

Judiciary 2/27, Pass 2/27
Hse " 2/31, Pass 4/15

FILED FEB 26 1975

Senate File 233
Judiciary and Law
Enforcement
Higgins, Chairman
Brandt
Clark

SENATE FILE 233

By DeKOSTER

Passed Senate, Date 3-24-75 (683) Passed House, Date 4-21-75 (1221)
Vote: Ayes 47 Nays 0 Vote: Ayes 87 Nays 0
Approved 4-28-75

A BILL FOR

1 An Act relating to claims against the estates of decedents
2 arising from assistance granted under a previous categorical
3 assistance program.

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

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1 Section 1. Section two hundred forty-nine point ten
2 (249.10), Code 1975, is amended to read as follows:

3 249.10 PRIOR LIENS, CLAIMS AND ASSIGNMENTS. Any lien
4 or claim against the estate of a decedent existing on January
5 1, 1974, which lien was perfected or which claim was filed
6 under the provisions of sections 249.19, 249.20 or 249.21
7 as they appeared in the Code of 1973 and prior Codes, and
8 which liens or claims have not been satisfied, are void.
9 Any assignment of personal property which was made under the
10 provisions of chapter 249 as it appeared in the Code of 1973
11 and prior Codes, is void. The commissioner may in furtherance
12 of this section release any lien or claim created or existing
13 under that chapter. Each release made pursuant to this section
14 shall be executed and acknowledged by the commissioner or
15 his authorized designee, and when recorded shall be conclusive
16 in favor of any third person dealing with or concerning the
17 property affected by the release in reliance upon such record.

18 Sec. 2. This Act, being deemed of immediate importance,
19 shall take effect and be in force from and after its
20 publication in The Independent, ^{5/1/75} a newspaper published in
21 Hawarden, Iowa, and in The Lyon ^{5/5/75} County Reporter, a newspaper
22 published in Rock Rapids, Iowa.

23 EXPLANATION

24 The 1973 Session of the General Assembly repealed the
25 former Old Age Assistance law effective January 1, 1974, when
26 that program was ended by the federal government. As a part
27 of the 1973 legislation, existing liens against property of
28 OAA recipients were wiped out and it was intended to do the
29 same with claims against estates of deceased former OAA
30 recipients. An attorney general's opinion has held that the
31 language of what is now section 249.10 was not adequate to
32 achieve this intent with respect to claims against decedent's
33 estates, although no more such claims could be filed after
34 January 1, 1974. Therefore this bill will void claims against
35 such estates which were filed prior to January 1, 1974, if

Certification of publication 5/21 (page 1508)

1 the estate in question has not already been finally settled.
2 Since it is likely that a number of any such estates now
3 remaining open might be closed before July 1, 1975, a
4 publication clause is included with this bill.

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SENATE FILE 233

AN ACT
RELATING TO CLAIMS AGAINST THE ESTATES OF DECEDENTS ARISING
FROM ASSISTANCE GRANTED UNDER A PREVIOUS CATEGORICAL
ASSISTANCE PROGRAM.

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

Section 1. Section two hundred forty-nine point ten (249.10), Code 1975, is amended to read as follows:
249.10 PRIOR LIENS, CLAIMS AND ASSIGNMENTS. Any lien or claim against the estate of a decedent existing on January 1, 1974, which lien was perfected or which claim was filed under the provisions of sections 249.19, 249.20 or 249.21 as they appeared in the Code of 1973 and prior Codes, and which liens or claims have not been satisfied, are void. Any assignment of personal property which was made under the provisions of chapter 249 as it appeared in the Code of 1973 and prior Codes, is void. The commissioner may in furtherance of this section release any lien or claim created or existing under that chapter. Each release made pursuant to this section shall be executed and acknowledged by the commissioner or his authorized designee, and when recorded shall be conclusive in favor of any third person dealing with or concerning the property affected by the release in reliance upon such record.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Independent, a newspaper published in

Hawarden, Iowa, and in The Lyon County Reporter, a newspaper published in Rock Rapids, Iowa.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 233, Sixty-sixth General Assembly.

CLARK F. RASMUSSEN
Secretary of the Senate

Approved April 28, 1975

ROBERT D. RAY
Governor