

Reported Recommending.....
 Ind. Postponed
 Passed Senate.....
 Failed to Pass Senate.....
 Passed House.....
 Failed to Pass House.....

March 10, 1937
 On Calendar.

Senate File 376.
 By SOCIAL SECURITY COMMITTEE.

A BILL FOR

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 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:

THE OLD AGE ASSISTANCE ACT OF 1937

- 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-
- 3 six-f one (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 depart-
6 ment of social welfare created by the social welfare act of 1937.

7 “2. The term ‘state board’ shall mean the state board of
8 social welfare created by the social welfare act of 1937.

9 “3. The term ‘county department’ shall mean the county or
10 district social welfare department created by the social welfare
11 act of 1937.

12 “4. The terms ‘board’ and ‘county board’ shall mean the
13 county or district board of social welfare created by the social
14 welfare act of 1937.

15 “5. The term ‘commissioner’ shall mean the commissioner of
16 the state department of social welfare, which officer is provided
17 by the social welfare act of 1937.

18 “6. The term ‘division’ shall mean the division of old age
19 assistance.

20 “7. The term ‘superintendent’ shall mean the old age
21 assistance superintendent.

22 “8. The term ‘investigator’ shall mean the employee of the
23 county social welfare department assigned to perform the duties
24 specified under the provisions of this chapter.

25 “9. The term ‘domicile’ shall mean the fixed permanent
26 residence of the applicant or recipient of old age assistance,
27 to which, when absent, he has the intention of returning.

28 “10. The term ‘residence’ shall mean the place of dwelling
29 of the applicant or recipient of old age assistance, whether

30 permanent or temporary, and such dwelling place may or may not
31 be the domicile of such person.

32 “11. The singular shall include the plural and the masculine
33 shall include the feminine.

34 “12. The term ‘income’ shall mean that net gain or recurrent
35 benefit which proceeds from labor, business or property, wages or
36 salary, revenue or receipts, tangible or intangible, whether in
37 the form of money, goods or services of whatever nature and from
38 whatever source, upon which a monetary value can be placed.

39 “13. The term ‘property’ shall mean those things in which
40 a person has legal title or owns, whether in lands, goods, invest-
41 ments, stocks, bonds, securities, notes, money or money on deposit,
42 insurance on his life, or intangible rights such as patents, copy-
43 rights, or anything of value which may be alienated.”

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-
3 six-f two (5296-f2), and inserting in lieu thereof the following:

4 “5296-f2. Division Created. There is hereby created a
5 division under the administrative jurisdiction of the state de-
6 partment of social welfare to be known as the division of old age
7 assistance.”

1 Sec. 3. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of section fifty-two hundred ninety-
3 six-f three (5296-f3), and inserting in lieu thereof the following:

4 “5296-f3. Superintendent. The commissioner, with the
5 approval of the state board, shall appoint a superintendent of

6 the division of old age assistance who shall be qualified by
7 character, training and experience, and shall fix his salary.
8 The superintendent, with the approval of the commissioner and
9 state board, shall appoint the necessary personnel to carry out
10 the provisions of this chapter. The salaries of the personnel
11 of the division shall be fixed by the state board.”

1 Sec. 4. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of section fifty-two hundred ninety-
3 six-f four (5296-f4).

1 Sec. 5. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of sections fifty-two hundred ninety-
3 six-f five (5296-f5), fifty-two hundred ninety-six-f six (5296-f6),
4 fifty-two hundred ninety-six-f seven (5296-f7), and fifty-two
5 hundred ninety-six-f eight (5296-f8), and inserting in lieu there-
6 of the following :

7 “5296-f5. Duties of County Department. The county depart-
8 ment shall :

9 Perform such services and duties as are prescribed in this
10 Act and are prescribed by the rules and regulations of the state
11 board.”

1 Sec. 6. 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 one (5296-i1), and following section fifty-two hundred
4 ninety-six-f two (5296-f2), the following :

5 “5296-i1. Powers and Duties of the State Board.

6 The State board shall be the responsible authority for the efficient

7 and impartial administration of this act. To this end the state
8 board shall formulate and make such rules and regulations; shall
9 outline such policies; shall dictate such procedures and shall
10 delegate such powers as may be necessary to carry out the provisions
11 and purposes of this act.

12 “The state board shall:

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

- 16 a. The total number of recipients.
- 17 b. The amount paid in cash.
- 18 c. Cash receipts and disbursements.
- 19 d. The total number of applications.
- 20 e. The number granted.
- 21 f. The number denied.
- 22 g. The number canceled during that year.
- 23 h. Such other information as the state board
24 may deem advisable.

25 “2. Cooperate with the Federal Social Security Board, created
26 by Title VII of the Social Security Act, approved August 14,
27 1935, or any other agency of the Federal Government, in any reason-
28 able manner as may be necessary to qualify for federal aid for old
29 age assistance and in conformity with the provisions of this act;
30 including the making of such reports in such form and containing
31 such information as the Federal Social Security Board or any other
32 agency of the Federal Government may from time to time find

33 necessary to assure the correctness and verification of such reports.

34 “3. Furnish information to acquaint aged persons and the
35 public generally with the old age assistance system of this state.

36 “4. Prescribe in its rules and regulations the manner and
37 procedure by which any applicant or recipient aggrieved by any
38 order or decision of the division may obtain a review of such order
39 or decision.

40 “5. Prescribe in its rules and regulations personnel standards
41 and qualifications necessary to the efficient and competent admin-
42 istration of the division.

1 Sec. 7. 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 two (5296-i2), following section fifty-two hundred ninety-
4 six-f three (5296-f3), the following section:

5 “5296-i2. Attorneys for Division and County Boards. The
6 attorney general shall be the attorney for the state board and
7 division in all matters pertaining to this act. The county attorney
8 of each county shall be the attorney for the county board and, upon
9 request of the attorney general, for the state board and division,
10 in all matters pertaining to this act.”

1 Sec. 8. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of section fifty-two hundred ninety-
3 six-f nine (5296-f9).

1 Sec. 9. Amend section fifty-two hundred ninety-six-f ten
2 (5296-f10), Code, 1935, by inserting in line six (6), following
3 the word “sources”, the words and punctuation: “, exclusive of

4 the exemptions hereinafter provided.”.

1 Sec. 10. Amend Section 5296-f11 by striking all of Line 5
2 and inserting in lieu thereof: “Show to the Division’s”.

3 Further amend said Section by inserting in Line 12 following
4 the words “amount of”, the words “not to exceed”.

1 Sec. 11. Amend section fifty-two hundred ninety-six-f
2 twelve (5296-f12), Code, 1935, by striking all of line four (4),
3 and inserting in lieu thereof the following: “or at the time
4 of review for the renewal of a certificate of assistance:”.

5 Further amend said section by striking all of lines five
6 (5) and six (6), and inserting in lieu thereof the following:

7 “1. Has residence or domicile in the county from which
8 he applies.”

