

3 the Cedar Rapids Gazette, a newspaper published at Cedar Rapids,
 4 Iowa, and in the Cedar Valley Times, a newspaper published at Vinton,
 5 Iowa.

Approved February 16, 1939.

I hereby certify that the foregoing act was published in the Cedar Rapids Gazette, February 20, 1939, and the Cedar Valley Times, Vinton, Iowa, February 20, 1939.
 EARL G. MILLER, *Secretary of State*.

CHAPTER 140

OLD AGE ASSISTANCE

H. F. 628

AN ACT to repeal section fifty-two hundred ninety-six-f ten (5296-f10), code, 1935, as amended by section seven (7) of chapter one hundred thirty-seven (137), acts of the Forty-seventh General Assembly, and to enact a substitute in lieu thereof; to amend sections fifty-two hundred ninety-six-f twelve (5296-f12), fifty-two hundred ninety-six-f fifteen (5296-f15), as amended by chapter one hundred thirty-seven, (137), acts of the Forty-seventh General Assembly, fifty-two hundred ninety-six-f nineteen (5296-f19), fifty-two hundred ninety-six-f twenty-three (5296-f23), fifty-two hundred ninety-six-f twenty-seven (5296-f27), fifty-two hundred ninety-six-f thirty-four (5296-f34), fifty-two hundred ninety-six-f forty (5296-f40), fifty-two hundred ninety-six-g two (5296-g2), as amended by chapter one hundred thirty-seven, acts of the Forty-seventh General Assembly, code, 1935; to amend sections one (1), three (3), eight (8), nine (9), twelve (12), fourteen a (14a), fifteen (15), twenty-five (25), twenty-eight (28), thirty-three (33), and thirty-seven (37) of chapter one hundred thirty-seven (137), acts of the Forty-seventh General Assembly; to amend section one (1) of chapter one hundred ninety-five (195), acts of the Forty-seventh General Assembly; and to further amend chapter two hundred sixty-six-f one (266-f1), code, 1935, as amended by chapter one hundred thirty-seven (137), acts of the Forty-seventh General Assembly, by adding thereto new sections; all relating to old age assistance, the amount thereof, and to whom granted; the liability of certain persons for the support of a claimant or recipient of old age assistance; to the power and duty of the court in determining the responsibility of a child for support; to the review by the court of the decisions of the state board of social welfare; to costs incurred in connection with hearings; to the deduction from the estate of a recipient and providing for a lien against said estate; to the right of the state board to cancel a certificate of assistance; to the construction of the law governing old age assistance payments; to unredeemed warrants; to marking endorsements by use of fingerprints; to the powers and duties of the state board of social welfare and the duties of the county attorney; and to the amount of funds allocated to the payment of old age assistance.

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

1 SECTION 1. Strike all of section fifty-two hundred ninety-six-f ten
 2 (5296-f10), Code, 1935, as amended by Chapter one hundred thirty-
 3 seven (137), Acts of the Forty-seventh General Assembly and insert
 4 in lieu thereof the following:

5 "The amount of assistance shall be fixed with due regard to the
 6 condition of the individual, household situation and community in
 7 each instance, subject to the rules, regulations and standards adopted
 8 by the state board, but in no instance shall it be an amount which,
 9 when added to the income of the applicant from all other sources, ex-
 10 clusive of the exemptions hereinafter provided, shall exceed a total
 11 of twenty-five dollars (\$25.00) a month. However, a further allow-
 12 ance not to exceed five dollars (\$5.00) per month may be allowed, when

13 essential, to meet additional expenses due to the individual's mental
14 and/or physical condition."

1 SEC. 2. Amend section fifty-two hundred ninety-six-f twelve
2 (5296-f12), Code, 1935, by striking from lines thirty-three (33) and
3 thirty-four (34) the words "application or of receiving aid" and in-
4 serting in lieu thereof the words "making claim or receiving assist-
5 ance"; by striking from line thirty-five (35) the word and punctuation
6 "workhouse,"; and by striking all of lines forty-five (45), forty-six
7 (46) and forty-seven (47).

1 SEC. 3. Amend section fifty-two hundred ninety-six-f twenty-three
2 (5296-f23), code, 1935, as amended by chapter one hundred thirty-
3 seven (137), acts of the Forty-seventh General Assembly, by inserting
4 in line two (2), after the word "old" the word "age".

1 SEC. 4. Amend section fifty-two hundred ninety-six-f twenty-seven
2 (5296-f27), code, 1935, by striking from line ten (10) the words and
3 punctuation "other forms of aid," and by striking from line fourteen
4 (14) the words "other forms of".

1 SEC. 5. Amend section fifty-two hundred ninety-six-f thirty-four
2 (5296-f34), Code, 1935, by striking from line seventy-one (71) the
3 words "for said aid".

1 SEC. 6. Amend section fifty-two hundred ninety-six-f forty (5296-
2 f40), code, 1935, by striking therefrom all of lines one (1), two (2),
3 three (3), four (4), five (5), six (6) and seven (7), and by renum-
4 bering the subsections.

1 SEC. 7. Amend section one (1), Chapter one hundred thirty-seven
2 (137), Acts of the Forty-seventh General Assembly, by inserting in
3 line twenty-seven (27), following the word "gain" a comma (,).

4 Further amend said section by inserting in line thirty (30), follow-
5 ing the word "person", the punctuation and word ", trustee".

6 Further amend said section by inserting in line thirty (30), follow-
7 ing the word and punctuation "entity," the words and punctuation "or
8 gratuity received from whatever source,".

1 SEC. 8. Amend chapter one hundred thirty-seven (137), section
2 three (3), Acts of the Forty-seventh General Assembly by striking
3 the last sentence therefrom.

1 SEC. 9. Amend section eight (8) of chapter one hundred thirty-
2 seven (137), Acts of the Forty-seventh General Assembly, by strik-
3 ing all of lines four (4) to six (6), inclusive, and inserting in lieu
4 thereof the following:

5 "Further amend said section by striking all of lines ten (10), eleven
6 (11), twelve (12), thirteen (13), and fourteen (14), and inserting in
7 lieu thereof the following: 'in calculating the income of the claimant,
8 occasional gifts, or earnings through personal labor, not to exceed
9 one hundred twenty dollars in the aforesaid twelve-month period may
10 be disregarded.'"

1 SEC. 10. Amend chapter one hundred thirty-seven (137), section
2 nine (9), Acts of the Forty-seventh General Assembly, by striking

3 from line twelve (12), the words and punctuation “, and in”, and
 4 by striking all of lines thirteen (13) and fourteen (14) and inserting
 5 in lieu thereof a period”.

1 SEC. 11. Amend chapter one hundred thirty-seven (137), Acts of
 2 the Forty-seventh General Assembly, section fourteen-a (14-a), by
 3 striking from line six (6), the word “commission” and inserting the
 4 words “state board and division”, and by striking from line nine (9)
 5 the word “commission” and inserting the words “state board and
 6 division”.

1 SEC. 12. Amend chapter one hundred thirty-seven (137), section
 2 twenty-five (25), Acts of the Forty-seventh General Assembly, by
 3 inserting in line thirteen (13), after the syllable “mission” the words
 4 “or its successors”.

1 SEC. 13. Amend chapter one hundred thirty-seven (137), section
 2 twenty-eight (28), Acts of the Forty-seventh General Assembly, by
 3 striking from line eight (8) the word, punctuation and figure “nine
 4 (9)” and inserting in lieu thereof the word, punctuation and figure
 5 “seven (7)”.

1 SEC. 14. Amend chapter one hundred thirty-seven (137), Acts of
 2 the Forty-seventh General Assembly, section thirty-three (33), by
 3 striking from lines twelve (12) and thirteen (13) the words and punc-
 4 tuation”, including warrants one written and subsequently returned
 5 to the comptroller uncashed”.

1 SEC. 15. Amend section thirty-seven (37), chapter one hundred
 2 thirty-seven (137), Acts of the Forty-seventh General Assembly, by
 3 striking lines seven (7), eight (8), and nine (9) and inserting in lieu
 4 thereof the following: “on and issue duplicates of all old age assistance
 5 warrants or checks which have been outstanding and unredeemed by
 6 the state treasurer for six months or longer. No bond of indemnity
 7 shall be required for the issuance of such duplicate warrants which
 8 shall be cancelled immediately by the state comptroller. Should the
 9 original warrants subsequently be presented for payment, warrants
 10 in lieu thereof shall be issued by the state comptroller at the discretion
 11 of and certification by the division.”

1 SEC. 16. Amend chapter two hundred sixty-six-F1 (266-F1), Code,
 2 1935, as amended by chapter one hundred thirty-seven (137), Acts of
 3 the Forty-seventh General Assembly, by adding as a new section the
 4 following:

5 “The state board and division, when considering a compromise set-
 6 tlement of the state’s interest in any property or the estate of a recip-
 7 ient and/or recipient’s spouse, may recognize such equitable interest
 8 as may be established by another person or legal entity.”

1 SEC. 17. Amend Chapter two hundred sixty-six-F one (266-F1),
 2 Code, 1935, as amended by Chapter one hundred thirty-seven (137),
 3 Acts of the Forty-seventh General Assembly, by adding thereto as a
 4 new section the following:

5 “The state board or the court in determining the responsibility of
 6 a child for the support of a claimant or recipient, shall deem liability
 7 to begin when said child is receiving a net income from whatever

8 source, commensurate with that upon which he would make an income
9 tax payment to this state. In no event shall assistance be granted
10 when the contribution made by or required of responsible relatives
11 attains the equivalent of the maximum assistance payable under this
12 chapter."

1 SEC. 18. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, as amended by chapter one hundred thirty-seven (137),
3 Acts of the Forty-seventh General Assembly, by adding thereto as a
4 new section, the following:

5 "It shall be the duty of the county attorney of each and every
6 county, upon application of the state board of social welfare, to insti-
7 tute and conduct the prosecution of any suit for the support of an appli-
8 cant for or recipient of assistance by any person or legal entity legally
9 or contractually liable therefor, and any action brought for the vio-
10 lation of any of the provisions of this chapter, within the county.

11 "In the event that a child or other responsible relative neglects or
12 refuses to contribute to the support of a claimant or recipient, an
13 action in equity may be commenced in the district court of the county
14 in which a responsible relative resides and there may be joined as
15 defendants in said action any or all other responsible relatives. The
16 court may decree the amount of contribution, if any, to be made by
17 each child or other responsible relative with due regard to their sep-
18 arate incomes, financial ability and obligations."

1 SEC. 19. Amend section fifteen (15) of chapter one hundred thirty-
2 seven (137) of the Acts of the Forty-seventh General Assembly by
3 striking the period and quotation marks at the end of line sixty (60)
4 and adding the following:

5 " , except for good cause shown by said applicant which good cause
6 shall be determined by the county board."

1 SEC. 20. Amend chapter two hundred sixty-six-F one (266-F1),
2 Code, 1935, as amended by chapter one hundred thirty-seven (137),
3 Acts of the Forty-seventh General Assembly, by adding as a new
4 section the following:

5 "Whenever the payee of an old age assistance warrant is unable to
6 endorse said warrant in writing as his name appears on the face of
7 said warrant, the endorsement shall be made by the payee's finger-
8 print, which act shall be witnessed by at least two persons who shall
9 sign as witnesses, also giving their address."

1 SEC. 21. Amend section one (1) of chapter one hundred ninety-
2 five (195) of the Acts of the Forty-seventh General Assembly by
3 striking from lines six (6) and seven (7) the following: "pension
4 fund, from time to time as available, the next five million five hundred
5 thousand dollars (\$5,500,000.00) collected each year" and inserting in
6 lieu thereof the words and punctuation, "assistance fund, from time
7 to time as available, the first seven million dollars (\$7,000,000.00)
8 collected each year".

1 SEC. 22. Amend section fifty-two hundred ninety-six-f nineteen
2 (5296-f19), Chapter two hundred sixty-six-F one (266-F1), Code,
3 1935, as amended by Chapter one hundred thirty-seven (137), Acts

4 of the Forty-seventh General Assembly, by adding to said section the
5 following:

6 "The costs incurred in connection with any such hearing or exami-
7 nation shall be paid by the state board or county board, whichever
8 issues the subpoenas; and the witnesses shall be entitled to claim a
9 two-dollar (\$2.00) fee and mileage expense at a rate of five cents (5¢)
10 per mile, except that responsible relatives as defined in sections fifty-
11 two hundred ninety-eight (5298), fifty-three hundred one (5301) and
12 ten thousand five hundred one-b six (10501-b6), Code, 1935, shall not
13 be entitled to claim witness fees and mileage expense."

1 SEC. 23. Amend section fifty-two hundred ninety-six-g two (5296-
2 g2), Chapter two hundred sixty-six-F one (266-F1), Code, 1935, as
3 amended by Chapter one hundred thirty-seven (137), Acts of the
4 Forty-seventh General Assembly, by adding thereto the following:

5 "When proceeds are received from any insurance policy which was
6 not assigned to the state board and which states the beneficiary to be
7 the administrator, or legal representatives or estate of the insured,
8 such proceeds shall be subject to the claim against said estate for any
9 old age assistance payments to or on behalf of such insured person
10 or for any funeral claims paid and said claim shall be prior to the
11 claim of the heirs thereto."

1 SEC. 24. Amend Chapter one hundred thirty-seven (137), Acts of
2 the Forty-seventh General Assembly, by striking all of section twelve
3 (12).

1 SEC. 25. Amend section five thousand two hundred ninety-six-f
2 fifteen (5296-f15), Chapter two hundred sixty-six-F one (266-F1),
3 Code, 1935, as amended by Chapter one hundred thirty-seven (137),
4 Acts of the Forty-seventh General Assembly, by striking lines one (1)
5 to eighteen (18), inclusive, and inserting in lieu thereof, the following:

6 "On the death of a person receiving or who has received assistance
7 under this chapter or of the survivor of a married couple, either or
8 both of whom were so assisted, the total amount paid as assistance,
9 shall be allowed as a lien against the real estate in the estate of the
10 decedent and as a claim of the second class against the personal estate
11 of such decedent, in the event the estate is admitted to probate. Neither
12 the homestead nor the proceeds therefrom of such decedent or his
13 survivor, shall be exempt from the payment of said lien or claim, any
14 act or statute to the contrary notwithstanding. The filing of its claim
15 against the estate shall not constitute a waiver of the right of the
16 state board, in behalf of the state, to maintain an action by equitable
17 proceedings to foreclose upon its lien against a homestead left by
18 the deceased as well as any other real estate situated within the state
19 of Iowa, and belonging to the estate of the deceased. The proceeds
20 of such claim shall be paid into the old age assistance revolving fund.
21 In case of the death of either husband or wife, either or both of whom
22 have been receiving or have received assistance under this chapter, the
23 estate of deceased shall not be settled or the homestead sold until
24 the surviving spouse shall die or cease to occupy the homestead as".

1 SEC. 26. Amend section fifteen (15), Chapter one hundred thirty-
2 seven (137), Acts of the Forty-seventh General Assembly, by striking
3 all of lines fifty-three (53), fifty-four (54), fifty-five (55), fifty-six

4 (56), and fifty-seven (57) and inserting in lieu thereof the following:
 5 "The district court shall act as an appellate court to review the
 6 decision of the state board to determine whether or not it has therein
 7 committed fraud or abused its discretion. The costs may be taxed
 8 to appellant where the appeal is affirmed or may be remitted."

1 SEC. 27. Amend Chapter two hundred sixty-six-F one (266-F1),
 2 Code, 1935, as amended by Chapter one hundred thirty-seven (137),
 3 Acts of the Forty-seventh General Assembly, by adding thereto as
 4 a new section, the following:

5 "The state board may cancel the certificate of any recipient who
 6 is found by the state board to be acting in agreement with the authori-
 7 ties of any county charged with the duty of providing for the support
 8 of the poor if it shall appear to the state board that such agreement
 9 is with the intent to shift or would have the effect of shifting the
 10 responsibility of any such county or to evade the provisions of sections
 11 fifty-two hundred ninety-six-f twenty-seven (5296-f27) and fifty-two
 12 hundred ninety-six-f twenty-nine (5296-f29), Code, 1935."

1 SEC. 28. **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 but they shall remain in force as
 4 though such declaration had not been made.

1 SEC. 29. This act, being deemed of importance, shall be in full force
 2 and effect on July 1, 1939, after its passage and publication in the
 3 Hopkinton Leader, a newspaper published at Hopkinton, Iowa, and
 4 in the Earlville Review, a newspaper published at Earlville, Iowa.

Approved May 3, 1939.

I hereby certify that the foregoing act was published in the Hopkinton Leader, May
 11, 1939, and the Earlville Review, May 11, 1939.

EARL G. MILLER, *Secretary of State.*

CHAPTER 141

OLD AGE ASSISTANCE

S. F. 402

AN ACT to amend section five thousand two hundred ninety-six-f twenty (5296-f20),
 code, 1935, as amended by sections sixteen (16) and thirty-eight (38) of chapter
 one hundred thirty-seven (137), acts of the Forty-seventh General Assembly, relat-
 ing to old age assistance.

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

1 SECTION 1. Section five thousand two hundred ninety-six-f twenty
 2 (5296-f20), Code, 1935, as amended by sections sixteen (16) and
 3 thirty-eight (38) of Chapter one hundred thirty-seven (137), Acts of
 4 the Forty-seventh General Assembly, is amended by striking from
 5 lines seven (7) and eight (8) the words "and forward" and inserting
 6 in lieu thereof the word "his", and inserting after the word "check"
 7 in line eight (8) of said section the words "to be forwarded by the
 8 Division of Old Age Assistance."