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Harper

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SSB - 3104

Human Resources

Succeeded By

SENATE/HOUSE FILE

SE/HF 2368

BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

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 associated
2 provisions.

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

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TLSB 5235DP 78

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1 Section 1. Section 217.30, subsection 4, paragraph c, Code
2 1999, is amended by striking the paragraph.

3 Sec. 2. Section 239B.2, subsection 3, Code Supplement
4 1999, is amended to read as follows:

5 3. UNEMPLOYMENT. A determination of eligibility for a
6 family with an unemployed parent shall not include
7 consideration of either parent's number of hours of employment
8 ~~except-to-establish-the-date-assistance-would-begin-in~~
9 ~~accordance-with-rules.~~ However, Both parents must enter
10 into and participate in a family investment agreement and
11 participate in JOBS program activities unless good cause not
12 to participate is established in accordance with rules. For
13 ~~the-purposes-of-this-chapter, an applicant family with a~~
14 ~~parent who is partially or totally unemployed under any of the~~
15 ~~following circumstances shall not be considered to be~~
16 ~~unemployed:~~

17 a. ~~--The period of unemployment is less than thirty days~~
18 ~~prior to commencing participation under this chapter.~~

19 b. ~~--The parent is partially or totally unemployed due to a~~
20 ~~work stoppage which exists because of a labor dispute at the~~
21 ~~factory, establishment, or other premises at which the parent~~
22 ~~is or was last employed.~~

23 c. ~~--At any time during the thirty-day period prior to~~
24 ~~commencing participation under this chapter, the parent has~~
25 ~~not been available for employment, has not actively sought~~
26 ~~employment, or has without good cause refused any bona fide~~
27 ~~offer of employment or training for employment.~~ Any of the
28 following reasons for refusing employment or training are not
29 good cause:

30 {1} a. Unsuitable or unpleasant work or training, if the
31 parent is able to perform the work or training without unusual
32 danger to the parent's health.

33 {2} b. The amount of wages or compensation, unless the
34 wages for employment are below the amount customary for the
35 same work in the community.

1 d.--The parent has not registered for work with the state
2 employment service established pursuant to section 96.127 or
3 after registration has failed to report at an employment
4 office in accordance with regulations prescribed pursuant to
5 section 96.47 subsection 1.

6 e.--The parent is eligible but refuses to apply for or to
7 draw upon unemployment benefits.

8 f.--The parent or family fails to meet other requirements
9 adopted by the department applicable to the applicant parent
10 or family.--The other requirements shall be limited to those
11 necessary to meet federal requirements and may be in addition
12 to or in lieu of the requirements of this subsection for
13 eligibility under this chapter to children whose parents are
14 partially or totally unemployed.

15 Sec. 3. Section 239B.8, subsection 1, Code Supplement
16 1999, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. d. The individual is not a United States
18 citizen and is not a qualified alien as defined in 8 U.S.C. §
19 1641.

20 Sec. 4. Section 239B.9, subsection 1, paragraph b,
21 subparagraph (3), Code Supplement 1999, is amended to read as
22 follows:

23 (3) For a two-parent family in which both parents are
24 responsible for a family investment agreement, a first or
25 subsequent limited benefit plan shall remain applicable until
26 both parents complete significant contact with or action in
27 regard to the JOBS program. A limited benefit plan applied
28 more than once to the same two-parent family shall be treated
29 as a subsequent limited benefit plan.

30 Sec. 5. Section 239B.11, subsection 2, Code Supplement
31 1999, is amended to read as follows:

32 2. A diversion program subaccount is created within the
33 family investment program account. The subaccount may be used
34 to provide incentives to divert applicants' participation in
35 the family investment program if the applicants meet income

1 eligibility requirements for assistance. Incentives may be
2 provided in the form of payment or services with a focus on
3 helping applicants to obtain or retain employment. The
4 diversion program subaccount may also be used for payments to
5 participants as necessary to cover the expenses of removing
6 barriers to employment. In addition, the diversion program
7 subaccount may be used for funding of services and payments
8 for persons whose family investment program eligibility has
9 ended, in order to help the persons to stabilize or improve
10 their employment status.

