

IOWA STATE BAR ASSOCIATION
2016 Affirmative Legislative Program

Updated 3/28/2016

Bill No.	Subject	Bill Description	Bill Status
HF 2400	2014 Amendments to Uniform Voidable Transactions Act (Current IA Code Chapter 684, "Fraudulent Transfers")	<p>The Uniform Fraudulent Transfer Act was approved by the Uniform Law Commission in 1984. It has not been revised or updated since its original approval. Iowa adopted the Act, which is presently found in IA Code Chapter 684. In 2014, the Uniform Law Commission adopted amendments to update the Act, which are being proposed to update IA Code Chapter 684 as follows:</p> <ul style="list-style-type: none"> • Change the name of the Act from "Uniform Fraudulent Transfer Act" to "Uniform Voidable Transactions Act". • Choice of Law- Provide that a claim for relief is governed by the local law of the jurisdiction in which the debtor is located when the transfer is made or obligation is incurred. • Evidentiary Matters- Provide uniform rules on allocation of burden of proof and standards of proof relating to operation of the UVTA. • Delete the special definition of "Insolvency" for partnerships. • Revise provisions relating to defenses available to a transferee or obligee. • Clarifies that the UVTA applies to transactions in which a series organization engages. • Replace references to "writing" with "record". 	3/16/2016 - Scheduled for Senate Debate; passed 49-0 and will be sent to Governor Branstad.
SSB 3076	Benefit Corporations	Amends IA Business Corporation Act (Chapter 490) to authorize formation of "Benefit Corporations", which are formed not only for the purpose of shareholder profitability but also for a social purpose or public benefit.	Referred to Senate Judiciary Committee. Will not advance this session.
HF 2359 / SF 2283	Corrective amendments to IA Business Corporation Act (Code Chapter 490)	Amends Code Sections 490.1320(1) and .1320(3)(a) and (b), "Notice of Appraisal Rights", to replace references to "part" and "chapter" with references to "division".	3/23/16 Passed the Senate 50-0, now goes to the Governor.

<p>HSB 645/SS B3174 (Formerly SF 376</p>	<p>Calculation of Probate Court Costs</p>	<p>Relates to how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court costs property over which the court lacks probate jurisdiction and for which the clerk renders no services. Specifies that for purposes of calculating the costs for other services performed by the court in the settlement of the estate of any decedent, minor, person with mental illness, or other persons laboring under legal disability, the value of such a person's personal property and real estate is equal to the gross assets of the estate listed in the probate inventory minus, unless the proceeds of the gross assets are payable to the estate, joint tenancy property, transfers made during such person's lifetime such as to a revocable trust, and assets payable to beneficiaries.</p>	<p>Recorded as a Study Bill; Assigned to Ways and Means; House Subcommittee met on 3/23/16</p>
<p>SF 2112</p>	<p>Uniform Fiduciary Access to Digital Assets Act (UFADAA)</p>	<p>Adopted by the Uniform Law Commissioners in July 2014, the Act ensures that legally appointed fiduciaries can access, delete, preserve, and pass along a person's digital assets (i.e., documents, photographs, e-mail, and social media accounts) as appropriate.</p>	<p>Senate amended and passed on 2/22/16, 49-0. Referred to House Judiciary Committee on 2/24/16.</p>
<p>HF 2335/ SF 2184</p>	<p>Notice Under the Iowa Trust Code; IA Probate Code Amendment; Iowa Uniform Power of Attorney Act Technical Corrections</p>	<p>This proposal does the following:</p> <ul style="list-style-type: none"> Amends Iowa Trust Code by inserting new Section 633A.1109 ("Methods and Waiver of Notice"), which provide for notices to trust beneficiaries and notices of judicial proceedings. The Trust Code currently provides for notice provisions for creditors, heirs and surviving spouses, but otherwise, notice provisions default to the Iowa Rules of Civil Procedure. The proposed amendment would address such notices except as otherwise provided. Amends Iowa Probate Code Section 633.389 to simplify notices regarding sale of property. Makes several technical corrections to Iowa Code Chapter 633A, "Iowa Uniform Power of Attorney Act". 	<p>3/10/16 - Both bills placed on unfinished business calendar</p>
<p>SSB 3032</p>	<p>Attorney Fees and Court Costs in Action to Quiet Title After Request for a Quitclaim Deed.</p>	<p>Updates Code Section 649.5, which relates to attorney fees and court costs for a party who succeeds in an action to quiet title and who requested a quitclaim deed from the party holding an apparent adverse interest prior to bringing the action to quiet title. Brings the dollar amounts closer to current market rates and maintains the moving party's ability to request attorney fees.</p>	<p>Referred to Senate Judiciary Committee. Will not advance this session.</p>

