

**CHAPTER 152****LIMITATION ON STATE BANK INVESTMENTS***S.F. 310*

**AN ACT** relating to the limitation on state bank investments in certain bonds or notes issued by the Iowa family farm development authority.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 524.901, subsection 2, Code 1983, is amended by adding the following new lettered paragraph:

**NEW LETTERED PARAGRAPH.** The total amount of bonds or notes issued by the Iowa family farm development authority pursuant to chapter 175 which have been issued on behalf of any one owner or operator of agricultural land within the state, as provided for in section 175.34, and the proceeds of which have been loaned to that owner or operator, shall not exceed twenty percent of the capital and surplus of the state bank for each borrower.

Approved May 26, 1983

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**CHAPTER 153****DEPARTMENT OF SOCIAL SERVICES PROGRAMS***S.F. 541*

**AN ACT** relating to the codified provisions of the department of social services for the medical assistance program; the child day care facility program; the aid to dependent children program; the child support and foster care recovery programs, including provisions relating to support recoveries for persons who are not public assistance recipients; the state supplementary assistance program; and the dependent adult abuse program.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 85.38, Code 1983, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 3. Lien for hospital and medical services under chapter 249A. In the event any hospital or medical services as defined in section 85.27 are paid by the state department of social services on behalf of an employee who is entitled to such benefits under the provisions of chapter 85, 85A or 85B, a lien shall exist as respects the right of such employee to benefits as described in section 85.27.

Sec. 2. **NEW SECTION.** 217.34 OFFICE OF INVESTIGATIONS. The office of investigations shall provide assistance to set off against a person's income tax refund or rebate

any debt which has accrued through written contract, subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of social services. The department of social services shall adopt rules under chapter 17A necessary to assist the department of revenue in the implementation of the setoff under section 421.17, subsection 21.

Sec. 3. Section 234.39, Code 1983, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** A dispositional order of the juvenile court requiring the provision of foster care shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's liability for the cost of foster care provided by the department. In establishing the amount of the liability, the court shall take into consideration the department's schedule of charges, and if the amount established deviates from the schedule of charges, the court shall explain the deviation in its order. The order shall direct the payment of the liability to the clerk of the district court for the use of the department's foster care recovery unit. The order shall be filed with the clerk and shall have the same force and effect as a judgment when entered in the judgment docket and lien index. The clerk shall disburse the payments pursuant to the order and enter the disbursements in a record book. If payments are not made as ordered, the clerk shall certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23. A dispositional order establishing the amount of a parent's or guardian's liability for the cost of foster care shall not vacate a prior court order which establishes the parent's or guardian's child support obligation.

Sec. 4. **NEW SECTION. 235B.1 ADULT ABUSE SERVICES.**

1. As used in this section, "dependent adult abuse" means:

a. Any of the following as a result of the willful or negligent acts or omissions of a caretaker:

(1) Physical injury to or unreasonable confinement or cruel punishment of a dependent adult.

(2) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.

(3) Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources for one's own personal or pecuniary profit by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.

(4) The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health.

b. The deprivation of the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a dependent adult's life or health as a result of the acts or omissions of the dependent adult.

Dependent adult abuse does not include:

(1) Depriving a dependent adult of medical treatment if the dependent adult holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) The withholding and withdrawing of health care from a dependent adult who is terminally ill in the opinion of a licensed physician, when the withholding and withdrawing of health care is done at the request of the dependent adult or at the request of the dependent adult's next-of-kin or guardian pursuant to the applicable procedures under chapter 125, 222, 229, or 633.

2. The department of social services shall operate a program relating to the providing of services in cases of dependent adult abuse. The program shall emphasize the reporting and

evaluation of dependent adult abuse of an adult who is unable to protect the adult's own interests or unable to perform or obtain essential services.

3. A person who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of social services. The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports pursuant to sections 235A.12 through 235A.24 by expanding the central registry for child abuse to include reports of dependent adult abuse. The department shall evaluate the reports expeditiously. However, the state department of health is solely responsible for the evaluation and disposition of adult abuse cases within health care facilities and shall inform the department of social services of such evaluations and dispositions.

The department of social services shall inform the appropriate county attorneys of any reports. County attorneys, law enforcement agencies, multidisciplinary teams as defined in section 235A.13, subsection 9, and social services agencies in the state shall cooperate and assist in the evaluation upon the request of the department. County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

Upon a showing of probable cause that a dependent adult has been abused, a district court may authorize a person, authorized by the department to make an evaluation, to enter the residence of, and to examine the dependent adult.

