

SENATE FILE 352
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 216.1)

Passed Senate, ^(P.846) Date 3/23/95 Passed House, Date 4-10-95
Vote: Ayes 48 Nays 2 Vote: Ayes 91 Nays 6
Approved April 24, 1995

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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SENATE FILE 352

S-3193

- 1 Amend Senate File 352 as follows:
- 2 1. Page 3, by striking lines 13 through 35.
- 3 2. By renumbering as necessary.

By JOHNIE HAMMOND

(P.846) Lost

S-3193 FILED MARCH 22, 1995

3/23/95

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S.F. 352

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 focus on the educational needs of minor parents, the
24 department shall require, subject to the availability of child
25 day care for a minor parent's children, that a minor parent
26 must either have graduated from high school or have received a
27 high school equivalency diploma, or be engaged full-time in
28 completing high school graduation or equivalency requirements.

29 c. To encourage the development of a strong work ethic, in
30 calculating public assistance eligibility and the amount of
31 assistance, the department shall disregard earnings of an
32 applicant or a recipient who is 19 years of age or younger who
33 is engaged full-time in completing high school graduation or
34 equivalency requirements.

35 d. To strengthen measures addressing welfare fraud, the

1 department shall strengthen sanctions to disqualify recipients
2 who commit fraud relating to public assistance. In
3 establishing sanctions pursuant to this paragraph, the
4 department shall establish the same or similar penalties for
5 the family investment program and for the food stamp program.

6 e. To make expectations of recipients consistent with
7 practices in the private sector, contingent upon the
8 availability of funding to provide child day care for the
9 children of recipients who would not be exempt, the department
10 shall revise the JOBS program exemption for recipient parents
11 with young children to be limited to parents with children who
12 are less than three months of age.

13 f. To remove incentives for parent and caretaker relative
14 applicants who received public assistance in another state and
15 move to Iowa to seek public assistance, the department shall
16 limit public assistance payment amounts to the lesser of
17 Iowa's standard of payment or the standard of payment of the
18 person's previous state of residence. If such an applicant
19 received aid to families with dependent children in another
20 state within one year of applying for public assistance in
21 this state, the requirements of this paragraph shall apply for
22 the period of six months from the date of applying for public
23 assistance in this state. The department shall determine the
24 applicant's eligibility for public assistance in this state
25 using the eligibility requirements of this state. If eligible
26 in this state, based upon the family size used to determine
27 eligibility, the department shall compare the standard grant
28 amount the applicant would receive in this state with the
29 standard grant amount in the other state. For the six-month
30 period, the applicant's standard grant amount when receiving
31 public assistance shall be the lesser of the two amounts. The
32 department shall apply this state's policies in determining
33 the applicant's amount of net income and the resulting amount
34 shall be subtracted from the applicant's applicable standard
35 grant.

1 g. To encourage responsible decision making by families
2 receiving public assistance, the department shall do all of
3 the following with newly eligible and existing recipient
4 parents:

5 (1) Discuss orally and in writing the financial
6 implications of newly born children on the recipient's family.

7 (2) Discuss orally and in writing the available family
8 planning resources.

9 (3) Include family planning counseling as an optional
10 component of the job opportunities and basic skills program.

11 (4) Include the recipient's family planning objectives in
12 the family investment agreement.

13 Sec. 2. CONTINGENCY PROVISION -- TRANSFER. The waiver
14 request or requests submitted by the department of human
15 services pursuant to section 1 of this Act to the United
16 States department of health and human services shall be to
17 apply the provisions of section 1 statewide. If federal
18 waiver approval of a provision of section 1 of this Act is
19 granted, the department of human services shall implement the
20 provision in accordance with the federal approval. If a
21 provision of this Act is in conflict with a provision of
22 chapter 239 or 249C, notwithstanding that provision in chapter
23 239 or 249C, the provision of this Act shall be implemented
24 and the department shall propose an amendment to chapter 239
25 or 249C to resolve the conflict. The department may transfer
26 moneys appropriated for a waiver provision to another
27 appropriation as deemed necessary by the department if the
28 waiver provision is denied by the federal government.

