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Reprinted 3/78

SENATE FILE 2158

By COMMITTEE ON HUMAN RESOURCES  
*Approved 2/21 (p. 405)*

Passed Senate, Date 3-9-78 (p. 494) Passed House, Date \_\_\_\_\_  
Vote: Ayes 48 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the food stamp program, vesting the  
2 authority to administer the program in the department  
3 of social services, and prescribing penalties for  
4 violations.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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15 SENATE FILE 2158

16 S-5338

17 1 Amend Senate File 2158 as follows:  
18 2 1. Page 3, by striking lines 9 and 10 and inserting  
19 3 in lieu thereof the words "report to an employee of  
20 4 the department of social services any change in income,  
21 5 resources or other circumstances affecting that  
22 6 person's entitlement to such financial assistance;  
23 7 or".

24 S-5338 FILED & ADOPTED (p. 494) BY RAY TAYLOR  
25 MARCH 9, 1978 CHARLES P. MILLER

1 Section 1. Section two hundred thirty-four point one  
2 (234.1), Code 1977, is amended by striking the section and  
3 inserting in lieu thereof the following:

4 234.1 DEFINITIONS. As used in this chapter, unless the  
5 context otherwise requires:

6 1. "Division" or "state division" means that division  
7 of the department of social services to which the commissioner  
8 has assigned responsibility for income and service programs.

9 2. "Director" or "state director" means the director of  
10 the division.

11 3. "County board" means the county board of social welfare  
12 appointed pursuant to section two hundred thirty-four point  
13 nine (234.9) of the Code.

14 4. "Child" means a person less than eighteen years of  
15 age or a person who is at least eighteen years of age but  
16 less than twenty-one years of age who is regularly attending  
17 an approved school in pursuance of a course of study leading  
18 to a high school diploma or its equivalent, or regularly  
19 attending a course of vocational or technical training either  
20 as part of a regular school program or under special  
21 arrangements adapted to the individual person's needs.

22 5. "Food programs" means the food stamp and donated foods  
23 programs authorized by federal law under the United States  
24 department of agriculture.

25 Sec. 2. Section two hundred thirty-four point six (234.6),  
26 unnumbered paragraph one (1), Code 1977, is amended to read  
27 as follows:

28 The state director shall be vested with the authority to  
29 administer aid to dependent children, state supplementary  
30 assistance, food programs, child welfare, and emergency relief,  
31 family and adult service programs and any other form of public  
32 welfare assistance and institutions that may hereafter be  
33 placed under ~~his~~ the director's administration. He The  
34 director shall perform such duties, formulate and make such  
35 rules as may be necessary; shall outline such policies, dictate

1 such procedure and delegate such powers as may be necessary  
2 for competent and efficient administration. Subject to  
3 restrictions that may be imposed ~~upon him~~ by the commissioner  
4 of ~~the department of~~ social services and the council of social  
5 services, ~~he~~ the director shall have power to abolish, alter,  
6 consolidate or establish subdivisions and may abolish or  
7 change offices created in connection therewith. ~~He~~ The  
8 director may employ necessary personnel and fix their  
9 compensation; ~~He~~; may allocate or reallocate functions and  
10 duties among any subdivisions now existing or hereafter  
11 established; ~~He~~; and may promulgate rules relating to the  
12 employment of personnel and the allocation of their functions  
13 and duties among the various subdivisions as competent and  
14 efficient administration may require.

15 Sec. 3. Section two hundred thirty-four point six (234.6),  
16 Code 1977, is amended by adding the following new subsection:

17 NEW SUBSECTION. Administer the food programs authorized  
18 by federal law, and recommend rules necessary in the  
19 administration of those programs to the commissioner for  
20 promulgation pursuant to chapter seventeen A (17A) of the  
21 Code.

22 Sec. 4. Section two hundred thirty-four point eleven  
23 (234.11), Code 1977, is amended by striking unnumbered  
24 paragraph two (2).

25 Sec. 5. Chapter two hundred thirty-four (234), Code 1977,  
26 is amended by adding the following new section:

27 NEW SECTION. DEPARTMENT TO PROVIDE FOOD PROGRAMS. The  
28 department of social services is authorized to enter into  
29 such agreements with agencies of the federal government as  
30 are necessary in order to make available to the people of  
31 this state any federal food programs which may, under federal  
32 laws and regulations, be implemented in this state. Each  
33 such program shall be implemented in every county in the  
34 state, or in each county where implementation is permitted  
35 by federal laws and regulations.



SENATE FILE 2158  
FISCAL NOTE

Date: March 7, 1978  
Requested by: Senator Charles Miller

In compliance with a written request received February 23, 19 78, there is hereby submitted a Fiscal Note for Senate File 2158 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

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Senate File 2158, An Act relating to the food stamp program, vesting the authority to administer the program in the department of social services, and prescribing penalties for violations.

Total costs will not increase. However, state costs will due to absorption of county paid workers onto state payrolls; and currently state workers who perform food stamp functions are billed to counties so this bill back procedure will be eliminated thus increasing the states share of program. There is no additional costs anticipated at this time, only a shifting of funding sources from county/USDA to State/USDA.

