

1 SEC. 2. That in making the aforesaid study the director of said
 2 bureau may select an advisory committee of three (3) consisting of a
 3 representative from the publicly supported institutions of higher edu-
 4 cation in Iowa, the privately supported and endowed colleges and uni-
 5 versities in the state of Iowa and Junior Colleges, both private and
 6 publicly supported in the state of Iowa.

1 SEC. 3. That a report of such study shall be filed with the General
 2 Assembly on or before the 15th day of January, 1961.

Approved April 28, 1959.

CHAPTER 9

SOCIAL WELFARE APPROPRIATIONS

H. F. 747

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1959, and ending June 30, 1961, to the social welfare department for the purpose of aid to blind fund, aid to dependent children fund, child welfare fund, emergency relief fund, old-age assistance fund, and aid to the disabled fund; to make available to residents of the state, federal funds to be used for aid to the disabled; to appropriate county and state funds for said purpose; and to provide for the uniform administration throughout the state of said fund for the benefit of the disabled under the supervision of the state board of social welfare.

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

1 SECTION 1. For the social welfare department there is hereby ap-
 2 propriated from the general fund of the state for each year of the
 3 biennium beginning July 1, 1959, and ending June 30, 1961, the sum
 4 of eighteen million three hundred thirty-five thousand dollars (\$18,-
 5 335,000.00) to be used in the following manner:

6	For aid to blind fund.....	\$ 550,000.00
7	For aid to dependent children fund.....	3,500,000.00
8	For child welfare fund.....	350,000.00
9	For emergency relief fund.....	35,000.00
10	Old-age assistance fund.....	13,765,000.00
11	Aid to the disabled fund.....	125,000.00
12	Support for Indians residing on a reservation.....	10,000.00
13	Grand total of all appropriations for all purposes for	
14	each year of the biennium for the social welfare depart-	
15	ment	\$18,335,000.00

1 SEC. 2. No more than the amount herein appropriated to each fund
 2 plus the unexpended balance in each fund on June 30, 1959, shall be
 3 expended from state funds for the purposes of each said fund during
 4 the biennium beginning July 1, 1959, and ending June 30, 1961. Any
 5 balance remaining in the funds, to which appropriations are made by
 6 this Act, at the end of the ensuing biennium shall revert to the gen-
 7 eral fund of the state.

1 SEC. 3. As used in this Act:
 2 1. The terms "state department", "state board" and "county board"

3 shall have the same definitions as provided for in chapter two hun-
4 dred thirty-four (234) of the Code.

5 2. The term "applicant" means a person who has applied for assist-
6 ance under this Act.

7 3. The term "recipient" means a person who has received assistance
8 under this Act.

9 4. The term "assistance" means money payable to or in behalf of
10 disabled persons in need.

1 SEC. 4. Assistance shall be granted under the provisions of this
2 Act to any disabled individual who:

3 1. Is more than eighteen (18) years of age and less than sixty-five
4 (65) years of age.

5 2. Is not an inmate of a public institution except as a patient in a
6 medical institution for treatment for other than tuberculosis or men-
7 tal diseases, and is not an inmate of a private institution for tubercu-
8 losis or mental diseases.

9 3. Has not made an assignment or transfer of property for the
10 purpose of rendering himself eligible for assistance under this Act.

11 4. Has not sufficient income or other resources to provide a reason-
12 able subsistence consistent with decency.

13 5. Has resided in the state one (1) year immediately preceding the
14 date of the grant of assistance, or whose disability resulted from an
15 accident or condition occurring after he became a resident of the state.

1 SEC. 5. The amount of assistance which any person shall receive
2 under this Act shall be determined with due regard to the resources
3 and necessary expenditures of the individual and the conditions in
4 such cases; and in accordance with the rules and regulations made by
5 the state board; and shall be sufficient, when added to all other income
6 and support of the recipient, to provide such person with a reasonable
7 subsistence.

1 SEC. 6. The state board and county board shall, in the administra-
2 tion of this Act, have the same powers and duties provided for by
3 chapter two hundred thirty-four (234) of the Code.

1 SEC. 7. Application for assistance under this Act shall be made to
2 the county board of the county in which the individual resides. When-
3 ever the county board receives an application for assistance under this
4 Act, an investigation and record shall promptly be made of the cir-
5 cumstances of the applicant in order to ascertain the facts supporting
6 the application and in order to obtain such other information as may
7 be required by the rules of the state board. The state board may re-
8 quire an applicant to submit to a physical examination by a physician
9 chosen by the state board.

