

9 word "division" and inserting in lieu thereof the words "state depart-
10 ment".

11 Further amend said section by striking from line thirty (30) the
12 word "division" and inserting in lieu thereof the words "state depart-
13 ment".

1 SEC. 21. Section three thousand eight hundred twenty-eight and
2 forty-three one-thousandths (3828.043), Code, 1939, is hereby amend-
3 ed by striking from line two (2) the word "division" and inserting in
4 lieu thereof the words "state department".

5 Further amend said section by striking from line ten (10) the word
6 "division" and inserting in lieu thereof the words "state department".

1 SEC. 22. Section three thousand eight hundred twenty-eight and
2 forty-four one-thousandths (3828.044), Code, 1939, is hereby amended
3 by striking from line fourteen (14) the word "division" and inserting
4 in lieu thereof the words "state department".

1 SEC. 23. Section three thousand eight hundred twenty-eight and
2 forty-five one-thousandths (3828.045), Code, 1939, is hereby amended
3 by striking from line five (5) the word "division" and inserting in
4 lieu thereof the words "state department".

1 SEC. 24. Section three thousand eight hundred twenty-eight and
2 forty-seven one-thousandths (3828.047), Code, 1939, is hereby amended
3 by striking from lines twenty-two (22) and twenty-three (23) the
4 words "the old age assistance division of the state of Iowa" and insert-
5 ing in lieu thereof the words "state department".

1 SEC. 25. Section three thousand eight hundred twenty-eight and
2 fifty one-thousandths (3828.050), Code, 1939, is hereby amended by
3 striking from line nine (9) the word "division" and inserting in lieu
4 thereof the words "state department".

Approved April 30, 1941.

CHAPTER 146

OLD AGE ASSISTANCE

H. F. 400

AN ACT to amend section three thousand eight hundred twenty-eight and three one-thousandths (3828.003), Code, 1939; to repeal section three thousand eight hundred twenty-eight and five one-thousandths (3828.005), Code, 1939; to amend section three thousand eight hundred twenty-eight and eight one-thousandths (3828.008), Code, 1939; to amend section three thousand eight hundred twenty-eight and nine one-thousandths (3828.009), Code, 1939; to repeal section three thousand eight hundred twenty-eight and eleven one-thousandths (3828.011), Code, 1939; to amend section three thousand eight hundred twenty-eight and fourteen one-thousandths (3828.014), Code, 1939; to amend section three thousand eight hundred twenty-eight and sixteen one-thousandths (3828.016), Code, 1939; to amend section three thousand eight hundred twenty-eight and eighteen one-thousandths (3828.018), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-one one-thousandths (3828.021), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-two one-thousandths (3828.022), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-three one-

thousandths (3828.023), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-six one-thousandths (3828.026), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-nine one-thousandths (3828.029), Code, 1939; to amend section three thousand eight hundred twenty-eight and thirty-five one-thousandths (3828.035), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-seven one-thousandths (3828.047), Code, 1939; all relating to old age assistance; to the powers and duties of the state board; to the appointment of a superintendent of old age assistance; to persons entitled to assistance; to the amount of assistance; to income from property owned by applicants; to procedure with application for old age assistance; to the issuance of assistance certificates; to residence of a recipient of assistance outside of the State of Iowa; to the payment of funeral expenses for persons receiving assistance; to the deduction from the estate of a deceased recipient for assistance advanced; to the transfer of real estate to the state board; to insurance which may be assigned to the state board; to the liability of certain persons for the support of a claimant or recipient of old age assistance; to residents in institutions; to court costs in connection with guardianship proceedings; to the confidential nature of records.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight and
2 three one-thousandths (3828.003), code, 1939, is hereby amended by
3 striking all of lines ten (10), eleven (11), twelve (12), thirteen (13),
4 fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen
5 (18), nineteen (19), twenty (20), twenty-one (21), and twenty-two
6 (22) thereof.

1 SEC. 2. Section three thousand eight hundred twenty-eight and
2 five one-thousandths (3828.005), code, 1939, is hereby repealed.

1 SEC. 3. Section three thousand eight hundred twenty-eight and
2 eight one-thousandths (3828.008), code, 1939, is hereby amended by
3 striking in lines three (3) and four (4) thereof the following words:
4 "at the time of application and during the continuance of certificate
5 of assistance".