9 Further amend said section by striking all of line eight
10 (8), and inserting in lieu thereof the following:

11 “3. Is a citizen of the United States or has been a continuous
12 resident of the United States for at least twenty-five (25) years,
13 and in good faith has thought himself to be a citizen of the United
14 States and has conducted himself as such.”

15 Further amend said section by striking all of lines twelve
16 (12), thirteen (13), fourteen (14), fifteen (15) and sixteen
17 (16), and inserting in lieu thereof: “but such domicile shall
18 not be deemed continuous if interrupted by periods of absence
19 totaling more than four years, except as otherwise provided
20 elsewhere in this chapter; or”.

21 Further amend said section by striking from line seventeen

22 (17) the figure and punctuation “5.”

23 Further amend said section by striking all of lines twenty-
24 one (21) to twenty-nine (29), inclusive, and by inserting in
25 lieu thereof: “ately preceding such date. However, such
26 residence shall not be deemed continuous if interrupted by periods
27 of absence exceeding thirty days during said one year even though
28 a domicile has not been acquired outside this state, unless such
29 temporary absence were due to illness. Furthermore, absence from
30 the state in the service of the state or the United States shall not
31 be deemed to have interrupted such continuous residence, if domicile
32 has not been acquired outside the state.”

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

35 “6. Has not deserted his wife, if a husband, or, without
36 just cause failed to support her and his children under the age
37 of fifteen (15) years, for a period of six months or more during
38 the ten (10) years preceding the date of application ; has not
39 deserted her husband, if a wife, or without just cause failed to
40 support such of her children as were under the age of fifteen
41 (15) years, during the period set out above.”

42 Further amend said section by striking all of subsection
43 nine (9) thereof.

44 Further amend said section by inserting in line fifty (50)
45 before the word “responsible” the words “legally or contractually”.

46 Further amend said section by striking from line fifty-one
47 (51) the words “by the board or”.

48 Further amend said section by renumbering subsection seven
49 (7) as subsection five (5) ; subsection ten (10) as subsection
50 seven (7) and subsection eleven (11) as subsection eight (8).

51 Further amend said section by adding thereto as subsection
52 nine (9), the following :

53 “9. Is not, because of physical or mental condition, in
54 need of continued institutional care, and such care is reasonably
55 available to him in one of the institutions provided by the United
56 States, the state of Iowa, or one of its political subdivisions.”

1 Sec. 12. Amend section fifty-two hundred ninety-six-f
2 thirteen (5296-f13), Code, 1935, by inserting in line ten (10)
3 following the word “dollars” the words and punctuation : “, or
4 if married and not separated from the spouse, if he and his spouse
5 have more than four hundred fifty dollars”.

1 Sec. 13. Amend section fifty-two hundred ninety-six-f
2 fourteen (5296-f14), Code, 1935, by inserting in line three (3),
3 following the word and punctuation “income,” the words and
4 punctuation : “excepting any real estate occupied by an applicant or
5 recipient as a home,”.

6 Further amend said section by adding as a new paragraph,
7 between lines six (6) and seven (7), the following :

8 “if the applicant or spouse owns real estate which said
9 applicant occupies as a home, the value to him of such occupancy,
10 making due allowance for taxes, insurance, interest on encum-
11 brances, and upkeep, shall be taken into consideration by the
12 division in ascertaining the income value to him of such home for

13 the purpose of arriving at the amount of assistance to which said
14 applicant is entitled.”

1 Sec. 14. Amend section fifty-two hundred ninety-six-f
2 sixteen (5296-f16), Code, 1935, by striking lines twenty (20) to
3 twenty-four (24), inclusive, and inserting in lieu thereof the
4 following:

5 “The statute of limitations shall not begin to run against any
6 lien or cause of action, belonging to the state and under the
7 provisions of this section or chapter, until the death of the
8 recipient, former recipient, or the surviving spouse, if any.”

9 Further amend said section by striking from line thirty-
10 seven (37) the word “board” and inserting in lieu thereof the
11 words “state board”.

12 Further amend said section by striking all of line thirty-
13 eight (38) and the words “persons entitled thereto” in line
14 thirty-nine (39), and inserting in lieu thereof the words “which
15 shall credit the net income to the account of the person or
16 persons entitled thereto”.

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-
3 six-f eighteen (5296-f18), and substituting in lieu thereof the
4 following:

5 “5296-f18. Procedure with Application. Whenever an appli-
6 cation is made for old age assistance, the county board shall make
7 an investigation promptly through an investigator, and in addition
8 such direct investigation as it deems advisable. After hearing

9 the applicant, if he so requests, if it approves the application,
10 the board shall make a recommendation of the amount of assistance
11 to be allowed ; or, if it disapprove, make a recommendation that
12 no assistance be allowed. The board shall send the application,
13 its recommendation, and the reasons for its decision to the
14 division with such supporting papers as the rules of the state board
15 may require.

16 “Upon receipt of the application and supporting papers, the
17 division may make such additional investigation as it deems
18 necessary. Should the division disagree with the board in the
19 latter’s recommendation, it shall neither approve nor disapprove
20 said application without a further review to clarify the points
21 of disagreement between the board and division. In any event,
22 the division shall make its decision in a reasonable time and
23 either approve and fix an amount of assistance or reject the
24 claim of the applicant ; and shall give written notice to the
25 applicant as to the action taken.

26 “Any applicant or recipient aggrieved by any order or
27 determination of the division may make application for a review
28 by the state board upon a prescribed form furnished by the county
29 board. Such application shall be sent by registered mail to the
30 superintendent within thirty days of the notice of such rejection
31 or order. Upon receipt of such application for review, the state
32 board shall give at least ten days notice to said applicant
33 by registered mail of the time and place of a hearing to be
34 held within the county of residence of the applicant. A hearing

35 and full review of said claim shall then be had before said state
36 board of such person or persons designated by the chairman from
37 the membership of the state board or the staff of the division.

38 Following such hearing the state board shall take its final action
39 and notify the applicant in writing.

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

52 “The court shall hear said application on its merits and
53 determine whether or not the decision of the state board was
54 in conformity with the law. If so, the court shall affirm the
55 decision of the state board and if not shall advise the state
56 board wherein it has failed to so conform and shall direct a
57 reconsideration and a determination in accordance with such
58 finding of the court.

59 “In any event, an applicant whose application for assistance
60 has been rejected may not reapply for assistance until the

61 expiration of twelve months from the date of the previous
62 application.”

1 Sec. 16. Amend section fifty-two hundred ninety-six-f
2 twenty-two (5296-f22), Code, 1935, by striking from lines three
3 (3) and four (4) the words “the first day of”, and inserting in
4 lieu thereof the words “on the day fixed by the state board for
5 payments to recipients of the county from which the applicant
6 applied and within”.

1 Sec. 17. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of section fifty-two hundred ninety-
3 six-g three (5296-g3).

