

Human Resources 1/27/77
SENATE FILE 35 2/3/77 2/10 Pass 2/10
2/11 (p. 348)

Human Resources
Murray, Chairperson
A. Miller
E. Hill

See Human Resources 2/23
366A 4/19 (p. 1495)

Senate File 35 3/4
Human Resources
Lipsky, chair
Lonergan
Walter

FILED JAN 28 1977

SENATE FILE 35

By HILL of Polk

Passed Senate, Date 2-17-77 (377) Passed House, Date 5-10-77 (p. 2025)

Vote: Ayes 45 Nays 0 Vote: Ayes 80 Nays 2

Approved June 3, 1977

Repassed Senate per House Amendment (8-3555)
5-12-77 (p. 1475)
47-0

A BILL FOR

1 An Act to abolish certain liens created under former section
2 one hundred twenty-three B point ten (123B.10) of the Code.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. All liens created under section one hundred
2 twenty-three B point ten (123B.10), as that section appeared
3 in the Codes of 1973 and 1971, are abolished effective January
4 1, 1978, except as otherwise provided by this Act. The board
5 of supervisors of each county shall, as soon as practicable
6 after July 1, 1977, review all liens resulting from the
7 operation of said section one hundred twenty-three B point
8 ten (123B.10) and make a determination as to the ability of
9 the person against whom the lien exists to pay the charges
10 represented by the lien, and if they find that the person
11 is able to pay all or a part of those charges they shall
12 direct the county attorney of that county to take immediate
13 action to enforce the lien. If action is commenced under
14 this section on any lien prior to the effective date of the
15 abolition thereof, that lien shall not be abolished but shall
16 continue until the action is completed. The board of
17 supervisors shall release any such lien when the charge on
18 which the lien is based is fully paid or is compromised and
19 settled by the board in such manner as its members deem to
20 be in the best interest of the county, or when the estate
21 affected by the lien has been probated and the proceeds
22 allowable have been applied on the lien.

23 EXPLANATION

24 This bill abolishes liens on real estate which arose under
25 section 123B.10 of the 1971 and 1973 Codes, a part of the
26 old alcoholism treatment statute. The procedure prescribed
27 in this bill is identical to that prescribed in chapter 1104
28 of the Acts of the 1976 Session, except that the county board
29 of supervisors is given specific authority to compromise the
30 liens which it decides to enforce, rather than requiring full
31 payment of the charges involved. Chapter 1104 of the 1976
32 Acts abolished most liens of the type to which this bill is
33 addressed, but did not refer specifically to former Code
34 section 123B.10.

35

S-3555

1 Amend Senate File 35 as follows:

2 1. Page 1, by inserting after line 22 the follow-
3 ing:

4 "Sec. 2. Section two hundred thirty point twenty-
5 five (230.25), subsection two (2), Code 1977, is
6 amended to read as follows:

7 2. All liens created under section 230.25, as
8 that section appeared in the Code of 1975 and prior
9 editions of the Code, are abolished effective January
10 1, 1977, except as otherwise provided by subsection
11 1. The board of supervisors of each county shall,
12 as soon as practicable after July 1, 1976, review
13 all liens resulting from the operation of said section
14 230.25, Code 1975, and make a determination as to
15 the ability of the person against whom the lien exists
16 to pay the charges represented by the lien, and if
17 they find that the person is able to pay those charges
18 they shall direct the county attorney of that county
19 to take immediate action to enforce the lien. If
20 action is commenced under this section on any lien
21 prior to the effective date of the abolition thereof,
22 that lien shall not be abolished but shall continue
23 until the action is completed. The board of
24 supervisors shall release any such lien when the
25 charge on which the lien is based is fully paid or
26 is compromised and settled by the board in such manner
27 as its members deem to be in the best interest of
28 the county, or when the estate affected by the lien
29 has been probated and the proceeds allowable have
30 been applied on the lien.

31 Sec. 3. Chapter two hundred thirty (230), Code
32 1977, is amended by adding the following new section:

33 NEW SECTION. RELEASING LIENS. A lien obtained
34 pursuant to an action to collect any claim arising
35 under this chapter shall be released by the board
36 of supervisors when the claim or claims on which the
37 lien is based have been fully paid or compromised
38 and settled by the board, or when the estate of which
39 the real estate subject to the lien is a part has
40 been probated and the proceeds allowable have been
41 applied to the claim or claims on which the lien is
42 based.

43 Sec. 4. Section three hundred fifty-one point
44 nineteen (351.19), Code 1977, is repealed."

45 2. Title, line 2, by inserting after the word
46 "Code" the words ", clarifying the basis for release
47 of certain liens held by counties under section two
48 hundred thirty point twenty-five (230.25), subsection
49 two (2), of the Code, and repealing the requirement
50 that unpaid dog license fees be entered as a tax by

S-3555

1 the county treasurer".

