

JUN 7 1973

Appropriations Calendar
has " 6/11 Pass w/w H-758 6/13

HOUSE FILE 789

By COMMITTEE ON APPROPRIATIONS
(Committee on Human Resources)

Passed House, Date 6-15-73 (1998) Passed Senate, Date 6-20-73 (1921)

Vote: Ayes 85 Nays 9 Vote: Ayes 46 Nays 1

Approved 7-20-73

*Passed House as amended by Senate
6-22-73 (2274)
82-13*

A BILL FOR

1 An Act relating to authority of the department of social ser-
2 vices to provide state supplementary cash payments to cer-
3 tain persons and revising the laws of this state relative
4 to federally-assisted categorical welfare assistance pro-
5 grams the operation of which are to be terminated by fed-
6 eral law, and providing penalties for certain violations.

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

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10 This is a Companion Bill; For Complete Text see Senate File 587

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FSB 988

H-730

- 1 Amend House File 789, page 9, line 28, by striking
- 2 the word "department" and inserting in lieu thereof
- 3 the word "board".

H-730 Filed *adopted 6/15*
June 8, 1973

By COMMITTEE ON APPROPRIATIONS
GRASSLEY of Butler, Chairman

H-736

- 1 Amend House File 789, page 6, by striking lines 14
- 2 through 23, and by renumbering subsequent sections.

H-736 Filed *withdrawn 6/15*
June 8, 1973

By WELDEN of Hardin

H-740

- 1 Amend House File 789, page 7, by striking lines
- 2 21 and 22 and inserting in lieu thereof the following:
- 3 4. Any person may institute a civil action for
- 4 damages under chapter twenty-five A (25A) of the Code
- 5 or to restrain the dissemination of his confidential
- 6 records in violation of this section, and any person,
- 7 agency or governmental body proven to have disseminated
- 8 or to have requested and received confidential records
- 9 in violation of this section shall be liable for actual
- 10 damages and exemplary damages for each violation and
- 11 shall be liable for court costs, expenses, and reasonable
- 12 attorneys' fees incurred by the party bringing the
- 13 action. In no case shall the award for damages be
- 14 less than one hundred dollars.
- 15 5. Any person who willfully requests, obtains,
- 16 or seeks to obtain confidential records under false
- 17 pretenses, or who willfully communicates or seeks to
- 18 communicate confidential records to any agency or
- 19 person except in accordance with this section, or any
- 20 person who willfully falsifies confidential records or
- 21 any records relating thereto, shall, upon conviction,
- 22 for each such offense be punished by a fine of not more
- 23 than one thousand dollars or by imprisonment in the
- 24 state penitentiary for not more than two years, or by
- 25 both fine and imprisonment. Any person who knowingly,
- 26 but without criminal purposes, communicates or seeks
- 27 to communicate confidential records except in accordance
- 28 with this section shall for each such offense be fined
- 29 not more than one hundred dollars or be imprisoned not
- 30 more than ten days.
- 31 6. Any reasonable grounds that a public employee
- 32 has violated any provision of this section shall be
- 33 grounds for immediate removal from access of any kind
- 34 to confidential records or suspension from duty without
- 35 pay.

H-740 Filed *withdrawn 6/15*
June 11, 1973

By SMALL of Johnson
HILL of Polk

H-748

- 1 Amend House File 789 as follows:
- 2 1. Page 6, by striking all of lines 1 through 8.
- 3 2. By renumbering the subsequent sections.

H-748 Filed *adopted 6/14*
June 11, 1973

By OAKLEY of Clinton

H-742

- 1 Amend House File 789 as follows:
- 2 1. Page 6, by striking lines 14 through 23, and by
- 3 renumbering subsequent sections.
- 4 2. Page 16, line 17, by striking all after the period
- 5 following the figure "28" and all of lines 18 and 19.

H-742 Filed - *Withdrawn 6/15*
June 11, 1973

By WELDEN of Hardin

H-739

- 1 Amend House File 789 as follows:
- 2 1. Page 6, by striking all of lines 9 through 13.
- 3 2. By striking all of Sec. 14 from pages 6 and 7.