1 SEC. 4. Section three thousand eight hundred twenty-eight and
2 nine one-thousandths (3828.009), code, 1939, is hereby amended by
3 striking in lines seven (7), eight (8) and nine (9) thereof the follow-
4 ing words and punctuation: "when added to the income of the appli-
5 cant from all other sources, exclusive of exemptions hereinafter pro-
6 vided,"; and by further amending said section by striking in lines nine
7 (9) and ten (10) thereof the following words: "a total of"; and by
8 further amending said section by striking in lines thirteen (13) and
9 fourteen (14) thereof the following words: "mental and/or".

1 SEC. 5. Section three thousand eight hundred twenty-eight and
2 eleven one-thousandths (3828.011), code, 1939, is hereby repealed.

1 SEC. 6. Section three thousand eight hundred twenty-eight and
2 fourteen one-thousandths (3828.014), code, 1939, is hereby amended
3 by striking all of lines thirty-five (35) to fifty-seven (57) inclusive,
4 and inserting in lieu thereof the following: "If an application is not
5 acted upon by the county board within ninety (90) days after the
6 filing of the application, or is denied in whole or in part, or if any
7 award of assistance is modified or canceled under any provision of this
8 chapter, the applicant or recipient may appeal to the state board in the
9 manner and form prescribed by the state board. The state board shall,

10 upon receipt of such an appeal, give the applicant or recipient reason-
 11 able notice and opportunity for a fair hearing before the state board
 12 or its duly authorized representative or representatives. Following
 13 such hearing the state board shall take its final action and notify the
 14 applicant in writing.”; and further amending said section by striking
 15 all of lines eighty-one (81) to eighty-seven (87), inclusive.

1 SEC. 7. Section three thousand eight hundred twenty-eight and
 2 sixteen one-thousandths (3828.016), code, 1939, is hereby amended
 3 by striking from line three (3) thereof the following words: “for two
 4 years”; and further amended by adding a period (.) after the word
 5 “discontinued” appearing in lines fourteen (14) and fifteen (15)
 6 thereof, and by striking the remainder of said section.

1 SEC. 8. Section three thousand eight hundred twenty-eight and
 2 eighteen one-thousandths (3828.018), code, 1939, is hereby amended
 3 by striking all of lines one (1) to five (5) inclusive; and further
 4 amended by striking all of lines twenty (20) to twenty-four (24),
 5 inclusive, and by striking the colon (:) in line nineteen (19) and
 6 substituting in lieu thereof a period (.).

1 SEC. 9. Section three thousand eight hundred twenty-eight and
 2 twenty-one one-thousandths (3828.021), code, 1939, is hereby amended
 3 by striking all of lines sixteen (16) to twenty-three (23), inclusive,
 4 and inserting in lieu thereof the following: “That any payment which
 5 is due the decedent’s estate, spouse, children, father, mother, brother
 6 or sister by reason of the liability of any life insurance or death or
 7 funeral benefit company, association or society to be made in the event
 8 of the death of such decedent who was a recipient of old age assistance
 9 may be deducted from the state department’s liability of one hundred
 10 dollars (\$100.00).”; and further amended by inserting after the word
 11 “claim” in line thirty-nine (39) thereof, the following words “and
 12 lien”.

13 Section three thousand eight hundred twenty-eight and eighteen
 14 thousandths (3828.018), Code, 1939, is further amended by adding
 15 thereto the following section: “Where a person has been receiving old
 16 age assistance under the provisions of this act and while receiving
 17 such assistance is committed to any tax supported institution for any
 18 cause and is not receiving old age assistance at the time of his death,
 19 he shall, notwithstanding such facts, be qualified to receive his burial
 20 expense as provided in this section.”

1 SEC. 10. Section three thousand eight hundred twenty-eight and
 2 twenty-two one-thousandths (3828.022), code, 1939, is amended as
 3 follows:

4 By adding after the word “claim” in line twenty-two (22), thereof
 5 the following words: “or lien”.

6 Further amend said section by striking from lines twenty-six (26),
 7 twenty-seven (27) and twenty-eight (28) thereof the following words:
 8 “the estate of deceased shall not be settled or the homestead sold” and
 9 substituting in lieu thereof the following words: “the homestead shall
 10 not be sold”.

1 SEC. 11. Section three thousand eight hundred twenty-eight and

2 twenty-three one-thousandths (3828.023), code, 1939, is amended as
3 follows:

4 By adding after the word "assistance" in line four (4) thereof
5 the following words: "and funeral benefit".

6 Further amend said section by striking the period (.) at the end
7 of the sentence ending with the word "indexing" in line fifteen (15)
8 thereof and adding the following: "or for releasing said lien".

