

House Study Bill 146

SENATE/HOUSE FILE _____
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 family investment program eligibility
2 requirements involving motor vehicle equity and providing an
3 applicability provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1221DP 80
6 jp/cls/14

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1 1 Section 1. Section 239B.7, subsection 8, Code 2003, is
1 2 amended to read as follows:
1 3 8. MOTOR VEHICLE DISREGARD. The department shall
1 4 disregard the first ~~three six~~ thousand ~~eight hundred eighty-~~
~~1 5 nine~~ dollars in equity value of a motor vehicle. ~~Beginning~~
~~1 6 July 1, 1997, and continuing in succeeding fiscal years, the~~
1 7 ~~The~~ motor vehicle equity value disregarded by the department
1 8 shall be increased annually by the latest increase in the
1 9 consumer price index for used vehicles during the previous
1 10 state fiscal year. ~~This disregard shall be applicable to each~~
~~1 11 adult and to each working individual in a family who is~~
~~1 12 nineteen years of age or younger.~~ The amount of a motor
1 13 vehicle's equity in excess of the amount of the motor vehicle
1 14 disregard shall apply to the resource limitation established
1 15 in subsection 9.
1 16 Sec. 2. Section 299.6, unnumbered paragraph 7, Code 2003,
1 17 is amended by striking the unnumbered paragraph.
1 18 Sec. 3. Section 299.6A, subsection 1, Code 2003, is
1 19 amended to read as follows:
1 20 1. In lieu of a criminal proceeding under section 299.6, a
1 21 county attorney may bring a civil action against a parent,
1 22 guardian, or legal or actual custodian of a child who is of
1 23 compulsory attendance age, has not completed educational
1 24 requirements, and is truant, if the parent, guardian, or legal
1 25 or actual custodian has failed to cause the child to attend a
1 26 public school, an accredited nonpublic school, or competent
1 27 private instruction in the manner provided in this chapter.
1 28 If the court finds that the parent, guardian, or legal or
1 29 actual custodian has failed to cause the child to attend as
1 30 required in this section, the court shall assess a civil
1 31 penalty of not less than one hundred but not more than one
1 32 thousand dollars, for each violation established. ~~However, if~~
~~1 33 the court finds that the parent, guardian, or legal or actual~~
~~1 34 custodian of the child has been subject to sanction under~~
~~1 35 section 239B.2A as a result of the child's truancy, the court~~
~~2 1 may waive the civil penalty under this section.~~
2 2 Sec. 4. Section 299.12, subsections 2 and 4, Code 2003,
2 3 are amended to read as follows:
2 4 2. This section is not applicable to a child who is
2 5 receiving competent private instruction in accordance with the
2 6 requirements of chapter 299A. If a child is not in compliance
2 7 with the attendance requirements established under section
2 8 299.1, and has not completed educational requirements through
2 9 the sixth grade, and the school has used every means available
2 10 to assure the child does attend, the school truancy officer
2 11 shall contact the child's parent, guardian, or legal or actual
2 12 custodian to participate in an attendance cooperation meeting.
2 13 The parties to the attendance cooperation meeting may include
2 14 the child and shall include the child's parent, guardian, or
2 15 legal or actual custodian and the school truancy officer. ~~If~~
~~2 16 the child is a member of a family receiving assistance under~~
~~2 17 the family investment program, the department of human~~
~~2 18 services shall be notified and shall make the contacts for~~
~~2 19 participation in the attendance cooperation meeting in lieu of~~
~~2 20 the school truancy officer. For a child who is a member of a~~
~~2 21 family receiving assistance under the family investment~~
~~2 22 program, the attendance cooperation meeting shall include the~~

2 23 child's parent or specified relative whose needs are included
2 24 in the child's assistance grant and a representative of the
2 25 department of human services. The school truancy officer or
2 26 the representative of the department of human services
2 27 contacting the participants in the attendance cooperation
2 28 meeting may invite other school officials, a designee of the
2 29 juvenile court, the county attorney or the county attorney's
2 30 designee, or other persons deemed appropriate to participate
2 31 in the attendance cooperation meeting.

2 32 4. If the parties to an attendance cooperation meeting
2 33 determine that a monitor would improve compliance with the
2 34 attendance cooperation agreement, the parties may designate a
2 35 person to monitor the agreement. The monitor shall be a
3 1 designee of the public school board or governing body of the
3 2 accredited nonpublic school, or a designee of the department
3 3 of human services, if the department made the contacts for the
3 4 attendance cooperation meeting. The monitor may be a
3 5 volunteer if the volunteer is approved by all parties to the
3 6 agreement and receives a written authorization for access to
3 7 confidential information and for performing monitor activities
3 8 from the child's parent, guardian, or custodian. A monitor
3 9 shall contact parties to the attendance cooperation agreement
3 10 on a periodic basis as appropriate to monitor performance of
3 11 the agreement.