1 Sec. 18. Amend section fifty-two hundred ninety-six-f
2 twenty-three (5296-f23), Code, 1935, by striking from lines
3 ten (10), eleven (11), twelve (12) and thirteen (13), the words
4 and punctuation “, and the board may on inquiry, and with the
5 approval of the division, either cancel the assistance or pay
6 the amount thereof during the period of the certificate”, and
7 inserting in lieu thereof the words and punctuation “. The
8 board shall inform the division of such change and make its
9 recommendation for further action by the division. The
10 division thereupon shall cancel the certificate or lower the amount
11 of assistance for the remaining period of the certificate”.

1 Sec. 19. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of section fifty-two hundred ninety-
3 six-f twenty-four (5296-f24), and inserting in lieu thereof the
4 following:

5 “5296-f24. Recovery of Excess Assistance. When it is
6 found that any person who is receiving or has received old age
7 assistance has failed to notify the board, as provided in section
8 fifty-two hundred ninety-six-f twenty-three (5296-f23), that he
9 is or was possessed of property or income in excess of the amount
10 allowed by this chapter, double the amount of assistance paid in
11 excess of that to which the recipient was entitled, may be
12 recovered from him, while living, as a debt due the state; upon his
13 death as a preferred claim against his estate. The amount so
14 received shall be transferred to the old age assistance revolving
15 fund of the state.”

1 Sec. 20. Amend section fifty-two hundred ninety-six-f
2 twenty-five (5296-f25), Code, 1935, by striking from line two
3 (2) the words “receiving old age assistance”, and inserting in
4 lieu thereof the words “whose claim has been approved and whose
5 certificate has not been canceled”.

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

1 Sec. 21. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of section fifty-two hundred ninety-
3 six-f twenty-six (5296-f26), and inserting in lieu thereof the
4 following:

5 “5296-f26. Inmate of Institution. While any person
6 receiving assistance is an inmate of any charitable, benevolent,
7 or fraternal institution, not tax supported, all warrants issued
8 for assistance shall be payable to the recipient, unless
9 said person has a legally appointed guardian.

10 “When any such inmate is granted assistance, the division
11 shall notify the governing authority of the institution.

12 “Any recipient may be privileged to expend a part of the
13 assistance paid him under the provisions of this chapter toward
14 defraying the actual expenses of his residence in a charitable,
15 benevolent, or fraternal institution, not tax supported, provided,
16 that the state board has approved and that it and its agents are
17 permitted freely to visit and inspect such institution and,
18 provided, the charge shall not be so much as to deprive said
19 recipient and inmate of such cash as he needs for necessities
20 and incidentals not furnished by said institution.”

1 Sec. 22. Amend section fifty-two hundred ninety-six-f
2 twenty-seven (5296-f27), Code, 1935, by inserting in line four
3 (4) following the word “for” the words and punctuation “dental,
4 nursing,”.

1 Sec. 23. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of section fifty-two hundred ninety-
3 six-f twenty-eight (5296-f28), and inserting in lieu thereof the
4 following:

5 “5296-f28. Incapacity of Applicant. If the person
6 applying for or receiving assistance, on the testimony of

7 reputable witnesses, is thought to be incapable of taking care of
8 himself or his money, the board shall complete the investigation
9 as provided elsewhere in this chapter and send such application,
10 investigation, and supporting papers to the division. When
11 notified by the division of the conditional approval of said
12 application or the renewal or continuance of a certificate, con-
13 tingent upon the appointment of a legal guardian, the board shall
14 petition the court for such appointment and shall forward the court
15 record to the division as notice of the person to whom assist-
16 ance payments shall be made.

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

24 “All guardianship proceedings in the case of an applicant
25 or recipient shall be carried out without fee or other expense
26 when, in the opinion of the court, the aged person is unable
27 to assume said expense. At the discretion of the court such a
28 guardian may serve without bond.”

1 Sec. 24. 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 three (5296-i3) following section fifty-two hundred ninety-
4 six-f twenty-nine (5296-f29) a new section :

5 “5296-i3. Confidential Records. All applications and
6 records shall be confidential and shall be open to inspection
7 only by persons authorized by the state or the United States in
8 connection with their official duties, or when produced in response
9 to a subpoena issued by a court of competent jurisdiction.”

1 Sec. 25. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by adding as section fifty-two hundred ninety-six-i
3 four (5296-i4) and following section fifty-two hundred ninety-
4 six-f thirty (5296-f30), the following :

5 “5296-i4. Recovery from Responsible Relatives. If at any
6 time under this act the state board and division or county board
7 finds that any person, municipality, association, society or
8 corporation as specified under subsection nine (9) of section
9 fifty-two hundred ninety-six-f twelve (5296-f12) of this chapter,
10 is or was at the time any assistance was paid reasonably able to
11 contribute to the necessary care and support of any recipient with-
12 out undue hardship, during the continuance of any certificate of assist-
13 ance, and such person, municipality, association, society or
14 corporation fails or has failed or refused to do so, then, after
15 notice to such person, municipality, association, society, or
16 corporation, there shall exist a cause of action for the recovery
17 by the state board and division, for the state, of double such amount
18 of assistance furnished as was or is in excess of the amount allowed
19 by this chapter.”

1 Sec. 26. Amend section fifty-two hundred ninety-six-f
2 thirty-one (5296-f31), Code, 1935, by striking all of lines ten

3 (10) to eighteen (18), inclusive, and inserting in lieu thereof
4 the following :

5 “3. Payment of any forfeited installment grant ; or

6 “4. Aids or abets in the selling or buying, or in any way
7 disposing of the property of any recipient, or his spouse, or
8 both, without the consent of the state board and division or

9 “5. Aids or abets in the selling or buying, or in any way
10 disposing of or concealing the property of any person or his
11 spouse, or both, for the purpose of qualifying or attempting to
12 qualify such person or persons for old age assistance, shall be
13 guilty of a misdemeanor and the person guilty thereof, in addition
14 to the punishment for his misdemeanor, shall be liable for double
15 that part of the assistance paid which is in excess of the amount
16 allowed by this chapter.”

1 Sec. 27. Amend section fifty-two hundred ninety-six-f
2 thirty-four (5296-f34), Code, 1935, by striking from line three
3 (3) the word “pension” and inserting in lieu thereof the word
4 “assistance”

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

8 Further amend said section by striking from lines seventy-
9 four (74) and seventy-five (75) the word “pensions” and inserting
10 in lieu thereof the word “assistance”.

11 Further amend said section by striking from line ninety-one

12 (91) the word "pension" and inserting in lieu thereof the word
13 "assistance".

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

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

1 Sec. 28. Amend section fifty-two hundred ninety-six-g five
2 (5296-g5), Code, 1935, by striking from line eleven (11) the
3 word "pension" and inserting in lieu thereof the word "assistance".

1 Sec. 29. Amend section fifty-two hundred ninety-six-g six
2 (5296-g6), Code, 1935, by striking from line five (5) the word
3 "pension" and inserting in lieu thereof the words "assistance
4 revolving."

1 Sec. 30. Amend section fifty-two hundred ninety-six-g
2 seven (5296-g7), Code, 1935, by striking from line six (6) the
3 word "pension" and inserting in lieu thereof the word "assistance".

