

Reprinted

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SENATE FILE 2011

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VANDE HOEF, and WELSH

Passed Senate, Date 4/7/92 (p. 246) Passed House, Date 3/27/92 (p. 887)
Vote: Ayes 46 Nays 0 Vote: Ayes 95 Nays 0
Approved April 27, 1992

A BILL FOR

1 An Act relating to veterans affairs, including provisions for the
2 establishment of an independent commission of veterans
3 affairs, for transferring control of the Iowa veterans home to
4 the commission of veterans affairs, for disposition of active
5 duty members of the Iowa veterans home who are charged with an
6 offense, and for properly related matters.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SE 2011

1 Section 1. Section 7E.5, subsection 1, paragraph q, Code
2 1991, 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 1991, is amended
7 by adding the following new lettered paragraph:

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

11 Sec. 3. Section 29.1, Code 1991, 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. The Iowa emergency response
20 commission established by section 30.2 is attached to the
21 department of public defense for organizational purposes.

22 Sec. 4. Section 35.7, Code 1991, is amended to read as
23 follows:

24 35.7 ORPHANS EDUCATIONAL FUND.

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

29 Sec. 5. Section 35.9, Code 1991, is amended to read as
30 follows:

31 35.9 EXPENDITURE BY COMMISSION.

32 Said The commission of the veterans affairs ~~division is~~
33 ~~authorized to~~ may expend not ~~to exceed~~ more than four hundred
34 dollars per year for any one child who ~~shall have~~ has lived in
35 the state of Iowa for two years preceding application for aid

1 hereunder, and who is the child of a person who died during
2 World War I between the dates of April 6, 1917, and June 2,
3 1921, or during World War II between the dates of September
4 16, 1940, and December 31, 1946, both dates inclusive, or the
5 Korean Conflict ~~at-any-time~~ between June 25, 1950, and January
6 31, 1955, both dates inclusive, or the Vietnam Conflict ~~at-any~~
7 ~~time~~ between August 5, 1964, and May 7, 1975, both dates
8 inclusive, while serving in the military or naval forces of
9 the United States, to include members of the reserve
10 components performing service or duties required or authorized
11 under chapter 39, United States Code and Title 32, United
12 States Code, sections 502 through 505, and active state
13 service required or authorized under chapter 29A, or as a
14 result of such service, to defray the expenses of tuition,
15 matriculation, laboratory and similar fees, books and
16 supplies, board, lodging, and any other reasonably necessary
17 expense for such child or children incident to attendance in
18 this state at any an educational or training institution of
19 college grade, or in any a business or vocational training
20 school of with standards approved by said the commission of
21 ~~the veterans affairs division; said educational institutions~~
22 ~~to-be-located-within-the-state-of-Iowa.~~

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

26 Sec. 6. Section 35.10, Code 1991, is amended to read as
27 follows:

28 35.10 ELIGIBILITY AND PAYMENT OF AID.

29 Eligibility for aid hereunder shall be determined upon
30 application to the commission of the veterans affairs
31 ~~division~~, whose decision ~~shall-be~~ is final. The eligibility
32 of eligible applicants shall be certified by the administrator
33 commission of the veterans affairs ~~division~~ to the director of
34 revenue and finance, and all amounts that ~~may-be~~ are or ~~may~~
35 become due to any an individual or any a training institution

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

20 Sec. 7. Section 35A.1, Code 1991, is amended by striking
21 the section and inserting in lieu thereof the following:

22 35A.1 DEFINITIONS.

23 1. "Commandant" means the commandant of the Iowa veterans
24 home appointed in section 219.13.

25 2. "Commission" means the commission of veterans affairs
26 established in section 35A.2.

27 3. "Commissioner" means a member of the commission of
28 veterans affairs.

29 4. "Director" means the executive director appointed
30 pursuant to section 35A.3, subsection 3.

