

February 21, 1951.  
Passed on File.

**Senate File 396**  
By McCARVILLE, BEKMAN and O'MALLEY.

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

## A BILL FOR

An Act to amend chapter ninety-seven (97), Code 1950, relating to the old-age and survivor's insurance system which regulates the collections of contributions for said system and the payments of benefits thereunder.

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

1 Section 1. Section ninety-seven point fourteen (97.14),  
2 Code 1950, is hereby amended by striking subsections one (1)  
3 and two (2), and substituting in lieu thereof the following:  
4 "1. Every spouse (as defined in section ninety-seven point  
5 forty-five (97.45), subsections 8a and 8b of the Code as amended)  
6 of an individual entitled to primary insurance benefits, if such  
7 spouse (a) has attained the age of sixty-five, (b) has filed  
8 application for dependent spouse's insurance benefits, (c) was  
9 living with such individual at the time such application was  
10 filed, and (d) is not entitled to receive primary insurance bene-  
11 fits, or is entitled to receive primary insurance benefits each  
12 of which is less than one-half of a primary insurance benefit of  
13 the insured spouse, shall be entitled to receive a dependent  
14 spouse's insurance benefit for each month, beginning with the  
15 month in which he becomes so entitled to such insurance benefits,

16 and ending with the month immediately preceding the first  
17 month in which any of the following occurs: she dies, his  
18 insured spouse dies, they are divorced a vinoulo matrimonii, or  
19 he becomes entitled to receive a primary insurance benefit equal  
20 to or exceeding one-half of a primary insurance benefit of his  
21 insured spouse.”

22 “2. Such dependent spouse’s insurance benefit for each  
23 month shall be equal to one-half of a primary insurance benefit  
24 of the insured spouse, except that, if he is entitled to receive  
25 a primary insurance benefit for any month, such dependent spouse’s  
26 insurance benefit for such month shall be reduced by an amount  
27 equal to a primary insurance benefit of such dependent spouse.”

1 Sec. 2. Section ninety-seven point fifteen (97.15), Code  
2 1950, is hereby amended by striking in subsection one (1), be-  
3 ginning in line 10, the following words: “, and (c) was depend-  
4 ent upon such individual at the time such application was filed,  
5 or, if such individual has died, was dependent upon such individ-  
6 ual at the time of such individual’s death,”. Section ninety-  
7 seven point fifteen (97.15), Code, 1950, is further amended by  
8 striking all of subsection three (3) and all of subsection four  
9 (4).

1 Sec. 3. Section ninety-seven point sixteen (97.16), Code  
2 1950, is hereby amended by striking subsections one (1), and  
3 two (2), and substituting in lieu thereof the following:

4 “1. Every widow or widower (as defined in section ninety-  
5 seven point forty-five (97.45), subsections 9a and 9b of the

6 Code as amended) of an individual who died a fully insured individ-  
7 ual after December 31, 1945, if such widow or widower (a) has  
8 not remarried, (b) has attained the age of sixty-five, (c) has  
9 filed application for widow's or widower's insurance benefits,  
10 (d) was living with such individual at the time of his death,  
11 and (e) is not entitled to receive primary insurance benefits,  
12 or is entitled to receive primary insurance benefits each of which  
13 is less than three-fourths of a primary insurance benefit of his  
14 insured spouse, shall be entitled to receive a widow's or widow-  
15 er's insurance benefit for each month, beginning with the month  
16 in which he becomes entitled to such insurance benefits, but in  
17 no case shall payment be retroactive for time prior to December  
18 31, 1950, and ending with the month immediately preceding the  
19 first month in which any of the following occurs: he remarries,  
20 dies, or becomes entitled to receive a primary insurance benefit  
21 equal to or exceeding three-fourths of a primary insurance benefit  
22 of his insured spouse."