11 Sec. 6. Section 239B.14, Code 1999, is amended to read as
12 follows:

13 239B.14 FRAUDULENT PRACTICES -- RECOVERY OF OVERPAYMENTS.

14 1. An individual who obtains, or attempts to obtain, or
15 aids or abets an individual to obtain, by means of a willfully
16 false statement or representation, by knowingly failing to
17 disclose a material fact, or by impersonation, or any
18 fraudulent device, any assistance or other benefits under this
19 chapter to which the individual is not entitled, commits a
20 fraudulent practice.

21 2. An individual who commits a fraudulent practice under
22 this section is personally liable for the amount of assistance
23 or other benefits fraudulently obtained. The amount of the
24 assistance or other benefits may be recovered from the
25 offender or the offender's estate in an action brought or by
26 claim filed in the name of the state and the recovered funds
27 shall be deposited in the family investment program account.
28 The action or claim filed in the name of the state shall not
29 be considered an election of remedies to the exclusion of
30 other remedies.

31 3. The department shall adopt rules pursuant to chapter
32 17A as necessary to recover overpayments of assistance and
33 benefits provided under this chapter. The recovery methods
34 shall include but are not limited to reducing the amount of
35 assistance or benefits provided.

1 Sec. 7. Section 239B.17, subsection 2, Code 1999, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. Providing services and payments for
4 persons whose family investment program eligibility has ended,
5 in order to help the persons to stabilize or improve their
6 employment status.

7 Sec. 8. Section 239B.18, Code 1999, is amended to read as
8 follows:

9 239B.18 JOBS PROGRAM PARTICIPATION.

10 Except for participants who are exempt from the requirement
11 to enter into a family investment agreement under section
12 239B.8, a participant in the family investment program shall
13 participate in JOBS program activities as provided in the
14 participant's family investment agreement. A Except for
15 individuals who are not a United States citizen and are not a
16 qualified alien and exempt from the requirement to enter into
17 a family investment agreement under section 239B.8, subsection
18 1, paragraph "d", a participant who is exempt may voluntarily
19 participate in the JOBS program.

20 EXPLANATION

21 This bill relates to the family investment program (FIP)
22 and associated provisions.

23 Code section 217.30, subsection 4, paragraph "c", relating
24 to confidentiality of records of persons receiving assistance
25 through the department of human services, is stricken. The
26 stricken provision requires the department to file a quarterly
27 report in local and county offices showing the names and last
28 known addresses of persons receiving assistance under Code
29 chapter 249, state supplementary assistance; Code chapter
30 239B, family investment program; and Code chapter 249A,
31 medical assistance (Medicaid).

32 Code section 239B.2, relating to conditions of eligibility
33 for FIP, is amended. The bill strikes various restrictions
34 and requirements regarding the unemployment status of parents
35 in a two-parent family.

1 Code section 239B.8, relating to policy requirements for
2 family investment agreements, is amended. The bill provides a
3 new exemption to the requirements for participation in a
4 family investment agreement for persons who are not United
5 States citizens and are not qualified aliens as defined in
6 federal law.

7 Code section 239B.9, relating to limited benefit plans
8 under FIP, is amended. The bill specifies that any limited
9 benefit plan applied to a two-parent family more than once is
10 to be treated as a subsequent limited benefit plan. A
11 subsequent limited benefit plan is a defined term requiring a
12 six-month period of eligibility for reduced assistance or
13 ineligibility for cash assistance, followed by an
14 indeterminate period until the individual participant
15 completes significant contact with or action in regard to the
16 JOBS program.

