

STATE GOVERNMENT: Carr, Chair; Dieleman, Nystrom, Bruner and Drake

FILED APR 08 1987

SENATE FILE 502
BY HUSAK and SOORHOLTZ

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to create a department of veterans affairs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 502

1 Section 1. Section 7E.5, subsection 1, paragraph q, Code
2 1987, is amended to read as follows:

3 q. The department of public defense, created in section
4 29.1, which has primary responsibility for state military
5 forces, ~~and disaster services, and veterans affairs.~~

6 Sec. 2. Section 7E.5, subsection 1, Code 1987, is amended
7 by adding the following new lettered paragraph:

8 NEW LETTERED PARAGRAPH. v. The department of veterans
9 affairs, which has primary responsibility for state veterans
10 affairs.

11 Sec. 3. Section 29.1, Code 1987, is amended to read as
12 follows:

13 29.1 DEPARTMENT OF PUBLIC DEFENSE.

14 The department of public defense is composed of the
15 military division, and the disaster services division, ~~and the~~
16 ~~veterans-affairs-division.~~ The adjutant general is the
17 director of the department of public defense and the budget
18 and personnel ~~of all~~ of the divisions are subject to the
19 approval of the adjutant general.

20 Sec. 4. Section 35.7, Code 1987, is amended to read as
21 follows:

22 35.7 ORPHANS EDUCATIONAL FUND.

23 The ~~commission~~ department of the veterans affairs division
24 ~~of the department of public defense is hereby authorized and~~
25 ~~empowered to~~ shall administer the war orphans educational aid
26 fund ~~as hereinafter provided.~~

27 Sec. 5. Section 35.9, Code 1987, is amended to read as
28 follows:

29 35.9 EXPENDITURE BY COMMISSION.

30 ~~Said commission~~ The department of the veterans affairs
31 ~~division is authorized to~~ may expend not to exceed four
32 hundred dollars per year for any one child who shall have
33 lived in the state of Iowa for two years preceding application
34 for aid hereunder, and who is the child of a person who died
35 during World War I between the dates of April 6, 1917, and

1 June 2, 1921, or during World War II between the dates of
2 September 16, 1940, and December 31, 1946, both dates
3 inclusive, or the Korean Conflict at any time between June 25,
4 1950, and January 31, 1955, both dates inclusive, or the
5 Vietnam Conflict at any time between August 5, 1964, and May
6 7, 1975, both dates inclusive, while serving in the military
7 or naval forces of the United States, to include members of
8 the reserve components performing service or duties required
9 or authorized under chapter 39, United States Code and Title
10 32, United States Code, sections 502 through 505, and active
11 state service required or authorized under chapter 29A, or as
12 a result of such service, to defray the expenses of tuition,
13 matriculation, laboratory and similar fees, books and
14 supplies, board, lodging, and any other reasonably necessary
15 expense for such child or children incident to attendance at
16 any educational or training institution of college grade, or
17 in any business or vocational training school of standards
18 approved by ~~said-commission~~ the department of the veterans
19 affairs division, ~~said~~ the educational institutions to be
20 located within the state of Iowa.

21 A child eligible to receive funds under ~~the-provisions-of~~
22 this section shall not receive more than two thousand dollars
23 during the child's lifetime.

24 Sec. 6. Section 35.10, Code 1987, is amended to read as
25 follows:

26 35.10 ELIGIBILITY AND PAYMENT OF AID.

27 Eligibility for aid hereunder shall be determined upon
28 application to the ~~commission~~ department of the veterans
29 affairs division, whose decision shall be final. The
30 eligibility of eligible applicants shall be certified by the
31 ~~administrator~~ director of the department of veterans affairs
32 division to the director of revenue and finance, and all
33 amounts that may be or may become due to any individual or any
34 training institution under this chapter shall be paid to the
35 individual or institution by ~~said~~ the director of revenue and

1 finance upon receipt by the director of certification by the
2 president or governing board of such educational or training
3 institution as to accuracy of charges made, and as to the
4 attendance of the individual at such educational or training
5 institution. It shall be proper for the commission department
6 of the veterans affairs division to pay over ~~said~~ the annual
7 sum of four hundred dollars to such educational or training
8 institution in a lump sum, or in such installments as the
9 circumstances may warrant, upon receiving from such
10 institution such written undertaking as the commission
11 department of the veterans affairs division may require to
12 assure the use of ~~said~~ the funds for ~~such~~ the child for the
13 authorized purposes and for no other purpose. A person shall
14 not be eligible for the benefits of this chapter until the
15 person shall have graduated from a high school or educational
16 institution offering a course of training equivalent to high
17 school training.