23 "2. Such widow's or widower's insurance benefit for each  
24 month shall be equal to three-fourths of a primary insurance  
25 benefit of his deceased spouse, except that, if he is entitled  
26 to receive a primary insurance benefit for any month, such  
27 widow's or widower's insurance benefit for such month shall be  
28 reduced by an amount equal to a primary insurance benefit of  
29 such widow or widower."

1 Sec. 4. Section ninety-seven point seventeen (97.17), Code  
2 1950 is hereby amended by striking subsections one (1), and two

3 (2) and substituting in lieu thereof the following:

4 "1. Every widow or widower (as defined in section ninety-  
5 seven point forty-five, subsections 9a and 9b of the Code as  
6 amended) of an individual who died a fully or currently insured  
7 individual after December 31, 1945, if such widow or widower (a)  
8 has not remarried, (b) is not entitled to receive a widow's or  
9 widower's insurance benefit, and is not entitled to receive pri-  
10 mary insurance benefits, or is entitled to receive primary in-  
11 surance benefits, each of which is less than three-fourths of a  
12 primary insurance benefit of his spouse, (c) was living with  
13 such individual at the time of his death, (d) has filed appli-  
14 cation for widow's or widower's current insurance benefits, and  
15 (e) at the time of filing such application has in his care a  
16 child of such deceased individual entitled to receive a child's  
17 insurance benefit, shall be entitled to receive a widow's or  
18 widower's current insurance benefit for each month, beginning  
19 with the month in which he became so entitled to such current  
20 insurance benefits, but in no case shall payment be retroactive  
21 for time prior to December 31, 1950, and ending with the month  
22 immediately preceding the first month in which any of the fol-  
23 lowing occurs: no child of such deceased individual is entitled  
24 to receive a child's insurance benefit, he becomes entitled to re-  
25 ceive a primary insurance benefit equal to or exceeding three-fourths  
26 of a primary insurance benefit of his deceased spouse, he becomes  
27 entitled to receive a widow's or widower's insurance benefit,  
28 he remarries, he dies."

29     “2. Such widow’s or widower’s current insurance benefit for  
30 each month shall be equal to three-fourths of a primary in-  
31 surance benefit of his deceased spouse, except that, if he is  
32 entitled to receive a primary insurance benefit for any month,  
33 such widow’s or widower’s current insurance benefit for such  
34 month shall be reduced by an amount equal to a primary insurance  
35 benefit of such widow or widower.”

1     Sec. 5. Section ninety-seven point eighteen (97.18), Code  
2 1950, is hereby amended by adding after the word “widow” in line  
3 four (4) the words “or widower,”.

1     Sec. 6. Section ninety-seven point nineteen (97.19), Code  
2 1950, is hereby amended by adding after the word “widow” in line  
3 four (4) the words “or widower,”.

1     Sec. 7. Section ninety-seven point twenty-one (97.21), Code  
2 1950, is hereby amended by striking the words “one hundred twenty  
3 dollars” in subsection one (1) line five (5) and inserting in  
4 lieu thereof the words “one hundred fifty dollars”. This section  
5 is further amended by striking paragraph c in subsection four (4)  
6 and inserting in lieu thereof the following: “c. If a widow or  
7 widower entitled to a widow’s or widower’s current insurance  
8 benefit did not have in his care a child of his deceased widow  
9 or widower entitled to receive a child’s insurance benefit,”.  
10 This section is further amended by striking the word “wife’s”  
11 in line one (1) of subsection five (5) and inserting in lieu  
12 thereof the word “spouse’s”; by striking the word “wife” in line  
13 two (2) of subsection five (5) and inserting in lieu thereof the

14 word "spouse" by striking the word "wife" in line four (4) of  
15 subsection five (5) and inserting in lieu thereof the word "spouse."

1 Sec. 8. Section ninety-seven point forty-five (97.45), Code  
2 1950, is hereby amended by striking the words "three thousand  
3 dollars" in subsection one (1), lines six (6) and seven (7) and  
4 substituting in lieu thereof the words "four thousand two hundred  
5 dollars (\$4,200)."