S-3555 FILED
MAY 11, 1977

RECEIVED FROM THE HOUSE

Senate concurred 5/12 (p. 1475)

1 Amend Senate File 35 as follows:

2 1. Page 1, by inserting after line 22 the follow-
3 ing:

4 "Sec. 2. Section two hundred thirty point twenty-
5 five (230.25), subsection two (2), Code 1977, is
6 amended to read as follows:

7 2. All liens created under section 230.25, as
8 that section appeared in the Code of 1975 and prior
9 editions of the Code, are abolished effective January
10 1, 1977, except as otherwise provided by subsection
11 1. The board of supervisors of each county shall,
12 as soon as practicable after July 1, 1976, review
13 all liens resulting from the operation of said section
14 230.25, Code 1975, and make a determination as to
15 the ability of the person against whom the lien exists
16 to pay the charges represented by the lien, and if
17 they find that the person is able to pay those charges
18 they shall direct the county attorney of that county
19 to take immediate action to enforce the lien. If
20 action is commenced under this section on any lien
21 prior to the effective date of the abolition thereof,
22 that lien shall not be abolished but shall continue
23 until the action is completed. The board of
24 supervisors shall release any such lien when the
25 charge on which the lien is based is fully paid or
26 is compromised and settled by the board in such manner
27 as its members deem to be in the best interest of
28 the county, or when the estate affected by the lien
29 has been probated and the proceeds allowable have
30 been applied on the lien.

31 Sec. 3. Section three hundred fifty-one point
32 nineteen (351.19), Code 1977, is repealed."

33 2. Title, line 2, by inserting after the word
34 "Code" the words ", clarifying the basis for release
35 of certain liens held by counties under section two
36 hundred thirty point twenty-five (230.25), subsection
37 two (2), of the Code, and repealing the requirement
38 that unpaid dog license fees be entered as a tax by
39 the county treasurer".

SENATE FILE 35

H-3864

- 1 Amend the Committee on Human Resources amendment
- 2 H-3667 to Senate File 35 as follows:
- 3 1. Page 1, by inserting after line 30 the follow-
- 4 ing:
- 5 "Sec. 3. Chapter two hundred thirty (230), Code
- 6 1977, is amended by adding the following new section:
- 7 NEW SECTION. RELEASING LIENS. A lien obtained
- 8 pursuant to an action to collect any claim arising
- 9 under this chapter shall be released by the board
- 10 of supervisors when the claim or claims on which the
- 11 lien is based have been fully paid or compromised
- 12 and settled by the board, or when the estate of which
- 13 the real estate subject to the lien is a part has
- 14 been probated and the proceeds allowable have been
- 15 applied to the claim or claims on which the lien is
- 16 based."
- 17 2. Page 1, line 31, by striking the numeral "3"
- 18 and inserting in lieu thereof the numeral "4".

H-3864 FILED - *Adopted 5/10* BY BRANDT of Black Hawk
APRIL 28, 1977 (*p. 2024*)

SENATE FILE 35

AN ACT

TO ABOLISH CERTAIN LIENS CREATED UNDER FORMER SECTION ONE HUNDRED TWENTY-THREE B POINT TEN (123B.10) OF THE CODE, CLARIFYING THE BASIS FOR RELEASE OF CERTAIN LIENS HELD BY COUNTIES UNDER SECTION TWO HUNDRED THIRTY POINT FIVE (230.5), SUBSECTION TWO (2), OF THE CODE, AND REPEALING THE REQUIREMENT THAT UNPAID DOG LICENSE FEES BE ENTERED AS A TAX BY THE COUNTY TREASURER.

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

Section 1. All liens created under section one hundred twenty-three B point ten (123B.10), as that section appeared in the Codes of 1973 and 1971, are abolished effective January 1, 1978, except as otherwise provided by this Act. The board of supervisors of each county shall, as soon as practicable after July 1, 1977, review all liens resulting from the operation of said section one hundred twenty-three B point ten (123B.10) and make a determination as to the ability of the person against whom the lien exists to pay the charges represented by the lien, and if they find that the person is able to pay all or a part of those charges they shall direct the county attorney of that county to take immediate action to enforce the lien. If action is commenced under this section on any lien prior to the effective date of the abolition thereof, that lien shall not be abolished but shall continue until the action is completed. The board of supervisors shall release any such lien when the charge on which the lien is based is fully paid or is compromised and settled by the board in such manner as its members deem to be in the best interest of the county, or when the estate affected by the lien has been probated and the proceeds allowable have been applied on the lien.

Sec. 2. Section two hundred thirty point twenty-five (230.25), subsection two (2), Code 1977, is amended to read as follows:

2. All liens created under section 230.25, as that section appeared in the Code of 1975 and prior editions of the Code, are abolished effective January 1, 1977, except as otherwise provided by subsection 1. The board of supervisors of each county shall, as soon as practicable after July 1, 1976, review all liens resulting from the operation of said section 230.25, Code 1975, and make a determination as to the ability of the person against whom the lien exists to pay the charges represented by the lien, and if they find that the person is able to pay those charges they shall direct the county attorney of that county to take immediate action to enforce the lien. If action is commenced under this section on any lien prior to the effective date of the abolition thereof, that lien shall not be abolished but shall continue until the action is completed. The board of supervisors shall release any such lien when the charge on which the lien is based is fully paid or is compromised and settled by the board in such manner as its members deem to be in the best interest of the county, or when the estate affected by the lien has been probated and the proceeds allowable have been applied on the lien.

Sec. 3. Chapter two hundred thirty (230), Code 1977, is amended by adding the following new section:

NEW SECTION. RELEASING LIENS. A lien obtained pursuant to an action to collect any claim arising under this chapter shall be released by the board of supervisors when the claim or claims on which the lien is based have been fully paid or compromised and settled by the board, or when the estate of which the real estate subject to the lien is a part has been probated and the proceeds allowable have been applied to the claim or claims on which the lien is based.

Sec. 4. Section three hundred fifty-one point nineteen (351.19), Code 1977, is repealed.

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 35, Sixty-seventh General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved June 3, 1977

ROBERT D. RAY
Governor