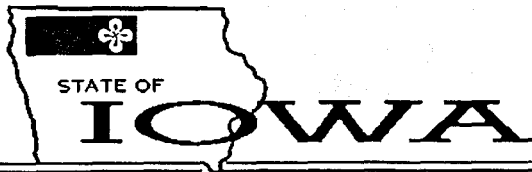
17 Code section 239B.11, relating to the family investment
18 program account, is amended to expand the uses of the program
19 diversion subaccount. Under the bill, the subaccount can be
20 used to provide services and payments for persons whose family
21 investment program eligibility has ended, in order to help the
22 persons to stabilize or improve their employment status. The
23 bill provides a similar authorization in Code section 239B.17,
24 relating to activities required to be provided as part of the
25 JOBS program under FIP.

26 Code section 239B.14, relating to fraudulent practices
27 under FIP, is amended to refer to recovery of overpayments in
28 the section headnote and to direct the department to adopt
29 rules for such recovery. The rules are to include provision
30 for withholding of cash assistance or other FIP benefits.

31 Code section 239B.18, relating to required participation in
32 the JOBS program for FIP participants, is amended. Under
33 current law, those exempt from the requirement to enter into a
34 family investment agreement may choose to voluntarily
35 participate in the JOBS program. However, under the bill,

1 this choice is not available to a participant who is not a
2 United States citizen and is not a qualified alien as defined
3 in federal law.

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THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

Date: January 25, 2000
TO: Members of the General Assembly
FROM: Karla Fultz McHenry

The Department of Human Services (DHS) is proposing legislation relating to the Family Investment Program (FIP).

Section 1 of the bill amends Iowa Code Section 217.30, subsection 4, Code 1999, by deleting paragraph "c." Current law at 217.30(4)"c" requires the Department to make available for public viewing a quarterly report listing the names and addresses of Family Investment Program, Medicaid and State Supplementary Insurance recipients. The Department's Welfare Reform Advisory Group recommended to eliminate the report to protect the confidentiality of families receiving assistance under the aforementioned programs. Eliminating the report also protects the safety and privacy of DHS assistance program recipients who are victims of domestic violence. The requested amendment implements the group's recommendation.

Section 2 of the bill amends Iowa Code Section 239B.2, subsection 3, Code Supplement 1999, to eliminate the special eligibility requirements for FIP-Unemployed Parent families and align the Unemployed Parent program with the regular Family Investment Program. Eliminating the current special requirements simplifies program policies and procedures, thereby expediting the eligibility determination and service delivery.

Section 3 of the bill amends Iowa Code Section 239B.8, subsection 1, Code Supplement 1999, by adding a new exemption from participating in PROMISE JOBS and the family investment agreement for persons who are not United States citizens and are not qualified aliens as defined in federal law. Federal law prohibits Temporary Assistance for Needy Family (TANF) funds from being used to provide PROMISE JOBS services for the following alien classifications:

- Nonqualified aliens without legal status
- Nonqualified aliens with one of the following legal statuses:
 - (a) nonimmigrants under the Immigration and Nationality Act (INA)
 - (b) aliens paroled into the United States under Section 212(d)(5) of the INA for less than one year
 - (c) temporary residents under the Immigration Reform and Control Act

- (d) aliens with protected status, such as PRUCOLS (permanently residing in the United States under color of law)
- (e) aliens in deferred action status

However, federal law does allow use of state-only maintenance of effort (MOE) funds to serve aliens without legal status if the state passes a law specifically allowing this. At the present time, Iowa does not have such a law. The state could also use state-only MOE funds to serve nonqualified aliens with legal status in categories (a) and (b), above. However, federal law does not allow the state to use any state funds to serve legal nonqualified aliens in categories (c) through (e), above. The Department believes that serving some nonqualified aliens and not serving others would be very confusing to citizens, applicants and participants, and to staff. There would be a great likelihood of error. Also, some of these aliens are not allowed to work in the United States. Therefore, the Department is proposing to exempt all nonqualified aliens from PROMISE JOBS and family investment agreement activities.