	<u>Est. Amount Current Law</u>	<u>Est. Amount S.F. 2158</u>	<u>Estimated Increase (Decrease)</u>
USDA	\$2,460,000	2,460,000	--
Counties	1,400,000	--	(1,400,000)
State Funds	<u>1,060,000</u>	<u>2,460,000</u>	<u>1,400,000</u>
TOTAL	\$4,920,000	4,920,000	

Source: Department of Social Services

FILED  
MARCH 7, 1978

Gerry Rankin  
FISCAL DIRECTOR  
Legislative Fiscal Bureau



1 Section 1. Section two hundred thirty-four point one  
2 (234.1), Code 1977, is amended by striking the section and  
3 inserting in lieu thereof the following:

4 234.1 DEFINITIONS. As used in this chapter, unless the  
5 context otherwise requires:

6 1. "Division" or "state division" means that division  
7 of the department of social services to which the commissioner  
8 has assigned responsibility for income and service programs.

9 2. "Director" or "state director" means the director of  
10 the division.

11 3. "County board" means the county board of social welfare  
12 appointed pursuant to section two hundred thirty-four point  
13 nine (234.9) of the Code.

14 4. "Child" means a person less than eighteen years of  
15 age or a person who is at least eighteen years of age but  
16 less than twenty-one years of age who is regularly attending  
17 an approved school in pursuance of a course of study leading  
18 to a high school diploma or its equivalent, or regularly  
19 attending a course of vocational or technical training either  
20 as part of a regular school program or under special  
21 arrangements adapted to the individual person's needs.

22 5. "Food programs" means the food stamp and donated foods  
23 programs authorized by federal law under the United States  
24 department of agriculture.

25 Sec. 2. Section two hundred thirty-four point six (234.6),  
26 unnumbered paragraph one (1), Code 1977, is amended to read  
27 as follows:

28 The state director shall be vested with the authority to  
29 administer aid to dependent children, state supplementary  
30 assistance, food programs, child welfare, and emergency relief,  
31 family and adult service programs and any other form of public  
32 welfare assistance and institutions that may hereafter be  
33 placed under ~~his~~ the director's administration. He The  
34 director shall perform such duties, formulate and make such  
35 rules as may be necessary; shall outline such policies, dictate

1 such procedure and delegate such powers as may be necessary  
2 for competent and efficient administration. Subject to  
3 restrictions that may be imposed ~~upon him~~ by the commissioner  
4 of ~~the department of~~ social services and the council of social  
5 services, ~~he~~ the director shall have power to abolish, alter,  
6 consolidate or establish subdivisions and may abolish or  
7 change offices created in connection therewith. ~~He~~ The  
8 director may employ necessary personnel and fix their  
9 compensation:--~~He;~~ may allocate or reallocate functions and  
10 duties among any subdivisions now existing or hereafter  
11 established:--~~He;~~ and may promulgate rules relating to the  
12 employment of personnel and the allocation of their functions  
13 and duties among the various subdivisions as competent and  
14 efficient administration may require.

15 Sec. 3. Section two hundred thirty-four point six (234.6),  
16 Code 1977, is amended by adding the following new subsection:

17 NEW SUBSECTION. Administer the food programs authorized  
18 by federal law, and recommend rules necessary in the  
19 administration of those programs to the commissioner for  
20 promulgation pursuant to chapter seventeen A (17A) of the  
21 Code.

22 Sec. 4. Section two hundred thirty-four point eleven  
23 (234.11), Code 1977, is amended by striking unnumbered  
24 paragraph two (2).

25 Sec. 5. Chapter two hundred thirty-four (234), Code 1977,  
26 is amended by adding the following new section:

27 NEW SECTION. DEPARTMENT TO PROVIDE FOOD PROGRAMS. The  
28 department of social services is authorized to enter into  
29 such agreements with agencies of the federal government as  
30 are necessary in order to make available to the people of  
31 this state any federal food programs which may, under federal  
32 laws and regulations, be implemented in this state. Each  
33 such program shall be implemented in every county in the  
34 state, or in each county where implementation is permitted  
35 by federal laws and regulations.

1 Sec. 6. Chapter two hundred thirty-four (234), Code 1977,  
2 is amended by adding the following new section:

3 NEW SECTION. FRAUDULENT PRACTICES RELATING TO FOOD PRO-  
4 GRAMS. A person is guilty of a fraudulent practice if that  
5 person:

6 1. With intent to gain financial assistance to which that  
7 person is not entitled, knowingly makes or causes to be made  
8 a false statement or representation or knowingly fails to  
9 report to an employee of the department of social services  
10 any change in income, resources or other circumstances  
11 affecting that person's entitlement to such financial  
12 assistance; or

13 2. As a beneficiary of the food programs, transfers any  
14 food stamp coupons or an authorization-to-purchase card to  
15 any other individual with intent that such coupons or card  
16 be used for the benefit of someone other than persons within  
17 the beneficiary's food stamp household as certified by the  
18 department of social services; or

19 3. Knowingly acquires, uses or attempts to use any food  
20 stamp coupon or authorization-to-purchase card not issued  
21 for the benefit of that person's food stamp household by the  
22 department of social services, or by an agency administering  
23 food programs in another state.