31 Sec. 8. Section 35A.2, Code 1991, is amended by striking
32 the section and inserting in lieu thereof the following:

33 35A.2 COMMISSION OF VETERANS AFFAIRS.

34 1. A commission of veterans affairs is created consisting
35 of seven persons who shall be appointed by the governor,

1 subject to confirmation by the senate. Members shall be
2 appointed to staggered terms of four years. The governor
3 shall fill a vacancy for the unexpired portion of the term.

4 2. Five commissioners shall be honorably discharged
5 members of the armed forces of the United States. The
6 American legion of Iowa, disabled American veterans department
7 of Iowa, veterans of foreign wars department of Iowa, American
8 veterans of World War II, Korea, and Vietnam, and the military
9 order of the purple heart, through their department
10 commanders, shall submit two names respectively from their
11 organizations to the governor. The governor shall appoint
12 from each of the organizations one representative to serve as
13 a member of the commission, unless the appointments would
14 conflict with the bipartisan and gender balance provisions of
15 sections 69.16 and 69.16A. In addition, the governor shall
16 appoint two members of the public, knowledgeable in the
17 general field of veterans affairs, to serve on the commission.

18 3. All offices of the commission shall be located at the
19 Iowa veterans home. All records of the commission shall be
20 maintained at its offices.

21 Sec. 9. Section 35A.3, Code 1991, is amended by striking
22 the section and inserting in lieu thereof the following:

23 35A.3 DUTIES OF THE COMMISSION.

24 The commission shall do all of the following:

25 1. Organize and annually select a chairperson.

26 2. Adopt rules pursuant to chapter 17A and establish
27 policy for the management and operation of the commission.

28 3. Appoint and prescribe the duties of an executive
29 director and other employees as the commission shall deem
30 necessary to carry out the duties of the commission.

31 4. Appoint a commandant to administer the Iowa veterans
32 home.

33 5. Consult with and advise the commandant on policy for
34 the operations and conduct of the Iowa veterans home.

35 6. Maintain information and data concerning the military

1 service records of Iowa veterans.

2 7. Assist county veterans affairs commissions established
3 pursuant to chapter 250. The commission shall provide to
4 county commissions suggested uniform benefits and
5 administrative procedures for carrying out the functions and
6 duties of the county commissions.

7 8. Permanently maintain the records including certified
8 records of bonus applications for awards paid from the war
9 orphans educational fund under chapter 35.

10 9. Collect and maintain information concerning veterans'
11 affairs.

12 10. Conduct two service schools each year for the Iowa
13 association of county commissioners and executive secretaries.

14 11. Assist the United States veterans administration, the
15 Iowa veterans home, funeral directors, and federally chartered
16 veterans service organizations in providing information
17 concerning veterans service records and veterans affairs data.

18 12. Maintain alphabetically a permanent registry of the
19 graves of all persons who served in the military or naval
20 forces of the United States in time of war and whose mortal
21 remains rest in Iowa.

22 Sec. 10. Section 35A.8, Code 1991, is amended by striking
23 the section and inserting in lieu thereof the following:

24 35A.8 EXECUTIVE DIRECTOR -- TERM -- DUTIES.

25 1. The executive director shall be responsible for
26 administering the duties of the commission, other than those
27 related to the Iowa veterans home, and shall serve at the
28 pleasure of the commission.

29 2. The executive director shall be a resident of the state
30 of Iowa and an honorably discharged veteran who served in the
31 armed forces of the United States during a conflict or war.
32 As used in this section, the dates of service in a conflict or
33 war shall coincide with the dates of service established by
34 the Congress of the United States.

35 Sec. 11. Section 35A.9, Code 1991, is amended by striking

1 the section and inserting in lieu thereof the following:

2 35A.9 EXPENSES AND COMPENSATION.

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

7 1. The executive director, commandant, and employees of
8 the commission and the Iowa veterans home are entitled to
9 receive, in addition to salary, reimbursement for actual
10 expenses incurred while engaged in the performance of official
11 duties.

