

Sen Human Resources
Bill 2-16-89 (p. 433)

FEB 8 1989

Placed on Calendar

HOUSE FILE 195
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 34)

Passed House, Date 2-9-89 (p. 369) Passed Senate, Date 2-27-89 (p. 523)
Vote: Ayes 91 Nays 0 Vote: Ayes 47 Nays 2
Approved 3-8-89 (p. 697)

A BILL FOR

- 1 An Act relating to a mandatory assignment of unemployment
- 2 benefits by the child support recovery unit.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 195

H-3101

- 1 Amend House File 195 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "amount" the following: "not to exceed thirty-five
- 4 percent of the individual's benefits,".
- 5 2. Page 1, by inserting after line 12 the
- 6 following:
- 7 "Sec. ____ . Section 96.3, subsection 9, paragraph
- 8 c, unnumbered paragraph 2, Code 1989, is amended to
- 9 read as follows:
- 10 Notwithstanding section 642.2, subsections 2, 3, 5,
- 11 and 6 which restrict garnishments under chapter 642 to
- 12 wages of public employees, the division may be
- 13 garnisheed under chapter 642 by the child support
- 14 recovery unit established in section 252B.2, pursuant
- 15 to a judgment for child support against an individual
- 16 eligible for benefits under this chapter. The amount
- 17 which may be garnisheed under chapter 642 shall not
- 18 exceed thirty-five percent of the individual's
- 19 benefits."
- 20 3. Page 1, line 23, by inserting after the word
- 21 "chapter." the following: "The amount which may be
- 22 assigned to or garnisheed by the child support
- 23 recovery unit shall not exceed thirty-five percent of
- 24 the individual's benefits."
- 25 4. By renumbering as necessary.

By PETERS of Woodbury

H-3101 FILED FEBRUARY 8, 1989 Withdrawn - 2-7-89 (p. 369)

HF 195

1 Section 1. Section 96.3, subsection 9, paragraph c,
2 unnumbered paragraph 1, Code 1989, is amended to read as
3 follows:

4 However, if the division is notified of an assignment of
5 income by the child support recovery unit under chapter 252D
6 or section 598.22 or 598.23 or is garnisheed by the child
7 support recovery unit under chapter 642 and an individual's
8 benefits are condemned to the satisfaction of the child
9 support obligation being enforced by the child support
10 recovery unit, the division shall deduct and withhold from the
11 individual's benefits that amount required through legal
12 process.

13 Sec. 2. Section 96.3, subsection 9, paragraph c,
14 unnumbered paragraph 3, Code 1989, is amended to read as
15 follows:

16 Notwithstanding section 96.15, benefits under this chapter
17 are not exempt from income assignment, garnishment,
18 attachment, or execution if assigned to or garnisheed by the
19 child support recovery unit, established in section 252B.2, or
20 if an assignment under section 598.22 or 598.23 is being
21 enforced by the child support recovery unit to satisfy the
22 child support obligation of an individual who is eligible for
23 benefits under this chapter.

24 EXPLANATION

25 This bill requires the division of job service of the
26 department of employment services to withhold from an
27 individual's unemployment compensation benefits that amount of
28 income assigned by the child support recovery unit to satisfy
29 a child support obligation.

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*Seaford
Nelson
Haverland
Kistler
Spencer*

HSB 34

HUMAN RESOURCES

new

HOUSE FILE

195

BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a mandatory assignment of unemployment
2 benefits by the child support recovery unit.

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

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1 Section 1. Section 96.3, subsection 9, paragraph c,
2 unnumbered paragraph 1, Code 1989, is amended to read as
3 follows:

4 However, if the division is notified of a mandatory
5 assignment of income by the child support recovery unit under
6 chapter 252D or is garnisheed by the child support recovery
7 unit under chapter 642 and an individual's benefits are
8 condemned to the satisfaction of the child support obligation
9 being enforced by the child support recovery unit, the
10 division shall deduct and withhold from the individual's
11 benefits that amount required through legal process.

12 EXPLANATION

13 This bill requires the division of job service of the
14 department of employment services to withhold from an
15 individual's unemployment compensation benefits that amount of
16 income assigned by the child support recovery unit to satisfy
17 a child support obligation.

18 BACKGROUND STATEMENT

19 SUBMITTED BY THE AGENCY

20 Problem Statement

21 Legal Services has brought a class action claim against the
22 Child Support Recovery Unit and the Iowa Department of
23 Employment Services, Division of Job Service for assignment of
24 unemployment income benefits alleging that, while garnishment
25 by the Child Support Recovery Unit is anticipated by Iowa Code
26 section 96.3(9), the statute does not provide for a mandatory
27 income assignment intercept.

28 Background

29 Job Service is acting under federal mandate to honor a
30 child support order from the Child Support Recovery Unit. The
31 language in Iowa Code section 96.3(9), however, refers only to
32 a garnishment under chapter 642.

33 Impact of Proposed Option

34 By providing a clear statement of Iowa's compliance with
35 federal regulations, potential defense costs may be reduced.

1 This legislation provides clear authority to assign
2 unemployment income benefits.

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child support obligation of an individual who is eligible for benefits under this chapter.

HOUSE FILE 195

AN ACT
RELATING TO A MANDATORY ASSIGNMENT OF UNEMPLOYMENT BENEFITS
BY THE CHILD SUPPORT RECOVERY UNIT.

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

Section 1. Section 96.3, subsection 9, paragraph c, unnumbered paragraph 1, Code 1989, is amended to read as follows:

However, if the division is notified of an assignment of income by the child support recovery unit under chapter 252D or section 598.22 or 598.23 or is garnisheed by the child support recovery unit under chapter 642 and an individual's benefits are condemned to the satisfaction of the child support obligation being enforced by the child support recovery unit, the division shall deduct and withhold from the individual's benefits that amount required through legal process.

Sec. 2. Section 96.3, subsection 9, paragraph c, unnumbered paragraph 3, Code 1989, is amended to read as follows:

Notwithstanding section 96.15, benefits under this chapter are not exempt from income assignment, garnishment, attachment, or execution if assigned to or garnisheed by the child support recovery unit, established in section 252B.2, or if an assignment under section 598.22 or 598.23 is being enforced by the child support recovery unit to satisfy the

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 195, Seventy-third General Assembly.

JOSEPH O'HEARN
Chief Clerk of the House

Approved March 8, 1989

TERRY E. BRANSTAD
Governor