Section 4 of the bill amends Iowa Code Section 239B.9, subsection 1, paragraph "b," subparagraph (3), Code Supplement 1999, to specify that a limited benefit plan applied to the same family more than once must be treated as a subsequent limited benefit plan. This amendment does not represent a change in policy but clarifies existing policy.

Section 5 of the bill amends Iowa Code Section 239B.11, subsection 2, Code Supplement 1999, to provide statutory authority for expanding the uses of the program diversion subaccount to former FIP participants to stabilize or improve their employment.

Section 6 of the bill amends Iowa Code Section 239B.14, Code 1999, to add language which gives DHS the explicit authority to use grant reduction as a method for recovering FIP overpayments. The amendment has no impact on service delivery as the method is currently in use in accordance with DHS' administrative rules.

Section 7 of the bill amends Iowa Code Section 239B.17, subsection 2, Code 1999, to add a new paragraph which gives DHS statutory authority to provide PROMISE JOBS services and payments to families whose FIP eligibility has ended to help them stabilize or improve their employment status.

Section 8 of the bill amends Iowa Code Section 239B.18, Code 1999, to eliminate the voluntary participation in PROMISE JOBS of persons who are exempt because they are not United States citizens and are not qualified aliens as defined in federal law. See the explanation in Section 3 for additional information.

For additional information regarding this proposal, or other questions, please contact Karla McHenry, Legislative Liaison at 281-4848, or e-mail at kmchenr@dhs.state.ia.us.

Substitutes for HF 2325
3/30/00 (P.1146)

FILED FEB 28 '00

SENATE FILE 2368
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3104)

Passed Senate, ^(P.519) Date 3/2/00 Passed House, ^(P.1140) Date 3-30-00
Vote: Ayes 46 Nays 0 Vote: Ayes 94 Nays 0
Approved 4-13-00

A BILL FOR

1 An Act relating to the family investment program and associated
2 provisions.

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

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SF 2368

1 Section 1. Section 217.30, subsection 4, paragraph c, Code
2 1999, is amended by striking the paragraph.

3 Sec. 2. Section 239B.2, subsection 3, Code Supplement
4 1999, is amended to read as follows:

5 3. UNEMPLOYMENT. A determination of eligibility for a
6 family with an unemployed parent shall not include
7 consideration of either parent's number of hours of employment
8 ~~except-to-establish-the-date-assistance-would-begin-in~~
9 ~~accordance-with-rules.~~ However, Both parents must enter
10 into and participate in a family investment agreement and
11 participate in JOBS program activities unless good cause not
12 to participate is established in accordance with rules. For
13 ~~the-purposes-of-this-chapter, an applicant family with a~~
14 ~~parent who is partially or totally unemployed under any of the~~
15 ~~following circumstances shall not be considered to be~~
16 ~~unemployed:~~

17 a. ~~---The period of unemployment is less than thirty days~~
18 ~~prior to commencing participation under this chapter.~~

19 b. ~~---The parent is partially or totally unemployed due to a~~
20 ~~work stoppage which exists because of a labor dispute at the~~
21 ~~factory, establishment, or other premises at which the parent~~
22 ~~is or was last employed.~~

23 c. ~~---At any time during the thirty-day period prior to~~
24 ~~commencing participation under this chapter, the parent has~~
25 ~~not been available for employment, has not actively sought~~
26 ~~employment, or has without good cause refused any bona fide~~
27 ~~offer of employment or training for employment.~~ Any of the
28 following reasons for refusing employment or training are not
29 good cause:

30 (1) a. Unsuitable or unpleasant work or training, if the
31 parent is able to perform the work or training without unusual
32 danger to the parent's health.

33 (2) b. The amount of wages or compensation, unless the
34 wages for employment are below the amount customary for the
35 same work in the community.

1 d.--The parent has not registered for work with the state
2 employment service established pursuant to section 96.12, or
3 after registration has failed to report at an employment
4 office in accordance with regulations prescribed pursuant to
5 section 96.4, subsection 1.

