

CHAPTER 202**VETERANS AFFAIRS AND FLAG DESECRATION***H.F. 817*

AN ACT concerning the flag and veterans by providing for a study of regional veterans affairs offices, providing for the duties of the department of veterans affairs and the commission on veterans affairs, prohibiting certain acts involving the flag, establishing a counseling program for veterans, and providing a penalty.

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

Section 1. NEW SECTION. 35.12 VETERANS COUNSELING PROGRAM.

1. The department shall coordinate with United States veterans administration hospitals, health care facilities, and clinics in this state and the department of public health to provide assistance to veterans and their families to reduce the incidence of alcohol and chemical dependency and suicide among veterans and to make mental health counseling available to veterans.

2. The assistance program shall include but not be limited to the following:

a. Public education and awareness programs for veterans, health care professionals, and the public, relative to the needs of veterans.

b. Referral services to identify appropriate counseling and treatment programs for veterans in need of services.

3. Any assistance program established pursuant to this section shall be implemented in a manner that does not duplicate other services readily available to veterans.

Sec. 2. Section 35A.2, subsection 1, Code 2007, is amended to read as follows:

1. A commission of veterans affairs is created consisting of nine persons who shall be appointed by the governor, subject to confirmation by the senate. Members shall be appointed to staggered terms of four years beginning and ending as provided in section 69.19. The governor shall fill a vacancy for the unexpired portion of the term. In addition to the members appointed by the governor, the director of the department and the commandant of the Iowa veterans home shall serve as nonvoting, ex officio members of the commission.

Sec. 3. Section 35A.3, subsections 2 and 3, Code 2007, are amended by striking the subsections and inserting in lieu thereof the following:

2. Review proposed rules submitted by the department concerning the management and operation of the department. Unless the commission votes to disapprove a proposed rule on a two-thirds vote at the earlier of the next regularly scheduled meeting of the commission or a special meeting of the commission called by the commission within thirty days of the date the proposed rule is submitted, the department may proceed to adopt the rule.

3. a. Advise and make recommendations to the department, the general assembly, and the governor, concerning issues involving and impacting veterans in this state.

b. Advise and make recommendations to the general assembly and the governor concerning the management and operation of the department.

Sec. 4. Section 35A.5, Code 2007, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. Maintain and disseminate information to veterans and the public regarding facilities, benefits, and services available to veterans and their families and assist veterans and their families in obtaining such benefits and services.

NEW SUBSECTION. 12. Adopt rules pursuant to chapter 17A and establish policy for the management and operation of the department. Prior to adopting rules, the department shall submit proposed rules to the commission for review pursuant to the requirements of section 35A.3.

NEW SUBSECTION. 13. Provide information requested by the commission concerning the management and operation of the department and the programs administered by the department.

Sec. 5. Section 35A.5, subsection 8, Code 2007, is amended to read as follows:

8. Provide After consultation with the commission, provide training to executive directors of county commissions of veteran affairs pursuant to section 35B.6. The ~~commission department~~ may adopt rules in accordance with chapter 17A to provide for training of county veteran affairs executive directors.

Sec. 6. Section 35A.8, subsection 4, paragraph a, Code 2007, is amended to read as follows:

a. The executive director shall provide for the administration of the bonus authorized in this subsection. The ~~commission department~~ shall adopt rules, pursuant to chapter 17A, as necessary to administer this subsection including, but not limited to, application procedures, investigation, approval or disapproval, and payment of claims.

Sec. 7. Section 35A.13, subsection 6, Code 2007, is amended to read as follows:

6. It is the intent of the general assembly that beginning with the fiscal year beginning July 1, ~~2007~~ 2008, appropriations be made annually to the veterans trust fund. Prior to any additional appropriations to this fund, the ~~commission department~~ shall provide the general assembly with information identifying immediate and long-term veteran services throughout the state and a plan for delivering those services.

Sec. 8. Section 36.1, subsection 3, Code 2007, is amended by striking the subsection.

Sec. 9. Section 36.8, Code 2007, is amended to read as follows:

36.8 RULES.

The ~~commission department~~ shall adopt rules pursuant to chapter 17A to implement this chapter.

Sec. 10. Section 36.9, Code 2007, is amended to read as follows:

36.9 APPROPRIATIONS.

This chapter shall be implemented by the ~~commission department~~ each fiscal year that appropriations are made to the ~~commission department~~ for the implementation.

Sec. 11. Section 135.20, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The information to be distributed shall be determined by the department by rule, in consultation with the ~~commission department~~ of veterans affairs. The information shall, at a minimum, contain statements indicating that:

Sec. 12. Section 135.20, subsection 2, unnumbered paragraph 2, Code 2007, is amended to read as follows:

The information shall also present treatment options and shall specify a procedure to be followed for veterans desiring a medical consultation for screening and treatment purposes. The department shall cooperate with the ~~state commission department~~ of veterans affairs regarding distribution of the information to the veterans home, the county commissions of veteran affairs, veterans hospitals, and other appropriate points of distribution.

Sec. 13. NEW SECTION. 718A.0A DEFINITIONS.

As used in this section:

1. "Contempt" means an intentional lack of respect or reverence by treating in a rough manner.
2. "Deface" means to intentionally mar the external appearance.

3. "Defile" means to intentionally make physically unclean.
4. "Mutilate" means to intentionally cut up or alter so as to make imperfect.
5. "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

Sec. 14. NEW SECTION. 718A.7 RETIREMENT CEREMONY.

This chapter does not apply to a flag retirement ceremony conducted pursuant to federal law.

Sec. 15. Section 723.4, subsection 6, Code 2007, is amended to read as follows:

6. a. Knowingly and publicly uses the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit a ~~public offense~~ trespass or assault.

b. As used in this section:

(1) "Show disrespect" means to deface, defile, mutilate, or trample.

(2) "Deface" means to intentionally mar the external appearance.

(3) "Defile" means to intentionally make physically unclean.

(4) "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.

(5) "Mutilate" means to intentionally cut up or alter so as to make imperfect.

(6) "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

c. This subsection does not apply to a flag retirement ceremony conducted pursuant to federal law.

Sec. 16. VETERANS COUNSELING PROGRAM REPORT. The director of the department of veterans affairs shall submit a report to the members of the general assembly by January 15, 2008, regarding the administration of the veterans counseling program established pursuant to section 35.12, as enacted by this Act.

Sec. 17. DEPARTMENT OF VETERANS AFFAIRS — REGIONAL VETERANS AFFAIRS OFFICES STUDY. The department of veterans affairs shall conduct a study and develop a plan, in collaboration with the department of workforce development, to provide regional coverage for veterans affairs services. The plan shall provide for the colocation of department of veterans affairs staff in workforce development regional offices to provide direct services to underserved veterans throughout the state. The plan shall foster the development of the county veteran affairs offices, yet ensure coverage where county services are not readily available. The department of veterans affairs and the department of workforce development shall evaluate the personnel needs to serve veterans within the regions, and identify the most efficient use of state, local, and federal resources to serve the most veterans in each region. The plan shall also consider strategies to request a waiver on the use of federal workforce development funds to increase state flexibility to utilize the funds in the most efficient ways to serve veterans. The department of veterans affairs shall submit to the general assembly by January 1, 2008, the results of its study, including its recommended plan to provide improved regional coverage for veterans services.

Approved May 29, 2007