



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 7, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2138, an Act relating to payment of legal expenses for indigent persons by the state public defender.

House File 2149, an Act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

House File 2318, an Act relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions.

House File 2350, an Act relating to Family Investment Program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

The above House Files are hereby approved this date.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2350

AN ACT

RELATING TO FAMILY INVESTMENT PROGRAM ELIGIBILITY REQUIREMENTS INVOLVING MOTOR VEHICLE EQUITY, FAMILY INVESTMENT PLANS, LIMITED BENEFIT PLANS, AND REQUIRED SCHOOL ATTENDANCE AND INCLUDING AN APPLICABILITY PROVISION.

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

Section 1. Section 239B.7, subsection 8, Code 2003, is amended to read as follows:

8. MOTOR VEHICLE DISREGARD. The department shall disregard the ~~first-three-thousand-eight-hundred-eighty-nine dollars-in-equity~~ value of a one motor vehicle. Beginning ~~July-1,-1997,-and-continuing-in-succeeding-fiscal-years,-the~~ motor-vehicle-equity-value-disregarded-by-the-department-shall be-increased-by-the-latest-increase-in-the-consumer-price index-for-used-vehicles-during-the-previous-state-fiscal-year. This-disregard-shall-be-applicable-to-each-adult-and-to-each working-individual-in-a-family-who-is-nineteen-years-of-age-or younger. The amount-of-a-motor-vehicle's-equity-in-excess-of the-amount-of-the-motor-vehicle-disregard countable equity value of any additional motor vehicle shall apply to the resource limitation established in subsection 9.

Sec. 2. Section 239B.8, subsection 1, paragraph b, Code 2003, is amended to read as follows:

b. The individual is sixteen through eighteen years of age, is not a parent, and is attending elementary or secondary school, or the equivalent level of vocational or technical school, on a full-time basis. If an individual loses exempt status under this paragraph and the individual has signed a family investment agreement, the individual shall remain

subject to the terms of the agreement until the terms are completed.

Sec. 3. Section 239B.8, subsection 2, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. INCREMENTAL FAMILY INVESTMENT AGREEMENTS. If an individual or family has an acknowledged barrier, the individual's or family's plan for self-sufficiency may be specified in one or more incremental family investment agreements.

Sec. 4. Section 239B.9, subsection 2, paragraphs a and b, Code 2003, are amended to read as follows:

a. PARENT. If the participant responsible for the family investment agreement is a parent ~~or a specified relative~~, the limited benefit plan is applicable to the entire participant family. If the family reapplies for assistance after an ineligibility period, eligibility shall be established in the same manner as for any other new applicant.

b. NEEDY RELATIVE PAYEE OR INCAPACITATED STEP PARENT. If the participant choosing a limited benefit plan is a needy relative who acts as payee when the parent is in the home but is unable to act as payee, is a needy relative who assumes the role of parent, or is a dependent child's step parent whose needs are included in the assistance because of incapacity ~~or caregiving~~, the limited benefit plan shall apply only to the individual participant choosing the plan.

Sec. 5. Section 299.6, unnumbered paragraph 7, Code 2003, is amended by striking the unnumbered paragraph.

Sec. 6. Section 299.6A, subsection 1, Code 2003, is amended to read as follows:

1. In lieu of a criminal proceeding under section 299.6, a county attorney may bring a civil action against a parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, has not completed educational requirements, and is truant, if the parent, guardian, or legal or actual custodian has failed to cause the child to attend a public school, an accredited nonpublic school, or competent private instruction in the manner provided in this chapter. If the court finds that the parent, guardian, or legal or actual custodian has failed to cause the child to attend as required in this section, the court shall assess a civil

penalty of not less than one hundred but not more than one thousand dollars, for each violation established. ~~However, if the court finds that the parent, guardian, or legal or actual custodian of the child has been subject to sanction under section 239B.2A as a result of the child's truancy, the court may waive the civil penalty under this section.~~

