

## CHAPTER 137

## OLD AGE ASSISTANCE

## S. F. 376

AN ACT to amend and revise chapter two hundred sixty-six-f one (266-f1) of the 1935 code of Iowa relating to the protection, welfare and assistance of aged persons in need and having residence or domicile in the state of Iowa, and to amend sections five thousand three hundred and two (5302) and six thousand nine hundred and fifty-g one (6950-g1) of the 1935 code of Iowa; creating a division of old age assistance under the administrative jurisdiction of the state department of social welfare; coordinating the provisions of chapter two hundred sixty-six-f one (266-f1) of the 1935 code of Iowa with the welfare organization act of 1937; relating to the manner and method, terms and conditions providing the protection, welfare and assistance to the said aged persons; providing for the appointment of a legal guardian for any recipient of old age assistance who shall be found incompetent; providing for the recovery by the state board and division from any person, municipality, association, society, or corporation responsible for and reasonably able to pay for the support of any recipient of double the amount of assistance furnished to said recipient; providing a penalty for violation of the old age assistance statutes; providing for payments to the United States as required by title I of the federal social security act; and providing legal procedure to enforce compliance with the act by certain public officers.

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

1 SECTION 1. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by striking all of section fifty-two hundred ninety-six-f one  
 3 (5296-f1), and inserting in lieu thereof the following:  
 4 "5296-f1. Definitions. When used herein:  
 5 "1. The term 'state department' shall mean the state department  
 6 of social welfare created by senate file three hundred seventy-three  
 7 (373), acts of the Forty-seventh General Assembly.  
 8 "2. The term 'state board' shall mean the state board of social wel-  
 9 fare created by senate file three hundred seventy-three (373), acts of  
 10 the Forty-seventh General Assembly.  
 11 "3. The term 'board' and 'county board' shall mean the county board  
 12 of social welfare created by senate file three hundred seventy-three  
 13 (373) acts of the Forty-seventh General Assembly.  
 14 "4. The term 'division' shall mean the division of old age assistance.  
 15 "5. The term 'superintendent' shall mean the old age assistance  
 16 superintendent.  
 17 "6. The term 'investigator' shall mean the employee of the county  
 18 board of social welfare assigned to perform the duties specified under  
 19 the provisions of this chapter.  
 20 "7. The term 'domicile' shall mean the fixed permanent residence of  
 21 the applicant or recipient of old age assistance, to which, when absent,  
 22 he has the intention of returning.  
 23 "8. The term 'residence' shall mean the place of dwelling of the ap-  
 24 plicant or recipient of old age assistance, whether permanent or tem-  
 25 porary, and such dwelling place may or may not be the domicile of such  
 26 person.  
 27 "9. The term 'income' shall mean that gain or recurrent benefit, or  
 28 both, accruing to the applicant for or the recipient of old age assistance  
 29 because of his own labor, business or property or because of the rea-  
 30 sonable legal or contractual liability of another person or legal entity,  
 31 whether in the form of money, goods or services of whatever nature

32 and from whatever source, upon which a monetary value can be placed.  
 33 "10. The term 'property' shall mean those things in which a person  
 34 has legal title or owns, whether in lands, goods, investments, stocks,  
 35 bonds, securities, notes, money or money on deposit, insurance on his  
 36 life, or intangible rights such as patents, copyrights, or anything of  
 37 value which may be alienated.

38 "11. The singular shall include the plural and the masculine shall  
 39 include the feminine."

1 SEC. 2. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by striking all of section fifty-two hundred ninety-six-f two  
 3 (5296-f2), and inserting in lieu thereof the following:

4 "5296-f2. **Division created.** There is hereby created a division un-  
 5 der the administrative jurisdiction of the state board of social welfare  
 6 to be known as the division of old age assistance."

1 SEC. 3. Amend chapter two hundred sixty-six-f one (266-f1), code,  
 2 1935, by striking all of section fifty-two hundred ninety-six-f three  
 3 (5296-f3), and inserting in lieu thereof the following:

4 "5296-f3. **Superintendent.** The state board shall appoint a super-  
 5 intendent of the division of old age assistance who shall be qualified  
 6 by character, training and experience. The superintendent, with the  
 7 approval of the state board, shall appoint the necessary personnel to  
 8 carry out the provisions of this chapter. The salaries of the personnel  
 9 of the division shall be fixed by the state board."

1 SEC. 4. Amend chapter two hundred sixty-six-f one (266-f1), code,  
 2 1935, by striking all of section fifty-two hundred ninety-six-f four  
 3 (5296-f4).

1 SEC. 5. Amend chapter two hundred sixty-six-f one (266-f1), code,  
 2 1935, by striking all of sections fifty-two hundred ninety-six-f five  
 3 (5296-f5), fifty-two hundred ninety-six-f six (5296-f6), fifty-two hun-  
 4 dred ninety-six-f seven (5296-f7), and fifty-two hundred ninety-six-f  
 5 eight (5296-f8), and inserting in lieu thereof the following:

6 "5296-f7. **Old age assistance investigators.** The county board  
 7 shall employ one or more old age assistance investigators whose duty  
 8 shall be to make such investigations or reinvestigations as are neces-  
 9 sary to furnish the information required by the county board and the  
 10 division, and in such manner and form as may be prescribed in the rules  
 11 and regulations of the state board relating to this division."