3 12 Sec. 5. Section 299.12, subsection 6, Code 2003, is
3 13 amended by striking the subsection.

3 14 Sec. 6. Section 299.13, Code 2003, is amended to read as
3 15 follows:

3 16 299.13 CIVIL ENFORCEMENT.

3 17 A person shall not disseminate or redisseminate information
3 18 shared with the person pursuant to section ~~239B.2A~~, 299.5A~~7~~ or
3 19 299.12, unless specifically authorized to do so by section
3 20 217.30, ~~239B.2A~~, 299.5A, or 299.12. Unless a prohibited
3 21 dissemination or redissemination of information is subject to
3 22 injunction or sanction under other state or federal law, an
3 23 action for judicial enforcement may be brought in accordance
3 24 with this section. An aggrieved person, the attorney general,
3 25 or a county attorney may seek judicial enforcement of the
3 26 requirements of this section in an action brought against the
3 27 public school or accredited nonpublic school or any other
3 28 person who has been granted access to information pursuant to
3 29 section ~~239B.2A~~, 299.5A~~7~~ or 299.12. Suits to enforce this
3 30 section shall be brought in the district court for the county
3 31 in which the information was disseminated or redisseminated.
3 32 Upon a finding by a preponderance of the evidence that a
3 33 person has violated this section, the court shall issue an
3 34 injunction punishable by civil contempt ordering the person in
3 35 violation of this section to comply with the requirements of,
4 1 and to refrain from any violations of section ~~239B.2A~~, 299.5A~~7~~
4 2 or 299.12 with respect to the dissemination or redissemination
4 3 of information shared with the person pursuant to section
4 4 ~~239B.2A~~, 299.5A~~7~~ or 299.12.

4 5 Sec. 7. CODE EDITOR. In codifying the provisions of this
4 6 Act, the Code editor shall revise the section 299.12 headnote
4 7 to eliminate the reference to the family investment program.

4 8 Sec. 8. Section 239B.2A, Code 2003, is repealed.

4 9 Sec. 9. APPLICABILITY. The provisions of this Act
4 10 amending section 239B.7 are applicable during the fiscal year
4 11 commencing July 1, 2003, on a date identified in
4 12 administrative rule adopted for this purpose by the
4 13 department. The first annual increase in the motor vehicle
4 14 equity value shall be made on July 1 of the succeeding fiscal
4 15 year.

4 16 EXPLANATION

4 17 This bill relates to family investment program (FIP)
4 18 eligibility requirements involving motor vehicle equity and
4 19 required school attendance.

4 20 Under current law in Code section 239B.7, a certain amount
4 21 of the equity value of a motor vehicle is disregarded in
4 22 determining a family's initial and continuing eligibility for
4 23 the program. The base amount of \$3,889 was established in
4 24 1997, subject to an annual increase for inflation. The
4 25 disregard was applicable to each adult and working individual
4 26 age 19 or younger. The bill establishes a new base amount of
4 27 \$6,000, subject to inflation, and eliminates the individual
4 28 applicability of the disregard.

4 29 The bill provisions relating to the motor vehicle disregard
4 30 are initially applicable during fiscal year 2003=2004 on a
4 31 date identified in administrative rule adopted by the
4 32 department of human services. The first annual increase in
4 33 the motor vehicle equity value disregard shall be made on July

4 34 1 of the succeeding fiscal year.

4 35 The bill repeals Code section 239B.2A, which requires the
5 1 parent or other specified relative of a child receiving cash
5 2 assistance under FIP to cooperate with efforts to ensure the
5 3 child completes educational requirements through the sixth
5 4 grade. The agreement to cooperate is a condition required of
5 5 those applying for FIP and for continued eligibility for FIP
5 6 assistance. A failure to cooperate makes the family subject
5 7 to a sanction reducing the family's cash benefit. Under 2002
5 8 Iowa Acts, Second Extraordinary Session, chapter 1003, section
5 9 148, the school attendance requirement was suspended for the
5 10 period beginning July 1, 2002, and ending June 30, 2003.

5 11 In addition, the bill eliminates corresponding references
5 12 that provide for the department of human services' involvement
5 13 in the truancy process outlined in Code chapter 299, relating
5 14 to compulsory school attendance. The eliminated provisions
5 15 include authority for a school truancy officer to release
5 16 information to the department and for the department to
5 17 provide information to the officer. The Code editor is
5 18 directed to revise a headnote in Code chapter 229 to eliminate
5 19 a reference to FIP.

5 20 LSB 1221DP 80

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