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

7 Further amend said section by striking all of lines twenty
8 (20), twenty-one (21), twenty-two (22), twenty-three (23) and
9 twenty-four (24), and inserting in lieu thereof the following:
10 "All moneys received or recovered by the state board and
11 division, from whatever source, except those specifically appro-

12 priated to the old age assistance fund, including warrants once
13 written and subsequently returned to the comptroller uncashed,
14 shall be credited to the old age assistance revolving fund, which
15 together with the appropriation made hereunder, shall constitute
16 said fund. Whenever said fund shall''.

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

1 Sec. 31. 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 five (5296-i5), following section fifty-two hundred ninety-
4 six-g seven (5296-g7) a new section:

5 "5296-i5. Payments to the United States. Whenever any
6 amount shall be recovered from any source for assistance furnished
7 under the provisions of this act and paid into the old age assist-
8 ance revolving fund, upon order of the state board and division the
9 state comptroller shall pay from said fund to the United States the
10 amount which shall be required under the terms of Title I of the
11 Federal Social Security Act."

1 Sec. 32. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by adding as section fifty-two hundred ninety-six-i
3 six (5296-i6) and following section fifty-two hundred ninety-
4 six-f thirty-five (5296-f35), the following:

5 "5296-i6. Mandamus Proceedings. In the event that any
6 county auditor or treasurer, or both, of any county fails to do
7 his or their duty in the matter of listing taxable persons, or the

8 collection of the taxes levied, or the proper recording of said
9 collections, or the making of a proper and timely return of the
10 money so collected to the treasurer of state, or to otherwise com-
11 ply with the provisions of this chapter, mandamus shall lie and
12 proceedings shall be instituted by the auditor of state and the
13 state board against such county auditor or treasurer or both, to
14 comply therewith.”

1 Sec. 33. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of Section fifty-two hundred ninety-
3 six-f thirty-six (5296-f36).

1 Sec. 34. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, by striking all of section fifty-two hundred ninety-
3 six-f thirty-eight (5296-f38).

1 Sec. 35. Coordinating Amendments. The following sections
2 of chapter two hundred sixty-six-F one (266-F1), Code, 1935, are
3 hereby amended as follows:

4 Fifty-two hundred ninety-six-f eleven (5296-f11) by striking
5 from line five (5) the word “commission” and inserting the word
6 “division” and by striking the word “their” and inserting the word
7 “its”; by striking from line twelve (12) the word “commission”
8 and inserting the word “division”

9 Fifty-two hundred ninety-six-f twelve (5296-f12) by striking
10 from line fifty-one (51) the word “commission” and inserting the
11 word “division” and by striking from line fifty-three (53) the word
12 “commission” and inserting the word “division”.

13 Fifty-two hundred ninety-six-f thirteen (5296-f13) by striking

14 from line thirteen (13) the word “commission” and inserting the word
15 “division”; by striking from line seventeen (17) the word “commis-
16 sion” and inserting the word “division”; by striking from line
17 twenty-two (22) the word “commission” and inserting the words “state
18 board”; by striking from line forty-two (42) the word “commission”
19 and inserting the word “division”; by striking from line forty-four
20 (44) the word “commission” and inserting the words “state board”
21 and by striking from lines forty-six (46) and forty-seven (47) the
22 word “commission” and inserting the word “division”.

23 Fifty-two hundred ninety-six-f fourteen (5296-f14) by striking
24 from line twelve (12) the word “commission” and inserting the word
25 “division”.

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

36 Fifty-two hundred ninety-six-g two (5296-g2) by striking from
37 line five (5) the word “commission” and inserting the words “state
38 board”; by striking from line twelve (12) the word “commission” and
39 inserting the words “state board”; by striking from lines fifteen

40 (15) and sixteen (16) the word “commission” and inserting the words
41 “state board” and by striking from lines nineteen (19) and twenty
42 (20) the word “commission” and inserting the words “state board”.

43 Fifty-two hundred ninety-six-f seventeen (5296-f17) by strik-
44 ing from lines four (4) and five (5) the word “commission” and in-
45 serting the words “state board”.

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

53 Fifty-two hundred ninety-six-f twenty (5296-f20) by striking
54 from lines one (1) and two (2) the word “commission” and inserting
55 the word “division”; by striking from line five (5) the word “com-
56 mission” and inserting the word “division”; by striking from lines
57 six (6) and seven (7) the word “commission” and inserting the word
58 “division” and by striking from line twelve (12) the word “com-
59 mission” and inserting the word “division”.

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

65 Fifty-two hundred ninety-six-f twenty-two (5296-f22) by strik-

66 ing from line six (6) the word “commission” and inserting the word
67 “division”.

68 Fifty-two hundred ninety-six-f twenty-three (5296-f23) by
69 striking from line eleven (11) the word “commission” and inserting
70 the word “division”.

71 Fifty-two hundred ninety-six-f twenty-five (5296-f25) by strik-
72 ing from line nineteen (19) the word “commission” and inserting the
73 words “state board”.

74 Fifty-two hundred ninety-six-f thirty (5296-f30) by striking
75 from line one (1) the word “commission” and inserting the word
76 “division” and by striking from line nine (9) the word “commission”
77 and inserting the word “division”.

78 Fifty-two hundred ninety-six-f thirty-two (5296-f32) by strik-
79 ing from line nine (9) the word “commission” and inserting the word
80 “division”.

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

87 Fifty-two hundred ninety-six-g six (5296-g6) by striking from
88 line two (2) the words “commission is” and inserting the words “state
89 board and division are”; by striking from line nine (9) the word
90 “commission” and inserting the word “division” and by striking from

91 line eleven (11) the words “executive council” and inserting the
92 words “state board”.

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

99 Fifty-two hundred ninety-six-f thirty-eight (5296-f38) by
100 striking from line six (6) the word “commission” and inserting the
101 words “state board”.

1 Sec. 36. Coordinating Amendment. Amend section fifty-three
2 hundred two (5302), Code, 1935, by striking from line four (4) the
3 words “old age assistance” and inserting the words “Social welfare”.

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

1 Sec. 37. Coordinating Amendment. Amend section sixty-nine
2 hundred fifty-g-one (6950-g1), Code, 1935, by striking from line
3 four (4) 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
8 (22) the word “pension” and inserting the word “assistance”.

1 Sec. 38. Constitutionality. If any portion of this act shall

2 be declared unconstitutional, such declaration shall not affect
3 the validity of the remaining portions of the act but they shall
4 remain in force as though such declaration had not been made.

1 Sec. 39. Short Title. This act may be cited as “The Old
2 Age Assistance Act of 1937”.

1 Sec. 40. Publication Clause. This act being deemed of
2 immediate importance, shall be in force and effect from and after
3 its passage and publication in, a news-
4 paper published at, Iowa and in
5, a newspaper published at,
6 Iowa.

Reported Recommending.....
 Ind. Postponed
 Passed Senate.....
 Failed to Pass Senate.....
 Passed House.....
 Failed to Pass House.....

April 7, 1937.

Senate File 376.

