

FILED MAR 13 1995

SENATE FILE 312  
BY TINSMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the family investment program and related  
2 human services programs by requiring the department of human  
3 services to apply for certain federal waivers and providing  
4 applicability provisions.

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

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S.F. 312

1 Section 1. WELFARE REFORM.

2 1. The department of human services shall submit a waiver  
3 request or requests to the United States department of health  
4 and human services as necessary to implement the changes in  
5 the family investment program under chapter 239 and the job  
6 opportunities and basic skills program under chapter 249C, as  
7 provided by this section. In addition, the department may  
8 submit additional waiver requests to the United States  
9 department of agriculture to make changes in the federal food  
10 stamp program and to the United States department of health  
11 and human services to make changes to the medical assistance  
12 program under chapter 249A, as necessary to revise these  
13 programs in accordance with any waiver provision implemented  
14 pursuant to this section.

15 2. For the purposes of this section unless the context  
16 otherwise requires:

17 a. "Applicant" means an individual who has applied to be a  
18 recipient of public assistance.

19 b. "Minor parent" means an applicant or recipient parent  
20 who is less than eighteen years of age and has never been  
21 married.

22 c. "Public assistance" means the family investment program  
23 under chapter 239 and job opportunities and basic skills or  
24 JOBS program under chapter 249C.

25 d. "Recipient" means the same as provided in chapter 239  
26 and includes individuals whose income is considered by the  
27 department.

28 3. The department of human services shall apply for  
29 federal waivers to implement the following provisions for  
30 applicants for and recipients of public assistance:

31 a. To promote responsibility and strengthen family values,  
32 the department shall require the following of minor parents,  
33 and recipient parents who are 19 years of age or less, as  
34 indicated:

35 (1) Unless any of the following conditions apply, a minor

1 parent shall be required to live with their parent or legal  
2 guardian:

3 (a) The parent or guardian of the minor parent is  
4 deceased, missing, or living in another state.

5 (b) The minor parent's health or safety would be  
6 jeopardized if the minor parent is required to live with the  
7 parent or guardian.

8 (c) The minor parent is in foster care.

9 (d) The minor parent is participating in the job corps  
10 solo parent program or independent living program.

11 (e) Other good cause exists which is identified in rules  
12 adopted by the department for this purpose for the minor  
13 parent to receive public assistance while living apart from  
14 the minor parent's parent or guardian.

15 (2) A minor parent who is a recipient and is not required  
16 to live with the minor parent's parent or guardian pursuant to  
17 subparagraph (1) shall be required to participate in a family  
18 development program identified in rules adopted by the  
19 department.

20 (3) Minor parents who are recipients and recipient parents  
21 who are 19 years of age or less shall be required to attend  
22 parenting classes.

23 b. To encourage the development of a strong work ethic, in  
24 calculating public assistance eligibility and the amount of  
25 assistance, the department shall disregard earnings of an  
26 applicant or a recipient who is 19 years of age or younger who  
27 is engaged full-time in completing high school graduation or  
28 equivalency requirements.

29 c. To strengthen measures addressing welfare fraud and  
30 abuse, the department shall strengthen sanctions to disqualify  
31 recipients who defraud or abuse public assistance. In  
32 establishing sanctions pursuant to this paragraph, the  
33 department shall establish the same or similar penalties for  
34 the family investment program and for the food stamp program.

35 Sec. 2. CONTINGENCY PROVISION -- TRANSFER. The waiver

1 request or requests submitted by the department of human  
2 services pursuant to section 1 of this Act to the United  
3 States department of health and human services shall be to  
4 apply the provisions of section 1 statewide. If federal  
5 waiver approval of a provision of section 1 of this Act is  
6 granted, the department of human services shall implement the  
7 provision in accordance with the federal approval. If a  
8 provision of this Act is in conflict with a provision of  
9 chapter 239 or 249C, notwithstanding that provision in chapter  
10 239 or 249C, the provision of this Act shall be implemented  
11 and the department shall propose an amendment to chapter 239  
12 or 249C to resolve the conflict. The department may transfer  
13 moneys appropriated for a waiver provision to another  
14 appropriation as deemed necessary by the department if the  
15 waiver provision is denied by the federal government.