H-739 Filed - *Withdrawn 6/15*
June 11, 1973

By STANLEY of Muscatine

H-738

- 1 Amend House File 789 as follows:
- 2 1. Page 8, by striking lines 23 through 35, and on
- 3 page 9 lines 1 through 18.
- 4 2. Page 9, by striking lines 22 through 35 and line
- 5 1 on page 10 and by inserting in lieu thereof the
- 6 following:
- 7 "The county board shall be vested with the
- 8 authority to direct in the county ~~old-age-assistance,~~
- 9 ~~aid-to-the-blind,~~ aid to dependent children and
- 10 emergency relief with only such powers and duties
- 11 as are prescribed in the laws relating thereto."

H-738 Filed - *Withdrawn 6/15*
June 11, 1973

By WELDEN of Hardin

H-737

- 1 Amend House File 789 as follows:
- 2 1. Page 17, by inserting after line 11 the fol-
- 3 lowing new section and renumbering the remaining
- 4 section:
- 5 Sec. _____. There is appropriated from the general
- 6 fund of the state to the department of social ser-
- 7 vices for state supplementary assistance to the blind
- 8 pursuant to section three (3) of this Act for the
- 9 six months beginning January 1, 1974 and ending June
- 10 30, 1974 the sum of one hundred fifteen thousand
- 11 (115,000) dollars, and for the fiscal year beginning
- 12 July 1, 1974 and ending June 30, 1975 the sum of two
- 13 hundred thirty-five thousand (235,000) dollars.
- 14 2. Amend the title, page 1, line 6, by striking
- 15 the word "and".
- 16 3. Amend the title, page 1, line 6, by inserting
- 17 after the word "violations" the words ", and making
- 18 an appropriation".

H-737 Filed - *Adopted 6/15*
June 11, 1973

By DEN HERDER of Sioux

1 Amend House File 789 as follows:

2 1. Page 6, line 25, by striking the word "section"
3 and inserting in lieu thereof the word "sections".

4 2. Page 7, by adding the following after line 22:

5 NEW SECTION. Any person may institute a civil ac-
6 tion for damages under chapter twenty-five A (25A) of
7 the Code or to restrain the dissemination of confidential
8 records set out in subsection one (1), paragraphs b,
9 c, or d of section fourteen (14) of this Act in viola-
10 tion of that section, and any person, agency or govern-
11 mental body proven to have disseminated or to have re-
12 quested and received confidential records in violation
13 of subsection one (1), paragraphs b, c, or d of section
14 fourteen (14) of this Act shall be liable for actual
15 damages and exemplary damages for each violation and
16 shall be liable for court costs, expenses, and reason-
17 able attorneys' fees incurred by the party bringing
18 the action. In no case shall the award for damages be
19 less than one hundred dollars.

Adopted
6/15

20 Any person who willfully requests, obtains, or seeks
21 to obtain confidential records set out in subsection
22 one (1), paragraphs b, c, or d of section fourteen (14)
23 of this Act under false pretenses, or who willfully
24 communicates or seeks to communicate these confidential
25 records to any agency or person except in accordance
26 with section fourteen (14) of this Act, or any person
27 who willfully falsifies these confidential records or
28 any records relating thereto, shall, upon conviction,
29 for each such offense be punished by a fine of not more
30 than one thousand dollars or by imprisonment in the
31 state penitentiary for not more than two years, or by
32 both fine and imprisonment. Any person who knowingly,
33 but without criminal purposes, communicates or seeks
34 to communicate the confidential records set out in
35 subsection one (1), paragraphs b, c, or d of section
36 fourteen (14) of this Act except in accordance with
37 section fourteen (14) of this Act shall for each such
38 offense be fined not more than one hundred dollars or
39 be imprisoned not more than ten days.

Withdrawn
6/15

40 Any reasonable grounds that a public employee has
41 violated any provision of this section or section four-
42 teen (14) of this Act shall be grounds for immediate
43 removal from access of any kind to confidential records
44 or suspension from duty without pay.

