receipt of Administrative Bulletin and referred by Legislative Council to section/committee Legislative Sub-Committee. Section/Committee chair has option to receive copies of bills and proposed administrative rules.

Normal Flow

Step 4: Responses to Legislative Council by Chair of Legislative Sub-Committee or Section/Committee Chair. Copies sent to each sub-committee member

If conflict exists, Legislative Sub-Committee chair has responsibility to resolve differences. If consensus is reached, chair reports to Legislative Council with copy to section/committee chair, ISBA Officers and Bar Headquarters.

Step 5: Legislative Council to present Legislative Sub-Committee position to legislators as Official ISBA Position.

Or

Step 4: Chair determines issue is of such magnitude or degree of controversy that legislation should be presented to entire section council.

Section council to resolve position and report to Legislative Council with copy to ISBA Officers and ISBA Headquarters.

Step 5: Legislative Council to present section council's position to legislators as Official ISBA position.

Or

Step 4: Section Council refers to Administrative Committee for position.

Administrative Committee determines ISBA position.

Step 5: Legislative Council to Administrative Committee's position to legislators as Official ISBA position.

Or

Step 4: Administrative Committee calls special Board of Governors meeting to determine position.

Step 5: Legislative Council to present BOG's position to legislators as Official ISBA position.

Emergent Response Needed

ISBA Affirmative Legislative Agenda

Bill No.	Subject	Bill Description	Bill Status
HF 711	Probate & Trust Law Calculation of Probate Court Costs	Iowa Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerks of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services.	Awaiting Governor's Signature
HF 836	Probate & Trust Law Guardianship & Conservatorship Update	Proposed changes to HF 610 to "fix" technical errors and substantive issues with the legislation that passed during the 2019 Legislative Session. This bill only addresses requested changes in Iowa Code 633.	House: On House Debate Calendar Senate: Funneled
HF 834	Probate & Trust Law Family Law Guardianship & Conservatorship Update	Proposed changes to HF 591 to "fix" technical errors and substantive issues with the legislation that passed during the 2019 Legislative Session. This bill only relates to amendments to Iowa Code 232D, or the Iowa Minor Guardianship Act. Specially, this bill makes clarifications to the role of "court visitor", background checks, court confidentiality, and when and how the Court should be notified with regard to minor conservatorships.	House: Funneled Senate: Funneled

ISBA Affirmative Legislative Agenda

SF 173	<p>Probate & Trust Law</p> <p>Certification of Trusts</p>	<p>Amends Iowa Code section 633A.4604 (Certification of Trusts) to require these certifications to include names of all currently acting trustees, state how many trustees must agree if there is more than one trustee, and allow signers to certify these documents (no longer will signature notarization be required).</p> <p>Amends Iowa Code section 633A.4703 (General order of abatement) to make trust code provisions for abating shares of surviving spouses who don't take elective shares of the trust be the same as the probate code provisions for abating shares of surviving spouses who don't take elective shares under the decedent's Will.</p>	<p>Signed by the Governor on 3/8/21.</p>
SF 239	<p>Probate & Trust Law</p> <p>Liability of Decedent's Estate</p>	<p>Amends Iowa Code Section 611.22 to limit the parties who can represent a decedent's interest in litigation following a decedent's death to parties who can and must treat the results of litigation as any other asset or liability of the decedent's estate.</p> <p>Legislation would ensure that a decedent's liability pursuant to litigation isn't given a higher priority for payment than any other claim under §633.425 of the Probate Code, and that any additional assets to which a decedent becomes entitled after death as a result of litigation aren't exempt from taxes or other obligations to which estate assets are subject. As proposed, only a personal representative of a decedent's estate as defined in Section 633.3 or a "successor" as defined in Section 633.356 (the affidavit procedure for settling estates with probate assets worth \$50,000 or less) because only these parties are obligated to pay the decedent's financial obligations (taxes, debts, Medicaid claims etc.).</p>	<p>Signed by the Governor on 3/8/21.</p>

ISBA Affirmative Legislative Agenda

SF 240	Probate & Trust Law Uniform Custodial Trust Act	Creates a new chapter in Iowa Code called "Uniform Custodial Trust Act." This legislation would provide a tool to facilitate small gifts to adults akin to the Uniform Transfers to Minors Act (Chapter 565B). Additionally, this act would be used for litigation proceeds, gifts or bequests to vulnerable adults who may not be qualified to manage the new assets, but where a conservatorship isn't a suitable vehicle. Finally, this proposal will facilitate the management of property for adults and will facilitate estate planning for testators and trust settlors.	Signed by the Governor on 3/8/21.
SF 235	Probate & Trust Law Contested Claims in Probate	This proposal amends and updates the Iowa Probate Code that governs contested claims in Probate Proceedings, Iowa Code § 633.68-633.449. More specifically, this legislative proposal updates the required procedures in these proceedings to coordinate with the EDMS electronic court-filing system. Increases the value of contested claims that can be litigated under these statutes from \$300 to the small claims statutory values passed by the legislature in 2019 (\$6,500). Finally, this legislative proposal streamlines the notice requirements in these proceedings by removing outdated provisions regarding the use of USPS.	Signed by the Governor on 3/22/21

