

## CHAPTER 144

## BLIND PERSONS

## S. F. 375

AN ACT to repeal section fifty-three hundred seventy-nine (5379) to section fifty-three hundred eighty-four-a one (5384-a1), inclusive, code, 1935, and any other provisions of the law in conflict with this act; to provide for a unified supervision of aid to the blind in the state by the state board of social welfare and by the county boards of social welfare; to promote and establish such aid; to prescribe the powers and duties of the state board of social welfare and the county boards of social welfare with regard to aid to blind persons; to provide the manner and method, terms and conditions for providing aid to the blind; to provide a penalty for the violation of the terms of this act; to provide for county appropriations; for the creation in the state treasury of a fund for aid to the blind; to provide for reimbursement to the state by the counties of the counties' share of assistance, benefits, and cost of administration, as provided in this act.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Sections fifty-three hundred seventy-nine (5379) to  
2 fifty-three hundred eighty-four-a one (5384-a1), inclusive, code of  
3 Iowa, 1935, are hereby repealed and the following are enacted in lieu  
4 thereof:

1 SEC. 2. **Definitions.** The terms "*state board*", and "*county board*",  
2 are used in this act as said terms are defined in section 1 of senate  
3 file 373, of the acts of the 47th General Assembly; and as used in  
4 this act,

5 "*Applicant*" means a person who has applied for assistance under  
6 this act;

7 "*Recipient*" means a person who has received assistance under this  
8 act;

9 "*Assistance*" means money payments to blind persons in need;

10 A "*blind person*" within the meaning of this act shall be one who  
11 has no vision, or whose vision with corrective glasses is so defective  
12 as to prevent the performance of ordinary activities for which eye-  
13 sight is essential.

1 SEC. 3. **Eligibility for assistance to the needy blind.** Assistance  
2 shall be granted under the provisions of this act to any blind person  
3 who:

4 (1) Is eighteen years of age or over;

5 (2) Is a citizen of the United States, or has made application for  
6 citizenship;

7 (3) Has resided in the state of Iowa for at least five years during  
8 the nine years immediately preceding the date of the application for  
9 assistance under the provisions of this act, and has resided therein  
10 one year immediately preceding the application for assistance. If,  
11 however, such person has become blind while a resident of the state  
12 or is blind and a resident of the state at the time of the passage of  
13 this act, he is eligible even though he has not resided for five years  
14 within the state;

15 (4) Is not an inmate of a public institution. An inmate of such an  
16 institution may, however, make application for such assistance, but  
17 the assistance, if granted, shall not begin until after he ceases to be  
18 an inmate;

- 19 (5) Is not soliciting alms in any part of the state;  
20 (6) Is not receiving old age assistance;  
21 (7) Has not made an assignment or transfer of property for the  
22 purpose of rendering himself eligible for assistance under this act.  
23 (8) Has not sufficient income or other resources to provide a reason-  
24 able subsistence consistent with decency and health.

1 **SEC. 4. Amount of assistance.** The amount of assistance which  
2 any person shall receive shall be determined with due regard to the  
3 resources and necessary expenditures of the individual and the condi-  
4 tions existing in such case, and in accordance with the rules and  
5 regulations made by the state board, and shall be sufficient, when  
6 added to all other income and support of the recipient, to provide  
7 such person with a reasonable subsistence consistent with decency  
8 and health, but in no event shall the amount of said assistance exceed  
9 thirty (30) dollars per month.