16 Sec. 3. RULES. The department of human services shall  
17 adopt administrative rules pursuant to chapter 17A to  
18 implement the provisions of section 1 of this Act. If  
19 necessary to conform with federal waiver terms and conditions  
20 or to efficiently administer the provisions, the rules may  
21 apply additional policies and procedures which are consistent  
22 with the provisions of section 1 of this Act.

23 Sec. 4. APPLICABILITY. The effective date of each waiver  
24 provision in section 1 of this Act granted by the federal  
25 government shall be set by rule. However, the provisions of  
26 section 1 of this Act shall not be implemented before July 1,  
27 1996. If federal law is amended to permit this state to  
28 initiate any of the provisions of section 1 of this Act  
29 without a federal waiver, the department of human services  
30 shall proceed to implement the provisions within the time  
31 period required by this section.

32 EXPLANATION

33 This bill relates to the family investment program and  
34 related human services programs by requiring the department of  
35 human services to apply for certain federal waivers and

1 providing applicability provisions.

2 The bill describes provisions of waivers involving the  
3 family investment program (formerly aid to families with  
4 dependent children now referred to as FIP) and the federal-  
5 state job opportunities and basic skills (JOBS) program (a  
6 work and training program for recipients under FIP). In  
7 addition, the department may apply for federal waivers under  
8 the federal food stamp program and medical assistance program  
9 for any changes to coordinate with waivers approved for FIP  
10 and JOBS.

11 The bill requires the department to apply for waivers to  
12 implement the following provisions: require minor parents to  
13 live with their parent or guardian except under certain  
14 exceptions, require those who do not live with their parent or  
15 guardian to participate in a family development program, and  
16 require any recipient parent who is 19 years of age or less to  
17 attend parenting classes; for a family with a recipient who is  
18 less than 20 years of age and engaged full-time in completing  
19 high school graduation or equivalency requirements, the  
20 department is required to disregard that recipient's earnings  
21 in calculating eligibility and amount of assistance for the  
22 family; and adopt measures to strengthen sanctions to  
23 disqualify recipients who defraud or abuse public assistance.

24 A contingency provision requires the department to request  
25 approval of the waiver provisions statewide and authorize  
26 implementation of a federally approved waiver in accordance  
27 with the approval. In addition, if any of the waiver  
28 provisions are in conflict with a state law in the FIP or JOBS  
29 chapters, the provision is still to be implemented and the  
30 department is directed to propose an amendment to resolve the  
31 conflict. If moneys are appropriated for a waiver provision  
32 that is later denied, the department may transfer the  
33 appropriation to another appropriation, as deemed necessary by  
34 the department.

35 The department is directed to adopt rules through the

1 regular rulemaking procedures to implement approved waiver  
2 provisions. All of the waiver provisions are not to be  
3 implemented until July 1, 1996. If federal law changes so  
4 that a waiver is not necessary to implement any of the  
5 provisions in the bill, the same start date restriction  
6 applies.

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SENATE FILE 313

S-3311

1 Amend Senate File 313 as follows:

2 1. Page 3, line 23, by inserting after the word  
3 "inspection" the following: ", and which would be  
4 discovered by a reasonably prudent person under like  
5 or similar circumstances".

6 2. Page 3, by inserting after line 25 the  
7 following:

8 "(4) Material adverse facts that are known to a  
9 person who conducts an inspection on behalf of the  
10 party."

11 3. Page 4, by inserting after line 8 the  
12 following:

13 "d. Disclose to a client any financial interests  
14 the licensee or the brokerage has in any business  
15 entity to which the licensee or brokerage refers a  
16 client for any service or product related to the  
17 transaction."

18 4. Page 9, by striking lines 11 through 14.

By ROD HALVORSON

S-3311 FILED MARCH 30, 1995

*adopted*  
*4/4/95*  
*(p.1025)*