ISBA Affirmative Legislative Agenda

HF 561	Construction Law Mechanic's Lien Proceedings	<p>This proposal amends Iowa Code § 572.8 to allow a mechanic's lien involving real property covering multiple counties to be posted once on the centralized, digital MNLN system and indexed on all applicable counties.</p> <p>In addition, this legislative proposal amends Iowa Code § 572.32 to provide statutory certainty on the recovery of attorney fees by prevailing claimants in mechanic's lien actions where the lien is discharged by a bond.</p>	Signed by the Governor 4/30/21.
HF 844	Business Law Uniform Model Corporations Act	<p>Along with thirty-three other States and the District of Columbia, Iowa has generally followed the Model Business Corporation Act in enacting the law governing business corporations. It is substantively sound and well drafted, and it offers benefits to Iowa courts, practitioners, and businesses on account of its widespread adoption, court interpretations (although non-binding), and useful Official Comments. In December 2016 the ABA Corporate Laws Committee published a 4th Edition of the MBCA. The 4th Edition amends the MBCA in various substantive ways. It also represents in part a restatement of the MBCA to include amendments approved since publication of the 3rd Edition; and in recognition of continuing developments in the law, the 4th Edition integrates the MBCA with the law governing unincorporated business associations such as LLCs. Finally, some changes were made simply to improve clarity.</p>	Awaiting Governor's Signature

ISBA Standing Positions

In addition to the above legislative proposals, the Iowa State Bar Association supports the following positions as a part of its 2021 Affirmative Legislative Program:

- **Full funding of indigent defense and adoption of legislation providing for \$5.00 per hour increase with an automatic cost of living increase in indigent defense fees.**
- **Full Funding of the Judicial Branch.**
- **Full funding for Legal Services.**
- **Full funding of the IA Secretary of State's Office as requested by IA Secretary of State Paul Pate.**
- **Full funding for the Office of Substitute Decision Maker through the Aging and Disability Resource Center to protect the interests of Iowans who have no one else to manage their financial and health care needs.**
- **Support child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.**
- **Oppose the legalization of title insurance.**
- **Oppose absolute immunity legislation.**
- **Oppose arbitrary caps on the recovery of damages in medical malpractice cases**



Status of the State Budget

► FY 2018 Actual	\$7.384 billion
► FY 2019 Actual	\$7.859 billion
► FY 2020 Actual	\$7.931 billion (0.9%)
► FY 2021 December REC	\$7.969.3 billion (0.5% or \$38.7 million)
► FY 2021 March REC	\$8,078.9 billion (1.9% or 147.9 million)
► FY 2022 December REC	\$8,265.7 billion (3.7% or \$296.4 million)
► FY 2022 March REC	\$8,385.6 billion (3.8% or \$306.7 million)

Status of the State Budget

The REC predicts 3.8% growth vs 2021 which is \$306.7 million in new revenue. This amount is \$566 million more in revenue compared to the FY 2021 budget.

- ▶ Net Appropriations for FY 2020 \$7,819.4 billion
- ▶ Net Appropriations for FY 2021 \$7,773.5 billion
- ▶ Net Receipts Plus Transfers FY 2022 \$8.385.6 billion



Status of the State Budget

The state still has significant reserve funds in the following areas:

Cash Reserve Fund	\$587.9 million
Economic Emergency Fund	\$195.9 million
Taxpayer Relief Fund	\$105.9 million
<u>Ending Balance FY 2021</u>	<u>\$362.8 million</u>
Total	\$1,252.5 billion

Tort Reform Legislation

credit to Iowa Legislative News Service

HF 772 COMMERCIAL VEHICLE CLAIMS

► Makes an employer liable for an employee's actions involving a commercial vehicle under the doctrine of *respondent superior*. Requires a court to dismiss various other claims if the employer makes certain stipulations. Limits non-economic damages in to \$1 million. Does not allow a claim for punitive damages in an initial pleading but allows the claim to be included after the plaintiff shows a *prima facie* case by clear and convincing evidence that the claim involves willful and wanton disregard of safety or the rights of another.

HF 592 MEDICAL MALPRACTICE

► Creates a hard cap for non-economic damages against a health care provider at \$1 million.

SF 356 FARM TOURISM

► Establishes liability protections for farm tourism. Limits liability due to inherent dangers, failure of a visitor to follow instructions, or for ignoring signs or taking unreasonable actions. Excludes illegal or intentional acts, willful misconduct, gross negligence failure to give notice of a dangerous condition and similar reasons. Requires notice be given with prominent signs and in any contracts or waivers. Awaiting the Governor's Signature.

HF 621 GUN LAWSUITS

► Deems the sale and manufacture of guns and ammo to be a lawful and not unreasonably dangerous. Deems an unlawful use of guns and ammo to be the proximate cause of any injuries arising from unlawful use. Prohibits causes of action if the theory of recovery relates to the lawful design, manufacture or sale of guns and ammo or if injuries arise from the unlawful use of a gun. Requires that lawsuits brought on a prohibited action be dismissed and that the defendant be awarded attorney costs. Allows suits for breach of contract, product defects and to enforce valid statutes.

HF 832 ATTORNEY ADVERTISING

► Prohibits attorneys from stating amounts won in lawsuits in advertisements. Makes violations subject to license discipline. Directs the Supreme Court to amend rules to reflect the bill.



Questions????

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