

March 20, 1969
Place on Calendar
Social Services 4-7

HOUSE FILE 616

By COMMITTEE ON SOCIAL SERVICES

Passed House, Date *4-3-69* Passed Senate, Date *4-8-69*

Vote: Ayes *108* Nays *0* Vote: Ayes *39* Nays *5*

See Approved *May 19, 1969*

Motion to Reconsider - 49
Prevented 4-18

Passed as reconsidered and amended 4-18; 54-0

Passed per Conference
Committee Report 5-6; 105-0

A BILL FOR

Substituted for S.F. 128, 4-8

- 1 An Act relating to the sale of real estate of old-age
- 2 recipients.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. Section four (4) of chapter three hundred
- 5 fifty-seven (357), Acts of the Sixty-second General Assembly,
- 6 is hereby repealed and the following enacted in lieu thereof:
- 7 "All property sold pursuant to this section, whether at
- 8 public auction, on a bid basis, or otherwise, and purchased in
- 9 good faith is hereby declared to be free and clear of any en-
- 10 cumbrance which encumbrance may result from the manner in which
- 11 such sale was made."

House refused to concur in
the Senate amendments 4-25
Senate insisted 4-20
Conference Committee
Dr. Koster, Sandness,
Kaack, and Murray
Hadden, Andersen,
Boyle, and Hill

Passed Senate per
Conference Committee
Report 5-7; 55-0

EXPLANATION OF HOUSE FILE 616

Section 249.19 provides for recovery by the Department of Social Services from the sale of real estate owned by an Old Age recipient. The 62nd General Assembly added the words, "The real estate in such an estate shall not be sold at other than public auction and not by use of sealed bids." This amendment should be repealed for the following reasons: The sale by "public auction" when effected has not worked to the advantage of the state since sale prices were lower at public auctions than by previous methods of sale. Some sales are made without knowledge of the "public auction" provision and a possible cloud on the real estate is created. Provision has been made in this bill for purchase of such properties by other than public auction and no cloud will exist on the title when it is purchased in good faith on a bid or other basis.

1 Amend House File 616 by inserting after line 6 the
2 following:
3 "The real estate in such an estate may be sold at
4 public auction or by private sale, whichever is in the best
5 interest of the estate. However, if such real estate is
6 sold by private sale, competitive bidding shall be allowed
7 if there is more than one interested buyer. Such real
8 estate, in either case, shall be advertised for sale in
9 a newspaper of general circulation in the county wherein
10 such property is located, at least ten (10) days prior
11 to the date such real estate is to be offered for sale."

Filed - *Adopted 4-8*
April 4, 1969

By DeKOSTER and GAUDINEER

1 Amend House File 616 by striking from line 7 the words, "this
2 section", and by inserting in lieu thereof the words, "section two
3 hundred forty-nine point nineteen (249.19), Code 1966".

Filed - *Adopted 4-18*
April 11, 1969

By GAUDINEER and DeKOSTER

REPORT OF CONFERENCE COMMITTEE

(House File 616)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House on House File 616, a bill for an act relating to the sale of real state of old-age recipients, respectfully submit the following recommendations:

1. Amend the Senate amendment by striking all of line 5 after the period and all of lines six through eleven and inserting in lieu thereof the following:

"The administrator or executor of such estate shall make application to the court for an appropriate order authorizing him to sell such real estate at public auction or to sell by private sale. The court in its order authorizing the sale may, in its discretion, set out the conditions on which such real estate shall be offered for sale, and may require that such property be advertised for sale in one issue of an official county newspaper in the county wherein such property is located, at least ten days prior to the date such real estate is to be offered for sale."

2. That the Senate amendment as amended be adopted.

On the Part of the House:
EDGAR H. HOLDEN, Chairman
LEONARD C. ANDERSON
DONALD V. DOYLE
WILLIAM HILL

On the Part of the Senate:
LUCAS J. DeKOSTER, Chairman
LEE H. GAUDINEER, JR.
ERNEST KOSEK
JOHN L. MOWRY

House adopted 5-6
Senate adopted 5-7