

## CHAPTER 64

## VIETNAM VETERANS

## H. F. 656

AN ACT creating a veterans' service compensation fund, appropriating moneys from the general fund of the state for deposit in the service compensation fund, providing administrative procedures, and providing a penalty.

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

## 1 SECTION 1.

2 1. There is appropriated from the general fund of the state for  
3 the fiscal year beginning July 1, 1973 and ending June 30, 1974 the  
4 sum of eighteen million (18,000,000) dollars and for the fiscal year  
5 beginning July 1, 1974, and ending June 30, 1975 the sum of ten mil-  
6 lion (10,000,000) dollars, or so much thereof as may be necessary, for  
7 deposit in a service compensation fund, hereby created, to be used in  
8 the manner provided in this Act.

9 2. If during the fiscal year beginning July 1, 1973 there are on file  
10 with the service compensation board approved applications which  
11 result in a total valid claim of in excess of eighteen million dollars,  
12 the service compensation board shall certify such fact to the state  
13 comptroller who shall transfer funds sufficient to satisfy all valid  
14 applications to the service compensation fund. Such funds trans-  
15 ferred shall be deducted from the appropriation for the fiscal year  
16 beginning July 1, 1974.

17 3. Unencumbered funds appropriated by this Act which are avail-  
18 able on June 30, 1977 shall on that date revert to the general fund  
19 of the state.

1 SEC. 2. NEW SECTION. **Persons entitled to receive compensation.**

2 Every person who served not less than one hundred twenty days on  
3 active duty, in the armed forces of the United States, at any time  
4 between July 1, 1958 and ending on August 4, 1964, both dates inclu-  
5 sive, and who at the time of entering into service was a legal resident  
6 of the state of Iowa, and who had maintained such residence for a  
7 period of at least six months immediately prior thereto, and was hon-  
8 orably separated or discharged from such service, or is still in active  
9 service in an honorable status, or has been retired, or has been fur-  
10 loughed to a reserve, or has been placed on inactive status, shall be  
11 entitled to receive from the service compensation fund seventeen dol-  
12 lars and fifty cents, if he earned either a Vietnam service medal or an  
13 armed forces expeditionary medal-Vietnam, or can otherwise estab-  
14 lish service in Vietnam during that period, for each month that such  
15 person was in the Vietnam service area, between July 1, 1958 and  
16 August 4, 1964, both dates inclusive, not to exceed a total sum of five  
17 hundred dollars.

18 Every person otherwise qualified under this section and who earned  
19 either a Vietnam service medal or an armed forces expeditionary  
20 medal-Vietnam for service between the period commencing August 5,  
21 1964 and ending June 30, 1973, or can otherwise establish service in  
22 the Vietnam service area during that period, shall be entitled to re-  
23 ceive from the service compensation fund seventeen dollars and fifty  
24 cents for each month that such person was in the Vietnam service  
25 area and twelve dollars and fifty cents for each month that such per-

26 son was not in the Vietnam service area, not to exceed a total sum of  
27 five hundred dollars.

28 Every person otherwise qualified under this section, except that he  
29 did not earn either the Vietnam service medal or the armed forces  
30 expeditionary medal-Vietnam, and did not serve in the Vietnam ser-  
31 vice area, shall be entitled to receive from the service compensation  
32 fund twelve dollars and fifty cents for each month that such person  
33 was in active service during the time between August 5, 1964 and  
34 June 30, 1973, both dates inclusive, not to exceed a total sum of three  
35 hundred dollars.

36 Compensation under this Act shall not be paid for a fraction of a  
37 month unless it be sixteen days or more in which event it shall be  
38 computed as a full month.

39 No person shall be entitled to such compensation who received a  
40 bonus or compensation of like nature, as provided in this Act, from  
41 another state. A person shall not be entitled to such compensation  
42 who being in the service of the armed forces of the United States,  
43 subsequent to July 1, 1958 refused on conscientious, political, reli-  
44 gious, or other grounds to subject himself to military discipline. Ser-  
45 vice in the merchant marine shall not be considered for the purposes  
46 of this Act. Service for six months or less for the sole purpose of  
47 training shall not be considered for the purposes of this Act. The  
48 surviving widow or widower, child or children, mother, father, or  
49 person standing in loco parentis, in the order named and none other,  
50 of any deceased person, shall be paid the compensation that such de-  
51 ceased person would be entitled to under this Act, if living; but, if  
52 any person has heretofore died or shall hereafter die, or is disabled,  
53 from service-connected causes incurred during the period and in the  
54 area for which he is able to receive compensation under this Act, and  
55 who has not received the benefits of this Act, he or the first of surviv-  
56 ors as designated by this Act and in the order named, shall be paid  
57 five hundred dollars or three hundred dollars, whichever maximum  
58 rate he would have been entitled to receive, regardless of the length  
59 of such service. If an eligible beneficiary is a minor at the time com-  
60 pensation is payable, the same may be paid to a custodian duly recog-  
61 nized by the United States veterans administration.

1 **SEC. 3. NEW SECTION. Definition of active duty.** "Active duty"  
2 in the armed forces of the United States means full-time duty in the  
3 armed forces of the United States, excluding active duty for training  
4 purposes only and excluding any period a person was assigned by the  
5 armed forces to a civilian institution for a course of education or  
6 training which was substantially the same as established courses  
7 offered to civilians, or as a cadet or midshipman, however enrolled,  
8 at one of the service academies.

1 **SEC. 4. NEW SECTION. Service compensation board.** There is  
2 created a board to be known as the "service compensation board" to  
3 consist of the persons who serve on the bonus board created by chap-  
4 ter thirty-five (35) of the Code.