As passed by the Senate.

By SOCIAL SECURITY COMMITTEE.

A BILL FOR

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
- 2 (266-F1), Code, 1935, by striking all of section fifty-two

3 hundred ninety-six-f one (5296-f1), and inserting in lieu
4 thereof the following:

5 “5296-f1. Definitions. When used herein:

6 “1. The term ‘state department’ shall mean the state
7 department of social welfare created by senate file three
8 hundred seventy-three (373), acts of the Forty-seventh
9 general assembly.

10 “2. The term ‘state board’ shall mean the state board
11 of social welfare created by senate file three hundred
12 seventy-three (373), acts of the Forty-seventh general
13 assembly.

14 “3. The term ‘board’ and ‘county board’ shall mean the
15 county board of social welfare created by senate file three
16 hundred seventy-three (373) acts of the forty-seventh general
17 assembly.

18 “4. The term ‘division’ shall mean the division of old
19 age assistance.

20 “5. The term ‘superintendent’ shall mean the old age
21 assistance superintendent.

22 “6. The term ‘investigator’ shall mean the employee of
23 the county board of social welfare assigned to perform the
24 duties specified under the provisions of this chapter.

25 “7. The term ‘domicile’ shall mean the fixed permanent
26 residence of the applicant or recipient of old age assistance,
27 to which, when absent, he has the intention of returning.

28 “8. The term ‘residence’ shall mean the place of

29 dwelling of the applicant or recipient of old age assistance,
30 whether permanent or temporary, and such dwelling place may
31 or may not be the domicile of such person.

32 “9. The term ‘income’ shall mean that gain or recurrent
33 benefit, or both, accruing to the applicant for or the
34 recipient of old age assistance because of his own labor,
35 business or property or because of the reasonable legal or
36 contractual liability of another person or legal entity,
37 whether in the form of money, goods or services of whatever
38 nature and from whatever source, upon which a monetary value
39 can be placed.

40 “10. The term ‘property’ shall mean those things in
41 which a person has legal title or owns, whether in lands,
42 goods, investments, stocks, bonds, securities, notes, money
43 or money on deposit, insurance on his life, or intangible
44 rights such as patents, copyrights, or anything of value which
45 may be alienated.

46 “11. The singular shall include the plural and the
47 masculine shall include the feminine.”

1 Sec. 2. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two
3 hundred ninety-six-f two (5296-f2), and inserting in lieu
4 thereof the following :

5 “5296-f2. Division Created. There is hereby created
6 a division under the administrative jurisdiction of the state
7 board of social welfare to be known as the division of old

8 age assistance.”

1 Sec. 3. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two
3 hundred ninety-six-f three (5296-f3), and inserting in lieu
4 thereof the following:

5 “5296-f3. Superintendent. The state board shall appoint
6 a superintendent of the division of old age assistance who
7 shall be qualified by character, training and experience.
8 The superintendent, with the approval of the state board,
9 shall appoint the necessary personnel to carry out the pro-
10 visions of this chapter. The salaries of the personnel of
11 the division shall be fixed by the state board.”

1 Sec. 4. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two
3 hundred ninety-six-f four (5296-f4).

1 Sec. 5. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of sections fifty-two
3 hundred ninety-six-f five (5296-f5), fifty-two hundred ninety-
4 six-f six (5296-f6), fifty-two hundred ninety-six-f seven
5 (5296-f7), and fifty-two hundred ninety-six-f eight (5296-f8),
6 and inserting in lieu thereof the following:

7 “5296-f7. Old Age Assistance Investigators. The
8 county board shall employ one or more old age assistance
9 investigators whose duty shall be to make such investigations
10 or reinvestigations as are necessary to furnish the information
11 required by the county board and the division, and in such

12 manner and form as may be prescribed in the rules and
13 regulations of the state board relating to this division.”

1 Sec. 6. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by adding thereto as section fifty-
3 two hundred ninety-six-l one (5296-i1), and following
4 section fifty-two hundred ninety-six-f two (5296-f2), the
5 following:

6 “5296-i1. Powers and Duties of the State Board.

7 The state board shall be the responsible authority for the
8 efficient and impartial administration of this chapter.

9 To this end the state board shall formulate and make such
10 rules and regulations, outline such policies, dictate such
11 procedures and delegate such powers as may be necessary to
12 carry out the provisions and purposes of this act.

13 “The state board shall:

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

17 a. The total number of recipients.

18 b. The amount paid in cash.

19 c. Cash receipts and disbursements.

20 d. The total number of applications.

21 e. The number granted.

22 f. The number denied.

23 g. The number canceled during that year.

24 h. Such other information as the state board may deem

25 advisable.

26 “2. Cooperate with the federal social security board,
27 created by Title VII of the social security act,
28 Public No. 271, enacted by the 74th congress of the United
29 States and approved August 14, 1935, in such reasonable
30 manner as may be necessary to qualify for federal aid for
31 old age assistance, including the making of such reports
32 in such form and containing such information as the federal
33 social security board, from time to time, may require, and
34 to comply with such regulations as said federal social
35 security board, from time to time, may find necessary to
36 assure the correctness and verification of such reports.

37 “3. Furnish information to acquaint aged persons and
38 the public generally with the old age assistance system of
39 this state.

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

1 Sec. 8. Amend section fifty-two hundred ninety-six-f
2 eleven (5296-f11), Code, 1935, by striking the word “does”
3 in line four (4) and all of line five (5) and inserting in
4 lieu thereof: “shows to the division’s”.

5 Further amend said section by striking from line
6 twelve (12), following the words “the amount of”, and inserting
7 in lieu thereof the words “an amount not to exceed”.

1 Sec. 9. Amend section fifty-two hundred ninety-six-f
2 twelve (5296-f12), Code, 1935, by striking all of line four
3 (4), and inserting in lieu thereof the following: “or at the
4 time of review for the renewal of a certificate of assistance:”

5 Further amend said section by striking all of lines five
6 (5) and six (6), and inserting in lieu thereof the following:

7 “1. Has residence or domicile in the county from which
8 he applies.”

9 Further amend said section by striking all of line eight
10 (8), and inserting in lieu thereof the following:

11 “3. Is a citizen of the United States or has been a
12 continuous resident of the United States for at least twenty-
13 five (25) years, and in good faith has thought himself to be a
14 citizen of the United States and has conducted himself as such
15 and who has been a resident of the state of Iowa for at least
16 ten (10) years.”

17 Further amend said section by striking all of lines
18 twelve (12), thirteen (13), fourteen (14), fifteen (15), and
19 sixteen (16), and inserting in lieu thereof, “but such
20 domicile shall not be deemed continuous if interrupted by
21 periods of absence totaling more than four years, except as
22 otherwise provided elsewhere in this chapter; or”

23 Further amend said section by striking from line seventeen
24 (17) the figure and punctuation “5.”

25 Further amend said section by striking all of lines
26 twenty-one (21) to twenty-nine (29), inclusive, and by inserting

27 in lieu thereof: “ately preceding such date. Furthermore,
28 absence from the state in the service of the state or the
29 United States shall not be deemed to have interrupted such
30 continuous residence, if domicile has not been acquired outside
31 the state.”

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

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

36 “6. Has not deserted his wife, if a husband, or, without
37 just cause failed to support her and his children under the age
38 of fifteen years, for a period of six months or more during the
39 ten years preceding the date of application; has not deserted
40 her husband, if a wife, or without just cause failed to support
41 such of her children as were under the age of fifteen years,
42 during the period set out above.”

43 Further amend said section by inserting in line fifty (50)
44 before the word “responsible” the words “legally or
45 contractually”.

46 Further amend said section by striking from line fifty-
47 one (51) the words “by the board or”

48 Further amend said section by renumbering subsection
49 seven (7) as subsection five (5), subsection ten (10) as
50 subsection seven (7) and subsection eleven (11) as subsection
51 eight (8).

52 Further amend said section by adding thereto as sub-

53 section ten (10), the following:

54 “10. Is not, because of physical or mental condition,
55 in need of continued institutional care, and such care is
56 reasonably available to him in one of the institutions
57 provided by the United States, the state of Iowa, or one of
58 its political subdivisions.”

1 Sec. 10. Amend Section fifty-two hundred ninety-six-f
2 thirteen (5296-f13), Code, 1935, by inserting in line ten
3 (10) following the word “dollars” the words and punctuation:
4 “, or if married and not separated from the spouse, if he
5 and his spouse have more than four hundred fifty dollars”.

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

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

15 Further amend said section as it appears in the Code

16 of Iowa, 1935, by inserting in line ten (10), before the
17 word “value”, the word “actual”.

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

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

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

11 Further amend said section by striking from line fourteen
12 (14) the word “both” and inserting in lieu thereof the words
13 “either or both”.

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

5 Further amend said section by inserting in line ten (10)
6 following the words “recorder of the county” the following:
7 “in which the recipient lives and”.

8 Further amend said section by inserting in line eleven (11)

9 after the words “real estate” the words “belonging to the
10 recipient or the spouse of such recipient”.

11 Further amend said section by inserting as a new paragraph
12 between lines nineteen (19) and twenty (20), the following:
13 “Any action to enforce an old age assistance lien shall
14 be by equitable proceedings.”

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

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

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

25 “; upon the taking of such deed the division shall pay any
26 delinquent taxes against said property and said deed shall
27 reserve to the grantor and his spouse a life estate in said
28 property and an option to the recipient and his heirs to purchase
29 said property by repayment of the total amount paid for the
30 benefit of the recipient, plus three and one-half (3½) per cent
31 interest thereon from the date or dates of payment.”

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

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

1 Sec. 14. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two
3 hundred ninety-six-g one (5296-g1) and inserting in lieu thereof
4 the following:

5 “5296-g1. Executor Responsible. Any transfer of any
6 property or interest therein made by an applicant or recipient
7 of old age assistance to any person without adequate consideration
8 therefor or with intent to deprive the state of its interest
9 therein shall be void.

10 “All administrators, executors, referees and trustees of
11 estates subject to liens provided for by this chapter shall when
12 such lien and claim is filed in the estate or against said estate
13 or established by other legal proceedings as provided by law,
14 pay said lien or claim when so ordered by the court.”

1 Sec. 15. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two
3 hundred ninety-six-f eighteen (5296-f18) and substituting in
4 lieu thereof the following:

5 “5296-f18. Procedure with Application. Whenever an
6 application is made for old age assistance, the county board shall
7 make an investigation within sixty days through an investigator,

8 and make, in addition, such direct investigation as it deems
9 advisable. After hearing the applicant, if he so requests, if
10 it approves the application, the county board shall make a rec-
11 ommendation of the amount of assistance to be allowed ; or,
12 if it disapprove, make a recommendation that no assistance be
13 allowed. The county board shall promptly send the application
14 to the division, and, within ninety days from the date of
15 application, shall send its recommendation, and the reason
16 for such recommendation to the division with such supporting
17 papers as the state board may require, unless for reasons
18 beyond the county board's control which reasons shall be reported.

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

31 “Any applicant or recipient aggrieved by any order or
32 determination of the division, or by the failure of the division
33 to so act, may make application for a review by the state board

34 upon a prescribed form furnished by the county board. Such
35 application shall be sent by registered mail to the superintendent
36 within thirty days of the notice of such rejection or order.

37 Upon receipt of such application for review, the state board shall
38 give at least ten days' notice to said applicant by registered
39 mail of the time and place of a hearing to be held within the
40 county of residence of the applicant. A fair hearing and full
41 review of said claim shall then be had before said state board
42 or such person or persons designated by the chairman from the
43 state board or the division. Following such hearing the state
44 board shall take its final action and notify the applicant in
45 writing within ninety days.

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

59 "The court shall hear said application on its merits

60 and determine whether or not the decision of the state board
61 was in conformity with the law. If so, the court shall affirm
62 the decision of the state board and, if not, shall certify the
63 order to the state board and to the division and order the
64 division to make payment to the applicant.

65 “In any event, an applicant whose application for
66 assistance has been rejected may not reapply for assistance
67 until the expiration of twelve months from the date of the
68 previous application.”

1 Sec. 16. Amend section fifty-two hundred ninety-six-f
2 twenty (5296-f20), Code, 1935, by striking the period after
3 the word “discontinued” in lines thirteen (13) and fourteen
4 (14) and adding thereto the following:

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

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

1 Sec. 18. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two

3 hundred ninety-six-g three (5296-g3).

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

1 Sec. 20. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two
3 hundred ninety-six-f twenty-four (5296-f24), and inserting
4 in lieu thereof the following:
5 “5296-f24. Recovery of Excess Assistance. When it is
6 found that any person who is receiving or has received old age
7 assistance has failed to notify the board, as provided in
8 section fifty-two hundred ninety-six-f twenty-three (5296-f23),
9 that he is or was possessed of property or income in excess of
10 the amount allowed by this chapter, then his certificate shall
11 be canceled and double the amount of assistance paid, in excess
12 of that to which the recipient was entitled, may be recovered

13 from him, while living, as a debt due the state; upon his death
14 as a preferred claim against his estate. The amount so received
15 shall be transferred to the old age assistance revolving fund of
16 the state.”

1 Sec. 21. Amend section fifty-two hundred ninety-six-f
2 twenty-five (5296-f25), Code, 1935, by striking from line two (2)
3 the words “receiving old age assistance”, and inserting in lieu
4 thereof the words “whose claim has been approved and whose
5 certificate has not been canceled”.

6 Further amend said section by adding at the end thereof the
7 following sentence: “Any funeral expenses thus paid by the
8 division shall become a part of the claim for assistance granted
9 and enforced under the provisions of sections fifty-two hundred
10 ninety-six-f fifteen (5296-f15) and fifty-two hundred ninety-six-f
11 sixteen (5296-f16) of 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-
3 six-f twenty-six (5296-f26), and inserting in lieu thereof the
4 following:

5 “5296-f26. Resident in Institution. Any recipient who is
6 a resident in any charitable, benevolent, or fraternal
7 institution, not tax supported, may expend a part of the
8 assistance paid him under the provisions of this chapter toward
9 defraying the actual expenses of his residence in such
10 institution, provided, that the state board has approved and
11 that it and its agents are permitted freely to visit and inspect

12 such institution and, provided, the charge shall not be so much
13 as to deprive said recipient and inmate of such cash as he needs
14 for necessities and incidentals not furnished by said institution.”

1 Sec. 23. Amend Section fifty-two hundred ninety-six-f
2 twenty-seven (5296-f27), Code, 1935, by inserting in line four
3 following the word “for” the words and punctuation “fuel,
4 dental, nursing,”.

1 Sec. 24. Amend Chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of Section fifty-two
3 hundred ninety-six-f twenty-eight (5296-f28), and inserting in
4 lieu thereof the following:

5 “5296-f28. Incapacity of Applicant or Recipient. If
6 the person applying for or receiving assistance, on the
7 testimony of reputable witnesses, is thought to be incapable
8 of taking care of himself or his money, the board shall complete
9 the investigation, as provided elsewhere in this chapter, and
10 send such application, investigation, and supporting papers to
11 the division. When notified by the division of the conditional
12 approval of said application or the renewal or continuance of
13 a certificate, contingent upon the appointment of a legal
14 guardian, the board shall direct the county attorney to petition
15 the court for such appointment and shall forward the court
16 record to the division as notice of the person to whom
17 assistance payments shall be made.

18 “The application of a person who has been adjudged an
19 incompetent shall be honored only when made by a legally

20 appointed guardian as provided for under the provisions of
21 Section twelve thousand six hundred fourteen (12614), Code,
22 1935. Upon subsequent investigations all affidavits shall
23 be affirmed by said legal guardian and the person or persons
24 supplying the required information in behalf of said
25 incompetent person.

26 “All guardianship proceedings in the case of an applicant
27 or recipient shall be carried out without fee or other expense
28 when, in the opinion of the court, the aged person is unable
29 to assume said expense. At the discretion of the court,
30 such a guardian may serve without bond.”

1 Sec. 25. Amend Chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by adding thereto, as Section fifty-
3 two hundred ninety-six-i two (5296-i2) following. Section
4 fifty-two hundred ninety-six-f twenty-nine (5296-f29) a
5 new section:

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

13 “Any list or lists of names of applicants and/or
14 recipients of old age assistance or other lists compiled
15 by the old age assistance commission are hereby declared to be

16 the personal property of the state of Iowa; and no employee
17 of the state of Iowa, or any other person, shall give, sell
18 or furnish such list or lists to any person or persons for
19 any purpose except for use in the administration of this act,
20 and as otherwise herein provided. No person shall buy,
21 give, furnish, sell or use such list or lists or any
22 addressograph or addressograph plates belonging to or used
23 for the old age assistance division of the state of Iowa
24 for any commercial or political purpose, and the violation
25 of any of the provisions hereof is hereby made a misdemeanor,
26 punishable by a fine of not to exceed one thousand (1000)
27 dollars, or by imprisonment in the county jail not to exceed
28 one year, or by both such fine and imprisonment.”

1 Sec. 26. Amend Section fifty-two hundred ninety-six-g
2 four (5296-g4), Code, 1935, by striking from line five (5)
3 the word “pension” and inserting in lieu thereof the word
4 “assistance”.

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

1 Sec. 27. Amend Section fifty-two hundred ninety-six-f
2 thirty (5296-f30), Code, 1935, by striking the period after
3 the word “suspension” in line seven (7) and adding thereto
4 the following: “and it shall also promptly notify the
5 recipient in writing of such suspension stating in such notice
6 the reason of such suspension and such recipient shall be

7 entitled to a hearing before the state board to show cause why
8 such suspension should not be made permanent.”

1 Sec. 28. Amend Chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by adding as Section fifty-two hundred
3 ninety-six-i three (5296-i3) and following Section fifty-two
4 hundred ninety-six-f thirty (5296-f30), the following :

5 “5296-i3. Recovery from Responsible Relatives. If
6 at any time under this act the state board and division or
7 county board finds that any person, municipality, association,
8 society or corporation as specified under subsection nine (9)
9 of Section fifty-two hundred ninety-six-f twelve (5296-f12)
10 of this chapter, is or was at the time any assistance was
11 paid reasonably able to contribute to the necessary care and
12 support of any recipient without undue hardship, during the
13 continuance of any certificate of assistance, and such person,
14 municipality, association, society or corporation fails or has
15 failed or refused to do so, then, after notice to such person,
16 municipality, association, society, or corporation, there shall
17 exist a cause of action against such person, municipality,
18 association, society or corporation for the recovery by the
19 state board and division, for the state, of double such amount
20 of assistance furnished as was or is in excess of the amount
21 allowed by this chapter.”

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

4 thereof the following:

5 “3. Payment of any forfeited installment grant; or

6 “4. Who aids or abets in the selling or buying, or in
7 any way disposing of the property of any recipient, or his
8 spouse, or both, with intent to defraud the state of Iowa; or

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

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

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

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

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

16 Further amend said section by striking from line ninety-four
17 (94) the word “pension” and inserting in lieu thereof the
18 word “assistance”.

19 Further amend said section by striking from line ninety-
20 nine (99) the word “pension” and inserting in lieu thereof
21 the word “assistance”.

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

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

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

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

9 Further amend said section by striking all of lines

10 twenty (20), twenty-one (21), twenty-two (22), twenty-three
11 (23) and twenty-four (24), and inserting in lieu thereof
12 the following :

13 “All moneys received or recovered by the state board
14 and division, from whatever source, except those specifically
15 appropriated to the old age assistance fund, including
16 warrants one written and subsequently returned to the
17 comptroller uncashed, shall be credited to the old age
18 assistance revolving fund, which together with the appropriation
19 made hereunder, shall constitute said fund. Whenever said
20 fund shall”.

21 Further amend said section by striking from line
22 twenty-eight (28) the word “pension” and inserting in lieu
23 thereof the word “assistance”.

1 Sec. 34. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by adding thereto, as section fifty-
3 two hundred ninety-six-i four (5296-i4), following section
4 fifty-two hundred ninety-six-g seven (5296-g7) a new section :
5 “5296-i4. Payments to the United States. Whenever any
6 amount shall be recovered from any source for assistance
7 furnished under the provisions of this act and paid into
8 the old age assistance revolving fund, upon order of the
9 state board and division the state comptroller shall pay from
10 said fund to the United States the amount which shall be
11 required under the terms of Title I of the Federal Social
12 Security Act.”