Adopted
6/15

H-763 Filed
June 13, 1973

By SMALL of Johnson
HILL of Polk
SCHROEDER of Pottawattamie

1 Amend House File 789 as amended and passed by the House and
2 reprinted, as follows:

3 1. Page 2, line 3, by striking the word and figure "ten (10)"
4 and inserting in lieu thereof the word and figure "eleven (11)".

5 2. Page 5, by inserting after line 35 the following new
6 section:

7 Sec. 11. NEW SECTION. PRIOR LIENS, CLAIMS AND ASSIGNMENTS.

8 Any lien existing on the effective date of this Act, which lien
9 was perfected under the provisions of sections two hundred
10 forty-nine point nineteen (249.19), two hundred forty-nine
11 point twenty (249.20) or two hundred forty-nine point twenty-
12 one (249.21) as they appeared in the Code of 1973 and prior
13 Codes, and which liens have not been satisfied, are void.

14 Any assignment of personal property which was made under the
15 provisions of chapter two hundred forty-nine (249) as it
16 appeared in the Code of 1973 and prior Codes, is void. The
17 commissioner may in furtherance of this section release any
18 lien or claim created or existing under that chapter. Each
19 release made pursuant to this section shall be executed and
20 acknowledged by the commissioner or his authorized designee,
21 and when recorded shall be conclusive in favor of any third
22 person dealing with or concerning the property affected by
23 the release in reliance upon such record.

24 3. Page 7A, by striking lines 14 through 19, inclusive, and
25 inserting in lieu thereof the following:

26 b. Confidential information described in subsection one (1),
27 paragraphs a, b and c of this section shall be disclosed to
28 public officials, for use in connection with their official
29 duties relating to law enforcement, audits and other purposes
30 directly connected with the administration of such programs,
31 upon written application to and with approval of the commissioner
32 or his designee.

33 4. Page 7A, line 23, by striking the words "services or".

34 5. Page 7B, line 58, by striking the words "or services".

35 6. Page 7C, by inserting after line 87 the following:

36 NEW SECTION. Where the department of social services assigns
37 personnel to an office located in a county for the purpose of
38 performing in that county designated duties and responsibilities
39 assigned by law to the department, it shall be the responsibility
40 of the county to provide and maintain the necessary office space
41 and office supplies and equipment for the personnel so assigned
42 in the same manner as if they were employees of the county. The
43 department shall at least annually, or more frequently if the
44 department so elects, reimburse the county for a portion,
45 designated by law, of the cost of maintaining office space and
46 providing supplies and equipment as required by this section,
47 and also for a similar portion of the cost of providing the
48 necessary office space if in order to do so it is necessary
49 for the county to lease office space outside the courthouse
50 or any other building owned by the county. The portion of the
51 foregoing costs reimbursed to the county under this section
52 shall be equivalent to the proportion of those costs which the
53 federal government authorizes to be paid from available federal
54 funds, unless the general assembly directs otherwise when
55 appropriating funds for support of the department.

56 7. Page 17A, by striking lines 3 and 4 and inserting in lieu
57 thereof the words "such time as the property heretofore managed
58 by the department pursuant to that section has been disposed
59 of in".

60 8. By renumbering sections and correcting internal references
61 to conform with this amendment.

H-790

1 Amend House File 789 as follows:

H-790A

2 1. Page 6, by striking lines 9 through 13.

H-790B

3 2. Pages 6 and 7, by striking lines 26 through 35
4 on page 6 and lines 1 through 22 on page 7 and insert-
5 ing in lieu thereof the following:

6 NEW SECTION. CONFIDENTIALITY OF RECORDS; REPORT
7 OF RECIPIENTS. 1. The following information relative
8 to individuals receiving services or assistance from
9 the department shall be held confidential:

10 a. Names and addresses of individuals receiving
11 services or assistance from the department, and the
12 types of services or amounts of assistance provided,
13 except as otherwise provided in subsection four (4) of
14 this section.