1 SEC. 6. Amend chapter two hundred sixty-six-f one (266-f1), code,  
 2 1935, by adding thereto as section fifty-two hundred ninety-six-i one  
 3 (5296-i1), and following section fifty-two hundred ninety-six-f two  
 4 (5296-f2), the following:

5 "5296-i1. **Powers and duties of the state board.** The state board  
 6 shall be the responsible authority for the efficient and impartial ad-  
 7 ministration of this chapter. To this end the state board shall formu-  
 8 late and make such rules and regulations, outline such policies, dictate  
 9 such procedures and delegate such powers as may be necessary to carry  
 10 out the provisions and purposes of this chapter.

11 "The state board shall:

12 "1. Require the superintendent, within ninety days after the close  
 13 of each fiscal year, to report to the state board for the preceding year,  
 14 stating:

- 15 a. The total number of recipients.  
 16 b. The amount paid in cash.  
 17 c. Cash receipts and disbursements.  
 18 d. The total number of applications.  
 19 e. The number granted.  
 20 f. The number denied.  
 21 g. The number canceled during that year.  
 22 h. Such other information as the state board may deem advisable.
- 23 "2. Cooperate with the federal social security board, created by title  
 24 VII of the social security act, Public No. 271, enacted by the 74th  
 25 congress of the United States and approved August 14, 1935, in such  
 26 reasonable manner as may be necessary to qualify for federal aid for  
 27 old age assistance, including the making of such reports in such form  
 28 and containing such information as the federal social security board,  
 29 from time to time, may require, and to comply with such regulations  
 30 as said federal social security board, from time to time, may find neces-  
 31 sary to assure the correctness and verification of such reports.
- 32 "3. Furnish information to acquaint aged persons and the public  
 33 generally with the old age assistance system of this state.
- 34 "4. Fix the salaries for the personnel of the department."

1 SEC. 7. Amend section fifty-two hundred ninety-six-f ten (5296-  
 2 f10), code, 1935, by inserting in line six (6), following the word  
 3 "sources", the words and punctuation: ", exclusive of the exemptions  
 4 hereinafter provided,".

1 SEC. 8. Amend section fifty-two hundred ninety-six-f eleven (5296-  
 2 f11), code, 1935, by striking the word "does" in line four (4) and all of  
 3 line five (5) and inserting in lieu thereof: "shows to the division's".  
 4 Further amend said section by striking from line twelve (12), fol-  
 5 lowing the words "the amount of", and inserting in lieu thereof the  
 6 words "an amount not to exceed".

1 SEC. 9. Amend section fifty-two hundred ninety-six-f twelve (5296-  
 2 f12), code, 1935, by striking all of lines two (2), three (3) and four  
 3 (4), and inserting in lieu thereof the following:  
 4 "ance may be granted and paid only to a person who at the time of  
 5 application and during the continuance of a certificate of assistance:".  
 6 Further amend said section by striking all of lines five (5) and six  
 7 (6), and inserting in lieu thereof the following:  
 8 "1. Has residence or domicile in the state of Iowa."  
 9 Further amend said section by striking all of line eight (8), and in-  
 10 serting in lieu thereof the following:  
 11 "3. Is a citizen of the United States or has been a continuous resi-  
 12 dent of the United States for at least twenty-five (25) years, and in  
 13 good faith has thought himself to be a citizen of the United States  
 14 and has conducted himself as such.  
 15 Further amend said section by striking all of lines twelve (12) thir-  
 16 teen (13), fourteen (14), fifteen (15), and sixteen (16), and inserting  
 17 in lieu thereof: "but such domicile shall not be deemed continuous if  
 18 interrupted by periods of absence totaling more than four years, except  
 19 as otherwise provided elsewhere in this chapter; or".  
 20 Further amend said section by striking from line seventeen (17) the  
 21 figure and punctuation "5."

22 Further amend said section by striking all of lines twenty-one (21)  
23 to twenty-nine (29), inclusive, and by inserting in lieu thereof: "ately  
24 preceding such date. Futhermore, absence from the state in the serv-  
25 ice of the state or the United States shall not be deemed to have in-  
26 terrupted such continuous residence, if domicile has not been acquired  
27 outside the state."

28 Further amend said section by striking all of lines thirty (30), thirty-  
29 one (31) and thirty-two (32).

30 Further amend said section by striking all of subsection eight (8),  
31 and inserting in lieu thereof the following:

32 "6. Has not deserted his wife, if a husband, or, without just cause  
33 failed to support her and his children under the age of fifteen years,  
34 for a period of six months or more during the ten years preceding the  
35 date of application; has not deserted her husband, if a wife, or with-  
36 out just cause failed to support such of her children as were under the  
37 age of fifteen years, during the period set out above."

38 Further amend said section by inserting in line fifty (50) before the  
39 word "responsible" the words "legally or contractually".

40 Further amend said section by striking from line fifty-one (51) the  
41 words "by the board or".

42 Further amend said section by renumbering subsection seven (7)  
43 as subsection five (5), subsection ten (10) as subsection seven (7)  
44 and subsection eleven (11) as subsection eight (8).

45 Further amend said section by adding thereto as subsection ten (10),  
46 the following:

47 "10. Is not, because of physical or mental condition, in need of con-  
48 tinued institutional care, and such care is reasonably available to him  
49 in one of the institutions provided by the United States, the state of  
50 Iowa, or one of its political subdivisions."

1 SEC. 10. Amend section fifty-two hundred ninety-six-f thirteen  
2 (5296-f13), code, 1935, by inserting in line ten (10) following the word  
3 "dollars" the words and punctuation: ", or if married and not sep-  
4 arated from the spouse, if he and his spouse have more than four hun-  
5 dred fifty dollars".