12 2. All out-of-state travel by commissioners, the executive
13 director, the commandant, or employees of the commission or
14 the Iowa veterans home shall be approved by the chairperson of
15 the commission.

16 Sec. 12. Section 110.24, subsection 16, Code Supplement
17 1991, is amended to read as follows:

18 16. Upon payment of the fee of thirty dollars for a
19 lifetime hunting and fishing combined license, the department
20 shall issue a hunting and fishing combined license to a
21 veteran who was disabled during the period of a veteran's
22 service listed in this subsection or who was a prisoner of war
23 during that veteran's military service. The department shall
24 prepare an application to be used by a person requesting a
25 hunting and fishing combined license under this subsection.
26 The commission of veterans affairs division-of-the-department
27 of-public-defense shall assist the department in verifying the
28 status or claims of applicants under this subsection. As used
29 in this subsection, "veteran" means a person who is a resident
30 of Iowa and who served in the armed forces of the United
31 States of America at any time during World War I between the
32 dates of April 6, 1917, and July 2, 1921, World War II between
33 the dates of December 7, 1941, and December 31, 1946, the
34 Korean conflict between the dates of June 27, 1950, and
35 January 31, 1955, the Vietnam conflict between August 5, 1964,

1 and May 7, 1975, or the Persian Gulf conflict between August
2 2, 1990, and the date the president or the congress of the
3 United States declares a permanent cessation of hostilities,
4 all dates inclusive, and "disabled" means entitled to
5 compensation under the United States Code, Title 38, chapter
6 11.

7 Sec. 13. Section 139A.1, subsection 3, Code 1991, is
8 amended to read as follows:

9 3. "~~Division~~" "Commission" means the commission of
10 veterans affairs ~~division-within-the-department-of-public~~
11 ~~defense~~.

12 Sec. 14. Section 139A.2, Code 1991, is amended to read as
13 follows:

14 139A.2 CHEMICAL EXPOSURE REPORT TO ~~DIVISION~~ COMMISSION.

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

21 Sec. 15. Section 139A.3, Code 1991, is amended to read as
22 follows:

23 139A.3 DUTIES OF THE ~~DIVISION~~ COMMISSION.

24 The ~~division~~ commission shall:

25 1. Provide the forms for the reports required in section
26 139A.2. The report form shall require the doctor to provide
27 all of the following:

28 a. Symptoms of the veteran which may be related to
29 exposure to chemicals.

30 b. Diagnosis of the veteran.

31 c. Methods of treatment prescribed.

32 2. Annually compile and evaluate the information submitted
33 in the reports pursuant to subsection 1, in consultation and
34 cooperation with a certified medical toxicologist selected by
35 the ~~division~~ commission. The ~~division~~ commission shall submit

1 the report to the governor, the general assembly, and the
2 United States veterans' administration. The report shall
3 include current research data on the effects of exposure to
4 chemicals, statistical information received from individual
5 physicians' reports, and statistical information from the
6 epidemiological investigations pursuant to subsection 3.

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

14 The division commission shall cooperate with local and
15 state agencies during the course of an investigation.

16 Sec. 16. Section 139A.4, Code 1991, is amended to read as
17 follows:

18 139A.4 CONFIDENTIALITY AND LIABILITY.

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

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

28 Sec. 17. Section 139A.6, unnumbered paragraph 1, Code
29 1991, is amended to read as follows:

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

33 Sec. 18. Section 139A.7, Code 1991, is amended to read as
34 follows:

35 139A.7 FEDERAL PROGRAM.

1 If the ~~administrator-of-the-division~~ commission or the
2 general assembly determines that an agency of the federal
3 government or the state of Iowa is providing the referral and
4 genetic services pursuant to section 139A.6, the ~~administrator~~
5 commission or the general assembly by specific action may
6 discontinue all or part of the services and requirements in
7 this chapter.