6 e.--The parent is eligible but refuses to apply for or to
7 draw upon unemployment benefits.

8 f.--The parent or family fails to meet other requirements
9 adopted by the department applicable to the applicant parent
10 or family.--The other requirements shall be limited to those
11 necessary to meet federal requirements and may be in addition
12 to or in lieu of the requirements of this subsection, for
13 eligibility under this chapter to children whose parents are
14 partially or totally unemployed.

15 Sec. 3. Section 239B.8, subsection 1, Code Supplement
16 1999, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. d. The individual is not a United States
18 citizen and is not a qualified alien as defined in 8 U.S.C. §
19 1641.

20 Sec. 4. Section 239B.9, subsection 1, paragraph b,
21 subparagraph (3), Code Supplement 1999, is amended to read as
22 follows:

23 (3) For a two-parent family in which both parents are
24 responsible for a family investment agreement, a first or
25 subsequent limited benefit plan shall remain applicable until
26 both parents complete significant contact with or action in
27 regard to the JOBS program. A limited benefit plan applied
28 more than once to the same two-parent family shall be treated
29 as a subsequent limited benefit plan.

30 Sec. 5. Section 239B.11, subsection 2, Code Supplement
31 1999, is amended to read as follows:

32 2. A diversion program subaccount is created within the
33 family investment program account. The subaccount may be used
34 to provide incentives to divert applicants' participation in
35 the family investment program if the applicants meet income

1 eligibility requirements for assistance. Incentives may be
2 provided in the form of payment or services with a focus on
3 helping applicants to obtain or retain employment. The
4 diversion program subaccount may also be used for payments to
5 participants as necessary to cover the expenses of removing
6 barriers to employment. In addition, the diversion program
7 subaccount may be used for funding of services and payments
8 for persons whose family investment program eligibility has
9 ended, in order to help the persons to stabilize or improve
10 their employment status.

11 Sec. 6. Section 239B.14, Code 1999, is amended to read as
12 follows:

13 239B.14 FRAUDULENT PRACTICES -- RECOVERY OF OVERPAYMENTS.

14 1. An individual who obtains, or attempts to obtain, or
15 aids or abets an individual to obtain, by means of a willfully
16 false statement or representation, by knowingly failing to
17 disclose a material fact, or by impersonation, or any
18 fraudulent device, any assistance or other benefits under this
19 chapter to which the individual is not entitled, commits a
20 fraudulent practice.

21 2. An individual who commits a fraudulent practice under
22 this section is personally liable for the amount of assistance
23 or other benefits fraudulently obtained. The amount of the
24 assistance or other benefits may be recovered from the
25 offender or the offender's estate in an action brought or by
26 claim filed in the name of the state and the recovered funds
27 shall be deposited in the family investment program account.
28 The action or claim filed in the name of the state shall not
29 be considered an election of remedies to the exclusion of
30 other remedies.

31 3. The department shall adopt rules pursuant to chapter
32 17A as necessary to recover overpayments of assistance and
33 benefits provided under this chapter. The recovery methods
34 shall include but are not limited to reducing the amount of
35 assistance or benefits provided.

1 Sec. 7. Section 239B.17, subsection 2, Code 1999, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. Providing services and payments for
4 persons whose family investment program eligibility has ended,
5 in order to help the persons to stabilize or improve their
6 employment status.

7 Sec. 8. Section 239B.18, Code 1999, is amended to read as
8 follows:

9 239B.18 JOBS PROGRAM PARTICIPATION.

10 Except for participants who are exempt from the requirement
11 to enter into a family investment agreement under section
12 239B.8, a participant in the family investment program shall
13 participate in JOBS program activities as provided in the
14 participant's family investment agreement. A Except for an
15 individual who is not a United States citizen and is not a
16 qualified alien and exempt from the requirement to enter into
17 a family investment agreement under section 239B.8, subsection
18 1, paragraph "d", a participant who is exempt may voluntarily
19 participate in the JOBS program.