1 SEC. 8. Upon the completion of an investigation, the county board
2 shall decide whether the person is eligible for assistance under the
3 rules and regulations of the state board and recommend the amount
4 of assistance to be certified for payment by the state board. The per-
5 son shall be notified of the decision made on the application. Assist-
6 ance, when granted, shall be paid monthly from the fund "Aid to the
7 Disabled", as established by this Act. Continued eligibility for assist-

8 ance granted under this Act shall be reconsidered as frequently as may
9 be required by the state board.

1 SEC. 9. Assistance granted under this Act shall not be assignable
2 or subject to execution, levy, attachment, garnishment, or other legal
3 processes, or the operation of any bankruptcy or insolvency law.

1 SEC. 10. If an application is not acted upon promptly and assist-
2 ance granted by the state department of social welfare, or is denied
3 in whole or in part, or if any award of assistance is modified, sus-
4 pended or cancelled under any provision of this Act, an applicant or
5 recipient may appeal to the state board in the manner and on forms
6 prescribed by the state board. The state board shall, upon receipt of
7 such appeal, give the applicant or recipient reasonable notice of, and
8 opportunity for, a fair hearing before the state board, or its duly
9 authorized representative.

10 An applicant whose application for assistance has been rejected, or
11 a recipient whose certificate for assistance has been cancelled or modi-
12 fied after a review hearing hereinabove provided, within thirty (30)
13 days after notice of such action is given, may appeal from the deci-
14 sion of the state board to the district court of the county in which the
15 applicant or recipient resides, by serving a ten (10) day notice of such
16 appeal upon any member of the state board, in the manner required
17 for the service of an original notice in any civil action. Upon the
18 service of such notice, the state board shall furnish the applicant with
19 a copy of the application and all supporting papers, a transcript of
20 the testimony taken in a hearing, if any, and a copy of its decision.
21 The district court shall act as an appellate court to review the decision
22 of the state board to determine whether or not it has therein com-
23 mitted fraud or abused its discretion. The costs may be taxed to
24 appellant where the appeal is affirmed or may be remitted.

1 SEC. 11. When, in the opinion of the county board, a recipient of
2 or applicant for assistance under the provisions of this Act is unable
3 to use his assistance judiciously, the county board shall request the
4 district court to appoint a guardian to administer such assistance for
5 the benefit of the recipient. The guardianship proceedings in the
6 case of an applicant or recipient shall be carried out without fee or
7 other expense, including all court costs. At the discretion of the
8 court, such a guardian may give bond without sureties.

1 SEC. 12. If, at any time during the continuance of assistance, the
2 recipient thereof becomes possessed of any property or income, it
3 shall be the duty of the recipient to immediately notify the county
4 board of the receipt or possession of such property or income; and
5 the county board shall, after investigation, determine if such assist-
6 ance should be continued, modified or cancelled, as the circumstances
7 may require. Any assistance paid after the recipient has come into
8 possession of such property or income in excess of his needs, shall be
9 recoverable by the state as a debt due and, upon recovery, the state
10 shall repay to the county that portion of the amount so recovered
11 which is equal to the amount paid by the county for such assistance.

1 SEC. 13. On the death of any person who has been approved for
2 assistance under this chapter, such reasonable funeral expenses shall

3 be paid from the aid to the disabled fund, to such person as the county
4 board directs, in an amount of not to exceed one hundred seventy-five
5 dollars (\$175.00), provided:

6 1. That the total expense of such funeral does not exceed three hun-
7 dred fifty dollars (\$350.00).

8 2. That the decedent does not leave an estate with sufficient pro-
9 ceeds to allow a funeral claim of at least three hundred fifty dollars
10 (\$350.00), as provided by section six hundred thirty-five point sixty-
11 five (635.65) of the Code.

12 3. That any payment which is due the decedent's estate, spouse,
13 children, father, mother, brother, or sister by reason of the liability of
14 any life insurance or death or funeral benefit company, association or
15 society to be made in the event of the death of such decedent who
16 was a recipient of aid to the disabled may be deducted from the state
17 department's liability of one hundred seventy-five dollars (\$175.00).