1 **SEC. 5. Powers and duties of state board.**

2 The state board shall:

- 3 (1) Be the responsible authority for the efficient and impartial ad-  
4 ministration of this act. To this end the state board shall formulate  
5 and establish such rules and regulations, outline such policies, pre-  
6 scribe such procedure, and delegate such powers as may be necessary  
7 to carry out the provisions and purposes of this act.  
8 (2) Prescribe, for the guidance of county boards, the qualifications  
9 and capabilities required of county board employees, consistent with  
10 the provisions of section 13 of senate file 373 of the acts of the 47th  
11 General Assembly.  
12 (3) Designate the procedure to be followed in securing a competent  
13 examination for the purpose of determining blindness and the cause  
14 of blindness in the individual applicant for assistance; designate a  
15 suitable number of ophthalmologists to examine applicants and re-  
16 cipients of assistance to the blind; fix the fees to be paid to ophthal-  
17 mologists for examination of applicants, such fees to be paid from ad-  
18 ministration funds;  
19 (4) Cooperate with the federal social security board, created under  
20 title VII of the social security act, approved August 14, 1935, or any  
21 other agency of the federal government, in any reasonable manner  
22 as may be necessary to qualify for federal aid and assistance to the  
23 needy blind and in conformity with the provisions of this act; includ-  
24 ing the making of such reports in such form and containing such  
25 information as the federal social security board, or any other agency  
26 of the federal government, may from time to time find necessary to  
27 assure the correctness and verification of such reports;  
28 (5) Cooperate with other agencies in developing measures for  
29 the prevention of blindness, the restoration of eyesight and the voca-  
30 tional adjustment of blind persons.

1 **SEC. 6. Duties of the county boards.**

2 The county boards shall:

- 3 (1) Perform such services and duties as are prescribed by this act  
4 and by the rules and regulations of the state board;  
5 (2) Report to the state board at such time and in such manner and  
6 form as the state board may from time to time direct;

7 (3) Submit to the county board of supervisors, after approval by  
8 the state board, a budget containing an estimate and supporting data,  
9 setting forth the amount of money needed to carry out the provisions  
10 of this act in the county.

1 **SEC. 7. Application for assistance.** Application for assistance  
2 under this act shall be filed with the county board of the county in  
3 which the applicant resides. The application shall be in writing upon  
4 the form prescribed by the state board. Such application shall con-  
5 tain a statement of the amount of property, both personal and real,  
6 in which the applicant has an interest and of all sources and amounts  
7 of income which he may have, either in existence or expectancy, at the  
8 time of the filing of the application, and such other information as may  
9 be required by the state board.

1 **SEC. 8. Investigation of applications.** Whenever the county board  
2 receives an application for assistance under this act, an investigation  
3 and record shall promptly be made of the circumstances of the ap-  
4 plicant in order to ascertain the facts supporting the application and  
5 in order to obtain such other information as may be required by the  
6 rules of the state board.

1 **SEC. 9. Examination by ophthalmologist.** No application shall be  
2 approved until the applicant has been examined by an ophthalmologist  
3 designated or approved by the state board to make such examinations.  
4 The examining ophthalmologist shall certify to the county board in  
5 writing upon forms provided by the state board the findings of the  
6 examination, which findings shall be transmitted to the state board.

1 **SEC. 10. Granting of assistance.** Upon the completion of such in-  
2 vestigation the county board shall make findings of fact as to the  
3 eligibility of the applicant for assistance under the provisions of this  
4 act and shall recommend in accordance with the rules and regula-  
5 tions of the state board the amount of assistance which should be  
6 granted. This report, together with a copy of the report of the  
7 ophthalmologist, shall be forwarded to the state board. The state  
8 board may make such further investigation as it may deem desirable  
9 and, upon the basis of such reports and investigation, shall determine  
10 whether the applicant is eligible for assistance under the terms of  
11 this act, and, if eligible, the amount of such assistance and the date  
12 on which such assistance shall begin. The state board shall notify  
13 the county board of its decision, and the county board shall promptly  
14 notify the applicant thereof. Such assistance shall be paid monthly  
15 to the applicant upon the order of the state board, from the fund for  
16 the aid of the blind established by this act.

1 **SEC. 11. Assistance not assignable.** Assistance granted under this  
2 act shall not be transferable or assignable at law or in equity, and  
3 none of the money paid or payable under this act shall be subject to  
4 execution, levy, attachment, garnishment, or other legal process, or  
5 to the operation of any bankruptcy or insolvency law.

1 **SEC. 12. Appeal to the state board.** If an application is not acted  
2 upon by the county board or the state division within a reasonable  
3 time after the filing of the application, or is denied in whole or in part,

4 or if any award of assistance is modified or cancelled under any pro-  
5 vision of this act, the applicant or recipient may appeal to the state  
6 board in the manner of form prescribed by the state board. The state  
7 board shall, upon receipt of such an appeal, give the applicant or  
8 recipient reasonable notice and opportunity for a fair hearing before  
9 the state board or its duly authorized representative or representatives.