18 Sec. 7. Section 35A.1, Code 1987, is amended to read as
19 follows:

20 35A.1 DEFINITIONS.

21 As used in this chapter, unless the context otherwise
22 requires:

- 23 1. "Administrator Director" means the administrator
24 director of the department of veterans affairs division.
- 25 2. "Commission" means the commission of the department of
26 veterans affairs division.
- 27 3. "Commissioner" means a member of the commission of the
28 department of veterans affairs division.
- 29 4. "Division Department" means the department of veterans
30 affairs division established in section 35A.2.

31 Sec. 8. Section 35A.2, unnumbered paragraphs 1 and 2, Code
32 1987, are amended to read as follows:

33 A department of veterans affairs division is established
34 ~~within the department of public defense--The division which~~
35 consists of a veterans affairs commission, an administrator a

1 director, and additional employees as required to implement
2 this chapter.

3 The division department shall:

4 Sec. 9. Section 35A.2, subsection 2, Code 1987, is amended
5 to read as follows:

6 2. Assist county veterans affairs commissions established
7 pursuant to chapter 250. The division department shall draft
8 and provide to county commissions suggested uniform benefits
9 and administrative procedures for carrying out the functions
10 and duties of the county commissions.

11 Sec. 10. Section 35A.2, Code 1987, is amended by adding
12 the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The offices of the department of
14 veterans affairs shall be located at the Iowa veterans home.
15 All records of the department shall be maintained at its
16 offices.

17 Sec. 11. Section 35A.3, Code 1987, is amended to read as
18 follows:

19 35A.3 COMMISSION.

20 A commission is established within the department of
21 veterans affairs division. This commission consists of five
22 persons who shall be appointed by the governor to staggered
23 four-year terms. Each commissioner shall be an honorably
24 discharged member of the armed forces of the United States.

25 Sec. 12. Section 35A.6, subsection 2, Code 1987, is
26 amended to read as follows:

27 2. Consult with and advise the ~~administrator~~ director on
28 policy for the operation and conduct of the division
29 department.

30 Sec. 13. Section 35A.7, Code 1987, is amended to read as
31 follows:

32 35A.7 ~~POWERS-AND-DUTIES-OF-THE-ADJUTANT-GENERAL~~ TENURE OF
33 DIRECTOR.

34 ~~The adjutant-general-as-the~~ director of the department of
35 ~~public-defense-under-the-direction-and-control~~ veterans

1 affairs shall serve at the pleasure of the governor has
2 supervisory-direction-and-control-of-the-veterans-affairs
3 division and is responsible to the governor for carrying-out
4 the-provisions-of administering this chapter. The director
5 may be removed from office for inability or refusal to perform
6 the duties of the office. Prior to removal from office on
7 such grounds, the director shall be afforded a hearing before
8 the commission.

9 Sec. 14. Section 35A.8, Code 1987, is amended to read as
10 follows:

11 35A.8 ADMINISTRATOR DIRECTOR APPOINTED -- DUTIES.

12 1. The administrator director, who shall be a licensed
13 nursing home administrator and a veteran, shall be appointed
14 by the governor;--subject-to-confirmation-by-the-senate;
15 commission and shall serve at the pleasure of the governor
16 commission.

17 2. The administrator director shall:

18 a. Prepare a budget for the division-for-submission-to-the
19 director-of-the department of public-defense.

20 b. Annually make a written report to the director-of-the
21 department commission and the general assembly.

22 c. Establish policy for the operation and conduct of the
23 division-subject-to-any-guidelines-adopted-by-the-director-of
24 the department.