1 Sec. 9. Section ninety-seven point forty-five (97.45), Code  
2 1950, is hereby amended by striking the words "two hundred fifty  
3 dollars" in line eight (8), subsection four (4), paragraph a and  
4 substituting in lieu thereof the words "three hundred fifty dollars  
5 (\$350.00)."

1 Sec. 10. Section ninety-seven point forty-five (97.45), Code  
2 1950, hereby is amended by striking subsection eight (8) and insert-  
3 ing in lieu thereof the following:

4 "8a. The term "wife" means the wife of an individual who  
5 either (a) is the mother of such individual's son or daughter, or  
6 (b) was married to him prior to January 1, 1946, or if later, prior  
7 to the date upon which he attained the age of sixty.

8 "8b. The term "dependent spouse" means the wife (as defined  
9 in subsection 8a, Section ninety-seven point forty-five (97.45),  
10 Code 1950) or the insured individual's husband, providing that  
11 said husband (a) is the father of such individual's son or daughter,  
12 or was married to her prior to January 1, 1946, or if later, prior  
13 to the date upon which she attained the age of sixty: (b) was physi-  
14 cally or mentally totally or partially disabled and for said reason

15 was receiving from his wife one-half or more of his support during  
16 the year in which she became entitled to old-age insurance benefits ;  
17 (c) and filed proof of such disability and support within two years  
18 after the month in which he became so entitled.”

1 Sec. 11. Section ninety-seven point forty-five (97.45), Code  
2 1950, is hereby amended by striking subsection nine (9), and in-  
3 serting in lieu thereof the following:

4 “9a. The term “widow [except when used in section ninety-  
5 seven point nineteen (97.19)] means the surviving wife of an in-  
6 dividual who either (a) is the mother of such individual’s son  
7 or daughter, or (b) was married to him prior to the beginning of  
8 the twelfth month before the month in which he died.

9 “9b. The term “widower” [except when used in section ninety-  
10 seven point nineteen (97.19)] means the surviving husband of an  
11 insured individual who (a) is the father of such individual’s  
12 son of daughter, or was married to her prior to January 1, 1946,  
13 or if later, prior to the date upon which she attained the age of  
14 sixty; (b) was physically or mentally totally or partially dis-  
15 abled and for said reason was receiving from his wife one-half or  
16 more of his support during the month preceding her death; (c) and  
17 filed proof of such disability and support within two years after  
18 the month in which he became so entitled.”

1 Sec. 12. Section ninety-seven point forty-five (97.45),  
2 Code 1950, is hereby amended by adding the word “widower” after  
3 the word “wife,” in line two (2) of subsection eleven (11).

1 Sec. 13. Section ninety-seven point forty-five (97.45), Code

2 1950 is hereby amended by striking subsection twelve (12) and  
3 inserting in lieu thereof the following: "12. A wife or husband  
4 shall be deemed to be living with his spouse if they are both mem-  
5 bers of the same household, or the wife or husband is receiving  
6 regular contributions from the spouse toward his support, or he  
7 has been ordered by any court to contribute to his support; and a  
8 widow or widower shall be deemed to have been living with his  
9 spouse at the time of his death if they were both members of the  
10 same household at the date of his death, or the widow or widower  
11 was receiving regular contributions from the spouse toward his  
12 support on such date, or he had been ordered by any court to con-  
13 tribute to his spouse's support."

#### EXPLANATION OF S. F. 396

The proposed bill would permit contributions to the Iowa Old Age and Survivors' Insurance System to be made at the present rate on the first \$4,200 of wages. The present limit is \$3,000.

In line with this, the proposed law would permit benefits to be computed on a maximum average wage of \$350 instead of \$250. The proposed law would increase the maximum benefit to \$150 per month from the present limit of \$120.

The proposed bill would provide benefits to bona fide dependent husbands. It would strike the present provision that a child must receive all of his support and live with his mother in order to receive benefits from her insurance under this act.

These provisions would not affect the soundness of the Iowa system and would bring the state plan more in line with the Federal Social Security Act as amended in 1950.