29 Sec. 3. RULES. The department of human services shall
30 adopt administrative rules pursuant to chapter 17A to
31 implement the provisions of section 1 of this Act. If
32 necessary to conform with federal waiver terms and conditions
33 or to efficiently administer the provisions, the rules may
34 apply additional policies and procedures which are consistent
35 with the provisions of section 1 of this Act.

1 Sec. 4. APPLICABILITY. The effective date of each waiver
2 provision in section 1 of this Act granted by the federal
3 government shall be set by rule. However, none of the waiver
4 provisions of section 1 of this Act shall be implemented
5 before July 1, 1996. If federal law is amended to permit this
6 state to initiate any of the provisions of section 1 of this
7 Act without a federal waiver, the department of human services
8 shall proceed to implement the provisions within the time
9 period required by this section.

10 EXPLANATION

11 This bill relates to the family investment program and
12 related human services programs by requiring the department of
13 human services to apply for certain federal waivers and
14 providing applicability provisions.

15 The bill describes provisions of waivers involving the
16 family investment program (formerly aid to families with
17 dependent children now referred to as FIP) and the federal-
18 state job opportunities and basic skills (JOBS) program (a
19 work and training program for recipients under FIP). In
20 addition, the department may apply for federal waivers under
21 the federal food stamp program and medical assistance program
22 for any changes to coordinate with waivers approved for FIP
23 and JOBS.

24 The bill requires the department to apply for waivers to
25 implement the following provisions: require minor parents to
26 live with their parent or guardian except under certain
27 exceptions, require those who do not live with their parent or
28 guardian to participate in a family development program, and
29 require any recipient parent who is 19 years of age or less to
30 attend parenting classes; require, subject to the availability
31 of child day care, that a minor parent must either have
32 graduated from high school or have completed an equivalent, or
33 be engaged full-time in completing high school graduation or
34 equivalency requirements; for a family with a recipient who is
35 less than 20 years of age and engaged full-time in completing

1 high school graduation or equivalency requirements, the
2 department is required to disregard that recipient's earnings
3 in calculating eligibility and amount of assistance for the
4 family; adopt measures to strengthen sanctions to disqualify
5 recipients who commit fraud relating to public assistance;
6 contingent upon the availability of funding to provide child
7 day care for the children of recipients who would not be
8 exempt, revise the JOBS program participation exemption for
9 recipients with young children to only apply the exemption to
10 parents with children who are less than three months of age;
11 require reduction of the FIP grant amount for a period of six
12 months for those recipients who received aid to families with
13 dependent children in another state which is less than paid in
14 this state; and incorporate various family planning provisions
15 in the FIP and JOBS programs to encourage responsible decision
16 making.

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

28 The department is directed to adopt rules through the
29 regular rulemaking procedures to implement approved waiver
30 provisions. All of the waiver provisions are not to be
31 implemented before July 1, 1996. If federal law changes so
32 that a waiver is not necessary to implement any of the
33 provisions in the bill, the same start date restriction
34 applies.

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SENATE FILE 352
FISCAL NOTE

A fiscal note for Senate File 352 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 352, as passed by the Senate, requires the Department of Human Services to apply for waivers to:

1. Require minor parents to live with their parent and guardian except under certain conditions.
2. Require participation in a family development program for those minor parents not living with their parents.
3. Require attendance at parent classes for those parents 19 years of age and younger who are on public assistance.
4. Disregard of earnings for those recipients with a family member less than 20 years of age who is in the process of completing high school or an equivalent degree.
5. Increased sanctions for fraud and abuse.
6. Reduced benefits for six months for those recipients who received assistance in another state.
7. Incorporation of various family planning provisions into the Family Investment Program.

Fiscal Effect:

The fiscal effect of SF 352 as passed by the Senate is a net General Fund cost of \$36,842 in FY 1996 and \$528,365 in FY 1997.

Listed below are the various costs and revenues of each component (all funding sources).