25 d. Adopt rules pursuant to chapter 17A for the management
26 and operation of the division department.

27 e. Carry out the administrative duties of the division
28 subject-to-the-supervision-of-the-director-of-the department.

29 f. Serve as the chief executive of the Iowa veterans home.

30 Sec. 15. Section 35A.9, Code 1987, is amended to read as
31 follows:

32 35A.9 EXPENSES AND COMPENSATION.

33 The administrator director and employees of the division
34 department are entitled to receive, in addition to salary,
35 reimbursement for actual expenses incurred while engaged in

1 the performance of official duties. The commissioners are
2 entitled to receive reimbursement for actual expenses incurred
3 while engaged in the performance of official duties. Each
4 member of the commission may also be eligible to receive
5 compensation as provided in section 7E.6.

6 Sec. 16. Section 139A.1, subsection 4, Code 1987, is
7 amended to read as follows:

8 4. "Division Department" means the department of veterans
9 affairs division-within-the-department-of-public-defense.

10 Sec. 17. Section 139A.2, Code 1987, is amended to read as
11 follows:

12 139A.2 CHEMICAL REPORT TO DIVISION DEPARTMENT.

13 A licensed physician pursuant to section 135.1, subsection
14 5, who treats a veteran the physician believes may have been
15 exposed to chemicals while serving in the armed forces of the
16 United States shall submit a report indicating that
17 information to the division department at the request of the
18 veteran pursuant to section 139A.3.

19 Sec. 18. Section 139A.3, Code 1987, is amended to read as
20 follows:

21 139A.3 DUTIES OF THE DIVISION DEPARTMENT.

22 The division department shall:

23 1. Provide the forms for the reports required in section
24 139A.2. The report shall require the doctor to provide all of
25 the following:

26 a. Symptoms of the veteran which may be related to
27 exposure to chemicals.

28 b. Diagnosis of the veteran.

29 c. Methods of treatment prescribed.

30 2. Annually compile and evaluate the information submitted
31 in the reports pursuant to subsection 1, in consultation and
32 cooperation with a certified medical toxicologist selected by
33 the division department. The division department shall submit
34 the report to the governor, the general assembly, and the
35 United States veterans' administration. The report shall

1 include current research data on the effects of exposure to
2 chemicals, statistical information received from individual
3 physicians' reports, and statistical information from the
4 epidemiological investigations pursuant to subsection 3.

5 3. Conduct epidemiological investigations of veterans who
6 have cancer or other medical problems or who have children
7 born with birth defects associated with exposure to chemicals,
8 in consultation and cooperation with a certified medical
9 toxicologist selected by the division department. The
10 division department shall obtain consent from a veteran before
11 conducting the investigations.

12 The division department shall cooperate with local and
13 state agencies during the course of an investigation.

14 Sec. 19. Section 139A.4, Code 1987, is amended to read as
15 follows:

16 139A.4 CONFIDENTIALITY AND LIABILITY.

17 The division department shall not identify a veteran
18 consenting to the epidemiological investigations pursuant to
19 section 139A.3, subsection 3, unless the veteran consents to
20 the release of identity. The statistical information compiled
21 by the division department pursuant to section 139A.3 is a
22 public record.

23 A licensed physician complying with this chapter is not
24 civilly or criminally liable for release of the required
25 information.

26 Sec. 20. Section 139A.6, unnumbered paragraph 1, Code
27 1987, is amended to read as follows:

28 The division department and appropriate medical facilities
29 at the state university of Iowa under the control of the state
30 board of regents shall institute a cooperative program to:

31 Sec. 21. Section 139A.7, Code 1987, is amended to read as
32 follows:

33 139A.7 FEDERAL PROGRAM.

34 If the administrator director of the division department or
35 the general assembly determines that an agency of the federal

1 government or the state of Iowa is providing the referral and
2 genetic services pursuant to section 139A.6, the administrator
3 director or the general assembly by specific action may
4 discontinue all or part of the services and requirements in
5 this chapter.

6 Sec. 22. Section 139A.8, Code 1987, is amended to read as
7 follows:

8 139A.8 RULES.