Sec. 7. Section 299.12, subsections 2 and 4, Code 2003, are amended to read as follows:

2. This section is not applicable to a child who is receiving competent private instruction in accordance with the requirements of chapter 299A. If a child is not in compliance with the attendance requirements established under section 299.1, and has not completed educational requirements through the sixth grade, and the school has used every means available to assure the child does attend, the school truancy officer shall contact the child's parent, guardian, or legal or actual custodian to participate in an attendance cooperation meeting. The parties to the attendance cooperation meeting may include the child and shall include the child's parent, guardian, or legal or actual custodian and the school truancy officer. ~~If the child is a member of a family receiving assistance under the family investment program, the department of human services shall be notified and shall make the contacts for participation in the attendance cooperation meeting in lieu of the school truancy officer. For a child who is a member of a family receiving assistance under the family investment program, the attendance cooperation meeting shall include the child's parent or specified relative whose needs are included in the child's assistance grant and a representative of the department of human services.~~ The school truancy officer ~~or the representative of the department of human services~~ contacting the participants in the attendance cooperation meeting may invite other school officials, a designee of the juvenile court, the county attorney or the county attorney's designee, or other persons deemed appropriate to participate in the attendance cooperation meeting.

4. If the parties to an attendance cooperation meeting determine that a monitor would improve compliance with the attendance cooperation agreement, the parties may designate a person to monitor the agreement. The monitor shall be a

designee of the public school board or governing body of the accredited nonpublic school, ~~or a designee of the department of human services, if the department made the contacts for the attendance cooperation meeting.~~ The monitor may be a volunteer if the volunteer is approved by all parties to the agreement and receives a written authorization for access to confidential information and for performing monitor activities from the child's parent, guardian, or custodian. A monitor shall contact parties to the attendance cooperation agreement on a periodic basis as appropriate to monitor performance of the agreement.

Sec. 8. Section 299.12, subsection 6, Code 2003, is amended by striking the subsection.

Sec. 9. Section 299.13, Code 2003, is amended to read as follows:

299.13 CIVIL ENFORCEMENT.

A person shall not disseminate or redisseminate information shared with the person pursuant to section ~~239B-2A~~ 299.5A or 299.12, unless specifically authorized to do so by section 217.30, ~~239B-2A~~ 299.5A, or 299.12. Unless a prohibited dissemination or redissemination of information is subject to injunction or sanction under other state or federal law, an action for judicial enforcement may be brought in accordance with this section. An aggrieved person, the attorney general, or a county attorney may seek judicial enforcement of the requirements of this section in an action brought against the public school or accredited nonpublic school or any other person who has been granted access to information pursuant to section ~~239B-2A~~ 299.5A or 299.12. Suits to enforce this section shall be brought in the district court for the county in which the information was disseminated or redisseminated. Upon a finding by a preponderance of the evidence that a person has violated this section, the court shall issue an injunction punishable by civil contempt ordering the person in violation of this section to comply with the requirements of, and to refrain from any violations of section ~~239B-2A~~ 299.5A or 299.12 with respect to the dissemination or redissemination of information shared with the person pursuant to section ~~239B-2A~~ 299.5A or 299.12.

Sec. 10. CODE EDITOR. In codifying the provisions of this Act, the Code editor shall revise the section 299.12 headnote to eliminate the reference to the family investment program.

Sec. 11. Section 239B.2A, Code Supplement 2003, is repealed.

Sec. 12. APPLICABILITY. The provisions of this Act amending section 239B.7 are applicable during the fiscal year commencing July 1, 2004, on a date identified in administrative rule adopted for this purpose by the department of human services.



CHRISTOPHER C. RANTS

Speaker of the House



JEFFREY M. LAMBERTI

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2350, Eightieth General Assembly.



MARGARET THOMSON

Chief Clerk of the House

Approved April 7, 2004



THOMAS J. VILSACK

Governor