

**CHAPTER 53****DEPARTMENT OF INSPECTIONS AND APPEALS – MISCELLANEOUS PROVISIONS***H.F. 484*

**AN ACT** relating to the authority of the department of inspections and appeals by providing for the collection of debts owed to the department of human services, by providing for the licensure of certain facilities as psychiatric medical institutions for children, by authorizing access to criminal histories to certain tribal gaming officials, and by providing an effective date.

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

**DIVISION I  
RECOVERY OF DEBT**

Section 1. Section 10A.104, subsection 6, Code 1993, is amended to read as follows:

6. Issue subpoenas and distress warrants, administer oaths, and take depositions in connection with audits, appeals, investigations, inspections, and hearings conducted by the department. If a person refuses to obey a subpoena or distress warrant issued by the department or otherwise fails to cooperate in proceedings of the department, the director may enlist the assistance of a court of competent jurisdiction in requiring the person's compliance. Failure to obey orders of the court renders the person in contempt of the court and subject to penalties provided for that offense.

Sec. 2. Section 10A.402, subsection 5, Code 1993, is amended to read as follows:

5. Investigations and collections relative to the liquidation of overpayment debts owed to the department of human services. Collection methods include but are not limited to small claims filings, debt setoff, distress warrants, and repayment agreements, and are subject to approval by the department of human services.

Sec. 3. Section 626.29, Code 1993, is amended to read as follows:

**626.29 DISTRESS WARRANT BY DIRECTOR OF REVENUE AND FINANCE, DIRECTOR OF INSPECTIONS AND APPEALS, OR JOB SERVICE COMMISSIONER.**

In the service of a distress warrant issued by the director of revenue and finance for the collection of income tax, sales tax, motor vehicle fuel tax, freight line and equipment car tax, hotel and motel tax, or use tax, in the service of a distress warrant issued by the director of inspections and appeals for the collection of overpayment debts owed to the department of human services, or in the service of a distress warrant issued by the job service commissioner of the department of employment services for the collection of employment security contributions, the property of the taxpayer or the employer in the possession of another, or debts due the taxpayer or the employer, may be reached by garnishment.

Sec. 4. Section 626.30, Code 1993, is amended to read as follows:

**626.30 EXPIRATION OR RETURN OF DISTRESS WARRANT.**

Proceedings by garnishment under a distress warrant issued by the Iowa director of revenue and finance or the director of inspections and appeals shall not be affected by its expiration or its return.

Sec. 5. Section 626.31, Code 1993, is amended to read as follows:

**626.31 RETURN OF GARNISHMENT – ACTION DOCKETED – DISTRESS ACTION.**

Where parties have been garnished under a distress warrant issued by the director of revenue and finance or the director of inspections and appeals, the officer shall make return thereof to the court in the county where the garnishee lives, if the garnishee lives in Iowa, otherwise in the county where the taxpayer resides, if the taxpayer lives in Iowa; and if neither the garnishee nor the taxpayer lives in Iowa, then to the district court in Polk county, Iowa; the officer shall make return in the same manner as a return is made on a garnishment made under a writ of execution so far as they relate to garnishments, and the clerk of the district court shall

docket an action thereon without fee the same as if a judgment had been recovered against the taxpayer in the county where the return is made, an execution issued thereon, and garnishment made thereunder, and thereafter the proceedings shall conform to proceedings in garnishment under attachments as nearly as may be.

DIVISION II  
PSYCHIATRIC HOSPITAL FOR CHILDREN

Sec. 6. Section 135H.4, Code 1993, is amended to read as follows:  
135H.4 LICENSURE.

A person shall not establish, operate, or maintain a psychiatric medical institution for children unless the person obtains a license for the institution under this chapter and holds either a license under section 237.3, subsection 2, paragraph "a", subparagraph (3) or, for facilities which provide substance abuse treatment, a license under section 125.13.

Sec. 7. Section 135H.6, subsection 2, Code 1993, is amended to read as follows:

2. The proposed psychiatric institution is accredited ~~to provide psychiatric services by the joint commission on the accreditation of health care organizations under the commission's consolidated standards for residential settings.~~

DIVISION III  
GAMING

Sec. 8. Section 692.2, subsection 1, Code 1993, is amended by adding the following new lettered paragraph:

NEW PARAGRAPH. j. To tribal officials, tribal gaming commissions, or tribal regulatory agency members of a federally recognized Indian tribe engaged in gaming within the state, who are directly responsible for authorized gaming background investigations or licensing pursuant to the Iowa gaming compact.

Sec. 9. EFFECTIVE DATE. Section 8 and this section of this Act, being deemed of immediate importance, take effect upon enactment.

Approved April 27, 1993

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**CHAPTER 54**

ABOLISHMENT OF COUNTY BOARDS OF SOCIAL WELFARE

*H.F. 538*

**AN ACT** repealing provisions relating to and abolishing the county boards of social welfare and providing an effective date.

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

Section 1. Section 217.30, subsection 4, paragraph c, Code 1993, is amended to read as follows:

c. The department shall prepare and file in its office on or before the thirtieth day of each January, April, July, and October a report showing the names and last known addresses of all recipients of assistance under sections 249.2 to 249.4 ~~or~~ and chapters 239 or 249A, together with the amount paid to or for each recipient during the preceding calendar quarter. The report shall contain a separate section for each county, including all such recipients whose last known addresses are in the county. The department shall prepare and file in the office of each county board of ~~social welfare~~ supervisors a copy of the county section of each report for that county, on or before the same day specified in this paragraph. Each report shall be securely fixed in