8 Sec. 19. Section 139A.8, Code 1991, is amended to read as
9 follows:

10 139A.8 RULES.

11 The ~~division~~ commission shall adopt rules pursuant to
12 chapter 17A to implement this chapter.

13 Sec. 20. Section 139A.9, Code 1991, is amended to read as
14 follows:

15 139A.9 APPROPRIATIONS.

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

19 Sec. 21. Section 218.1, subsection 1, Code 1991, is
20 amended by striking the subsection.

21 Sec. 22. Section 219.1, subsection 2, Code 1991, is
22 amended to read as follows:

23 2. As used in this chapter:

24 a. "Director" "Commandant" means the ~~director~~ commandant
25 of the ~~department-of-human-services~~ Iowa veterans home
26 appointed pursuant to section 219.13.

27 b. "Commission" means the commission of veterans affairs
28 established in section 35A.2.

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

30 Sec. 23. Section 219.2, subsection 1, Code 1991, is
31 amended to read as follows:

32 1. Persons described in section 219.1 who do not have
33 sufficient means for their own support, or are disabled by
34 disease, wounds, old age, or otherwise, and are unable to earn
35 a livelihood, and who are residents of the state of Iowa on

1 the date of the application and immediately preceding the date
2 the application is accepted, may be admitted to the home as
3 members under rules adopted by the director commission.

4 Eligibility determinations are subject to approval by the
5 director commandant.

6 Sec. 24. Section 219.3, Code 1991, is amended to read as
7 follows:

8 219.3 RULES -- GENERAL MANAGEMENT.

9 The director commandant shall adopt all the necessary
10 rules, pursuant to chapter 17A, and subject to the approval of
11 the commission, for the preservation of order and enforcement
12 of discipline, the promotion of health and well-being of all
13 the members and the management and control of the home and its
14 grounds.

15 Sec. 25. Section 219.4, subsection 2, Code 1991, is
16 amended to read as follows:

17 2. The cottages may be made available to persons on the
18 staff of the home at a rental rate determined by the director
19 commission.

20 Sec. 26. Section 219.7, subsection 3, Code 1991, is
21 amended to read as follows:

22 3. The director commandant may require any member of the
23 home to render assistance in the care of the home and its
24 grounds as the member's psycho-social and physical condition
25 will permit, as a phase of that member's rehabilitation
26 program. The director commandant shall compensate each member
27 who furnishes assistance at rates established by the director
28 commission.

29 Sec. 27. Section 219.8, Code 1991, is amended to read as
30 follows:

31 219.8 CONDITIONAL ADMITTANCE.

32 The director commission may, if there is room for all
33 dependent members and applicants, admit and allow to remain in
34 the home persons who have sufficient means for their own
35 support but are otherwise eligible to become members of the

1 home, on payment of the cost of their support. The cost and
2 method of collection shall be determined by the director
3 commission.

4 Sec. 28. Section 219.11, subsection 2, Code 1991, is
5 amended to read as follows:

6 2. The commandant, if authorized by a member of the home,
7 and pursuant to policies adopted by the director commission,
8 may act on behalf of that member in receiving, disbursing, and
9 accounting for personal funds of the member received from any
10 source. The authorization may be given by the member at any
11 time and shall not be a condition of admission to the home.

12 Sec. 29. Section 219.12, subsection 2, Code 1991, is
13 amended to read as follows:

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

20 Sec. 30. Section 219.13, Code 1991, is amended to read as
21 follows:

22 219.13 COMMANDANT.

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

31 2. The commandant must be a resident of the state of Iowa,
32 and an honorably discharged veteran who served in the armed
33 forces of the United States during a conflict or war, and a
34 licensed nursing home administrator. As used in this section,
35 the dates of service in a conflict or war shall coincide with

1 the dates of service established by the Congress of the United
2 States.