HF 2326/ SF 2150	Forcible Entry & Detainer Actions After Forfeiture of Real Estate Contracts	Makes changes to procedures for eviction after forfeiture of a real estate contract. Grants statutory authority under Code Chapter 648 for a vendor in a real estate installment contract to seek Forcible Entry & Detainer action against holdover vendee who fails to vacate after forfeiture proceedings are complete, while affording holdover vendees proper due process. Allows small claims magistrates to hold preliminary hearings in forfeiture cases and to enter judgments of removal only if the defendant defaults or appears and does not raise facts which would constitute a defense to eviction. Provides that a judgment of eviction also operates against persons holding under the defendant, such as subtenants, the defendant's children, and persons living on the premises by permission of the defendant.	3/10/16 - Both bills placed on unfinished business calendar
SF 220	Expert Witness Fees	Amends Code Section 622.72 to remove the \$150 per day cap on expert witness fees and to permit the district court to assess as costs a fair and reasonable expert witness fee in an amount not to exceed \$2,500 for the expert's time testifying at trial or in depositions used at trial.	Senate passed 48-2 on 3/10-/15. Referred to House Judiciary Committee 3/11/15. No further action.
SF 2232	Redemption from Tax Sale of Property Owned by Persons with Disabilities	Remedies issues arising from Iowa Court of Appeals decision <i>Firestone v. FT13</i> (Filed 4-30-14) relating to redemption issues arising from ownership of property by minors or persons of unsound mind.	Senate passed on 2/23/16, 50-0. Referred to House Judiciary Committee on 2/24/16.
HSB 577/ SSB 1248	Requirements for Timely Filing of Releases or Satisfactions of Mortgages	Remedies ambiguities and inconsistencies in existing statutes & provides remedies for failure of mortgagees to issue releases of mortgages.	Bills referred to House & Senate Judiciary Committee respectively. Placed on hold by ISBA for further work.
HF 2282/ SF 2060	Appointment of Guardian Ad Litem (GAL) for Minor Child in Adoption Proceedings	Amends Code Section 600.5 to require an adoption petition to state whether a GAL should be appointed for a minor child to be adopted, and if not, the reasons why a GAL should not be appointed. Adds New Code Section 600.6A which requires the Court, prior to ordering a hearing on the adoption petition, to make a determination of the need for a GAL for a minor child to be adopted and, in writing, appoint or waive the appointment of a GAL for purposes of the adoption proceeding in the order setting the adoption hearing.	3/10/16 - Both bills placed on unfinished business calendar. 3/23/16- passed Senate 50-0.

SF 2264	Clarification of Roles in Child Representation	Amends Code Section 598.12 to clarify roles of child's attorney, guardian ad litem, and custody investigator. Existing 598.12 provisions for child representation are not compliant with ABA standards for child representation.	Passed by Senate. Passed House Judiciary Subcommittee 3/09/16 Funneled.
SSB 3033	Waiver of 90-Day Waiting Period in Dissolutions	Allows for waiver of 90-day waiting period at the court's discretion upon the agreement of the parties. Current Code Section 589.19 requires a 90-day waiting period before the court can grant a decree dissolving a marriage unless grounds of emergency or necessity exist which satisfy the court that immediate action is warranted or required.	Referred to Senate Judiciary Committee. Will not advance this session.
HF 2270/ SF 2062	Amendment of Code Section 232.2(39) Definition of "Parent"	Amends the definition of "parent" to include a father whose paternity has been legally established by operation of law. The Iowa Supreme Court in <i>In re J.C.</i> , 857 N.W.2d 495 (Iowa, 2014) determined that a legal father of a child (not a biological parent but father whose paternity was established by operation of law by marriage to the mother) was NOT a necessary party to a Child in Need of Assistance proceeding. This proposal makes the legally established parent a necessary party and conforms the definition of "parent" in Code Section 232.2(39) with the Bridge Order statute [Section 232.103A(1)(b)].	3/10/16 - Both bills placed on unfinished business calendar.
	Codify Formula for Division of Defined Benefit Plans	The case of <i>In re Marriage of Benson</i> provides a formula for division of a defined benefit plan. This proposal amends Code Section 598.21(6) to codify the formula.	Placed on hold by ISBA for further drafting work.
HSB 525/ SSB 3029	Uniform Child Support Payment Processing	Child support payments are processed differently depending on the type of case and the existence of an income withholding order. This proposal amends Code Section 598.22, Chapters 252B & 252D so that all child support payments will be paid into the Collections Services Center (CSC).	HSB 525 referred to House Judiciary Committee. SSB 3029 referred to Senate Judiciary Committee. Neither bill will advance this session.
HF 2378	Appeal Deadline for Private Termination of Parental Rights Actions	Amends Code Section 600A.9(2) to reduce the 30-day appeal deadline for private termination of parental rights (TPR) actions to a 15-day appeal deadline to be consistent with Chapter 232, which governs TPR actions initiated by the State.	Approved by House Judiciary Committee and placed on House Calendar on 2/22/16. Funneled.
SF 2233	Uniform Deployed Parents Custody & Visitation Act (UDPCVA)	Approved by the Uniform Law Commission in 2012, the UDPCVA addresses issues of child custody and visitation that arise when parents are deployed in military or other national service.	3/22/16-Passed House 97-2, with Amendment.

	Proceedings to Establish Paternity	Amends Code Section 600B.8 to allow fathers to file an action to establish paternity consistent with the Iowa Supreme Court's decision in <i>Callender v. Skiles</i> , 591 N.W.2d 182 (Iowa 1999). Updates Code Chapter 600B.	Placed on hold by ISBA for further drafting work.
HF 2117	Student Loan Deduction	Allows a person to deduct the full amount of interest paid on a student loan for income from Iowa income tax purposes.	Referred to House Ways & Means Committee.

In addition to the above legislative proposals, The Iowa State Bar Association supports the following positions as a part of its 2016 Affirmative Legislative Program:

- Full funding of indigent defense and adoption of legislation providing for an automatic, periodic 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 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.
- Will monitor issues regarding lawyer abstracting under Iowa Title Guaranty.
- Oppose absolute immunity legislation.

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