9 The division department shall adopt rules pursuant to
10 chapter 17A to implement this chapter.

11 Sec. 23. Section 139A.9, Code 1987, is amended to read as
12 follows:

13 139A.9 APPROPRIATIONS.

14 This chapter shall be implemented by the division
15 department each fiscal year that appropriations are made to
16 the division department for the implementation.

17 Sec. 24. Section 219.1, subsection 2, Code 1987, is
18 amended to read as follows:

19 2. As used in this chapter:

20 a. "Commissioner Commission" means the commissioner
21 commission of ~~the department of human services~~ veterans
22 affairs.

23 b. "Member" means a patient or resident of the home.

24 c. "Director" means the director of the department of
25 veterans affairs.

26 Sec. 25. Section 219.2, subsection 1, Code 1987, is
27 amended to read as follows:

28 1. Persons described in section 219.1 who do not have
29 sufficient means for their own support, or are disabled by
30 disease, wounds, old age or otherwise, and are unable to earn
31 a livelihood, and who are residents of the state of Iowa on
32 the date of the application and immediately preceding the date
33 the application is accepted, may be admitted to the home as
34 members under rules adopted by the commissioner commission.
35 Eligibility determinations are subject to approval by the

1 ~~commissioner~~ commission.

2 Sec. 26. Section 219.3, Code 1987, is amended to read as
3 follows:

4 219.3 RULES -- GENERAL MANAGEMENT.

5 The ~~commissioner~~ commission shall adopt all the necessary
6 rules for the preservation of order and enforcement of
7 discipline, the promotion of health and well-being of all the
8 members and the management and control of the home and its
9 grounds.

10 Sec. 27. Section 219.4, subsection 2, Code 1987, is
11 amended to read as follows:

12 2. The cottages may be made available to persons on the
13 staff of the home at a rental rate determined by the
14 ~~commissioner~~ commission.

15 Sec. 28. Section 219.5, Code 1987, is amended to read as
16 follows:

17 219.5 SURVIVING SPOUSES OF VETERANS.

18 If a deceased veteran, who would be entitled to admission
19 to the home if the deceased veteran were living, has left a
20 surviving spouse, the spouse is entitled to admission to the
21 home with the same rights, privileges and benefits as if the
22 veteran were living and a member of the home, if the spouse
23 was married to the veteran for at least one year immediately
24 prior to the veteran's death, is found by the ~~commandant~~
25 director to be disabled, does not have sufficient means for
26 support and maintenance, and is a resident of the state of
27 Iowa on the date of the application and immediately preceding
28 the date the application is accepted.

29 Sec. 29. section 219.6, Code 1987, is amended to read as
30 follows:

31 219.6 CERTIFICATE OF ELIGIBILITY.

32 Before admission, each applicant shall file with the
33 ~~commandant~~ director an affidavit signed by two members of the
34 commission of veteran affairs of the county in which the
35 person resides, stating that the person to the best of their

1 knowledge and belief is a resident of that county and that the
2 person is unable to earn a livelihood and the person's income,
3 exclusive of pension, compensation, war risk insurance
4 payments, or pensions or annuities under the social security
5 Act and the railroad retirement Acts, is less than is
6 sufficient to provide the type of health care necessary for
7 the person's welfare. The affidavit is conclusive evidence of
8 the residence of the person but is prima facie only in all
9 other matters affecting the eligibility of the applicant and
10 the liability of the county with respect to the expense of the
11 person for which the county may be liable. All records of
12 admission shall show the residence of the applicant.

13 Sec. 30. Section 219.7, Code 1987, is amended to read as
14 follows:

15 219.7 CONTRIBUTING TO OWN SUPPORT.

16 1. Except as otherwise provided in chapter 249A and other
17 ~~provisions of~~ this chapter, a member of the home who receives
18 a pension, compensation or gratuity from the United States
19 government, or income from any source of more than twenty-five
20 dollars per month, shall contribute to the member's own
21 maintenance or support while a member of the home. The amount
22 of the contribution and the method of collection shall be
23 determined by the ~~commissioner~~ commission, but the amount
24 shall in no case exceed the actual cost of keeping and
25 maintaining the person in the home.