20	EXPLANATION
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21 This bill relates to the family investment program (FIP)
22 and associated provisions.

23 Code section 217.30, subsection 4, paragraph "c", relating
24 to confidentiality of records of persons receiving assistance
25 through the department of human services, is stricken. The
26 stricken provision requires the department to file a quarterly
27 report in local and county offices showing the names and last
28 known addresses of persons receiving assistance under Code
29 chapter 249, state supplementary assistance; Code chapter
30 239B, family investment program; and Code chapter 249A,
31 medical assistance (Medicaid).

32 Code section 239B.2, relating to conditions of eligibility
33 for FIP, is amended. The bill strikes various restrictions
34 and requirements regarding the unemployment status of parents
35 in a two-parent family.

1 Code section 239B.8, relating to policy requirements for
2 family investment agreements, is amended. The bill provides a
3 new exemption to the requirements for participation in a
4 family investment agreement for persons who are not United
5 States citizens and are not qualified aliens as defined in
6 federal law.

7 Code section 239B.9, relating to limited benefit plans
8 under FIP, is amended. The bill specifies that any limited
9 benefit plan applied to a two-parent family more than once is
10 to be treated as a subsequent limited benefit plan. A
11 subsequent limited benefit plan is a defined term requiring a
12 six-month period of eligibility for reduced assistance or
13 ineligibility for cash assistance, followed by an
14 indeterminate period until the individual participant
15 completes significant contact with or action in regard to the
16 JOBS program.

17 Code section 239B.11, relating to the family investment
18 program account, is amended to expand the uses of the program
19 diversion subaccount. Under the bill, the subaccount can be
20 used to provide services and payments for persons whose family
21 investment program eligibility has ended, in order to help the
22 persons to stabilize or improve their employment status. The
23 bill provides a similar authorization in Code section 239B.17,
24 relating to activities required to be provided as part of the
25 JOBS program under FIP.

26 Code section 239B.14, relating to fraudulent practices
27 under FIP, is amended to refer to recovery of overpayments in
28 the section headnote and to direct the department to adopt
29 rules for such recovery. The rules are to include provision
30 for withholding of cash assistance or other FIP benefits.

31 Code section 239B.18, relating to required participation in
32 the JOBS program for FIP participants, is amended. Under
33 current law, those exempt from the requirement to enter into a
34 family investment agreement may choose to voluntarily
35 participate in the JOBS program. However, under the bill,

1 this choice is not available to a participant who is not a
2 United States citizen and is not a qualified alien as defined
3 in federal law.

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SENATE FILE 2368

AN ACT

RELATING TO THE FAMILY INVESTMENT PROGRAM AND ASSOCIATED PROVISIONS.

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

Section 1. Section 217.30, subsection 4, paragraph c, Code 1999, is amended by striking the paragraph.

Sec. 2. Section 239B.2, subsection 3, Code Supplement 1999, is amended to read as follows:

3. UNEMPLOYMENT. A determination of eligibility for a family with an unemployed parent shall not include consideration of either parent's number of hours of employment except to establish the date assistance would begin in accordance with rules. However, both Both parents must enter into and participate in a family investment agreement and participate in JOBS program activities unless good cause not to participate is established in accordance with rules. For the purposes of this chapter, an applicant family with a parent who is partially or totally unemployed under any of the following circumstances shall not be considered to be unemployed:

a. The period of unemployment is less than thirty days prior to commencing participation under this chapter.

b. The parent is partially or totally unemployed due to a work stoppage which exists because of a labor dispute at the factory, establishment, or other premises at which the parent is or was last employed.

c. At any time during the thirty-day period prior to commencing participation under this chapter, the parent has not been available for employment, has not actively sought employment, or has without good cause refused any bona fide offer of employment or training for employment. Any of the following reasons for refusing employment or training are not good cause:

{1} a. Unsuitable or unpleasant work or training, if the parent is able to perform the work or training without unusual danger to the parent's health.