1 **SEC. 13. Periodic reconsideration and changes in amount of assist-**  
2 **ance.** All assistance grants made under the act shall be reconsidered  
3 by the county board as frequently as may be required by the rules of  
4 the state board. After such further investigation as the county board  
5 may deem necessary or the state board may require, the county board  
6 shall make further report to the state board and the amount of as-  
7 sistance may be changed or assistance may be entirely withdrawn if  
8 the state board finds that the recipient's circumstances have altered  
9 sufficiently to warrant such action.

1 **SEC. 14. Reexamination as to eyesight.** A recipient shall submit  
2 to a reexamination as to his eyesight when required to do so by the  
3 county board or state board. He shall also furnish any information  
4 required by the county board or the state board.

1 **SEC. 15. Expenses for treatment.** On the basis of the finding of  
2 the ophthalmologist's examination as provided in section nine of this  
3 act, supplementary services may be provided by the state board to any  
4 applicant or recipient who is in need of treatment either to prevent  
5 blindness or to restore his eyesight, whether or not he is a blind per-  
6 son as defined in this act, if he is otherwise qualified for assistance  
7 under this act. The supplementary services may include necessary  
8 traveling and other expenses to receive treatment from a hospital or  
9 clinic designated by the state board.

1 **SEC. 16. Guardianship.** When in the opinion of the county board  
2 the recipient of assistance under the provisions of this act is for any  
3 cause unable to use the assistance judiciously, the county board shall  
4 request the district court to appoint a guardian to administer such  
5 assistance for the benefit of the recipient.

1 **SEC. 17. Recovery from recipient.** If at any time during the con-  
2 tinuance of assistance the recipient thereof becomes possessed of any  
3 property or income in excess of the amount stated in the application  
4 provided for in this act, it shall be the duty of the recipient immediately  
5 to notify the county board of the receipt or possession of such property  
6 or income and the county board shall, if in its judgment the circum-  
7 stances so require, recommend to the state board the immediate sus-  
8 pension of assistance payments and, after investigation, shall recom-  
9 mend to the state board that such assistance be continued, modified,  
10 or cancelled, as the circumstances may require. Any assistance paid  
11 after the recipient has come into possession of such property or income  
12 in excess of his need shall be recoverable by the state as a debt due,  
13 and upon recovery the state shall repay to the county that portion of  
14 the amount so recovered which is equal to the amount paid by the  
15 county for such assistance.

1 **SEC. 18. Funeral expenses.** On the death of any person receiving  
2 aid under the provisions of this act, the reasonable funeral expenses

3 for his burial may be paid by the state board; provided, such expenses  
 4 do not exceed one hundred dollars and the estate of the deceased or  
 5 any life insurance or death or funeral benefit association or society  
 6 payment, made by reason of the death of such person, payable to his  
 7 estate or the spouse or any relative responsible under sections 5298,  
 8 5301, and 10501-b6, code of Iowa, 1935, is insufficient to defray the  
 9 same. The person to whom such funeral expense is paid as above  
 10 provided is hereby prohibited from soliciting, accepting or contracting  
 11 to receive any further compensation for services rendered in connec-  
 12 tion with such burial except on written approval of the county board  
 13 and subject to such rules and regulations as the state board shall  
 14 prescribe.

1 **SEC. 19. Reimbursement from estate.** Whenever it appears, after  
 2 the death of any person who has received aid under the provisions of  
 3 this act, that his estate, after deducting the exemptions now allowed  
 4 by law, has property over and above a sufficient amount to pay the  
 5 expenses of his burial and last sickness, such property shall be charged  
 6 with the amount paid under this act to such person during his lifetime,  
 7 or for his burial. The amount so paid shall be allowed as a claim  
 8 against his estate in favor of the state, and upon recovery the state  
 9 shall repay to the county its proportionate share of the amount paid  
 10 for such assistance and funeral expenses. An action may be brought  
 11 in the name of the state to recover the same at any time within five  
 12 years after the death of the person receiving aid as above provided.