4. If, upon completion of the evaluation or upon referral from the state department of health, the department of social services determines that the best interests of the dependent adult require district court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.

The department shall assist the district court during all stages of court proceedings involving a suspected case of adult abuse.

In every case involving adult abuse which is substantiated by the department and which results in a judicial proceeding on behalf of the dependent adult, legal counsel shall be appointed by the court to represent the dependent adult in the proceedings. The court may also appoint a guardian ad litem to represent the dependent adult if necessary to protect the dependent adult's best interests. The same attorney may be appointed to serve both as legal counsel and as guardian ad litem. Before legal counsel or a guardian ad litem is appointed pursuant to this section, the court shall require the dependent adult and any person legally responsible for the support of the dependent adult to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court deems that the dependent adult or the legally responsible person is able to bear all or a portion of the cost of the legal counsel or guardian ad litem, the court shall so order. In cases where the dependent adult or the legally responsible person is unable to bear the cost of the legal counsel or guardian ad litem, the expense shall be paid out of the court expense fund.

5. The department of social services shall complete an assessment of needed services and shall make appropriate referrals to services. The department may provide necessary protective services and may establish a sliding fee schedule for those persons able to pay a portion of the protective services.

6. A person participating in good faith in reporting or cooperating or assisting the department of social services in evaluating a case of dependent adult abuse has immunity from liability, civil or criminal, which might otherwise be incurred or imposed based upon the act of

making the report or giving the assistance. The person has the same immunity with respect to participation in good faith in a judicial proceeding resulting from the report or assistance or relating to the subject matter of the report or assistance.

Sec. 5. Section 237A.5, Code 1983, is amended to read as follows:

237A.5 PERSONNEL. All personnel in licensed ~~centers or registered facilities~~ shall have good health as evidenced by a report following a pre-employment physical examination taken within six months prior to beginning employment, including communicable disease tests by a licensed physician as defined in section 135C.1, at the time of initial employment and every three years thereafter. No staff member of a licensed center or registered group home or a family day care home registered pursuant to section 237A.3, subsection 1, with direct responsibility for child care and no person living in such registered group or family day care home shall have a conviction by any law of any state of a crime involving lascivious acts with mistreatment of a child, child neglect or violence against a person, or shall have a record of substantiated child sexual abuse or a record of any other type of child abuse substantiated within three years prior to the check of the child abuse registry made by the department pursuant to this chapter.

Sec. 6. Section 237A.8, Code 1983, is amended to read as follows:

237A.8 SUSPENSION AND REVOCATION. The director, after notice and opportunity for an evidentiary hearing, may suspend or revoke a license or certificate of registration issued under ~~the provisions~~ of this chapter if the person to whom a license or certificate is issued violates any a provision of this chapter or if a the person makes false reports regarding the operation of the child day care facility to the director or a designee. The director shall notify the parent, guardian, or legal custodian of each child for whom the person provides child day care, if the license or certificate of registration is suspended or revoked or if there has been a substantiated child abuse case against an employee, owner, or operator of the child day care facility.

Sec. 7. Section 237A.20, Code 1983, is amended to read as follows:

237A.20 INJUNCTION. Any A person who establishes, conducts, manages, or operates a center without a license or a group day care home without a certificate of registration may be restrained by temporary or permanent injunction. The action may be instituted by the state, a political subdivision of the state, or an interested person.

Sec. 8. Section 239.1, subsection 3, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

3. "Dependent child" means a needy child who is under the age of eighteen, or a needy person eighteen years of age who meets the additional eligibility criteria established by federal law or regulation, and who has been deprived of parental support or care by reason of death, continued absence from home, physical or mental incapacity, or partial or total unemployment of the parent, and who is living with a relative specified in 42 U.S.C. sec. 606 and in federal regulations adopted pursuant to that section. However, a child is not a dependent child solely by reason of a parent's absence from the home due to the parent's performance of active duty in the uniformed services of the United States.

Sec. 9. Section 239.9, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

239.9 FUNERAL EXPENSES. The department may pay, from funds appropriated to it for the purpose, a maximum of four hundred dollars toward funeral expenses on the death of a child who is receiving or has been authorized to receive assistance under this chapter, provided:

1. The total expense of the child's funeral does not exceed one thousand dollars.
2. The decedent does not leave an estate which may be probated with sufficient proceeds to allow a funeral claim of at least one thousand dollars.
3. Payments which are due the decedent's estate or beneficiary by reason of the liability of a life insurance, death or funeral benefit company, association, or society, or in the form of United States social security, railroad retirement, or veterans' benefits upon the death of the decedent, are deducted from the department's liability under this section.