{2} b. The amount of wages or compensation, unless the wages for employment are below the amount customary for the same work in the community.

d. The parent has not registered for work with the state employment service established pursuant to section 96.12, or after registration has failed to report at an employment office in accordance with regulations prescribed pursuant to section 96.4, subsection 1.

e. The parent is eligible but refuses to apply for or to draw upon unemployment benefits.

f. The parent or family fails to meet other requirements adopted by the department applicable to the applicant parent or family. The other requirements shall be limited to those necessary to meet federal requirements and may be in addition to or in lieu of the requirements of this subsection, for eligibility under this chapter to children whose parents are partially or totally unemployed.

Sec. 3. Section 239B.8, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The individual is not a United States citizen and is not a qualified alien as defined in 8 U.S.C. § 1641.

Sec. 4. Section 239B.9, subsection 1, paragraph b, subparagraph (3), Code Supplement 1999, is amended to read as follows:

(3) For a two-parent family in which both parents are responsible for a family investment agreement, a first or subsequent limited benefit plan shall remain applicable until both parents complete significant contact with or action in regard to the JOBS program. A limited benefit plan applied more than once to the same two-parent family shall be treated as a subsequent limited benefit plan.

Sec. 5. Section 239B.11, subsection 2, Code Supplement 1999, is amended to read as follows:

2. A diversion program subaccount is created within the family investment program account. The subaccount may be used to provide incentives to divert applicants' participation in the family investment program if the applicants meet income eligibility requirements for assistance. Incentives may be provided in the form of payment or services with a focus on helping applicants to obtain or retain employment. The diversion program subaccount may also be used for payments to participants as necessary to cover the expenses of removing barriers to employment. In addition, the diversion program subaccount may be used for funding of services and payments for persons whose family investment program eligibility has ended, in order to help the persons to stabilize or improve their employment status.

Sec. 6. Section 239B.14, Code 1999, is amended to read as follows:

239B.14 FRAUDULENT PRACTICES -- RECOVERY OF OVERPAYMENTS.

1. An individual who obtains, or attempts to obtain, or aids or abets an individual to obtain, by means of a willfully false statement or representation, by knowingly failing to

disclose a material fact, or by impersonation, or any fraudulent device, any assistance or other benefits under this chapter to which the individual is not entitled, commits a fraudulent practice.

2. An individual who commits a fraudulent practice under this section is personally liable for the amount of assistance or other benefits fraudulently obtained. The amount of the assistance or other benefits may be recovered from the offender or the offender's estate in an action brought or by claim filed in the name of the state and the recovered funds shall be deposited in the family investment program account. The action or claim filed in the name of the state shall not be considered an election of remedies to the exclusion of other remedies.

3. The department shall adopt rules pursuant to chapter 17A as necessary to recover overpayments of assistance and benefits provided under this chapter. The recovery methods shall include but are not limited to reducing the amount of assistance or benefits provided.

Sec. 7. Section 239B.17, subsection 2, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Providing services and payments for persons whose family investment program eligibility has ended, in order to help the persons to stabilize or improve their employment status.

Sec. 8. Section 239B.18, Code 1999, is amended to read as follows:

239B.18 JOBS PROGRAM PARTICIPATION.

Except for participants who are exempt from the requirement to enter into a family investment agreement under section 239B.8, a participant in the family investment program shall participate in JOBS program activities as provided in the participant's family investment agreement. A Except for an individual who is not a United States citizen and is not a qualified alien and exempt from the requirement to enter into

a family investment agreement under section 239B.8, subsection 1, paragraph "d", a participant who is exempt may voluntarily participate in the JOBS program. •

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2368, Seventy-eighth General Assembly.

Approved 4/13, 2000

MICHAEL E. MARSHALL
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