	FY 1996 -----	FY 1997 -----
Costs:		
Salaries - 1.0 FTE position in FY 1996 and 3.0 FTE positions in FY 1997	\$ 39,405	\$ 109,014
Support	9,500	7,031
Data Processing	24,780	
Parenting Classes/Promise Jobs		1,459,740
Birth Control Supplies		12,380
Family Planning Services		636,727
Reduced Aid to Individuals		-845,308
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Total Cost	73,685	1,379,584
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Revenues:		
Additional Federal Funds	36,843	851,219

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Net Cost

\$ 36,842
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\$ 528,365
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Source: Department of Human Services

(LSB 2373sv, LCS)

FILED MARCH 28, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 352

H-3550

1 Amend Senate File 352, as passed by the Senate, as
2 follows:

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

5 "Sec. ____ . SELF-HELP-FARE PROGRAM. The department
6 of human services shall create a self-help-fare
7 program available to recipients of public assistance
8 under chapter 239 and their families in accordance
9 with the following provisions:

10 1. For the purposes of this paragraph unless the
11 context otherwise requires:

12 a. "Nonprofit organization" means a church,
13 housing group, neighborhood association, or other
14 organization described in the Internal Revenue Code,
15 26 U.S.C. § 501(c)(3), which is exempt from income
16 taxation under 26 U.S.C. § 501(a) and serves a
17 particular geographic area, holds regular meetings,
18 and was established prior to July 1, 1995.

19 b. "Self-help-fare program" or "program" means the
20 self-help-fare program created pursuant to this
21 section.

22 2. The department shall publicize the program and
23 solicit the involvement of nonprofit organizations in
24 developing a list of approximately 100 nonprofit
25 organizations to be matched with recipients enrolled
26 in the program. A nonprofit organization may assist a
27 family matched with the organization in any manner
28 deemed appropriate by the organization and the family.

29 3. The department shall screen and select the
30 recipient families deemed to be appropriate for the
31 program. Not more than 100 recipient families may
32 participate over the course of the program. A
33 recipient's decision to participate in the program
34 shall be completely voluntary. The program shall
35 provide a guaranteed annual income to participating
36 families in lieu of a grant or other benefits under
37 the family investment program and other programs for
38 which the family investment program provides
39 eligibility, including but not limited to medical
40 assistance and emergency assistance. The amount of
41 the guaranteed annual income shall be not more than
42 \$8,000 for one adult and \$3,000 for each child up to a
43 maximum of two children. The guaranteed annual income
44 amount for a family participating in the program shall
45 be reduced to reflect 50 percent of the family's
46 earned income. A participant in the program shall
47 automatically be eligible for an individual
48 development account under chapter 541A.

49 4. The program shall operate for the two-year
50 period beginning September 1, 1995, and ending August

H-3550

H-3550

Page 2

1 31, 1997. A participant in the program shall not be
 2 eligible for the family investment program for a
 3 period of two years following the end of participation
 4 in the self-help-fare program.

5 5. The department shall convene a committee and
 6 provide staffing to assist the committee in assessing
 7 the success of the program. The committee shall
 8 include but is not limited to participants in the
 9 program, nonprofit organizations participating in the
 10 program, the department, and members of the general
 11 assembly. The committee's assessment shall be
 12 submitted to the governor and the general assembly on
 13 or before December 15, 1997.

14 6. Implementation of the program is subject to
 15 enactment of an appropriation for the program."

16 2. By renumbering as necessary.

By FALLON of Polk

H-3550 FILED MARCH 28, 1995

WITHDRAWN

4-10-95 (P.1391)

SENATE FILE 352

H-3549

1 Amend Senate File 352, as passed by the Senate, as
 2 follows:

3 1. Page 3, line 35, by inserting after the word
 4 "grant." the following: "The provisions of this
 5 paragraph shall not apply to an applicant who was
 6 previously a resident of this state before living in
 7 another state and receiving aid to families with
 8 dependent children or to an applicant who has moved to
 9 this state to be near the applicant's parent or
 10 sibling."

By FALLON of Polk

H-3549 FILED MARCH 28, 1995

WITHDRAWN

4-10-95 (P.1390)

SENATE FILE 352

H-3574

1 Amend Senate File 352, as passed by the Senate, as
 2 follows:

3 1. Page 3, by striking lines 6 through 12.
 4 2. By renumbering and correcting internal
 5 references as necessary.