1 **SEC. 20. Misdemeanor.** Any person who shall obtain aid under this  
 2 act by misrepresentation or failure with fraudulent intent, to bring  
 3 forth all the facts required of an applicant for aid under the provisions  
 4 of this act, or any person who shall knowingly make false statements  
 5 concerning the applicant's eligibility for aid under the provisions of  
 6 this act, shall be guilty of a misdemeanor, punishable as such.

1 **SEC. 21. County appropriation.** The county board of supervisors  
 2 in each county in this state shall appropriate annually, and pay in the  
 3 manner hereinafter specified from the county poor fund, such sum as  
 4 will result in the payment by such county of one-fourth of all adminis-  
 5 trative expenses within the county incident to aid to the blind, as  
 6 determined and certified by the state board, other than compensation  
 7 of members of the county board and their expenses, and one-fourth  
 8 of all assistance and benefits payable to blind persons resident within  
 9 the county under this act, and shall include in the tax levy for such  
 10 county the sum or sums so appropriated for that purpose. The sums  
 11 necessary as above provided shall be determined upon the basis of an  
 12 annual budget prepared by the county board and approved by the state  
 13 board. Should the sum so appropriated, however, be expended or  
 14 exhausted during the year for which it was appropriated, such addi-  
 15 tional sums shall be appropriated by the board of supervisors from  
 16 the county poor fund as shall be sufficient to meet the obligation of  
 17 the county to pay one-fourth of all assistance and benefits to the blind  
 18 within the county and one-fourth of the administrative expenses as  
 19 above provided. The tax levy provided for in this section shall not  
 20 exceed statutory tax limitations now or hereafter provided.

1 **SEC. 22. Fund for aid to the blind—reimbursement to state.** There  
 2 is hereby established in the state treasury a fund to be known as the

3 "fund for aid to the blind" to which shall be credited all funds appro-  
 4 priated by the state for the payment of administrative expenses, assist-  
 5 ance, and benefits under this act, all monies received from the federal  
 6 government for such purpose and all funds paid by the counties to  
 7 the state board as provided by this section. All assistance and benefits  
 8 under this act, and the administrative expenses incident thereto, so  
 9 far as the same are payable by the state board, shall be paid from said  
 10 fund. The state board shall report to the county board each month  
 11 the total amount of assistance and benefits paid during the preceding  
 12 month to recipients residing within the county, and the amount of  
 13 the administrative expenses paid by the state which are incident  
 14 thereto. The county board shall promptly report the same to the  
 15 county board of supervisors which shall then order paid to the state  
 16 board from the county poor fund an amount equal to twenty-five per  
 17 cent of the total, which payment shall be credited to the fund for aid  
 18 to the blind.

1 **SEC. 23. Removal to another county.** When any recipient moves  
 2 to another county he shall be entitled to continue to receive assistance  
 3 which shall be chargeable to the county from which he has removed,  
 4 for a period of six months and shall thereafter be charged to the county  
 5 in which he then resides.

1 **SEC. 24. Other dependents.** This act shall not be so construed as  
 2 to exclude the spouse, minor children or other dependents of a recip-  
 3 ient under the provisions of this act from receiving other forms of  
 4 relief, aid or assistance, paid through any agency of the state or any  
 5 of its political sub-divisions.

1 **SEC. 25. Constitutionality.** If any portion of this act shall be de-  
 2 clared unconstitutional, such declaration shall not affect the validity  
 3 of the remaining portions of the act, which shall remain in force as  
 4 though such declaration had not been made.

1 **SEC. 26. Short title.** This act may be cited as "Aid to the Needy  
 2 Blind Act of 1937".

Senate File 375. Approved May 7, 1937.

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## CHAPTER 145

### NEWSPAPERS

#### H. F. 454

AN ACT to amend chapter 274, code of Iowa, 1935; to add a new section providing a definition of a bona fide subscriber relating to official newspapers and relating to counties divided into two divisions for court purposes.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 **SECTION 1.** That chapter two hundred seventy-four (274) of the  
 2 code of Iowa, 1935, be amended by inserting as a new section, following  
 3 section fifty-four hundred two (5402) the following:

4 "5402-a. The board of supervisors shall determine the bona fide  
 5 yearly subscribers of a newspaper within the county, as follows: