

Senate File 2383

S-5322

- 1 Amend Senate File 2383, as passed by the Senate, as
2 follows:
- 3 1. Page 5, line 21, after <records> by inserting
4 <in order to obtain a telephone number and last known
5 address>
 - 6 2. Page 7, by striking line 6.
 - 7 3. Page 7, after line 27 by inserting:
8 <____. Assisting the director of revenue in
9 preparing the annual budget request related to the
10 office pursuant to section 8.23.
11 _____. Reporting annually to the department of
12 management and the legislative services agency on
13 additional full-time equivalent positions added during
14 the previous fiscal year and the direct and indirect
15 costs related to adding such full-time equivalent
16 positions.>
 - 17 4. Page 8, after line 3 by inserting:
18 <5. Personal identifying information or financial
19 information obtained by the state debt coordinator or a
20 designee shall not be divulged to any person or entity,
21 other than to the debtor, unless the information is
22 used in a matter related to the collection of a debt
23 obligation owed the state.>
 - 24 5. Page 8, by striking lines 12 and 13 and
25 inserting <where the civil action identified by the
26 state debt coordinator is filed and sends notice of
27 the lien to the debtor and to the debtor's attorney or
28 other representative, if applicable. To be effective
29 against>
 - 30 6. Page 8, line 16, after <representative.> by
31 inserting <The lien shall only be effective against the
32 monetary claim in the civil action against which the
33 lien is filed.>
 - 34 7. Page 8, line 30, before <The> by inserting
35 <The judicial branch shall cooperate with the state
36 debt coordinator to determine the most efficient way
37 to identify a debtor who has a claim against a third
38 party.>
 - 39 8. Page 8, line 33, after <state.> by inserting
40 <The debtor's attorney shall not have the
41 responsibility to notify the state that a debtor
42 has filed a civil action against a third party.>
 - 43 9. Page 8, line 35, by striking <monetary> and
44 inserting <actual>
 - 45 10. Page 9, by striking lines 5 through 12 and
46 inserting <of a negotiated settlement or verdict, if
47 actual notice of the lien has been provided in the
48 following manner:
49 a. The mailing and deposit in a United States post
50 office or public mailing box of the notice, addressed

1 to the debtor and to the debtor's attorney or other
2 representative, if applicable, at the location used for
3 service of original notice.

4 *b.* The mailing and deposit in a United States post
5 office or public mailing box of the notice, addressed
6 to a third party, at the location used for service of
7 original notice.>

8 11. Page 9, by striking lines 13 through 20 and
9 inserting:

10 <5. *a.* Upon resolution of the civil action against
11 which a lien has been filed and actual notice of the
12 lien has been given, the court costs and reasonable
13 attorney fees and expenses, hospital liens filed
14 pursuant to chapter 582 and other subrogated medical
15 expenses shall first be deducted from any total
16 judgment or settlement obtained. At least one-third of
17 the remaining balance shall then be deducted and paid
18 to the debtor. From the remaining balance, the state
19 debt coordinator shall have the authority to negotiate
20 a settlement of any debt obligation owed the state that
21 is noted in the lien, including forgiving the entire
22 balance due, based upon the circumstances of the case,
23 costs incurred in pursuing the matter, and the element
24 of the damages awarded. After deducting payments in
25 accordance with this subsection and negotiating a
26 settlement of the lien, any payments to satisfy the
27 lien shall be paid to the state debt coordinator.
28 The state debt coordinator shall transfer any moneys
29 collected to the appropriate accounts to satisfy the
30 debt owed. The state debt coordinator has authority to
31 file a satisfaction of the lien.

32 *b.* In circumstances where a lien encompasses
33 multiple claims by state entities, the priority of
34 payment made to the state debt coordinator shall first
35 be a credit against tax due as provided in section
36 422.73, and the remaining balance shall be distributed
37 in accordance with section 8A.504, subsection 3.

38 *c.* During the negotiation process pursuant to
39 this section the state debt coordinator shall make a
40 determination whether the amount to be received by the
41 coordinator under paragraph "a" shall be considered as
42 full payment of the debt obligation owed the state. If
43 the state debt coordinator settles any debt obligation
44 owed the state that is for less than the actual
45 amount owed the state, the state debt coordinator may
46 determine that the debt obligation owed the state is
47 paid in full. If settlement is reached that is for
48 less than the amount of the debt obligation owed the
49 state, and the state debt coordinator notifies the
50 applicable state department, agency, or branch that the