By HARPER of Black Hawk

H-3574 FILED MARCH 29, 1995

Lost 4-10-95

(P.1340)

SENATE FILE 352

H-3801

1 Amend Senate File 352, as passed by the Senate, as
 2 follows:

3 1. Page 3, by striking lines 13 through 35.
 4 2. By renumbering and correcting internal
 5 references as necessary.

By BRAND of Benton

H-3801 FILED APRIL 6, 1995

(P.1341)
Lost 4-10-95

Szymoniak
Vilsack
Kramer

SSB-216.1
Human Resources

Succeeded By
SF/HE 252

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SZYMONIAK)

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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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 focus on the educational needs of minor parents, the
24 department shall require, subject to the availability of child
25 day care for a minor parent's children, that a minor parent
26 must either have graduated from high school or have received a
27 high school equivalency diploma, or be engaged full-time in
28 completing high school graduation or equivalency requirements.

29 c. To encourage the development of a strong work ethic, in
30 calculating public assistance eligibility and the amount of
31 assistance, the department shall disregard earnings of an
32 applicant or a recipient who is 19 years of age or younger who
33 is engaged full-time in completing high school graduation or
34 equivalency requirements.

35 d. To strengthen measures addressing welfare fraud, the

1 department shall strengthen sanctions to disqualify recipients
2 who commit fraud relating to public assistance. In
3 establishing sanctions pursuant to this paragraph, the
4 department shall establish the same or similar penalties for
5 the family investment program and for the food stamp program.

6 e. To make expectations of recipients consistent with
7 practices in the private sector, contingent upon the
8 availability of funding to provide child day care for the
9 children of recipients who would not be exempt, the department
10 shall revise the JOBS program exemption for recipient parents
11 with young children to be limited to parents with children who
12 are less than three months of age.

13 f. To remove incentives for parent and caretaker relative
14 applicants who received public assistance in another state and
15 move to Iowa to seek public assistance, the department shall
16 limit public assistance payment amounts to the lesser of
17 Iowa's standard of payment or the standard of payment of the
18 person's previous state of residence. If such an applicant
19 received aid to families with dependent children in another
20 state within one year of applying for public assistance in
21 this state, the requirements of this paragraph shall apply.
22 The department shall determine the applicant's eligibility for
23 public assistance in this state using the eligibility
24 requirements of this state. If eligible in this state, based
25 upon the family size used to determine eligibility, the
26 department shall compare the standard grant amount the
27 applicant would receive in this state with the standard grant
28 amount in the other state. The applicant's standard grant
29 amount when receiving public assistance shall be the lesser of
30 the two amounts. The department shall apply this state's
31 policies in determining the applicant's amount of net income
32 and the resulting amount shall be subtracted from the
33 applicant's applicable standard grant.

34 g. To encourage responsible decision making by families
35 receiving public assistance, the department shall do all of

1 the following with newly eligible and existing recipient
2 parents:

3 (1) Discuss orally and in writing the financial
4 implications of newly born children on the recipient's family.

5 (2) Discuss orally and in writing the available family
6 planning resources.

7 (3) Include family planning counseling as a required
8 activity under the family investment agreement.

9 (4) Include the recipient's family planning objectives in
10 the family investment agreement.

11 Sec. 2. CONTINGENCY PROVISION -- TRANSFER. The waiver
12 request or requests submitted by the department of human
13 services pursuant to section 1 of this Act to the United
14 States department of health and human services shall be to
15 apply the provisions of section 1 statewide. If federal
16 waiver approval of a provision of section 1 of this Act is
17 granted, the department of human services shall implement the
18 provision in accordance with the federal approval. If a
19 provision of this Act is in conflict with a provision of
20 chapter 239 or 249C, notwithstanding that provision in chapter
21 239 or 249C, the provision of this Act shall be implemented
22 and the department shall propose an amendment to chapter 239
23 or 249C to resolve the conflict. The department may transfer
24 moneys appropriated for a waiver provision to another
25 appropriation as deemed necessary by the department if the
26 waiver provision is denied by the federal government.

27 Sec. 3. RULES. The department of human services shall
28 adopt administrative rules pursuant to chapter 17A to
29 implement the provisions of section 1 of this Act. If
30 necessary to conform with federal waiver terms and conditions
31 or to efficiently administer the provisions, the rules may
32 apply additional policies and procedures which are consistent
33 with the provisions of section 1 of this Act.

34 Sec. 4. APPLICABILITY. The effective date of each waiver
35 provision in section 1 of this Act granted by the federal

1 government shall be set by rule. However, none of the waiver
2 provisions of section 1 of this Act shall be implemented
3 before July 1, 1996. If federal law is amended to permit this
4 state to initiate any of the provisions of section 1 of this
5 Act without a federal waiver, the department of human services
6 shall proceed to implement the provisions within the time
7 period required by this section.

8

EXPLANATION

9 This bill relates to the family investment program and
10 related human services programs by requiring the department of
11 human services to apply for certain federal waivers and
12 providing applicability provisions.

13 The bill describes provisions of waivers involving the
14 family investment program (formerly aid to families with
15 dependent children now referred to as FIP) and the federal-
16 state job opportunities and basic skills (JOBS) program (a
17 work and training program for recipients under FIP). In
18 addition, the department may apply for federal waivers under
19 the federal food stamp program and medical assistance program
20 for any changes to coordinate with waivers approved for FIP
21 and JOBS.

22 The bill requires the department to apply for waivers to
23 implement the following provisions: require minor parents to
24 live with their parent or guardian except under certain
25 exceptions, require those who do not live with their parent or
26 guardian to participate in a family development program, and
27 require any recipient parent who is 19 years of age or less to
28 attend parenting classes; require, subject to the availability
29 of child day care, that a minor parent must either have
30 graduated from high school or have completed an equivalent, or
31 be engaged full-time in completing high school graduation or
32 equivalency requirements; for a family with a recipient who is
33 less than 20 years of age and engaged full-time in completing
34 high school graduation or equivalency requirements, the
35 department is required to disregard that recipient's earnings

1 in calculating eligibility and amount of assistance for the
2 family; adopt measures to strengthen sanctions to disqualify
3 recipients who commit fraud relating to public assistance;
4 contingent upon the availability of funding to provide child
5 day care for the children of recipients who would not be
6 exempt, revise the JOBS program participation exemption for
7 recipients with young children to only apply the exemption to
8 parents with children who are less than three months of age;
9 require reduction of the FIP grant amount for those recipients
10 who received aid to families with dependent children in
11 another state which is less than paid in this state; and
12 require various family planning provisions to encourage
13 responsible decision making.

14 A contingency provision requires the department to request
15 approval of the waiver provisions statewide and authorize
16 implementation of a federally approved waiver in accordance
17 with the approval. In addition, if any of the waiver
18 provisions are in conflict with a state law in the FIP or JOBS
19 chapters, the provision is still to be implemented and the
20 department is directed to propose an amendment to resolve the
21 conflict. If moneys are appropriated for a waiver provision
22 that is later denied, the department may transfer the
23 appropriation to another appropriation, as deemed necessary by
24 the department.

25 The department is directed to adopt rules through the
26 regular rulemaking procedures to implement approved waiver
27 provisions. All of the waiver provisions are not to be
28 implemented before July 1, 1996. If federal law changes so
29 that a waiver is not necessary to implement any of the
30 provisions in the bill, the same start date restriction
31 applies.

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SENATE FILE 352

AN ACT

RELATING TO THE FAMILY INVESTMENT PROGRAM AND RELATED HUMAN SERVICES PROGRAMS BY REQUIRING THE DEPARTMENT OF HUMAN SERVICES TO APPLY FOR CERTAIN FEDERAL WAIVERS AND PROVIDING APPLICABILITY PROVISIONS.

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

Section 1. WELFARE REFORM.

1. The department of human services shall submit a waiver request or requests to the United States department of health and human services as necessary to implement the changes in the family investment program under chapter 239 and the job opportunities and basic skills program under chapter 249C, as

provided by this section. In addition, the department may submit additional waiver requests to the United States department of agriculture to make changes in the federal food stamp program and to the United States department of health and human services to make changes to the medical assistance program under chapter 249A, as necessary to revise these programs in accordance with any waiver provision implemented pursuant to this section.