Sec. 10. Section 239.12, Code 1983, is amended to read as follows:

239.12 AID TO DEPENDENT CHILDREN ACCOUNT. There is hereby established in the state treasury an account to be known as the "Aid to Dependent Children Account" to which shall be credited all funds appropriated by the state for the payment of assistance and benefits under this chapter, and all other moneys received at any time for such purposes. Moneys assigned to the department under section 239.12 and received by the child support recovery unit pursuant to section 252B.5 and 42 U.S.C. sec. 664 shall be credited to the account in the fiscal year in which the moneys are received. All assistance and benefits under this chapter shall be paid from ~~said~~ the account.

Sec. 11. Section 249.9, Code 1983, is amended to read as follows:

249.9 FUNERAL EXPENSES. The department may pay, from funds appropriated to it for the purpose, a maximum of four hundred dollars toward funeral expenses on the death of ~~any~~ a person receiving state supplementary assistance or who received assistance under a previous categorical assistance program prior to January 1, 1974, provided:

1. The total expense of the person's funeral does not exceed ~~six hundred fifty one thousand~~ six hundred fifty one thousand dollars.
2. ~~That the~~ The decedent does not leave an estate which may be probated, with sufficient proceeds to allow a funeral claim of at least ~~six hundred fifty one thousand~~ six hundred fifty one thousand dollars.
3. ~~That any payment~~ Payments which ~~is~~ are due the decedent's estate or beneficiary by reason of the liability of ~~any~~ a life insurance ~~or,~~ death or funeral benefit company, association or society, or in the form of United States social security, railroad retirement, or veterans' benefits, upon the death of the decedent ~~shall be,~~ are deducted from the department's liability under this section.

Sec. 12. Section 249A.4, subsection 7, Code 1983, is amended to read as follows:

7. Shall provide for the professional freedom of those licensed practitioners who determine the need for or provide medical care and services, ~~and shall provide freedom of choice to recipients to select the provider of such care and services, and for medical direction and supervision as needed~~ except when the recipient is eligible for participation in a health maintenance organization or prepaid health plan which limits provider selection and which is approved by the department. However, this shall not limit the freedom of choice to recipients to select providers in instances where such provider services are eligible for reimbursement under the medical assistance program but are not provided under the health maintenance organization or under the prepaid health plan, or where the recipient has an already established program of specialized medical care with a particular provider. The department may also restrict the recipient's selection of providers to control the individual recipient's overuse of care and services, provided the department can document this overuse. The department shall promulgate rules for determining the overuse of services, including rights of appeal by the recipient.

Sec. 13. Section 249A.4, subsection 8, unnumbered paragraph 1, Code 1983, is amended to read as follows:

Shall advise and consult at least semiannually with a council composed of the president, or ~~his or her~~ the president's representative who is a member of the professional organization represented by the president, of the ~~Iowa Medical Society~~ medical society, the ~~Iowa Society~~ society of Osteopathic Physicians osteopathic physicians and Surgeons surgeons, the ~~Iowa State Dental Society~~ state dental society, the ~~Iowa State Nurses Association~~ state nurses association, the ~~Iowa Pharmaceutical Association~~ pharmacists association, the ~~Iowa Podiatry Society~~ podiatry society, the ~~Iowa Optometric Association~~ optometric association, the community mental health centers association of Iowa, the Iowa psychological association, the ~~Iowa Hospital Association~~ hospital association, the ~~Iowa Osteopathic Hospital Association~~ osteopathic hospital association, opticians' association of Iowa Ophthalmic Dispensers, Inc., (~~opticians~~) and the ~~Iowa Nursing Home Association~~ health care association, the Iowa assembly of home health agencies, and the Iowa association of homes for the aging, together with one person designated by the Iowa state board of chiropractic examiners; one state representative from each of the two major political parties appointed by the speaker of the house, one state senator from each of the two major political parties appointed by the lieutenant governor, each for a term of two years; the president or the president's representative of the association for retarded citizens; four public representatives, two of whom shall be appointed each year by the governor for staggered terms of two years each, and none of whom shall be members of, or practitioners of or have a pecuniary interest in any of the professions or businesses represented by, any of the several professional groups and associations specifically represented on the council under this subsection, and at least one of whom shall be a recipient of medical assistance; the commissioner of public health, or a representative designated by him the commissioner, and the dean of the college of medicine, University university of Iowa, or a representative designated by him the dean.