24 EXPLANATION

25 This bill transfers from the counties to the state depart-  
26 ment of social services the responsibility for and the cost  
27 of administering federal food stamp programs in Iowa. The  
28 bill also prescribes penalties for unlawful use of food stamps  
29 and related material.

30 Section 1 of the bill rewrites section 234.1 in order to  
31 place the various definitions made by that section in the  
32 form usually followed in Iowa law. No substantive change  
33 is made except for the addition of the defined term "food  
34 programs". Section 4 of the bill deletes the requirement  
35 that county boards of social welfare participate in federal

1 food stamp programs. A comparable requirement is imposed  
2 on the state department by section 5.

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SF 2158  
pb/slc/26C

SENATE FILE 2158

AN ACT

RELATING TO THE FOOD STAMP PROGRAM, VESTING THE AUTHORITY TO ADMINISTER THE PROGRAM IN THE DEPARTMENT OF SOCIAL SERVICES, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section two hundred thirty-four point one (234.1), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

234.1 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Division" or "state division" means that division of the department of social services to which the commissioner has assigned responsibility for income and service programs.
2. "Director" or "state director" means the director of the division.
3. "County board" means the county board of social welfare appointed pursuant to section two hundred thirty-four point nine (234.9) of the Code.
4. "Child" means a person less than eighteen years of age or a person who is at least eighteen years of age but less than twenty-one years of age who is regularly attending an approved school in pursuance of a course of study leading

to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training either as part of a regular school program or under special arrangements adapted to the individual person's needs.

5. "Food programs" means the food stamp and donated foods programs authorized by federal law under the United States department of agriculture.

Sec. 2. Section two hundred thirty-four point six (234.6), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The state director shall be vested with the authority to administer aid to dependent children, state supplementary assistance, food programs, child welfare, and emergency relief, family and adult service programs and any other form of public welfare assistance and institutions that may hereafter be placed under his the director's administration. He The director shall perform such duties, formulate and make such rules as may be necessary; shall outline such policies, dictate such procedure and delegate such powers as may be necessary for competent and efficient administration. Subject to restrictions that may be imposed ~~upon him~~ by the commissioner of ~~the department of~~ social services and the council of social services, he the director shall have power to abolish, alter, consolidate or establish subdivisions and may abolish or change offices created in connection therewith. He The director may employ necessary personnel and fix their compensation--~~He;~~ may allocate or reallocate functions and duties among any subdivisions now existing or hereafter established--He; and may promulgate rules relating to the employment of personnel and the allocation of their functions and duties among the various subdivisions as competent and efficient administration may require.

Sec. 3. Section two hundred thirty-four point six (234.6), Code 1977, is amended by adding the following new subsection:  
NEW SUBSECTION. Administer the food programs authorized

by federal law, and recommend rules necessary in the administration of those programs to the commissioner for promulgation pursuant to chapter seventeen A (17A) of the Code.

Sec. 4. Section two hundred thirty-four point eleven (234.11), Code 1977, is amended by striking unnumbered paragraph two (2).

Sec. 5. Chapter two hundred thirty-four (234), Code 1977, is amended by adding the following new section:

NEW SECTION. DEPARTMENT TO PROVIDE FOOD PROGRAMS. The department of social services is authorized to enter into such agreements with agencies of the federal government as are necessary in order to make available to the people of this state any federal food programs which may, under federal laws and regulations, be implemented in this state. Each such program shall be implemented in every county in the state, or in each county where implementation is permitted by federal laws and regulations.

Sec. 6. Chapter two hundred thirty-four (234), Code 1977, is amended by adding the following new section:

NEW SECTION. FRAUDULENT PRACTICES RELATING TO FOOD PROGRAMS. A person is guilty of a fraudulent practice if that person:

1. With intent to gain financial assistance to which that person is not entitled, knowingly makes or causes to be made a false statement or representation or knowingly fails to report to an employee of the department of social services any change in income, resources or other circumstances affecting that person's entitlement to such financial assistance; or

2. As a beneficiary of the food programs, transfers any food stamp coupons or an authorization-to-purchase card to any other individual with intent that such coupons or card be used for the benefit of someone other than persons within the beneficiary's food stamp household as certified by the

department of social services; or

3. Knowingly acquires, uses or attempts to use any food stamp coupon or authorization-to-purchase card not issued for the benefit of that person's food stamp household by the department of social services, or by an agency administering food programs in another state.

\_\_\_\_\_  
ARTHUR A. NEU  
President of the Senate

\_\_\_\_\_  
DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2158, Sixty-seventh General Assembly.

\_\_\_\_\_  
KEVIN P. LIGHT  
Acting Secretary of the Senate

Approved May 16, 1978

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ROBERT D. RAY  
Governor