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

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

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

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

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

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

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

(1) Unless any of the following conditions apply, a minor parent shall be required to live with their parent or legal guardian:

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

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

- (c) The minor parent is in foster care.
 - (d) The minor parent is participating in the job corps solo parent program or independent living program.
 - (e) Other good cause exists which is identified in rules adopted by the department for this purpose for the minor parent to receive public assistance while living apart from the minor parent's parent or guardian.
- (2) A minor parent who is a recipient and is not required to live with the minor parent's parent or guardian pursuant to subparagraph (1) shall be required to participate in a family development program identified in rules adopted by the department.
- (3) Minor parents who are recipients and recipient parents who are 19 years of age or less shall be required to attend parenting classes.
- b. To focus on the educational needs of minor parents, the department shall require, subject to the availability of child day care for a minor parent's children, that a minor parent must either have graduated from high school or have received a high school equivalency diploma, or be engaged full-time in completing high school graduation or equivalency requirements.
 - c. To encourage the development of a strong work ethic, in calculating public assistance eligibility and the amount of assistance, the department shall disregard earnings of an applicant or a recipient who is 19 years of age or younger who is engaged full-time in completing high school graduation or equivalency requirements.
 - d. To strengthen measures addressing welfare fraud, the department shall strengthen sanctions to disqualify recipients who commit fraud relating to public assistance. In establishing sanctions pursuant to this paragraph, the department shall establish the same or similar penalties for the family investment program and for the food stamp program.
 - e. To make expectations of recipients consistent with practices in the private sector, contingent upon the

availability of funding to provide child day care for the children of recipients who would not be exempt, the department shall revise the JOBS program exemption for recipient parents with young children to be limited to parents with children who are less than three months of age.

f. To remove incentives for parent and caretaker relative applicants who received public assistance in another state and move to Iowa to seek public assistance, the department shall limit public assistance payment amounts to the lesser of Iowa's standard of payment or the standard of payment of the person's previous state of residence. If such an applicant received aid to families with dependent children in another state within one year of applying for public assistance in this state, the requirements of this paragraph shall apply for the period of six months from the date of applying for public assistance in this state. The department shall determine the applicant's eligibility for public assistance in this state using the eligibility requirements of this state. If eligible in this state, based upon the family size used to determine eligibility, the department shall compare the standard grant amount the applicant would receive in this state with the standard grant amount in the other state. For the six-month period, the applicant's standard grant amount when receiving public assistance shall be the lesser of the two amounts. The department shall apply this state's policies in determining the applicant's amount of net income and the resulting amount shall be subtracted from the applicant's applicable standard grant.

g. To encourage responsible decision making by families receiving public assistance, the department shall do all of the following with newly eligible and existing recipient parents:

- (1) Discuss orally and in writing the financial implications of newly born children on the recipient's family.

(2) Discuss orally and in writing the available family planning resources.

(3) Include family planning counseling as an optional component of the job opportunities and basic skills program.

(4) Include the recipient's family planning objectives in the family investment agreement.

Sec. 2. CONTINGENCY PROVISION -- TRANSFER. The waiver request or requests submitted by the department of human services pursuant to section 1 of this Act to the United States department of health and human services shall be to apply the provisions of section 1 statewide. If federal waiver approval of a provision of section 1 of this Act is granted, the department of human services shall implement the provision in accordance with the federal approval. If a provision of this Act is in conflict with a provision of chapter 239 or 249C, notwithstanding that provision in chapter 239 or 249C, the provision of this Act shall be implemented and the department shall propose an amendment to chapter 239 or 249C to resolve the conflict. The department may transfer moneys appropriated for a waiver provision to another appropriation as deemed necessary by the department if the waiver provision is denied by the federal government.

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

Sec. 4. APPLICABILITY. The effective date of each waiver provision in section 1 of this Act granted by the federal government shall be set by rule. However, none of the waiver provisions of section 1 of this Act shall be implemented before July 1, 1996. If federal law is amended to permit this state to initiate any of the provisions of section 1 of this

Act without a federal waiver, the department of human services shall proceed to implement the provisions within the time period required by this section.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 352, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *April 24*, 1995

TERRY E. BRANSTAD
Governor