26 2. Sums paid to and received by the ~~commandant~~ director
27 for the support of members of the home shall be paid monthly
28 by the ~~commandant~~ director to the treasurer of state and
29 credited to the general fund of the state.

30 3. The ~~commissioner~~ director may require any member of the
31 home to render assistance in the care of the home and its
32 grounds as the member's psycho-social and physical condition
33 will permit, as a phase of that member's rehabilitation
34 program. The ~~commissioner~~ director shall compensate each
35 member who furnishes assistance at rates established by the

1 commissioner commission.

2 Sec. 31. Section 219.8, Code 1987, is amended to read as
3 follows:

4 219.8 CONDITIONAL ADMITTANCE.

5 The commissioner commission may, if there is room for all
6 dependent members and applicants, admit and allow to remain in
7 the home persons who have sufficient means for their own
8 support but are otherwise eligible to become members of the
9 home, on payment of the cost of their support. The cost and
10 method of collection shall be determined by the commissioner
11 commission.

12 Sec. 32. Section 219.10, Code 1987, is amended to read as
13 follows:

14 219.10 PAYMENT TO DEPENDENTS.

15 Except as otherwise provided in chapter 249A and ~~other~~
16 ~~provisions-of~~ this chapter, a member of the home who receives
17 a pension or compensation and who has a child, as defined in
18 section 234.1, or a spouse who is dependent upon employment or
19 others for support shall deposit with the commandant director
20 on receipt of the member's pension or compensation check one-
21 half of its amount, which shall be sent at once to the spouse
22 or, if there is no spouse, to the guardian of the child. The
23 commandant director, if satisfied that the spouse has deserted
24 the member of the home, may pay the money deposited to the
25 guardian of the child.

26 Sec. 33. Section 219.11, Code 1987, is amended to read as
27 follows:

28 219.11 HANDLING OF PENSION MONEY AND OTHER FUNDS.

29 1. Pension money deposited with the commandant director is
30 not assignable for any purpose except as provided in sections
31 219.10 and 219.19, or in accordance with subsection 2 of this
32 section.

33 2. The commandant director, if authorized by a member of
34 the home, and pursuant to policies adopted by the commissioner
35 commission, may act on behalf of that member in receiving,

1 disbursing, and accounting for personal funds of the member
2 received from any source. The authorization may be given by
3 the member at any time and shall not be a condition of
4 admission to the home.

5 Sec. 34. Section 219.12, Code 1987, is amended to read as
6 follows:

7 219.12 BANK ACCOUNT FOR MEMBERS' DEPOSITS.

8 1. The Iowa veterans home, for the convenience of its
9 members, may maintain a commercial account with a federally
10 insured bank for the individual personal deposits of its
11 members. The account shall be known as the Iowa veterans home
12 membership account. The ~~commandant~~ director shall record each
13 member's personal deposits individually and shall deposit the
14 funds in the membership account, where the members' deposits
15 shall be held in the aggregate.

16 2. The ~~commandant~~ director, if authorized by a member of
17 the home, and pursuant to policies adopted by the ~~commissioner~~
18 commission, may make withdrawals against that member's
19 personal account to pay regular bills and other expenses
20 incurred by the member. The authorization may be given by the
21 member at any time and shall not be a condition of admission
22 to the home.

23 Sec. 35. Section 219.13, Code 1987, is amended to read as
24 follows:

25 219.13 ~~COMMANDANT~~ DIRECTOR.

26 1. The ~~commissioner-shall-appoint-a-commandant-who-shall~~
27 ~~be-the-person-responsible-for-handling-veterans-affairs-for~~
28 ~~the-department-of-human-services;~~ director shall serve as the
29 chief executive of the home and shall have the immediate
30 custody and control, subject to the orders of the ~~commissioner~~
31 ~~or-the-commissioner's-designee~~ commission, of all property
32 used in connection with the home.

