

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HOMELAND SECURITY AND
EMERGENCY MANAGEMENT BILL)

A BILL FOR

1 An Act relating to the recovery of benefits inappropriately
2 obtained from the department of homeland security and
3 emergency management.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.108, subsection 1, Code 2025, is
2 amended to read as follows:

3 1. *a.* If a person refuses or neglects to repay benefits or
4 provider payments inappropriately obtained from the department
5 of health and human services or the department of homeland
6 security and emergency management, the amount inappropriately
7 obtained, including any interest, penalty, or costs attached
8 to the amount, constitutes a debt and is a lien in favor of the
9 state upon all property and any rights or title to or interest
10 in property, whether real or personal, belonging to the person
11 for the period established in subsection 2, with the exception
12 of property which is exempt from execution pursuant to chapter
13 627.

14 *b.* A lien under this section shall not attach to any amount
15 of inappropriately obtained benefits or provider payments, or
16 portions of the benefits or provider payments, attributable
17 to errors by the department of health and human services or
18 the department of homeland security and emergency management,
19 as applicable. Liens shall only attach to the amounts of
20 inappropriately obtained benefits or provider payments or
21 portions of the benefits or provider payments which were
22 obtained due to false, misleading, incomplete, or inaccurate
23 information submitted by a person in connection with the
24 application for or receipt of benefits or provider payments.

25 Sec. 2. Section 10A.108, subsection 4, unnumbered paragraph
26 1, Code 2025, is amended to read as follows:

27 The county recorder of each county shall prepare and
28 maintain in the recorder's office an index of liens of
29 debts established based upon benefits or provider payments
30 inappropriately obtained from and owed the department of
31 health and human services or the department of homeland
32 security and emergency management, containing the applicable
33 entries specified in sections 558.49 and 558.52, and providing
34 appropriate columns for all of the following data, under the
35 names of debtors, arranged alphabetically:

1 Sec. 3. Section 10A.108, subsection 4, paragraph b, Code
2 2025, is amended to read as follows:

3 b. "State of Iowa, Department of Health and Human Services"
4 or "State of Iowa, Department of Homeland Security and
5 Emergency Management" as claimant, as applicable.

6 Sec. 4. Section 10A.108, subsection 8, Code 2025, is amended
7 to read as follows:

8 8. The department of inspections, appeals, and licensing,
9 as provided in this chapter and chapter 626, shall proceed
10 to collect all debts owed the department of health and human
11 services and the department of homeland security and emergency
12 management as soon as practicable after the debt becomes
13 delinquent. If service has not been made on a distress warrant
14 by the officer to whom addressed within five days from the
15 date the distress warrant was received by the officer, the
16 authorized investigators of the department of inspections,
17 appeals, and licensing may serve and make return of the warrant
18 to the clerk of the district court of the county named in the
19 distress warrant, and all subsequent procedures shall be in
20 compliance with chapter 626.

21 Sec. 5. NEW SECTION. 29C.26 Referrals — fraud — benefits
22 inappropriately obtained.

23 1. Following a review of an applicant's or recipient's
24 eligibility to receive moneys under section 29C.20A or 29C.20B,
25 the department may refer cases of suspected fraud along with
26 any supportive information to the department of inspections,
27 appeals, and licensing for review.

28 2. In cases of substantiated fraud, upon conviction, the
29 state shall review all appropriate legal options including
30 but not limited to removal of a recipient from other public
31 assistance programs and garnishment of wages or state income
32 tax refunds until the department recovers an amount equal to
33 the benefits fraudulently claimed.

34 3. The department may refer suspected cases of fraud,
35 misrepresentation, or inadequate documentation relating

1 to initial or continued eligibility, or suspected cases
2 of benefits being otherwise inappropriately obtained, to
3 appropriate state entities for review of such issues in other
4 programs providing public benefits.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 Under current law, the department of inspections, appeals,
9 and licensing (DIAL) has the authority to collect payments
10 inappropriately obtained from the department of health and
11 human services. This bill expands those provisions to allow
12 DIAL to collect payments inappropriately obtained from the
13 department of homeland security and emergency management
14 (HSEM).

15 The bill makes benefits obtained through false, misleading,
16 incomplete, or inaccurate information given to HSEM a lien in
17 favor of the state upon a person's property and requires county
18 recorders to prepare and maintain in the recorder's office
19 an index of liens owed to HSEM. The bill requires DIAL to
20 collect delinquent debts owed HSEM as soon as practicable. By
21 operation of law, the associated provisions relating to lien
22 attachment, length, preservation, and satisfaction, payment
23 of recording fees by DIAL, distress warrants, and action by
24 the attorney general apply to the inappropriately obtained
25 HSEM benefits. HSEM may refer cases of suspected fraud from
26 the disaster aid individual assistance grant program and the
27 disaster case advocacy grant program to DIAL or other state
28 entities for review. If a person is convicted of fraud, the
29 state must review all legal options until HSEM recovers an
30 amount equal to the benefits fraudulently claimed. HSEM may
31 also refer suspected cases of impropriety in other programs to
32 the appropriate state entity.