1 Sec. 35. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by adding as section fifty-two hundred
3 ninety-six-i five (5296-i5) and following section fifty-two
4 hundred ninety-six-f thirty-five (5296-f35), the following:
5 “5296-i5. Mandamus Proceedings. In the event that any
6 county auditor or treasurer, or both, of any county fails
7 to do his or their duty in the matter of listing taxable
8 persons, or the collection of the taxes levied, or the proper
9 recording of said collections, or the making of a proper
10 and timely return of the money so collected to the treasurer
11 of state, or to otherwise comply with the provisions of this
12 chapter, mandamus shall lie and proceedings shall be
13 instituted by the auditor of state and the state board against
14 such county auditor or treasurer or both, to comply therewith.”

1 Sec. 36. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two
3 hundred ninety-six-f thirty-six (5296-f36).

1 Sec. 37. Amend chapter two hundred sixty-six-F one
2 (266-F1), Code, 1935, by striking all of section fifty-two
3 hundred ninety-six-f thirty-eight (5296-f38).

1 Sec. 38. Coordinating Amendments. The following sections
2 of chapter two hundred sixty-six-F one (266-F1), Code, 1935,
3 are hereby amended as follows:

4 Fifty-two hundred ninety-six-f eleven (5296-f11) by
5 striking from line five (5) the word “commission” and inserting
6 the word “division” and by striking the word “their” and

7 inserting the word “its”; by striking from line twelve (12)

8 the word “commission” and inserting the word “division”.

9 Fifty-two hundred ninety-six-f twelve (5296-f12) by

10 striking from line fifty-one (51) the word “commission” and

11 inserting the word “division” and by striking from line fifty-

12 three (53) the word “commission” and inserting the word “division”.

13 Fifty-two hundred ninety-six-f thirteen (5296-f13) by

14 striking from line thirteen (13) the word “commission” and

15 inserting the word “division”; by striking from line seventeen

16 (17) the word “commission” and inserting the word “division”;

17 by striking from line twenty-two (22) the word “commission”

18 and inserting the words “state board”; by striking from line

19 forty-two (42) the word “commission” and inserting the word

20 “division”; by striking from line forty-four (44) the word

21 “commission” and inserting the words “state board” and by

22 striking from lines forty-six (46) and forty-seven (47) the

23 word “commission” and inserting the word “division”.

24 Fifty-two hundred ninety-six-f fourteen (5296-f14) by

25 striking from line twelve (12) the word “commission” and

26 inserting the word “division”.

27 Fifty-two hundred ninety-six-f sixteen (5296-f16) by

28 striking from line twenty-five (25) the word “commission”

29 and inserting the words “state board”; by striking from line

30 thirty-two (32) the word “commission” and inserting the

31 words “state board”; by striking from line thirty-nine (39)

32 the word “commission” and inserting the words “state board”;

33 by striking from line fifty-four (54) the word “commission”
34 and inserting the words “state board”; by striking from
35 line fifty-five (55) the word “commission” and inserting
36 the words “state board” and by striking from line fifty-seven
37 (57) the word “chapter” and inserting the word “section”.

38 Fifty-two hundred ninety-six-g two (5296-g2) by
39 striking from line five (5) the word “commission” and
40 inserting the words “state board”; by striking from line
41 twelve (12) the word “commission” and inserting the
42 words “state board”; by striking from lines fifteen (15) and
43 sixteen (16) the word “commission” and inserting the word
44 “division” and by striking from lines nineteen (19) and twenty
45 (20) the word “commission” and inserting the word “division”.

46 Ffty-two hundred ninety-six-f seventeen (5296-f17) by
47 striking from lines four (4) and five (5) the word “commission”
48 and inserting the words “state board”.

49 Fifty-two hundred ninety-six-f nineteen (5296-f19) by
50 striking from line two (2) the word “commission” and inserting
51 the words “state board”; by striking from line three (3)
52 the word “board” and inserting the words “county board”; by
53 striking from line seven (7) the word “commission” and inserting
54 the words “state board” and by striking from line seven (7)
55 the word “board” and inserting the words “county board”.

56 Fifty-two hundred ninety-six-f twenty (5296-f20) by
57 striking from lines one (1) and two (2) the word “commission”
58 and inserting the word “division”; by striking from line five

59 (5) the word “commission” and inserting the word “division”;
60 by striking from lines six (6) and seven (7) the word
61 “commission” and inserting the word “division” and by striking
62 from line twelve (12) the word “commission” and inserting the
63 word “division”.

64 Fifty-two hundred ninety-six-f twenty-one (5296-f21)
65 by striking from line three (3) the word “commission” and
66 inserting the word “division”; by striking from line five (5)
67 the word “commission” and inserting the words “state board”
68 and by striking from line fifteen (15) the word “commission”
69 and inserting the word “division”.

70 Fifty-two hundred ninety-six-f twenty-two (5296-f22) by
71 striking from line six (6) the word “commission” and inserting
72 the word “division”.

73 Fifty-two hundred ninety-six-f twenty-three (5296-f23)
74 by striking from line eleven (11) the word “commission” and
75 inserting the word “division”.

76 Fifty-two hundred ninety-six-f twenty-five (5296-f25)
77 by striking from line nineteen (19) the word “commission” and
78 inserting the words “state board”.

79 Fifty-two hundred ninety-six-f thirty (5296-f30) by
80 striking from line one (1) the word “commission” and inserting
81 the word “division” and by striking from line nine (9) the
82 word “commission” and inserting the word “division”.

83 Fifty-two hundred ninety-six-f thirty-two (5296-f32) by
84 striking from line nine (9) the word “commission” and inserting

85 the word “division”

86 Fifty-two hundred ninety-six-f thirty-four (5296-f34) by
87 striking from line four (4) the word “commission” and inserting
88 the words “state board and division”; by striking from line
89 seventy (70) the word “commission” and inserting the word
90 “division”; and by striking from line ninety-seven (97) the
91 word “commission” and inserting the word “division”.

92 Fifty-two hundred ninety-six-g six (5296-g6) by striking
93 from line two (2) the words “commission is” and inserting the
94 words “state board and division are”; by striking from line
95 nine (9) the word “commission” and inserting the word
96 “division” and by striking from line eleven (11) the words
97 “executive council” and inserting the words “state board”.

98 Fifty-two hundred ninety-six-g seven (5296-g7) by striking
99 from line sixteen (16) the word “commission” and inserting
100 the words “state board and division”; by striking from line
101 seventeen (17) the word “commission” and inserting the word
102 “division” and by striking from line twenty-nine (29) the
103 word “commission” and inserting the words “state board and
104 division”.

105 Fifty-two hundred ninety-six-f thirty-eight (5296-f38)
106 by striking from line six (6) the word “commission” and
107 inserting the words “state board”.

1 Sec. 39. Coordinating Amendment. Amend section fifty-
2 three hundred two (5302), Code, 1935, by striking from line
3 four (4) the words “old age assistance” and inserting the

4 words "social welfare".

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

1 Sec. 40. Coordinating Amendment. Amend section sixty-
2 nine hundred fifty-g-one (6950-g1), Code, 1935, by striking
3 from line four (4) the word "pension" and inserting the word
4 "assistance".

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

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

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

1 Sec. 42. Short Title. This act may be cited as "The Old
2 Age Assistance Act of 1937".

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