33 2. The ~~commandant~~ director must be a resident of the state
34 of Iowa, and an honorably discharged veteran who served in the
35 armed forces of the United States during a conflict or war,

1 and a licensed nursing home administrator. As used in this
2 section, the dates of service in a conflict or war shall
3 coincide with the dates of service established by the Congress
4 of the United States.

5 3. ~~The commandant shall receive an annual salary as the~~
6 ~~commissioner may determine. -- In addition to salary, the~~
7 commissioner commission shall furnish the commandant director
8 with a dwelling house or with appropriate quarters and
9 additional allowances, as provided in section 218.14 for
10 executive heads of state institutions.

11 Sec. 36. Section 219.18, Code 1987, is amended to read as
12 follows:

13 219.18 RULES ENFORCED -- POWER TO SUSPEND AND EXPEL
14 MEMBERS.

15 The commandant director shall administer and enforce all
16 rules adopted by the commissioner commission, including rules
17 of discipline and, subject to these rules, may immediately
18 suspend the membership of and expel any person from the home
19 for infraction of the rules when the commandant director
20 determines that the health, safety or welfare of the residents
21 of the home is in immediate danger and other reasonable
22 alternatives have been exhausted. The suspension and
23 expulsion are temporary pending action by the commissioner
24 director. Judicial review of the action of the commissioner
25 director may be sought in accordance with chapter 17A.

26 Sec. 37. Section 219.19, Code 1987, is amended to read as
27 follows:

28 219.19 DUAL CONVICTION -- PROBATION.

29 A person who, while a member of the home, is twice
30 convicted of an offense against the statutes of the state, or
31 twice found guilty by the commandant director or a court
32 martial of intoxication or other infraction of the rules of
33 the home, shall deposit all of the person's pension money with
34 the commandant director immediately upon receipt of the
35 pension check or warrant. In lieu of trial by the commandant

1 director the member may demand a court martial. The pension
2 money shall be deposited by the ~~commandant~~ director in a
3 separate account for and in behalf of the pensioner and the
4 ~~commandant~~ director shall, under the rules the ~~commissioner~~
5 commission provides, pay the money out with the consent of the
6 pensioner in the manner and for purposes the ~~commissioner~~
7 director approves. If, after a period of six months, the
8 pensioner's conduct is orderly and sober, the deposit shall be
9 returned to the pensioner. If the pensioner is discharged
10 from the home the balance of the deposit shall be paid to the
11 pensioner within thirty days after discharge.

12 Sec. 38. Section 219.21, Code 1987, is amended to read as
13 follows:

14 219.21 REPORT BY ~~COMMISSIONER~~ DIRECTOR.

15 The ~~commissioner~~ director shall, biennially, make a full
16 and detailed report to the governor showing the condition of
17 the home, the number of members in the home, the order and
18 discipline enforced, and the needs of the home financially and
19 otherwise, together with an itemized statement of all receipts
20 and disbursements and any other matters of importance in the
21 management and control of the home.

22 Sec. 39. All rules, regulations, forms, orders, and
23 directives in effect for the Iowa veterans home on the
24 effective date of this Act shall continue in full force and
25 effect as rules, regulations, forms, orders, and directives of
26 the commission on veterans affairs and the director of the
27 department of veterans affairs until amended or supplemented
28 by affirmative action of the director or the commission.

29 Sec. 40. Rules, regulations, forms, orders, and directives
30 of the division of veterans affairs of the department of
31 public defense in effect on the effective date of this Act
32 shall continue in full force and effect until amended,
33 repealed, or supplemented by affirmative action of the
34 department of veterans affairs.

35 Sec. 41. Personnel in the division of veterans affairs of

1 the department of public defense are transferred to the
2 department of veterans affairs and the personnel shall be
3 transferred without any loss in salary, benefits, or accrued
4 years of service.

5 Sec. 42. Sections 29.4 and 35A.5, Code 1987, are repealed.

6 EXPLANATION

7 The bill establishes a department of veterans affairs and
8 abolishes the division of veterans affairs of the department
9 of public defense. The bill also provides that the director
10 of the department of veterans affairs shall be the chief
11 executive of the Iowa veterans home. The offices of the
12 department shall be located at the Iowa veterans home.

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