

March 7, 1951.
Passed on File.

Senate File 464
By COMMITTEE ON SOCIAL SECURITY.

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

A BILL FOR

An Act to make available to residents of the State of Iowa, federal funds to be used for aid to permanently and totally disabled; to appropriate county and state funds for said appropriation; to provide for the uniform administration throughout the state of Iowa of said fund for the benefit of the permanently and totally disabled under the supervision of the State Board of Social Welfare of the State of Iowa.

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

- 1 Section 1. As used in this act:
- 2 1. The terms "State Department", "State Board"
- 3 and "County Board" shall have the same definitions as provided
- 4 for in chapter 234 of the 1950 Code of Iowa.
- 5 2. The term "applicant" means a person who has
- 6 applied for assistance under this act.
- 7 3. The word "recipient" means a person who has
- 8 received assistance under this act.
- 9 4. The term "assistance" means money payments to
- 10 permanently and totally disabled persons in need.
- 1 Sec. 2. Assistance shall be granted under the provisions
- 2 of this act to any individual permanently and totally disabled

3 who:

4 1. Is eighteen (18) years of age or over and

5 ineligible for old age assistance.

6 2. Is not an inmate of a public institution except

7 as a patient in a medical institution for treatment for other

8 than tuberculosis or mental diseases, and is not an inmate of

9 a private institution for tuberculosis or mental diseases.

10 3. Has not made an assignment or transfer of property

11 within three (3) years preceding the date of application for

12 assistance for the purpose of rendering himself eligible for

13 assistance under this act. Lack of adequate consideration

14 shall be deemed prima facie evidence of such purpose.

15 4. Has not sufficient income or other resources to

16 provide a reasonable subsistence consistent with decency.

17 5. Has resided in the state one (1) year immediately

18 preceding the date of the grant of assistance, or whose

19 disability resulted from an accident or condition occurring

20 after he became a resident of the state.

1 Sec. 3. The amount of assistance which any person shall

2 receive under this act shall be determined with due regard to

3 the resources and necessary expenditures of the individual

4 and the conditions in such case; and in accordance with the

5 rules and regulations made by the State Board; and shall be

6 sufficient, when added to all other income and support of the

7 recipient, to provide such person with a reasonable subsistence.

1 Sec. 4. The State Board and County Board shall, in the

2 administration of this act, have the same powers and duties
3 provided for by chapter 234 of the 1950 Code of Iowa.

1 Sec. 5. Application for assistance under this act shall
2 be made to the County Board of the county in which the individual
3 resides. Whenever the County Board receives an application for
4 assistance under this act, an investigation and record shall
5 promptly be made of the circumstances of the applicant in order
6 to ascertain the facts supporting the application and in order to
7 obtain such other information as may be required by the rules
8 of the State Board.

1 Sec. 6. Upon the completion of an investigation, the
2 County Board shall decide whether the person is eligible for
3 assistance under the rules and regulations of the State Board
4 and recommend the amount of assistance to be certified for
5 payment by the State Board. The person shall be notified by
6 the decision made on the application. Assistance, when
7 granted, shall be paid monthly from the fund, "Aid to the
8 Permanently and Totally Disabled", as established by this
9 act. Continued eligibility for assistance granted under
10 this act shall be reconsidered as frequently as may be required
11 by the State Board.

1 Sec. 7. Assistance granted under this act shall not
2 be assignable or subject to execution, levy, attachment,
3 garnishment or other legal processes or the operation of any
4 bankruptcy or insolvency law.

1 Sec. 8. If an application is not acted upon promptly

2 and assistance granted by the State Department of Social
3 Welfare, or is denied in whole or in part, or if any award
4 of assistance is modified, suspended or cancelled under any
5 provision of this act, an applicant or recipient may appeal
6 to the State Board in the manner and on forms prescribed by
7 the State Board. The State Board shall, upon receipt of such
8 appeal, give the applicant or recipient reasonable notice of,
9 and opportunity for, a fair hearing before the State Board, or
10 its duly authorized representative.

1 Sec. 9. When, in the opinion of the County Board, a
2 recipient of, or applicant for assistance, under the provisions
3 of this act, is unable to manage his financial affairs, the
4 County Board shall request the District Court to appoint a
5 guardian to administer such assistance for the benefit of the
6 recipient. The guardianship proceedings in the case of an
7 applicant or recipient shall be carried out without fee or
8 other expense, including all court costs when, in the opinion
9 of the Court, an applicant or recipient is unable to assume
10 said expense. At the discretion of the court, such a guardian
11 may give bond without sureties.