Sec. 14. Section 249A.5, Code 1983, is amended to read as follows:

249A.5 RECOVERY OF PAYMENT. Medical assistance paid to, or on behalf of, any a recipient cannot be recovered from such beneficiary or paid to a provider of services is not recoverable unless such benefit had been the assistance was incorrectly paid. If, while receiving assistance, the recipient becomes possessed of any resource or income in excess of the amount stated in the application provided for in this chapter, it shall be the duty of the recipient immediately to notify the county board of the receipt or possession of such resource or income. When it is found that any person has failed to so notify the board that he is or was possessed of any resource or income in excess of the amount allowed, or when it is found that, within five years prior to the date of his application, a recipient made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this chapter, any amount of assistance paid in excess of the amount to which the recipient was entitled shall constitute benefits incorrectly paid. Any benefits Assistance incorrectly paid shall be is recoverable from the provider, or from the recipient, while living, as a debt due the state and, upon his the recipient's death, as a claim classified with taxes having preference under the laws of this state.

Sec. 15. Section 249A.6, subsection 4, Code 1983, is amended to read as follows:

4. In the event If a recipient of assistance through the medical assistance program incurs the obligation to pay attorney fees and court costs for the purpose of enforcing a monetary claim to which the department is subrogated under this section, the amount which the department is entitled to recover under subsection 1, or any lesser amount which the department may agree to accept in compromise of its claim, shall be reduced by an amount which bears the same relation to the total amount of attorney fees and court costs actually paid by the recipient as the amount actually recovered by the department, exclusive of the reduction for attorney fees and court costs, bears to the total amount paid by the third party to the recipient

upon the receipt of a judgment or settlement of the claim, the court costs and reasonable attorney fees shall first be deducted from the judgment or settlement. One-third of the remaining balance shall then be deducted and paid to the recipient. From the remaining balance, the claim of the department shall be paid. Any amount remaining shall be paid to the recipient. An attorney acting on behalf of a recipient of medical assistance for the purpose of enforcing a claim to which the department is subrogated shall not collect from the recipient any amount as attorney fees which is in excess of the amount which the attorney customarily would collect on claims not subject to this section.

Sec. 16. Section 252B.4, Code 1983, is amended to read as follows:

252B.4 NONASSISTANCE CASES. The child support and paternity determination services established by the department pursuant to this Act chapter and other appropriate services provided by law including but not limited to the provisions of chapters 239, 252A, 598 and 675 shall be made available by the unit to any an individual not otherwise eligible as a public assistance recipient upon application by the individual for the services. The application shall be filed with the department. The commissioner may require an application fee not to exceed twenty dollars as determined by the commissioner. The commissioner may require an additional fee to cover the costs incurred by the department in providing the support collection and paternity determination services. The commissioner shall, by regulation rule, establish and make available to all applicants for support enforcement and paternity determination services a fee schedule, however, the fee shall not exceed ten percent of any support money recovered by department action. The fee for support collection and paternity determination services charged to an applicant shall be agreed upon in writing by the individual requesting applicant, and shall be based upon the applicant's ability to pay for the services. The application fee and the additional fee for services provided may be deducted from the amount of the support money recovered by the department. Fees Seventy percent of the fees collected pursuant to this section shall may be retained by the department for use by the unit and thirty percent shall be remitted to the treasurer of state who shall deposit them it in the general fund of the state. The commissioner or a designee and the treasurer of state shall keep an accurate record of funds so retained, remitted, and deposited.

Sec. 17. Section 252B.6, subsection 5, Code 1983, is amended to read as follows:

5. Initiate any necessary civil procedures deemed necessary by the department proceedings to secure reimbursement recover from the parent of a child, for money expended by the state in providing public assistance or services to the child, including support collection services.

Sec. 18. Section 252B.7, Code 1983, is amended to read as follows:

#### 252B.7 LEGAL SERVICES.

1. The attorney general may perform the legal services for the child support recovery program and may enforce all laws for the recovery of child support from responsible relatives. The attorney general shall have power to may file and prosecute:

1 a. Contempt of court proceedings to enforce any order of court pertaining to child support.