1 debt obligation is paid in full, the state department,
2 agency, or branch receiving the notification shall
3 indicate in the records of the state department,
4 agency, or branch that the debt obligation owed the
5 department, agency, or branch is paid in full.>
6 12. Page 9, line 26, by striking <attorney,>
7 13. Page 9, line 28, after <claim.> by inserting
8 <For purposes of this section, "third party" does not
9 include a financial institution as defined in section
10 527.2.>
11 14. Page 9, by striking lines 31 and 32 and
12 inserting <delinquent court debt obligations defined
13 pursuant to section 602.8107 and owed the state, except
14 as provided in subsection 3. "Eligible debt" includes
15 any interest and>
16 15. Page 9, line 34, by striking <coordinator> and
17 inserting <state debt coordinator, in consultation with
18 the other branches of state government,>
19 16. By striking page 9, line 35, through page 10,
20 line 2, and inserting <program.>
21 17. Page 10, line 9, by striking <321.32A> and
22 inserting <321A.32A>
23 18. Page 10, line 24, by striking <court> and
24 inserting <state debt coordinator>
25 19. Page 10, by striking lines 31 through 35.
26 20. Page 11, after line 1 by inserting:
27 <4A. A person paying a delinquent court debt
28 obligation through an established payment plan
29 with the clerk of the district court, with the
30 centralized collection unit of the department of
31 revenue or its designee, with a county attorney or
32 the county attorney's designee, or with a private
33 collection designee, is eligible for the debt
34 settlement program if the person and debt are eligible
35 and if the collecting entity is a debt settlement
36 collection designee as provided in section 421C.4.
37 The distribution of any moneys collected by the debt
38 settlement collection designee shall be as provided in
39 section 421C.4.>
40 21. Page 11, after line 4 by inserting:
41 <___. Payment to the state debt coordinator under
42 the program shall be provided in a lump sum.>
43 22. Page 11, line 13, by striking <case in which
44 the debt accrued> and inserting <eligible debt>
45 23. Page 11, line 31, by striking <department of
46 revenue> and inserting <state debt coordinator>
47 24. Page 12, line 12, by striking <program> and
48 inserting <program established by the state debt
49 coordinator>
50 25. Page 13, line 17, by striking <two> and

1 inserting <four>
2 26. Page 13, line 24, after <collected> by
3 inserting <and credited to the county>
4 27. Page 14, by striking lines 31 through 34
5 and inserting <district court for a period of ~~sixty~~
6 days one year. In addition, court debt which>
7 28. Page 15, by striking line 4 and inserting <one
8 year. If a county attorney has filed with the clerk
9 of the district court a full commitment to collect
10 delinquent court debt pursuant to subsection 4, the
11 court debt in a case shall be assigned after sixty days
12 to the county attorney as provided in subsection 4,
13 if the court debt in a case has not been placed in an
14 established payment plan by the centralized collection
15 unit. For all other delinquent court debt not assigned
16 to a county attorney pursuant to subsection 4, the
17 delinquent court debt shall be assigned to a private
18 collection designee as provided in subsection 5, after
19 one year, if the delinquent court debt in a case has
20 not been placed in an established payment plan by the
21 centralized collection unit.>
22 29. Page 16, lines 20 and 21, by striking
23 <~~sixty one hundred twenty~~ days> and inserting <~~sixty~~
24 days one year>
25 30. Page 17, by striking lines 2 through 7 and
26 inserting:
27 <Sec. _____. Section 909.3, Code 2009, is amended to
28 read as follows:
29 **909.3 Payment in installments or on a fixed date.**
30 1. All fines imposed by the court shall be paid on
31 the day the fine is imposed, and the person shall be
32 instructed to pay such fines with the office of the
33 clerk of the district court on the date of imposition.
34 2. a. The court may, in its discretion, order a
35 fine to be paid in installments, ~~or may fix a date in~~
36 ~~the future which is not more than one hundred twenty~~
37 ~~days from the date the fine is imposed for the payment~~
38 ~~of the fine, whenever it appears that the defendant~~
39 ~~cannot make immediate payment, or should not be made~~
40 ~~to do so.~~
41 ~~For good cause, the court may order that the date~~
42 ~~for payment of the fine be extended beyond one hundred~~
43 ~~twenty days from the date the fine was imposed.~~
44 b. If the court orders the fine to be paid in
45 installments, the first installment payment shall be
46 made within thirty days of the fine being imposed.
47 All other terms and conditions of an installment
48 payment plan order pursuant to this section shall be
49 established by rule by the judicial branch.>
50 31. Page 17, by striking lines 10 and 11 and

1 inserting <office of the state debt coordinator for a
2 period beginning September 1, 2010, through November
3 30, 2010, for any debt obligation eligible>
4 32. Page 17, line 18, by striking <4, paragraph
5 "c"> and inserting <4A.>
6 33. Page 17, line 20, by striking <director of
7 revenue> and inserting <state debt coordinator>
8 34. Page 17, line 21, by striking <not more than>
9 and inserting <an amount equal to>
10 35. Page 17, after line 22 by inserting:
11 <____. Payment to the state debt coordinator under
12 the program shall be provided in a lump sum.>
13 36. Page 17, line 24, by striking <the agreed upon
14 percentage> and inserting <an amount equal to fifty
15 percent>
16 37. Page 18, line 13, by striking <department of
17 revenue> and inserting <state debt coordinator>
18 38. Page 18, line 21, by striking <director> and
19 inserting <state debt coordinator>
20 39. Page 18, line 23, by striking <director> and
21 inserting <state debt coordinator>
22 40. Page 18, line 34, before <program> by inserting
23 <debt amnesty>
24 41. Page 19, line 2, by striking <department of
25 revenue> and inserting <state debt coordinator>
26 42. Page 20, line 2, by striking <enacting> and
27 inserting <amending or enacting>
28 43. Page 20, line 3, by striking <421C.3 and
29 421C.4> and inserting <321.40, 321.152, 321.153,
30 421.17, 421C.3, 421C.4, 422.20, and 422.72>
31 44. Page 20, after line 3 by inserting:
32 <Sec. ____ . EFFECTIVE UPON ENACTMENT. The section
33 of this Act enacting 421C.1 and the section of this
34 Act enacting the debt amnesty program, being deemed of
35 immediate importance, takes effect upon enactment.>

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