1 Sec. 10. If, at any time during the continuance of
2 assistance, the recipient thereof, becomes possessed of any
3 property or income, it shall be the duty of the recipient to
4 immediately notify the County Board of the receipt or possession
5 of such property or income; and the County Board shall, if in
6 its judgment, the circumstances so require, recommend to the

7 State Board an immediate suspension of assistance payments ;
8 and after investigation, shall recommend to the State Board
9 that such assistance be denied, modified or cancelled, as the
10 circumstances may require. Any assistance paid after the
11 recipient has come into possession of such property or income
12 in excess of his needs, shall be recoverable by the State as
13 a debt due, and upon recovery, the State shall repay to the
14 County that portion of the amount so recovered which is equal
15 to the amount paid by the County for such assistance.

1 Sec. 11. On the death of any person receiving aid
2 under the provisions of this act, a reasonable funeral expense
3 for his burial may be paid by the State Board, provided such
4 expenses do not exceed One Hundred Fifty (\$150.00) Dollars
5 and the estate of the deceased or any life insurance or death
6 or funeral benefit association, or society payment made by
7 reason of the death of such person, payable to his estate, or
8 the spouse, or any relative responsible under sections 252.2,
9 252.5 and 600.6 of the 1950 Code of Iowa, is insufficient to
10 defray the same. The person to whom such funeral expense is
11 paid, as above provided, is hereby prohibited from soliciting,
12 accepting or contracting to receive any further compensation
13 for services rendered in connection with such burial.

1 Sec. 12. Any person who shall obtain assistance under
2 this act by misrepresentation or failure, with fraudulent
3 intent, to bring forth all of the facts required by an
4 applicant for assistance under the provisions of this act,

5 or any person who shall knowingly make false statements
6 concerning the applicant's eligibility for assistance under
7 the provisions of this act, shall be guilty of a misdemeanor,
8 punishable as such.

1 Sec. 13. The County Board of Supervisors in each county
2 of this state shall appropriate annually and pay in the manner
3 hereinafter specified from the County Poor Fund, such sum as
4 shall result in the payment by such county of that portion of
5 all assistance and benefits, payable with respect to permanently
6 and totally disabled persons chargeable to the county under
7 this act, which shall equal one-half of all such assistance and
8 benefits chargeable to the county, exclusive of such receipts
9 and contributions to such fund other than state or county
10 funds as may from time to time be legally received from any
11 source and credited to the State Department; and shall include
12 in the tax levy for such county, the sum or sums so appropriated
13 for that purpose. The sums necessary, as above provided, shall
14 be originally determined upon the basis of an annual budget
15 prepared by the County Board. Should the sum so appropriated
16 however, be expended or exhausted during the year for which it
17 was appropriated, such additional sum shall be appropriated by
18 the Board of Supervisors from the County Poor Fund, as shall be
19 sufficient to meet the obligation of the county to pay its
20 share, as heretofore provided, of all assistance and benefits
21 with respect to permanently and totally disabled persons
22 chargeable to the county. The appropriation provided for in

23 this section shall not exceed the statutory tax limitations now
24 or hereafter provided, except that in counties having a population
25 of sixty thousand or more, the Board of Supervisors may levy
26 annually an additional tax not to exceed one-fourth mill to
27 carry out the provisions of this act; and in counties having
28 a population of over thirty-five thousand and less than sixty
29 thousand, the Board of Supervisors may levy annually an additional
30 tax not to exceed one-eighth mill to carry out the provisions
31 of this Act.

32 The share of any county for assistance and benefits
33 payable to the dependent Indian who is permanently and totally
34 disabled, and living on an Indian reservation in said county,
35 shall be paid by the State from the fund for Aid to the
36 Permanently and Totally Disabled.

1 Sec. 14. There is hereby established in the State
2 Treasury, a fund to be known as the "Fund for Aid to the
3 Permanently and Totally Disabled" to which shall be credited
4 all funds appropriated by the State for the payment of
5 administration expenses, assistance and benefits under this
6 act; all monies received from the federal government for
7 such purposes, and all funds paid by the counties to the
8 State Board as provided by this act. All assistance, benefits
9 and administration expense shall be paid from said fund by
10 the State Board. The State Board shall report to the County
11 Board each month the total amount of assistance and benefits
12 paid during the preceding month with respect to recipients

13 residing within the county. The County Board shall promptly
14 report the same to the County Board of Supervisors which shall
15 then order paid to the State Board from the County Poor Fund,
16 a sum representing the county's share thereof, determined in
17 the manner heretofore provided, which payment shall be credited
18 to the fund for aid to the permanently and totally disabled.

1 Sec. 15. When any recipient moves to another county, he
2 shall be entitled to receive assistance which shall be chargeable
3 to the county from which he has removed until said recipient
4 has resided in another county for six (6) months.

1 Sec. 16. This act may be cited as "Aid to the Permanently
2 and Totally Disabled Act of 1951."

1 Sec. 17. All applications, investigations and records
2 shall be privileged communications and shall be confidential.
3 They shall be used exclusively for administering assistance under
4 this act. The violation of this provision is hereby made a
5 misdemeanor and is punishable as such.