2 b. Cases under chapter 252A, the Uniform Support of Dependents Law.

3 c. An information charging a violation of section 726.3, 726.5 or 726.6.

4 d. Any other lawful action which will secure collection of support for minor children.

2. For the aforsaid purposes of subsection 1, the attorney general shall have has the same power to commence, file and prosecute any action or information in the proper jurisdiction, which the county attorney could file or prosecute in that jurisdiction. This shall in no way section does not relieve any a county attorney from his or her the county attorney's duties, or the attorney general from the supervisory power of the attorney general, in the recovery of child support.

3. The unit may contract with a county attorney, the attorney general, a clerk of the district court, or another person or agency to collect support obligations and to administer the child support program established pursuant to this chapter. Notwithstanding section 13.7, the unit may contract with private attorneys for the prosecution of civil collection and recovery cases and may pay reasonable compensation and expenses to private attorneys for the prosecution services provided.

Sec. 19. NEW SECTION. 252B.11 RECOVERY OF COSTS OF COLLECTION SERVICES. The unit may initiate necessary civil proceedings to recover the unit's costs of support collection services provided to an individual, whether or not the individual is a public assistance recipient, from an individual who owes and is able to pay a support obligation but willfully fails to pay the obligation. The unit may seek a lump sum recovery of the unit's costs or may seek to recover the unit's costs through periodic payments which are in addition to periodic support payments. If the unit's costs are recovered from an individual owing a support obligation, the costs shall not be deducted from the amount of support money received from the individual. Seventy percent of the costs collected pursuant to this section may be retained by the department for use by the unit and thirty percent shall be remitted to the treasurer of state who shall deposit it in the general fund of the state. The commissioner or a designee and the treasurer of state shall keep an accurate record of funds so retained, remitted, and deposited.

Sec. 20. Section 421.17, subsection 21, Code 1983, is amended to read as follows:

21. To establish and maintain a procedure to set off against a debtor's income tax refund or rebate any debt, which is assigned to the department of social services, ~~or~~ which the child support recovery unit is attempting to collect on behalf of ~~any~~ an individual not eligible as a public assistance recipient, or which the foster care recovery unit of the department of social services is attempting to collect on behalf of a child receiving foster care provided by the department of social services, which has accrued through written contract, subrogation, or court judgment and which is in the form of a liquidated sum due and owing for the care, support or maintenance of a child or which is owed to the state for public assistance overpayments which the office of investigations of the department of social services is attempting to collect on behalf of the state. For purposes of this subsection, "public assistance" means aid to dependent children, medical assistance, food stamps, foster care, and state supplementary assistance. The procedure shall meet the following conditions:

a. Before setoff all outstanding tax liabilities collectible by the department of revenue shall be satisfied except that no portion of a refund or rebate shall be credited against ~~any~~ tax liabilities which are not yet due.

b. Before setoff the child support recovery unit established pursuant to section 252B.2, the foster care recovery unit, and the office of investigations shall obtain and forward to the department of revenue the full name and social security number of the debtor. The department of revenue shall co-operate in the exchange of relevant information with the child support recovery unit as provided in section 252B.9, with the foster care recovery unit, and with the office of investigations. However, only relevant information required by the child support unit, by the foster care recovery unit, or by the office of investigations shall be provided by the department of revenue. The information shall be held in confidence and shall be used for purposes of setoff only.

c. The child support recovery unit, the foster care recovery unit, and the office of investigations shall, at least annually, submit to the department of revenue for setoff the above-mentioned debts described in this subsection, which are at least fifty dollars, on a date or dates to be specified by the department of social services by rule.

d. Upon submission of a claim the department of revenue shall notify the child support recovery unit, the foster care recovery unit, or the office of investigations as to whether the debtor is entitled to a refund or rebate of at least fifty dollars and if so entitled shall notify the

unit or office of the amount of the refund or rebate and of the debtor's address on the income tax return.