1 **SEC. 5. NEW SECTION. Applications for compensation—approval.**  
2 It is the duty of the service compensation board to administer the  
3 provisions of this Act, to examine all applications and approve or dis-

4 approve the same and make any investigation necessary to establish  
5 facts. In the event an application is disapproved by the board, the  
6 claimant may appeal to the district court of the state of Iowa in and  
7 for the county of his legal residence within a period of thirty days  
8 from date of mailing by registered mail of notice of such disapproval.  
9 The appeal shall be perfected by filing in the office of the board, a  
10 written notice of appeal setting forth the order or finding appealed  
11 from and the grounds of the appeal. Within thirty days after the fil-  
12 ing of such notice of appeal the board shall make, certify, and file in  
13 the office of the clerk of the district court to which the appeal is taken,  
14 a full and complete transcript of all documents in the proceeding, in-  
15 cluding any depositions, a transcript or certification of the evidence,  
16 if reported, including the notice of appeal. The clerk shall immedi-  
17 ately docket such appeal. The appeal shall be heard in such district  
18 court as in equity de novo. Appeal may be taken to the supreme  
19 court from any final order or judgment or decree of the district court.  
20 A claimant who successfully appeals the disapproval of an applica-  
21 tion shall be paid such amount as he is entitled to as determined by  
22 the court from the service compensation fund and, in addition, he shall  
23 be paid the actual amount of legal fees incurred which legal fees shall  
24 be paid in the same manner as administrative costs. When any appli-  
25 cation has been approved by the board, payment shall be made to  
26 the applicant in accordance with the provisions of this Act. It is the  
27 duty of the board to prepare vouchers and transmit the same to the  
28 state comptroller in payment of the compensation claims provided  
29 for in this Act and other necessary administrative expenses. The  
30 state comptroller shall issue a warrant for the amount stated therein  
31 and the treasurer of state shall pay such warrants out of said service  
32 compensation fund. The board may employ such assistants and incur  
33 such other expenses as may be necessary for such administration and  
34 the carrying out of the provisions of this Act, and the funds necessary  
35 for such administration and carrying out the provisions of this Act  
36 shall be expended from the service compensation fund. Such assist-  
37 ants as the board may determine shall be exempt from the provisions  
38 of chapter nineteen A (19A) of the Code and shall give bond in an  
39 amount as may be fixed by the board, and shall, whenever practicable,  
40 be persons within the classes as defined in section two (2) of this Act.  
41 The board may make, adopt and promulgate rules and regulations for  
42 the carrying out of the provisions of this Act as it deems necessary  
43 and expedient and which are not inconsistent with any provisions of  
44 this Act.

1 **SEC. 6. NEW SECTION. Time for making applications.** Before  
2 receiving any compensation under the provisions of this Act, the  
3 claimant, or his successor in interest, shall file with the service com-  
4 pensation board, application on forms provided by the board. The  
5 application shall be filed within four years subsequent to June 30,  
6 1973.

1 **SEC. 7. NEW SECTION. False statement — penalty.** Whoever  
2 knowingly makes a false statement, oral or written, relating to a  
3 material fact in supporting a claim under the provisions of this Act,  
4 shall be punished by a fine of not more than one thousand dollars or  
5 be imprisoned for not more than one year, or punished by both such

6 fine and imprisonment, and shall forfeit all benefits he or she might  
7 have been entitled to under this Act.

1 SEC. 8. NEW SECTION. **Tax exemption.** All payments and allow-  
2 ances made under this Act shall be exempt from taxation and from  
3 levy and sale on execution.

Approved July 3, 1973.

This Act was passed by the G. A. before July 1, 1973.

## CHAPTER 65

### HEALTH DEPARTMENT

H. F. 752

AN ACT making an appropriation from the general fund of the state for the state department of health and its divisions.

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

1	SECTION 1. There is appropriated from the general fund of the		
2	state for the biennium beginning July 1, 1973 and ending June 30,		
3	1975, to the state department of health and its divisions the following		
4	amounts, or so much thereof as may be necessary, to be used in the		
5	manner designated:		
6		1973-74	1974-75
7		Fiscal Year	Fiscal Year
8	1. CENTRAL ADMINISTRATION		
9	For salaries, support, maintenance and miscellaneous purposes: .....		
10	.....	\$ 298,850	\$ 304,030
11	2. HEALTH FACILITIES SERVICES		
12	For salaries, support, maintenance and miscellaneous purposes: .....		
13	.....	\$ 338,820	\$ 351,436
14	3. PREVENTIVE MEDICAL SERVICE		
15	For salaries, support, maintenance and miscellaneous purposes: .....		
16	.....	\$ 131,965	\$ 135,128
17	4. RECORDS AND STATISTICAL DIVISION		
18	For salaries, support, maintenance and miscellaneous purposes: .....		
19	.....	\$ 230,990	\$ 232,140
20	5. LICENSING AND CERTIFICATION DIVISION		
21	For salaries, support, maintenance and miscellaneous purposes in-		
22	cluding barber's, cosmetology, embalmer's, and podiatry examining		
23	boards: .....	\$ 159,560	\$ 161,940
24	6. GENERAL HEALTH SERVICES		
25	a. For salaries, support, maintenance and miscellaneous purposes:		
26	.....	\$ 220,410	\$ 226,707
27	b. For renal disease program: .....	\$ 208,030	\$ 207,300
28	c. For family planning program: .....	\$ 50,000	\$ 50,000
29	7. COMMUNITY HEALTH SERVICES		
30	a. For salaries, support, maintenance and miscellaneous purposes:		
31	.....	\$ 101,910	\$ 103,400
32	b. For emergency medical service revolving fund: .....		
33	.....	\$ 20,000	—0—