

House Amendment 4194

Amendment Text

PAG LIN

1 1 Amend [Senate File 486](#), as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, by inserting after line 17 the
1 4 following:
1 5 "Sec. 100. Section 260E.3, subsection 6, as
1 6 enacted by 1995 Iowa Acts, [House File 519](#), is amended
1 7 by striking the subsection."
1 8 #2. Page 4, by inserting after line 23 the
1 9 following:
1 10 "Sec. _____. Section [25.1](#), Code 1995, is amended to
1 11 read as follows:
1 12 25.1 RECEIPT, INVESTIGATION, AND REPORT.
1 13 When a claim is filed or made against the state, on
1 14 which in the judgment of the director of management
1 15 the state would be liable except for the fact of its
1 16 sovereignty or which has no appropriation available
1 17 for its payment, the director of management shall
1 18 deliver that claim to the state appeal board. The
1 19 state appeal board shall make a record of the receipt
1 20 of that claim

~~and forthwith deliver it~~

~~-, notify the~~

1 21 special assistant attorney general for claims, and
1 22 deliver a copy to the state official or agency against
1 23 whom the claim is made, if any. The official or
1 24 agency shall report concerning the claim to the
1 25 special assistant attorney general for claims who
1 26

~~shall~~

~~-, with a view to determining the merits and~~
1 27 legality of

~~it~~

~~- the claim,~~

~~fully~~

~~- shall investigate the~~
1 28 claim

~~-, including the facts upon which it is based~~

~~- and~~

1 29 report

~~- in duplicate~~

~~- the findings and conclusions of~~
1 30

~~law~~

~~- the investigation to the state appeal board. To~~
1 31 help defray the initial costs of processing a claim
1 32 and the costs of investigating a claim, the department
1 33 of management may assess a processing fee and a fee to
1 34 reimburse the office of the attorney general for the
1 35 costs of the claim investigation against the state
1 36 agency which incurred the liability of the claim.

1 37 Sec. _____. Section [25.2](#), Code 1995, is amended to
1 38 read as follows:
1 39 25.2 EXAMINATION OF REPORT ‐ APPROVAL OR
1 40 REJECTION ‐ PAYMENT.
1 41 The state appeal board with the recommendation of
1 42 the special assistant attorney general for claims may
1 43 approve or reject claims against the state of less
1 44 than ten years covering the following:

~~Outdated~~

1 45 outdated warrants; outdated sales and use tax refunds;
1 46 license refunds; additional agricultural land tax
1 47 credits; outdated invoices; fuel and gas tax refunds;
1 48 outdated homestead and veterans' exemptions; outdated
1 49 funeral service claims; tractor fees; registration
1 50 permits; outdated bills for merchandise; services
2 1 furnished to the state; claims by any county or county
2 2 official relating to the personal property tax credit;
2 3 and refunds of fees collected by the state. Payments
2 4 authorized by the state appeal board shall be paid
2 5 from the appropriation or fund of original
2 6 certification of the claim. However, if that
2 7 appropriation or fund has since reverted under section
2 8 8.33

~~then such~~

- payment authorized by the state appeal
2 9 board shall be out of any money in the state treasury
2 10 not otherwise appropriated. Notwithstanding the
2 11 provisions of this section and section 25.1, the state
2 12 appeal board may promulgate rules pursuant to chapter
2 13 17A which delegate the authority of the board to
2 14 approve certain claims as defined in this section to
2 15 the agency against whom the claim is made or the
2 16 director of revenue and finance may reissue outdated
2 17 warrants."

2 18 #3. Page 5, by inserting after line 26 the
2 19 following:

2 20 "Sec. _____. Section 421.38, subsection 1, Code
2 21 1995, is amended to read as follows:

2 22 1. THREE MONTHS LIMIT. A claim shall not be
2 23 allowed by the department of revenue and finance if
2 24 the claim is presented after the lapse of three months
2 25 from its accrual or after the appropriation or fund of
2 26 certification has been exhausted or proves
2 27 insufficient, whichever is later. However, this time
2 28 limit is subject to the following exceptions:

2 29 a. Claims by state employees for benefits pursuant
2 30 to chapters 85, 85A, and 86 are subject to limitations
2 31 provided in those chapters.

2 32 b. Claims for medical assistance payments
2 33 authorized under chapter 249A are subject to the time
2 34 limits imposed by rule adopted by the department.

2 35 c. Claims defined in section 25.2 as delegated by
2 36 the state appeal board pursuant to rule."

2 37 #4. Page 5, by inserting after line 29 the
2 38 following:

2 39 "Sec. _____. EFFECTIVE DATE. Section 100, being
2 40 deemed of immediate importance, takes effect upon
2 41 enactment."

2 42 #5. By renumbering, relettering, or redesignating
2 43 and correcting internal references as necessary.

2 44

2 45

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2 47 COMMITTEE ON [APPROPRIATIONS](#)

2 48 MILLAGE of Scott, Chairperson

2 49 [SF 486](#).704 76

2 50 mg/sc