e. Upon notice of entitlement to a refund or rebate the child support recovery unit, the foster care recovery unit, or the office of investigations shall send written notification to the debtor, and a copy of the notice to the department of revenue, of the unit's or office's assertion of its rights or the rights of an individual not eligible as a public assistance recipient to all or a portion of the debtor's refund or rebate and the entitlement to recover the debt through the setoff procedure, the basis of the assertion, the opportunity to request that a joint income tax refund or rebate be divided between spouses, the debtor's opportunity to give written notice of intent to contest the claim, and the fact that failure to contest the claim by written application for a hearing will result in a waiver of the opportunity to contest the claim, causing final setoff by default. ~~The Upon application filed with the department within fifteen days from the mailing of the notice of entitlement to a refund or rebate, the child support recovery unit, the foster care recovery unit, or the office of investigations shall upon application grant a hearing pursuant to chapter 17A. Any An appeal taken from the decision of a hearing officer and any subsequent appeals shall be taken pursuant to chapter 17A.~~

f. Upon the timely request of a debtor or a debtor's spouse to the child support recovery unit, the foster care recovery unit, or the office of investigations, filed within fifteen days from the mailing of the notice of entitlement to a refund or rebate, and upon receipt of the full name and social security number of the debtor's spouse, the unit or office shall notify the department of revenue of the request to divide a joint income tax refund or rebate. The department of revenue shall upon receipt of the notice divide a joint income tax refund or rebate between the debtor and the debtor's spouse in proportion to each spouse's net income as determined under section 422.7.

g. The department of revenue shall, after notice has been sent to the debtor by the child support recovery unit, the foster care recovery unit, or the office of investigations, set off the above-mentioned debt against the debtor's income tax refund or rebate if both the debt and the refund or rebate are at least fifty dollars. However, if a debtor has made all current child support or foster care payments in accordance with a court order or an assessment of foster care liability for the twelve months preceding the proposed setoff and has regularly made delinquent child support or foster care payments during those twelve months, the child support or foster care recovery unit shall notify the department of revenue not to setoff set off the debt against the debtor's income tax refund or rebate. If a debtor has made all current repayment of public assistance in accordance with a court order or voluntary repayment agreement for the twelve months preceding the proposed setoff and has regularly made delinquent payments during those twelve months, the office of investigations shall notify the department of revenue not to set off the debt against the debtor's income tax refund or rebate. The department shall refund any balance of the income tax refund or rebate to the debtor. The department of revenue shall periodically transfer the amount set off to the child support recovery unit, the foster care recovery unit, or the office of investigations. If the debtor gives timely written notice of intent to contest the claim the department of social services revenue shall hold the refund or rebate until final disposition of the contested claim pursuant to chapter 17A or by court judgment. The child support recovery unit, the foster care recovery unit, or the office of investigations shall notify the debtor in writing upon completion of setoff.

Sec. 21. Section 421.17, subsection 25, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

25. To provide that in the case of multiple claims to refunds or rebates filed under subsections 21 and 23, that priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit under subsection 21, next priority shall be given to claims filed by the college aid commission under subsection 23, and last priority shall be given to claims filed by the office of investigations under subsection 21.

Sec. 22. Section 692.3, subsection 2, Code 1983, is amended to read as follows:

2. Notwithstanding subsection 1, paragraph "a", the department of social services ~~may~~ shall redisseminate criminal history data obtained pursuant to section 692.2, subsection 1, paragraph "c", to persons licensed or registered under chapters 237 and 237A for the purposes of section 237.8, subsection 2 and section 237A.5. Licensees and registrants under either chapter 237 or chapter 237A who receive information pursuant to this subsection shall not use the information other than for purposes of section 237.8, subsection 2 or section 237A.5. A licensee or registrant who uses the information for other purposes or who communicates the information to another except for the purposes of section 237.8, subsection 2 or section 237A.5 is guilty of an aggravated misdemeanor.

Approved May 26, 1983

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## CHAPTER 154

### PERIOD TO CLAIM A REFUND OF CERTAIN TAXES

S.F. 547

**AN ACT** providing for the period in which to claim a refund for taxes paid on a lump sum distribution.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 422.73, subsection 2, Code 1983, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Notwithstanding the period of limitation specified, the taxpayer shall have until June 30, 1983, to file a refund claim for a tax paid on the amount of a lump sum distribution for which the taxpayer has elected under section 402(e) of the Internal Revenue Code of 1954 to be separately taxed for federal income tax purposes for the tax year beginning on January 1, 1977 and ending December 31, 1977, and for the tax year beginning on January 1, 1979 and ending December 31, 1979. Interest shall not accrue during the extended period for refund claims authorized by this Act.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Sioux City Journal, a newspaper published in Sioux City, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved May 19, 1983

I hereby certify that the foregoing Act, Senate File 547 was published in The Sioux City Journal, Sioux City, Iowa on May 26, 1983 and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on May 25, 1983.

MARY JANE ODELL *Secretary of State*