

S. File 2104 (p. 115)

FILED JAN 26 1984

SENATE FILE 2104

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 2003)

Approved 1/25

Passed Senate, Date 2-2-84 (p. 305) Passed House, Date 2-27-84 (p. 1355)

Vote: Ayes 45 Nays 1 Vote: Ayes 91 Nays 7

Approved April 30, 1984

*Repassed Senate as amended by House
4-2-84 (p. 1231)
45-1*

A BILL FOR

- 1 An Act relating to the collections of fines and penalties
- 2 by a county attorney.

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

SENATE FILE 2104

H-5848

- 1 Amend Senate File 2104 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking line 1 and inserting in
- 4 lieu thereof the following:
- 5 "Section 1. Section 96.11, subsection 7, paragraph
- 6 b, subparagraph (3), Code Supplement 1983, is amended
- 7 to read as follows:
- 8 (3) Information obtained from an employing unit
- 9 or individual in the course of administering this
- 10 chapter and initial determinations made by the
- 11 department's representative under section 96.6,
- 12 subsection 2 as to benefit rights of an individual
- 13 shall not be used in any action or proceeding except
- 14 in a contested case proceeding or judicial review
- 15 under ~~the provisions of~~ chapter 17A. However, the
- 16 department shall make information, which is obtained
- 17 from an employing unit or individual in the course
- 18 of administering this chapter and which relates to
- 19 the employment and wage history of the individual,
- 20 available to a county attorney for the county
- 21 attorney's use in the performance of duties under
- 22 section 331.756, subsection 5. Information in the
- 23 department's possession that may affect a claim for
- 24 benefits or a change in an employer's rating account
- 25 shall be made available to the affected parties or
- 26 their legal representatives. ~~Such~~ The information
- 27 may be used by the affected parties in a proceeding
- 28 under this chapter to the extent necessary for the
- 29 proper presentation or defense of a claim.
- 30 Sec. 2. Section 331.756, subsection 5, Code
- 31 Supplement".

1 Section 1. Section 331.756, subsection 5, Code Supplement
2 1983, is amended to read as follows:

3 5. Enforce all forfeited bonds and recognizances and
4 prosecute all proceedings necessary for the recovery of debts,
5 revenues, moneys, fines, penalties, and forfeitures accruing
6 to the state or the county or to a school district or road
7 district in the county, and all suits in the county against
8 public service corporations which are brought in the name
9 of the state. To assist in this duty, the county attorney
10 may procure professional collection services provided by
11 persons or organizations which are generally considered to
12 have knowledge and special abilities which are not generally
13 available to state or local government.

14 EXPLANATION

15 This bill provides the county attorney with the ability
16 to contract for professional services in the enforcement and
17 collection of fines, penalties, or other debts.

18 This bill takes effect July 1 following its enactment.

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HOUSE AMENDMENT TO SENATE FILE 2104

S-5653

1 Amend Senate File 2104 as passed by the Senate
2 as follows:

3 1. Page 1, by striking line 1 and inserting in
4 lieu thereof the following:

5 "Section 1. Section 96.11, subsection 7, paragraph
6 b, subparagraph (3), Code Supplement 1983, is amended
7 to read as follows:

8 (3) Information obtained from an employing unit
9 or individual in the course of administering this
10 chapter and initial determinations made by the
11 department's representative under section 96.6,
12 subsection 2 as to benefit rights of an individual
13 shall not be used in any action or proceeding except
14 in a contested case proceeding or judicial review
15 under ~~the provisions of~~ chapter 17A. However, the
16 department shall make information, which is obtained
17 from an employing unit or individual in the course
18 of administering this chapter and which relates to
19 the employment and wage history of the individual,
20 available to a county attorney for the county
21 attorney's use in the performance of duties under
22 section 331.756, subsection 5. Information in the
23 department's possession that may affect a claim for
24 benefits or a change in an employer's rating account
25 shall be made available to the affected parties or
26 their legal representatives. ~~Such~~ The information
27 may be used by the affected parties in a proceeding
28 under this chapter to the extent necessary for the
29 proper presentation or defense of a claim.

30 Sec. 2. Section 331.756, subsection 5, Code
31 Supplement".

S-5653 FILED
MARCH 29, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/2 (p. 1230)

SENATE FILE 2104

AN ACT
RELATING TO THE COLLECTIONS OF FINES AND PENALTIES BY A
COUNTY ATTORNEY.

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

Section 1. Section 96.11, subsection 7, paragraph b, subparagraph (3), Code Supplement 1983, is amended to read as follows:

(3) Information obtained from an employing unit or individual in the course of administering this chapter and initial determinations made by the department's representative under section 96.6, subsection 2 as to benefit rights of an individual shall not be used in any action or proceeding except in a contested case proceeding or judicial review under ~~the provisions of~~ chapter 17A. However, the department shall make information, which is obtained from an employing unit or individual in the course of administering this chapter and which relates to the employment and wage history of the individual, available to a county attorney for the county attorney's use in the performance of duties under section 331.756, subsection 5. Information in the department's possession that may affect a claim for benefits or a change in an employer's rating account shall be made available to the affected parties or their legal representatives. ~~Such~~ The information may be used by the affected parties in a proceeding under this chapter to the extent necessary for the proper presentation or defense of a claim.

Sec. 2. Section 331.756, subsection 5, Code Supplement 1983, is amended to read as follows:

5. Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, and forfeitures accruing

to the state or the county or to a school district or road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. To assist in this duty, the county attorney may procure professional collection services provided by persons or organizations which are generally considered to have knowledge and special abilities which are not generally available to state or local government.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2104, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 30, 1984

TERRY E. BRANSTAD
Governor

S.F. 2104