6 Further amend said section by inserting in line sixteen (16) fol-  
7 lowing the word "dollars" the words and punctuation: ", or if married  
8 and not separated from the spouse, if he and his spouse have more  
9 than four hundred fifty dollars".

10 Further amend said section by striking from line twenty-four (24)  
11 the word "pension" and inserting in lieu thereof the word "assistance".

1 SEC. 11. Amend section fifty-two hundred ninety-six-f fourteen  
2 (5296-f14), code, 1935, by striking all of lines one (1) to six (6), in-  
3 clusive, and inserting in lieu thereof the following:

4 "5296-f14. **Income from property.** If the applicant or spouse owns  
5 any real estate which said applicant occupies as a home, or any other  
6 real estate which does not produce a reasonable income, the value to  
7 him of such occupancy or net income, for the purpose of arriving at  
8 the amount of assistance to which said applicant is entitled, shall be  
9 computed at five per cent of the assessed value of said real estate less  
10 a proper allowance for taxes, insurance, upkeep, interest on encum-  
11 brances, and a reasonable amount for amortization of said encum-  
12 brances."

13 Further amend said section as it appears in the code of Iowa, 1935,  
14 by inserting in line ten (10), before the word "value", the word "ac-  
15 tual".

16 Further amend said section as it appears in the code of Iowa, 1935,  
17 by striking all of lines sixteen (16), seventeen (17) and eighteen (18).

1 SEC. 12. Amend section fifty-two hundred ninety-six-f fifteen  
2 (5296-f15), code, 1935, by striking from line four (4) the word "both"  
3 and inserting in lieu thereof the words "either or both".

4 Further amend said section by adding as a new sentence following  
5 the word and punctuation "notwithstanding." in line eleven (11), the  
6 following: "However, the filing of such claim shall not constitute the  
7 waiver of the rights of the state board, in behalf of the state, under  
8 any lien filed by it."

9 Further amend said section by striking from line fourteen (14) the  
10 word "both" and inserting in lieu thereof the words "either or both".

1 SEC. 13. Amend section fifty-two hundred ninety-six-f sixteen  
2 (5296-f16), code, 1935, by striking from lines six (6) and seven (7),  
3 the following: "in whom or in whose spouse the title to any real estate  
4 is vested".

5 Further amend said section by inserting in line ten (10) following  
6 the words "recorder of the county" the following: "in which the re-  
7 cipient lives and".

8 Further amend said section by inserting in line eleven (11) after the  
9 words "real estate" the words "belonging to the recipient or the spouse  
10 of such recipient".

11 Further amend said section by inserting as a new paragraph between  
12 lines nineteen (19) and twenty (20), the following:

13 "Any action to enforce an old age assistance lien shall be by equitable  
14 proceedings."

15 Further amend said section by striking lines twenty (20) to twenty-  
16 four (24), inclusive, and inserting in lieu thereof the following:

17 "The statute of limitations shall not begin to run against any lien  
18 or cause of action, belonging to the state under the provisions of this  
19 section or chapter, until the death of the recipient, former recipient, or  
20 the surviving spouse, if any."

21 Further amend said section by striking the period after the word  
22 "state" in line thirty-six (36) and adding thereto the following:

23 "; upon the taking of such deed the division shall pay any delinquent  
24 taxes against said property and said deed shall reserve to the grantor  
25 and his spouse a life estate in said property and an option to the grantor  
26 and his heirs to purchase said property by repayment of the total  
27 amount paid for the benefit of the recipient. Said option in so far as  
28 the heirs are concerned shall be for two years from the date of the death  
29 of the grantor or the grantor's surviving spouse, if any, and shall in-  
30 clude an interest charge of three and one half per cent during the  
31 period of the option to the heirs."

32 Further amend said section by striking from line thirty-seven (37)  
33 the word "board" and inserting in lieu thereof the word "division".

34 Further amend said section by striking all of line thirty-eight (38)  
35 and the words "persons entitled thereto" in line thirty-nine (39) and  
36 inserting in lieu thereof the words "which shall credit the net income  
37 to the account of the person or persons entitled thereto".

38 Further amend said section by striking all of lines fifty (50), fifty-  
 39 one (51) and fifty-two (52) and inserting in lieu thereof the follow-  
 40 ing: "chapter, and the expiration of the option to the heirs, the prop-  
 41 erty shall be disposed of and so much of the proceeds as is necessary  
 42 for the repayment of the amount of assistance and other benefits paid  
 43 to the grantor and/or his spouse and repayment of amount expended  
 44 for the preservation of the property shall be transferred to the old age  
 45 assistance revolving fund. The balance, if any, shall be paid through  
 46 the old age assistance revolving fund to the heirs."

47 "The sale for any general or special taxes of any property, against  
 48 which a lien has been filed under the provisions of this and the preced-  
 49 ing section, shall not affect said lien or its enforcement; and the state  
 50 board and division shall be entitled to an assignment of the certificate  
 51 of tax sale of said property upon tender to the holder or to the county  
 52 auditor of the amount to which the holder of the tax sale certificate  
 53 would be entitled in case of redemption."

1 SEC. 14. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by striking all of section fifty-two hundred ninety-six-g one  
 3 (5296-g1) and inserting in lieu thereof the following:

4 "5296-g1. **Executor responsible.** Any transfer of any property  
 5 or interest therein made by an applicant or recipient of old age assist-  
 6 ance to any person without adequate consideration therefor or with  
 7 intent to deprive the state of its interest therein shall be void.