15 b. Information concerning the social or economic
16 conditions or circumstances of particular individuals
17 who are receiving or have received services or assis-
18 tance from the department.

19 c. Agency evaluations of information about a
20 particular individual.

21 d. Medical or psychiatric data, including diagnosis
22 and past history of disease or disability, concerning
23 a particular individual.

24 2. Information described in subsection one (1) of
25 this section shall not be disclosed to or used by any
26 person or agency except for purposes of administration
27 of the programs of services or assistance, and shall
28 not in any case, except as otherwise provided in para-
29 graph b of subsection four (4) of this section, be
30 disclosed to or used by persons or agencies outside the
31 department unless they are subject to standards of
32 confidentiality comparable to those imposed on the
33 department by this Act.

34 3. Nothing in this section shall restrict the dis-
35 closure or use of information regarding the cost, pur-
36 pose, number of persons served or assisted by, and
37 results of any program administered by the department,
38 and other general and statistical information, so long
39 as the information does not identify particular indivi-
40 duals served or assisted.

41 4. a. The general assembly finds and determines
42 that the use and disclosure of information as provided
43 in this subsection are for purposes directly connected
44 with the administration of the programs of services and
45 assistance referred to in this section and are essential
46 for their proper administration.

H-490D

47 b. Information which is confidential under subsec-
48 tion one (1) of this section shall be disclosed to and

49 may be used by public officials in connection with their
50 official duties relating to law enforcement, audits,
51 legislative investigations, and other purposes directly
52 connected with the administration of such programs.

H—490C

53 c. The department shall prepare and file in its
54 office on or before the thirtieth day of each January,
55 April, July and October a report showing the names and
56 last known addresses of all recipients of services or
57 assistance under sections three (3) through five (5)
58 of this Act or chapters two hundred thirty-nine (239)
59 or two hundred forty-nine A (249A) of the Code, together
60 with the amount paid to or for each recipient during
61 the preceding calendar quarter. The report shall con-
62 tain a separate section for each county, including all
63 such recipients whose last known addresses are in the
64 county. The department shall prepare and file in the
65 office of each county board of social welfare a copy of
66 the county section of each report for that county, on
67 or before the same day specified in this paragraph.
68 Each report shall be securely fixed in a record book
69 to be used only for such reports. Each record book shall
70 be a public record, open to public inspection at all
71 times during the regular office hours of the office
72 where filed. Each person who examines the record shall
73 first sign a written agreement that the signer will not
74 use any information obtained from the record for com-
75 mercial or political purposes.

76 d. It shall be unlawful for any person to solicit,
77 disclose, receive, use, or to authorize or knowingly
78 permit, participate in, or acquiesce in the use of any
79 information obtained from any such report or record
80 for commercial or political purposes.

H—490B

81 5. If it is definitely established that any provision
82 of this section would cause any of the programs of
83 services or assistance referred to in this section to
84 be ineligible for federal funds, such provision shall
85 be limited or restricted to the extent which is essential
86 to make such program eligible for federal funds. The
87 department shall adopt, pursuant to chapter seventeen
88 A (17A) of the Code, any rules or regulations necessary
89 to implement this subsection.

90 6. Violation of this section shall constitute a
91 misdemeanor.

H—490C

92 3. Page 16, by inserting after line 24 the follow-
93 ing:

94 Sections two hundred thirty-nine point ten (239.10)
95 and two hundred forty-nine A point eight (49A.8),
96 Code 1973, are repealed.

H—790B

97 4. By renumbering sections and correcting internal
98 references.

H—790 Filed

E—790A adopted & adopted as amended by H-797 6/15

H—790B, C, D pending D- 8/15

June 14, 1973 C adopted as amended by 6/15

BY STANLEY of Muscatine
GRASSLEY of Butler
HOLDEN of Scott
WYCKOFF of Benton
HUSAK of Tama

H-758

1 Amend House File 789 as follows:

2 1. Page 6, by striking lines 14 through 23 and
3 renumbering subsequent sections.

4 2. Page 9, by striking lines 22 through 35 and
5 line 1 on page 10 and inserting in lieu thereof the
6 following:

7 "The county board shall be vested with the authority
8 to direct in the county ~~old-age-assistance, aid to the~~
9 ~~blind~~; aid to dependent children and emergency relief
10 with only such powers and duties as are prescribed in
11 the laws relating thereto."

12 3. Page 16, by striking everything in line 17
13 after "Sec. 28." and all of lines 18 and 19.

H-758 Filed - *Withdrawn 6/15* By COMMITTEE ON APPROPRIATIONS
June 13, 1973 *Revised; 1 and 3 adopted; 2 withdrawn 6/15* GRASSLEY of Butler, Chairman

H-793

1 Amend the Stanley et al. amendment H-790 to
2 House File 789 page 3, line 25, by striking the
3 period and inserting in lieu thereof the following:
4 "punishable by a fine not to exceed two thousand
5 dollars or by imprisonment in the county jail not
6 to exceed one year, or by both such fine and
7 imprisonment."

H-793 Filed - *adopted 6/15* By KRAUSE of Palo Alto
June 14, 1973

H-803

1 Amend House File 789, page 11, by inserting after
2 the word "income" in line 11 the following: "or
3 who would be eligible for federal supplemental
4 security income if living in their own home".

H-803 Filed and adopted By DEN HERDER of Sioux
June 15, 1973

H-881

1 Amend the Senate amendment to House File 789,
2 line 31, by striking the words "and with approval of".

H-881 Filed - *Last adopted 6/22*
June 21, 1973

By STANLEY of Muscatine
HOLDEN of Scott
GRASSLEY of Butler
KREAMER of Polk
WYCKOFF of Benton
HUSAK of Tama

H-797

1 Amend the Stanley et al. amendment H-790 to House
2 File 789 as follows:

H-797A

3 1. By adding the following new subsection after
4 line 89, and by renumbering the subsequent subsection:
5 "6. The provisions of this section shall apply to
6 recipients of assistance or services under chapter two
7 hundred fifty-two (252) of the Code. The reports
8 required to be prepared by the department under this
9 section shall, with respect to such assistance or
10 services, be prepared by the person or officer charged
11 with the oversight of the poor."

H-797B

12 2. By adding the following after line 96:
13 4. Page 17, by inserting after line 6 the follow-
14 ing new section:
15 Sec. _____. Section three hundred forty-nine point
16 eighteen (349.18), Code 1973, is amended to read as
17 follows:
18 349.18 SUPERVISORS' PROCEEDINGS--EACH PAYEE
19 LISTED--PUBLICATION. All proceedings of each regular,
20 adjourned, or special meeting of boards of super-
21 visors, including the schedule of bills allowed, shall
22 be published immediately after the adjournment of such
23 meeting of said boards, and the publication of the
24 schedule of the bills allowed shall show the name of
25 each individual to whom the allowance is made and for
26 what such bill is filed and the amount allowed thereon
27 , except that names of persons receiving relief from
28 the county poor fund shall not be published. The
29 county auditor shall furnish a copy of such proceed-
30 ings to be published, within one week following the
31 adjournment of the board."
32 3. Line 97, by striking the number "4" and
33 inserting in lieu thereof the number "5".

H-797 Filed and adopted
June 15, 1973

By JESSE of Polk
HARGRAVE of Johnson

S-965

1 Amend House File 789 as amended and passed by the House and
2 reprinted, as follows:
3 1. Page 7A, by striking lines 14 through 19, inclusive, and
4 inserting in lieu thereof the following:
5 b. Confidential information described in subsection one (1),
6 paragraph a, b and c of this section shall be disclosed to
7 public officials, for use in connection with their official
8 duties relating to law enforcement, audits and other purposes
9 directly connected with the administration of such programs, upon
10 written application to and with approval of the commissioner or
11 his designee.
12 2. Page 7A, line 23, by striking the words "services or".
13 3. Page 7B, line 58, by striking the words "or services".

S-965 Filed and Adopted
June 20, 1973

By DODERER

S-966

1 Amend House File 789 as amended and passed by the House and
2 reprinted, page 7C, by inserting after line 98 the following:
3 NEW SECTION. Where the department of social services assigns
4 personnel to an office located in a county for the purpose of
5 performing in that county designated duties and responsibilities
6 assigned by law to the department, it shall be the responsibility
7 of the county to provide and maintain the necessary office space
8 and office supplies and equipment for the personnel so assigned
9 in the same manner as if they were employees of the county. The
10 department shall at least annually, or more frequently if the
11 department so elects, reimburse the county for a portion,
12 designated by law, of the cost of maintaining office space and
13 providing supplies and equipment as required by this section,
14 and also for a similar portion of the cost of providing the
15 necessary office space if in order to do so it is necessary for
16 the county to lease office space outside the courthouse or any
17 other building owned by the county. The portion of the foregoing
18 costs reimbursed to the county under this section shall be equiva-
19 lent to the proportion of those costs which the federal govern-
20 ment authorizes to be paid from available federal funds, unless
21 the general assembly directs otherwise when appropriating funds
22 for support of the department.

S-966 Filed and Adopted
June 20, 1973

By SCHWIEGER

S-967

1 Amend House File 789 as amended and passed by the House and
2 reprinted, page 17A, by striking lines 29 through 35, inclusive,
3 and page 17B, by striking lines 36 and 37, and inserting in lieu
4 thereof the following and renumber the remaining section:
5 Sec. _____. There is appropriated from the general fund of the
6 state to the department of social services for state supplementary
7 assistance to recipients of federal supplemental security income,
8 pursuant to section three (3) of this Act, for the six months.
9 beginning January 1, 1974 and ending June 30, 1974 the sum of
10 five million four hundred sixty-one thousand (5,461,000) dollars,
11 and for the fiscal year beginning July 1, 1974 and ending June
12 30, 1975 the sum of fifteen million six hundred seventy-one
13 thousand (15, 671,000) dollars.

S-967 Filed and Lost
June 20, 1973

By GLUBA, BLOUIN and DODERER

S-969

1 Amend House File 789 as amended, passed, and re-
2 printed by the House, page 16A, by striking line 17
3 and inserting in lieu thereof the following:
4 "Sec. 25. Sections two hundred thirty-four point
5 twelve (234.12) and two hundred thirty-four point thirteen
6 (234.13), Code 1973, are repealed."

S-969 Filed and Withdrawn
June 20, 1973

By SCHWIEGER

1 Amend House File 789 as amended and passed by the House and
2 reprinted, as follows:

3 1. Page 2, line 3, by striking the word and figure "ten
4 (10)" and inserting in lieu thereof the word and figure "eleven
5 (11)".

6 2. Page 5, by inserting after line 35 the following new
7 section:

8 Sec. 11. NEW SECTION. PRIOR LIENS, CLAIMS AND ASSIGNMENTS.

9 Any lien existing on the effective date of this Act, which lien
10 was perfected under the provisions of sections two hundred
11 forty-nine point nineteen (249.19), two hundred forty-nine point
12 twenty (249.20) or two hundred forty-nine point twenty-one
13 (249.21) as they appeared in the Code of 1973 and prior Codes,
14 and which liens have not been satisfied, are void. Any assign-
15 ment of personal property which was made under the provisions
16 of chapter two hundred forty-nine (249) as it appeared in the
17 Code of 1973 and prior Codes, is void. The commissioner may in
18 furtherance of this section release any lien or claim created
19 or existing under that chapter. Each release made pursuant to
20 this section shall be executed and acknowledged by the commis-
21 sioner or his authorized designee, and when recorded shall be
22 conclusive in favor of any third person dealing with or con-
23 cerning the property affected by the release in reliance upon
24 such record.

25 3. Page 17A, by striking lines 3 and 4 and inserting in

Page 2

1 lieu thereof the words "such time as the property heretofore
2 managed by the department pursuant to that section has been
3 disposed of in".

4 4. By renumbering succeeding sections in accordance with this
5 amendment.