18 4. That in the event the total funeral expenses exceed the depart-
19 ment's liability of one hundred seventy-five dollars (\$175.00), as pro-
20 vided under paragraphs 1, 2, and 3 above, the additional expenses shall
21 accrue only when there is an extraordinary expense or when the fam-
22 ily or next best friend of the decedent specify the use of a steel or
23 concrete outside burial vault. Provided that said additional expense
24 shall not be paid by the state. However, if the county board directs
25 that a burial lot, grave opening, or clothing be furnished for the deced-
26 ent, the expense thereof shall be paid by the state in a total amount
27 not to exceed fifty dollars (\$50.00), to such person or persons as the
28 county board directs, and such expense shall be allowed in addition
29 to the one hundred seventy-five dollars (\$175.00) limit provided in this
30 section, provided further, however, that in such cases no extraordi-
31 nary expenses shall be permitted nor will the family or next best
32 friend be permitted to specify the use of a steel or concrete outside
33 burial vault. Where a person has been receiving assistance under
34 the provisions of this chapter and while receiving such assistance is
35 committed or admitted to any tax-supported institution for any cause
36 and is not receiving assistance at the time of his death, he shall, not-
37 withstanding such facts, be qualified to receive his burial expense as
38 provided in this section.

1 SEC. 14. Any person who shall obtain assistance under this Act by
2 misrepresentation or failure, with fraudulent intent, to bring forth
3 all of the facts required by an applicant for assistance under the pro-
4 visions of this Act, or any person who shall knowingly make false
5 statements concerning the applicant's eligibility for assistance under
6 the provisions of this Act, shall be guilty of a misdemeanor, punish-
7 able as such.

1 SEC. 15. The county board of supervisors in each county of this
2 state shall appropriate annually and pay in the manner hereinafter
3 specified from the county poor fund, such sum as shall result in the
4 payment by such county of that portion of all assistance and benefits,
5 payable with respect to disabled persons chargeable to the county
6 under this Act, which shall equal one-half ($\frac{1}{2}$) of all such assist-
7 ance and benefits chargeable to the county, exclusive of such receipts
8 and contributions to such fund other than state or county funds as

9 may, from time to time, be legally received from any source and cred-
 10 ited to the state department, and shall include in the tax levy for
 11 such county, the sum or sums so appropriated, for that purpose. The
 12 sums necessary, as above provided, shall be originally determined
 13 upon the basis of an annual budget prepared by the county board.
 14 Should the sum so appropriated, however, be expended or exhausted
 15 during the year for which it was appropriated, such additional sum
 16 shall be appropriated by the board of supervisors from the county
 17 poor fund, as shall be sufficient to meet the obligation of the county
 18 to pay its share, as heretofore provided, of all assistance and benefits
 19 with respect to disabled persons chargeable to the county. The appro-
 20 priation provided for in this section shall not exceed the statutory tax
 21 limitations now or hereinafter provided, except that in counties having
 22 a population of sixty thousand (60,000) or more, the board of super-
 23 visors may levy annually an additional tax not to exceed one-fourth
 24 ($\frac{1}{4}$) mill to carry out the provisions of this Act; and in counties
 25 having a population of over thirty-five thousand (35,000) and less
 26 than sixty thousand (60,000), the board of supervisors may levy an-
 27 nually an additional tax not to exceed one-eighth ($\frac{1}{8}$) mill to carry
 28 out the provisions of this Act. Funds appropriated under this section
 29 shall be used exclusively for the purpose stated above.

30 The share of any county for assistance and benefits payable to the
 31 dependent Indian who is disabled, and living on an Indian reservation
 32 in said county, shall be paid by the state from the fund for the dis-
 33 abled.

1 SEC. 16. There is hereby established in the state treasury a fund
 2 to be known as the "Fund for Aid to the Disabled" to which shall be
 3 credited all funds appropriated by the state for the payment of ad-
 4 ministration expenses, assistance and benefits under this Act, all
 5 moneys received from the federal government for such purposes, and
 6 all funds paid by the counties to the state board as provided by this
 7 Act. All assistance, benefits and administration expense shall be paid
 8 from said fund by the state board. The state department shall report
 9 to the county board each month the total amount of assistance and
 10 benefits paid during the preceding month with respect to recipients
 11 chargeable to the county. The county board shall promptly report the
 12 same to the county board of supervisors which shall then order paid
 13 to the state board from the county poor fund, a sum representing the
 14 county's share thereof, determined in the manner heretofore provided,
 15 which payment shall be credited to the fund for the disabled.

1 SEC. 17. When any recipient moves to another county, he shall be
 2 entitled to receive assistance which shall be chargeable to the county
 3 from which he has removed until said recipient has resided in another
 4 county for six (6) months.

1 SEC. 18. All applications, investigations and records shall be priv-
 2 ileged communications and shall be confidential. They shall be used
 3 exclusively for administering assistance under this Act. The violation
 4 of this provision is hereby made a misdemeanor and is punishable
 5 as such.

Approved May 15, 1959.