8 "All administrators, executors, referees and trustees of estates sub-  
 9 ject to liens provided for by this chapter shall when such lien as pro-  
 10 vided in sections fifty-two hundred ninety-six-f fifteen (5296-f15) and  
 11 fifty-two hundred ninety-six-f sixteen (5296-f16), code, 1935, is filed  
 12 or a claim is filed in the estate or against said estate or established by  
 13 other legal proceedings as provided by law, pay said lien or claim when  
 14 so ordered by the court."

1 SEC. 14a. Amend section fifty-two hundred ninety-six-g two (5296-  
 2 g2), code, 1935, by adding thereto the following sentence:

3 "Any recipient of old age assistance may assign any such insurance  
 4 policy or benefit for the purpose stated in this section, and when such  
 5 assignment has been received by the company, association, society,  
 6 or other organization, issuing same, the commission shall have a vested  
 7 interest therein for the purpose and to the extent as is contemplated in  
 8 this section, and the contract so made between such insured person and  
 9 the commission, shall be valid, and binding upon such insured person,  
 10 company, association, society or other organization, any other statute  
 11 to the contrary notwithstanding."

1 SEC. 15. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
 3 eighteen (5296-f18) and substituting in lieu thereof the following:

4 "5296-f18. **Procedure with application.** When an application is  
 5 made for old age assistance, the county board shall promptly send it to  
 6 the division. Within sixty days, the county board shall make an in-  
 7 vestigation of the applicant's claim through an investigator, and make,  
 8 in addition, such direct investigation as it deems advisable. After  
 9 hearing the applicant, if he so requests, if it approves the claim, the  
 10 county board shall make a recommendation of the amount of assistance

11 to be allowed; or, if it disapprove, make a recommendation that no  
12 assistance be allowed. Within ninety days from the date of the appli-  
13 cation, the county board shall send its recommendation and the reason  
14 for such recommendation to the division with such supporting papers  
15 as the state board may require, unless for reasons beyond the county  
16 board's control which reasons shall be reported."

17 "Upon receipt of the application and supporting papers, the division  
18 may make such additional investigation as it deems necessary. Should  
19 the division disagree with the county board in the latter's recommen-  
20 dation regarding eligibility it shall neither approve nor disapprove said  
21 application without a further review to clarify the points of disagree-  
22 ment between the county board and division. In any event, the division  
23 shall make its decision within sixty days of the receipt of the support-  
24 ing papers, properly prepared and executed, and either approve and  
25 fix an amount of assistance or reject the claim of the applicant; and  
26 shall give written notice to the applicant as to the action taken.

27 "Any applicant or recipient aggrieved by any order or determination  
28 of the division, or by the failure of the division or county board to so  
29 act, may make application for a review by the state board upon a pre-  
30 scribed form furnished by the county board. Such application shall be  
31 sent by registered mail to the superintendent within thirty days of the  
32 notice of such rejection or order or within thirty days after the time  
33 hereinbefore prescribed for the county board or division to act. Upon  
34 receipt of such application for review, the state board shall give at  
35 least ten days' notice to said applicant by registered mail of the time  
36 and place of a hearing to be held within the county of residence of the  
37 applicant. A fair hearing and full review of said claim shall then be  
38 had before said state board or such person or persons designated by  
39 the chairman, from the membership of the state board or the division.  
40 Following such hearing the state board shall take its final action and  
41 notify the applicant in writing within ninety days.

42 "An applicant whose application for assistance has been rejected, or  
43 a recipient whose certificate for assistance has been canceled, after a  
44 review hearing hereinabove provided, within thirty days after notice  
45 of such action is given, may appeal from the decision of the state board  
46 to the district court of the county in which the applicant or recipient  
47 resides, by serving a ten days' notice of such appeal upon the superin-  
48 tendent or upon any member of the state board, in the manner re-  
49 quired for the service of an original notice in any civil action. Upon  
50 the service of such notice, the state board shall furnish the applicant  
51 with a copy of the application and all supporting papers, a transcript of  
52 the testimony taken in a hearing, if any, and a copy of its decision.

53 "The court shall hear said application on its merits and determine  
54 whether or not the decision of the state board was in conformity with  
55 the law. If so, the court shall affirm the decision of the state board  
56 and, if not, shall certify the order to the state board and order the  
57 division to make payment to the applicant.

58 "In any event, an applicant whose application for assistance has  
59 been rejected may not reapply for assistance until the expiration of  
60 twelve months from the date of the previous application."

1 SEC. 16. Amend section fifty-two hundred ninety-six-f twenty  
2 (5296-f20), code, 1935, by striking the period after the word "discon-

3 tinued" in lines thirteen (13) and fourteen (14) and adding thereto  
4 the following:

5 "and in such case a written order stating the reason therefor shall  
6 be filed as a part of the record of said application and an explanation  
7 of such order increasing, decreasing or discontinuing said assistance  
8 shall be mailed to the recipient of said assistance."

1 SEC. 17. Amend section fifty-two hundred ninety-six-f twenty-two  
2 (5296-f22), code, 1935, by striking from lines three (3) and four (4)  
3 the words "the first day of", and inserting in lieu thereof the words  
4 "the day fixed by the state board for payments to recipients in the  
5 county from which the applicant applied and within".

1 SEC. 18. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-g  
3 three (5296-g3).

1 SEC. 18a. No person who is a precinct, county or state committee-  
2 man of any political party shall be eligible to be appointed to any office  
3 or to hold any position provided for under any of the provisions of  
4 this act during the time he shall hold such office, and any person ap-  
5 pointed or employed under the provisions of this act who becomes a  
6 precinct, county or state committeeman of any political party shall be  
7 disqualified from the further holding of any position created under  
8 the provisions of this act and shall be forthwith removed from such  
9 position.

1 SEC. 19. Amend section fifty-two hundred ninety-six-f twenty-  
2 three (5296-f23), code, 1935, by striking from lines ten (10), eleven  
3 (11), twelve (12) and thirteen (13), the words and punctuation "  
4 and the board may on inquiry, and with the approval of the division,  
5 either cancel the assistance or pay the amount thereof during the  
6 period of the certificate", and inserting in lieu thereof the words and  
7 punctuation ". The board shall inform the division of such change  
8 and make its recommendation for further action by the division. The  
9 division thereupon shall cancel the certificate or lower the amount  
10 of assistance for the remaining period of the certificate and notify the  
11 recipient of the reason for such change".

1 SEC. 20. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
3 twenty-four (5296-f24), and inserting in lieu thereof the following:  
4 "5296-f24. Recovery of excess assistance. When it is found that  
5 any person who is receiving or has received old age assistance has  
6 failed to notify the board, as provided in section fifty-two hundred  
7 ninety-six-f twenty-three (5296-f23), that he is or was possessed of  
8 property or income in excess of the amount allowed by this chapter,  
9 then his certificate shall be canceled and double the amount of assist-  
10 ance paid, in excess of that to which the recipient was entitled, may be  
11 recovered from him, while living, as a debt due the state; upon his  
12 death as a preferred claim against his estate. The amount so received  
13 shall be transferred to the old age assistance revolving fund of the  
14 state."

1 SEC. 21. Amend section fifty-two hundred ninety-six-f twenty-five  
2 (5296-f25), code, 1935, by striking from line two (2) the words "re-



3 ceiving old age assistance", and inserting in lieu thereof the words  
4 "whose claim has been approved and whose certificate has not been  
5 canceled".

6 Further amend said section by adding, following the word "same"  
7 in line twelve (12) the words, "or whenever there is a contractual  
8 liability for another person or legal entity to pay the same".

9 Further amend said section by adding at the end thereof the fol-  
10 lowing sentence: "Any funeral expenses thus paid by the division  
11 shall become a part of the claim for assistance granted and enforced  
12 under the provisions of sections fifty-two hundred ninety-six-f fifteen  
13 (5296-f15) and fifty-two hundred ninety-six-f sixteen (5296-f16) of  
14 this chapter."

1 SEC. 22. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
3 twenty-six (5296-f26), and inserting in lieu thereof the following:

4 "5296-f26. **Resident in institution.** Any recipient who is a resi-  
5 dent in any charitable, benevolent, or fraternal institution, not tax  
6 supported, may expend a part of the assistance paid him under the  
7 provisions of this chapter toward defraying the actual expenses of  
8 his residence in such institution, provided, that the state board has  
9 approved and that it and its agents are permitted freely to visit and  
10 inspect such institution and, provided, the charge shall not be so much  
11 as to deprive said recipient and inmate of such cash as he needs for  
12 necessities and incidentals not furnished by said institution."

1 SEC. 23. Amend section fifty-two hundred ninety-six-f twenty-  
2 seven (5296-f27), code, 1935, by inserting in line four (4) following  
3 the word "for" the words and punctuation "fuel, dental, nursing, osteo-  
4 pathic, chiropractic,".

1 SEC. 24. Amend chapter two hundred sixty-six-f one (266-f1), code,  
2 1935, by striking all of section fifty-two hundred ninety-six-f twenty-  
3 eight (5296-f28), and inserting in lieu thereof the following:

4 "5296-f28. **Incapacity of applicant or recipient.** If the person ap-  
5 plying for or receiving assistance, on the testimony of reputable wit-  
6 nesses, is thought to be incapable of taking care of himself or his  
7 money, the board shall complete the investigation, as provided else-  
8 where in this chapter, and send such application, investigation, and  
9 supporting papers to the division. When notified by the division of  
10 the conditional approval of said application or the renewal or con-  
11 tinuance of a certificate, contingent upon the appointment of a legal  
12 guardian, the board shall direct the county attorney to petition the  
13 court for such appointment and shall forward the court record to the  
14 division as notice of the person to whom assistance payments shall be  
15 made.

16 "The application of a person who has been adjudged an incompetent  
17 shall be honored only when made by a legally appointed guardian as  
18 provided for under the provisions of section twelve thousand six hun-  
19 dred fourteen (12614), code, 1935. Upon subsequent investigations  
20 all affidavits shall be affirmed by said legal guardian and the person  
21 or persons supplying the required information in behalf of said in-  
22 competent person.

23 "All guardianship proceedings in the case of an applicant or reci-  
24 pient shall be carried out without fee or other expense when, in the

25 opinion of the court, the aged person is unable to assume said expense.  
 26 At the discretion of the court, such a guardian may serve without  
 27 bond."

1 SEC. 25. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by adding thereto, as section fifty-two hundred ninety-six-i  
 3 two (5296-i2) following section fifty-two hundred ninety-six-f twenty-  
 4 nine (5296-f29) a new section:

5 "5296-i2. **Confidential records.** All applications and records shall  
 6 be confidential and shall be open to inspection only by persons author-  
 7 ized by the state or the United States in connection with their official  
 8 duties, or when produced in response to a subpoena issued by a court  
 9 of competent jurisdiction, or except as required for use in conduct-  
 10 ing hearings as provided for in this act.

11 "Any list or lists of names of applicants and/or recipients of old  
 12 age assistance or other lists compiled by the old age assistance com-  
 13 mission are hereby declared to be the personal property of the state  
 14 of Iowa; and no employee of the state of Iowa, or any other person,  
 15 shall give, sell or furnish such list or lists to any person or persons  
 16 for any purpose except for use in the administration of this act, and  
 17 as otherwise herein provided. No person shall buy, give, furnish, sell  
 18 or use such list or lists or any addressograph or addressograph plates  
 19 belonging to or used for the old age assistance division of the state of  
 20 Iowa for any commercial or political purpose, and the violation of  
 21 any of the provisions hereof is hereby made a misdemeanor, punishable  
 22 by a fine of not to exceed one thousand (1000) dollars, or by imprison-  
 23 ment in the county jail not to exceed one year, or by both such fine and  
 24 imprisonment."

1 SEC. 26. Amend section fifty-two hundred ninety-six-g four (5296-  
 2 g4), code, 1935, by striking from line five (5) the word "pension"  
 3 and inserting in lieu thereof the word "assistance".

4 Further amend said section by striking from line seven (7) the word  
 5 "pension" and inserting in lieu thereof the word "assistance".

1 SEC. 27. Amend section fifty-two hundred ninety-six-f thirty  
 2 (5296-f30), code, 1935, by striking the period after the word "suspension"  
 3 in line seven (7) and adding thereto the following: "and it shall  
 4 also promptly notify the recipient in writing of such suspension stat-  
 5 ing in such notice the reason for such suspension and such recipient  
 6 shall be entitled to a hearing, as provided by section fifty-two hundred  
 7 ninety-six-f eighteen (5296-f18), to show cause why such suspension  
 8 should not be made permanent."

1 SEC. 28. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by adding as section fifty-two hundred ninety-six-i three  
 3 (5296-i3) and following section fifty-two hundred ninety-six-f thirty  
 4 (5296-f30), the following:

5 "5296-i3. **Recovery from responsible relatives.** If at any time un-  
 6 der this act the state board and division or county board finds that any  
 7 person, municipality, association, society or corporation, as specified  
 8 under subsection nine (9) of section fifty-two hundred ninety-six-f  
 9 twelve (5296-f12) of this chapter, is or was at the time any assistance  
 10 was paid reasonably able to contribute to the necessary care and sup-

11 port of any recipient without undue hardship, during the continuance  
 12 of any certificate of assistance, and such person, municipality, asso-  
 13 ciation, society or corporation fails or has failed or refused to do so,  
 14 then, after notice to such person, municipality, association, society,  
 15 or corporation, there shall exist a cause of action against such person,  
 16 municipality, association, society or corporation for the recovery by  
 17 the state board and division, for the state, of double such amount of  
 18 assistance furnished as was or is in excess of the amount allowed by  
 19 this chapter."

1 SEC. 29. Amend section fifty-two hundred ninety-six-f thirty-one  
 2 (5296-f31), code, 1935, by striking all of lines ten (10) to eighteen  
 3 (18), inclusive, and inserting in lieu thereof the following:

4 "3. Payment of any forfeited installment grant; or

5 "4. Who aids or abets in the selling or buying, or in any way dis-  
 6 posing of the property of any recipient, or his spouse, or both, with  
 7 intent to defraud the state of Iowa; or

8 "5. Who aids or abets in the selling or buying, or in any way dis-  
 9 posing of or concealing the property of any person or his spouse, or  
 10 both, for the purpose of qualifying or attempting to qualify such per-  
 11 son or persons for old age assistance, with intent to defraud the state  
 12 of Iowa, shall be guilty of a misdemeanor and the person guilty thereof,  
 13 in addition to the punishment for his misdemeanor, shall be liable for  
 14 double that part of the assistance paid which is in excess of the amount  
 15 allowed by this chapter."

1 SEC. 30. Amend section fifty-two hundred ninety-six-f thirty-four  
 2 (5296-f34), code, 1935, by striking from line three (3) the word  
 3 "pension" and inserting in lieu thereof the word "assistance".

4 Further amend said section by striking from lines twenty-five (25)  
 5 and twenty-six (26) the word "pension" and inserting in lieu thereof  
 6 the word "assistance".

7 Further amend said section by striking from lines seventy-two (72),  
 8 seventy-three (73), seventy-four (74) and seventy-five (75) the fol-  
 9 lowing: "Any one who becomes in arrears more than three (3) years  
 10 on this tax for any year shall forfeit all claim to old age assistance  
 11 provided for herein."

12 Further amend said section by striking from line ninety-one (91)  
 13 the word "pension" and inserting in lieu thereof the word "assistance".

14 Further amend said section by striking from line ninety-four (94)  
 15 the word "pension" and inserting in lieu thereof the word "assistance".

16 Further amend said section by striking from line ninety-nine (99)  
 17 the word "pension" and inserting in lieu thereof the word "assistance".

1 SEC. 31. Amend section fifty-two hundred ninety-six-g five (5296-  
 2 -g5), code, 1935, by striking from line eleven (11) the word "pension"  
 3 and inserting in lieu thereof the word "assistance".

1 SEC. 32. Amend section fifty-two hundred ninety-six-g six (5296-  
 2 g6), code, 1935, by striking from line five (5) the word "pension"  
 3 and inserting in lieu thereof the words "assistance revolving".

1 SEC. 33. Amend section fifty-two hundred ninety-six-g seven (5296-  
 2 g7), code, 1935, by striking from line six (6) the word "pension" and  
 3 inserting in lieu thereof the word "assistance".

4 Further amend said section by striking all of lines seven (7), eight  
5 (8) and nine (9), and inserting in lieu thereof the following: "arise  
6 under the provisions of this chapter."

7 Further amend said section by striking all of lines twenty (20),  
8 twenty-one (21), twenty-two (22), twenty-three (23) and twenty-  
9 four (24), and inserting in lieu thereof the following:

10 "All moneys received or recovered by the state board and division,  
11 from whatever source, except those specifically appropriated to the  
12 old age assistance fund, including warrants one written and subse-  
13 quently returned to the comptroller uncashed, shall be credited to the  
14 old age assistance revolving fund, which together with the appropria-  
15 tion made hereunder, shall constitute said fund. Whenever said fund  
16 shall".

17 Further amend said section by striking from line twenty-eight (28)  
18 the word "pension" and inserting in lieu thereof the word "assistance".

1 SEC. 34. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by adding thereto, as section fifty-two hundred ninety-  
3 six-i four (5296-i4), following section fifty-two hundred ninety-six-g  
4 seven (5296-g7) a new section:

5 "5296-i4. **Payments to the United States.** Whenever any amount  
6 shall be recovered from any source for assistance furnished under the  
7 provisions of this act and paid into the old age assistance revolving  
8 fund, upon order of the state board and division the state comptroller  
9 shall pay from said fund to the United States the amount which shall  
10 be required under the terms of title I of the federal social security act."

1 SEC. 35. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by adding as section fifty-two hundred ninety-six-i five  
3 (5296-i5) and following section fifty-two hundred ninety-six-f thirty-  
4 five (5296-f35), the following:

5 "5296-i5. **Mandamus proceedings.** In the event that any county  
6 auditor or treasurer, or both, of any county fails to do his or their duty  
7 in the matter of listing taxable persons, or the collection of the taxes  
8 levied, or the proper recording of said collections, or the making of a  
9 proper and timely return of the money so collected to the treasurer of  
10 state, or to otherwise comply with the provisions of this chapter,  
11 mandamus shall lie and proceedings shall be instituted by the auditor  
12 of state and the state board against such county auditor or treasurer  
13 or both, to comply therewith."

1 SEC. 36. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
3 thirty-six (5296-f36).

1 SEC. 37. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
3 thirty-eight (5296-f38) and inserting as a new section in chapter two  
4 hundred sixty-six-f one (266-f1), code, 1935, the following:

5 "5296-i7. **Cancellation of warrants.** The state comptroller, as of  
6 January, April, July and October first of each year, shall stop payment  
7 on and cancel all old age assistance warrants or checks which have  
8 been outstanding and unredeemed by the state treasurer for six months  
9 or longer."

1 SEC. 38. Coordinating amendments. The following sections of  
2 chapter two hundred sixty-six-f one (266-f1), code, 1935, are hereby  
3 amended as follows:

4 Fifty-two hundred ninety-six-f eleven (5296-f11) by striking from  
5 line twelve (12) the word "commission" and inserting the word "divi-  
6 sion".

7 Fifty-two hundred ninety-six-f twelve (5296-f12) by striking from  
8 line fifty-one (51) the word "commission" and inserting the word  
9 "division" and by striking from line fifty-three (53) the word "com-  
10 mission" and inserting the word "division".

11 Fifty-two hundred ninety-six-f thirteen (5296-f13) by striking from  
12 line thirteen (13) the word "commission" and inserting the word "divi-  
13 sion"; by striking from line seventeen (17) the word "commission"  
14 and inserting the word "division"; by striking from line twenty-two  
15 (22) the word "commission" and inserting the words "state board";  
16 by striking from line forty-two (42) the word "commission" and  
17 inserting the word "division"; by striking from line forty-four (44)  
18 the word "commission" and inserting the words "state board" and  
19 by striking from lines forty-six (46) and forty-seven (47) the word  
20 "commission" and inserting the word "division".

21 Fifty-two hundred ninety-six-f fourteen (5296-f14) by striking  
22 from line twelve (12) the word "commission" and inserting the word  
23 "division".

24 Fifty-two hundred ninety-six-f sixteen (5296-f16) by striking from  
25 line twenty-five (25) the word "commission" and inserting the words  
26 "state board"; by striking from line thirty-two (32) the word "com-  
27 mission" and inserting the words "state board"; by striking from line  
28 thirty-nine (39) the word "commission" and inserting the words  
29 "state board"; by striking from line fifty-four (54) the word "com-  
30 mission" and inserting the words "state board"; by striking from line  
31 fifty-five (55) the word "commission" and inserting the words "state  
32 board" and by striking from line fifty-seven (57) the word "chapter"  
33 and inserting the word "section".

34 Fifty-two hundred ninety-six-g two (5296-g2) by striking from line  
35 five (5) the word "commission" and inserting the words "state board";  
36 by striking from line twelve (12) the word "commission" and insert-  
37 ing the words "state board"; by striking from lines fifteen (15) and  
38 sixteen (16) the word "commission" and inserting the word "division"  
39 and by striking from lines nineteen (19) and twenty (20) the word  
40 "commission" and inserting the word "division".

41 Fifty-two hundred ninety-six-f seventeen (5296-f17) by striking  
42 from lines four (4) and five (5) the word "commission" and insert-  
43 ing the words "state board".

44 Fifty-two hundred ninety-six-f nineteen (5296-f19) by striking  
45 from line two (2) the word "commission" and inserting the words  
46 "state board"; by striking from line three (3) the word "board" and  
47 inserting the words "county board"; by striking from line seven (7)  
48 the word "commission" and inserting the words "state board" and  
49 by striking from line seven (7) the word "board" and inserting the  
50 words "county board".

51 Fifty-two hundred ninety-six-f twenty (5296-f20) by striking from  
52 lines one (1) and two (2) the word "commission" and inserting the  
53 word "division"; by striking from line five (5) the word "commis-

54 sion" and inserting the word "division"; by striking from lines six  
55 (6) and seven (7) the word "commission" and inserting the word  
56 "division" and by striking from line twelve (12) the word "commis-  
57 sion" and inserting the word "division".

58 Fifty-two hundred ninety-six-f twenty-one (5296-f21) by striking  
59 from line three (3) the word "commission" and inserting the word  
60 "division"; by striking from line five (5) the word "commission" and  
61 inserting the words "state board" and by striking from line fifteen (15)  
62 the word "commission" and inserting the word "division".

63 Fifty-two hundred ninety-six-f twenty-two (5296-f22) by striking  
64 from line six (6) the word "commission" and inserting the word "divi-  
65 sion".

66 Fifty-two hundred ninety-six-f twenty-three (5296-f23) by striking  
67 from line eleven (11) the word "commission" and inserting the word  
68 "division".

69 Fifty-two hundred ninety-six-f twenty-five (5296-f25) by striking  
70 from line nineteen (19) the word "commission" and inserting the  
71 words "state board".

72 Fifty-two hundred ninety-six-f thirty (5296-f30) by striking from  
73 line one (1) the word "commission" and inserting the word "division"  
74 and by striking from line nine (9) the word "commission" and insert-  
75 ing the word "division".

76 Fifty-two hundred ninety-six-f thirty-two (5296-f32) by striking  
77 from line nine (9) the word "commission" and inserting the word  
78 "division".

79 Fifty-two hundred ninety-six-f thirty-four (5296-f34) by striking  
80 from line four (4) the word "commission" and inserting the words  
81 "state board and division"; by striking from line seventy (70) the  
82 word "commission" and inserting the word "division"; and by strik-  
83 ing from line ninety-seven (97) the word "commission" and insert-  
84 ing the word "division".

85 Fifty-two hundred ninety-six-g six (5296-g6) by striking from line  
86 two (2) the words "commission is" and inserting the words "state  
87 board and division are"; by striking from line nine (9) the word  
88 "commission" and inserting the word "division" and by striking from  
89 line eleven (11) the words "executive council" and inserting the words  
90 "state board".

91 Fifty-two hundred ninety-six-g seven (5296-g7) by striking from  
92 line sixteen (16) the word "commission" and inserting the words  
93 "state board and division"; by striking from line seventeen (17) the  
94 word "commission" and inserting the words "state board or division"  
95 and by striking from line twenty-nine (29) the word "commission"  
96 and inserting the words "state board and division".

1 SEC. 39. **Coordinating amendment.** Amend section fifty-three hun-  
2 dred two (5302), code, 1935, by striking from line four (4) the words  
3 "old age assistance" and inserting the words "social welfare".

4 Further amend said section by striking from line five (5) the words  
5 "old age assistance commission" and inserting the words "division  
6 of old age assistance".

1 SEC. 40. **Coordinating amendment.** Amend section sixty-nine hun-  
2 dred fifty-g-one (6950-g1), code, 1935, by striking from line four (4)  
3 the word "pension" and inserting the word "assistance".

4 Further amend said section by striking from lines six (6) and  
5 seven (7) the words "old age assistance commission" and inserting  
6 the words "division of old age assistance".

7 Further amend said section by striking from line twenty-two (22)  
8 the word "pension" and inserting the word "assistance".\*

1 SEC. 41. **Constitutionality.** If any portion of this act shall be de-  
2 clared unconstitutional, such declaration shall not affect the validity  
3 of the remaining portions of the act but they shall remain in force as  
4 though such declaration had not been made.

1 SEC. 42. **Short title.** This act may be cited as "The Old Age As-  
2 sistance Act of 1937".

1 SEC. 43. This act, being deemed of importance, shall be in full force  
2 and effect on July 1, 1937, after its passage and publication in two  
3 newspapers of general circulation in this state, as provided by law.

Senate File 376. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the Harlan Tribune, May 27,  
1937, and the Pioneer, Cascade, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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## CHAPTER 138

### SOCIAL SECURITY

#### H. F. 167

AN ACT to amend chapter two hundred fifty-seven (257) code, 1935, providing for the recording of federal social security account numbers in the office of the county recorder.

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

1 SECTION 1. Chapter two hundred fifty-seven (257), code, 1935, is  
2 amended by adding the following new sections after section fifty-one  
3 hundred seventy-six (5176):

4 "5176-h1. Any person who is registered under the federal social  
5 security act may have such record permanently recorded in the office  
6 of the county recorder, upon payment of a fee of twenty-five cents."

7 "5176-h2. There shall be kept in connection with such record an  
8 alphabetical index, referring to the name of the person so registered  
9 under the federal social security act."

House File 167. Approved May 1, 1937.

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\* Note: Section 6950-g1 repealed and substitute enacted H. F. 196.