9 Further amend said section by adding after the word "conveyance"
10 in line thirty-nine (39) thereof the following words "or assignment".

11 Further amend said section by adding after the word "state" in
12 line forty (40) thereof the following word: "board".

13 Further amend said section by adding after the word "deed" in line
14 forty-one (41) thereof the following words: "or assignment".

15 Further amend said section by inserting before the sentence begin-
16 ning with the words "such property" in line fifty-four (54) thereof
17 the following: "Title to any real estate may be taken in the name of the
18 state board of social welfare."

19 Further amend said section by striking from line fifty-eight (58)
20 thereof the words "or transfer" and substituting in lieu thereof the
21 following words: "assign or convey".

22 Further amend said section by striking from lines seventy-seven
23 (77), seventy-eight (78), seventy-nine (79), eighty (80) and eighty-
24 one (81) thereof the following: "sale for any general or special taxes
25 of any property, against which a lien has been filed under the pro-
26 visions of this section and section three thousand eight hundred twenty-
27 eight and twenty-two one-thousandths (3828.022), shall not affect said
28 lien or its enforcement; and the".

1 SEC. 12. Section three thousand eight hundred twenty-eight and
2 twenty-six one-thousandths (3828.026), code, 1939, is amended as
3 follows:

4 By adding after the word "benefit" in line twenty-six (26) thereof
5 the following word: "certificate".

6 Further amend said section by adding after the word "policy" in
7 line forty (40) thereof the following words: "or benefit certificate".

1 SEC. 13. Section three thousand eight hundred twenty-eight and
2 twenty-nine one-thousandths (3828.029), code, 1939, is hereby amend-
3 ed by striking from lines eight (8), nine (9), ten (10), eleven (11) and
4 twelve (12) the following: "In no event shall assistance be granted
5 when the contribution made by or required of responsible relatives
6 attains the equivalent of the maximum assistance payable under this
7 chapter".

1 SEC. 14. Section three thousand eight hundred twenty-eight and
2 thirty-five one-thousandths (3828.035) code, 1939, is hereby amended
3 by adding after the word "expense" in line twenty-eight (28) thereof
4 the following words: "including all court costs".

1 SEC. 15. Section three thousand eight hundred twenty-eight and
2 forty-seven one-thousandths (3828.047), code, 1939, is hereby amended
3 by striking all of lines one (1) to nine (9) inclusive, and substituting
4 in lieu thereof the following: "All applications, investigations and
5 records shall be privileged communications and shall be confidential."

6 They shall be used exclusively for the purpose of administering old
7 age assistance by the state board”.

1 SEC. 16. Constitutionality. If any portion of this act shall be held
2 invalid, the remaining provisions shall be given full force and effect
3 as if the part held invalid had not been included herein.

Approved April 30, 1941.

CHAPTER 147

OLD AGE ASSISTANCE

S. F. 52

AN ACT to amend section three thousand eight hundred twenty-eight and twenty-three thousandths (3828.023), Code, 1939, relating to liens for Old-Age Assistance and authorizing the State Board of Social Welfare to compromise, adjust, settle, and release such liens.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight and
2 twenty-three thousandths (3828.023), Code, 1939, is hereby amended
3 by striking all of lines twenty-nine (29) to thirty-four (34), inclusive,
4 beginning with the words “The state board” and ending with the words
5 “on such liens.” and substituting therefor the following:
6 “The state board shall release liens created or existing under this
7 chapter when the amount thereof is fully paid, or when an estate, of
8 which real estate affected by this chapter is a part, has been probated
9 and the proceeds allowable through such probate have been applied
10 on such liens. The board may also, in its discretion, at any time, order
11 the release of any lien in full, or the release of any specific parcel of
12 land from the lien, upon such compromise, settlement, substitution of
13 other security, or other consideration as the board shall determine to
14 be fair and adequate under the peculiar circumstances affecting the
15 property subject to the lien of its ownership. Such release shall
16 be executed and acknowledged by the secretary of the state board of
17 social welfare; and such release when recorded shall be conclusive in
18 favor of any third person dealing with or concerning the land thus
19 released in reliance on such record”.

Approved March 28, 1941.

CHAPTER 148

SUPPORT OF THE POOR

H. F. 68

AN ACT to amend sections three thousand eight hundred twenty-eight and eighty-eight thousandths (3828.088), three thousand eight hundred twenty-eight and ninety thousandths (3828.090), and three thousand eight hundred twenty-eight and ninety-two thousandths (3828.092), Code, 1939, relating to the settlement of a poor person.