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

9 Sec. 31. NEW SECTION. 219.14 EXPENSES AND COMPENSATION.

10 The commandant and employees of the Iowa veterans home are
11 entitled to receive, in addition to salary, reimbursement for
12 actual expenses incurred while engaged in the performance of
13 official duties pursuant to section 35A.9.

14 Sec. 32. Section 219.18, Code 1991, is amended to read as
15 follows:

16 219.18 RULES ENFORCED -- POWER TO SUSPEND AND EXPEL
17 MEMBERS.

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

29 Sec. 33. Section 219.19, Code 1991, is amended by striking
30 the section and inserting in lieu thereof the following:

31 219.19 DISPOSITIONS OF ACTIVE DUTY MEMBERS CHARGED WITH
32 OFFENSE.

33 A person on active duty in the state military forces
34 subject to the provisions of chapter 29B, or on active duty in
35 the federal military forces subject to 10 U.S.C. chapter 47,

1 charged with an offense under either code, may be summarily
2 delivered to the appropriate state or federal branch of the
3 military for disciplinary action or trial.

4 Sec. 34. Section 219.21, Code 1991, is amended to read as
5 follows:

6 219.21 REPORT BY DIRECTOR COMMANDANT.

7 The ~~director~~ commandant shall, biennially, make a full and
8 detailed report to the governor, the commission, and the
9 general assembly, showing the condition of the home, the
10 number of members in the Iowa veterans home, the order and
11 discipline enforced, and the needs of the home financially and
12 otherwise, together with an itemized statement of all receipts
13 and disbursements and any other matters of importance in the
14 management and control of the Iowa veterans home.

15 Sec. 35. Section 250.11, Code 1991, is amended to read as
16 follows:

17 250.11 DATA FURNISHED STATE COMMISSION.

18 The commission of veteran affairs of each county shall
19 provide information to the state commission of the veterans
20 affairs ~~division-of-the-department-of-public-defense~~ as the
21 state commission may request.

22 Sec. 36. Section 250.19, Code 1991, is amended to read as
23 follows:

24 250.19 BURIAL RECORDS.

25 The county commission of veteran affairs shall be charged
26 with securing the information requested by the commission of
27 veterans affairs ~~division-of-the-department-of-public-defense~~
28 of every person having a military service record and buried in
29 that county. Such information shall be secured from the
30 undertaker in charge of the burial and shall be transmitted by
31 the undertaker to the commission of veteran affairs of the
32 county where burial is made. This information shall be
33 recorded alphabetically and by description of location in the
34 cemetery where the veteran is buried. This recording shall
35 conform to the directives of the ~~division~~ state commission of

1 veterans affairs and shall be kept in a book by the county
2 commission.

3 Sec. 37. Section 331.608, subsection 1, Code 1991, is
4 amended to read as follows:

5 1. The recorder shall maintain a special book in which,
6 upon request, the discharge of a veteran shall be recorded
7 without charge. The discharge book shall be a uniform type,
8 kind, and form approved by the commission of veterans affairs
9 ~~division-of-the-department-of-public-defense-and-the-adjutant~~
10 ~~general-of-the-state.~~

11 Sec. 38. Sections 29.4, 35A.4, 35A.5, 35A.6, and 35A.7,
12 Code 1991, are repealed.

13 Sec. 39. All rules, regulations, forms, orders, and
14 directives in effect for the Iowa veterans home on the
15 effective date of this Act shall continue in full force and
16 effect as rules, regulations, forms, orders, and directives of
17 the commission of veterans affairs until amended, repealed, or
18 supplemented by affirmative action of the commission or
19 commandant.

20 Sec. 40. Rules, regulations, forms, orders, and directives
21 of the division of veterans affairs of the department of
22 public defense in effect on the effective date of this Act
23 shall continue in full force and effect until amended,
24 repealed, or supplemented by affirmative action of the
25 commission of veterans affairs.

26 Sec. 41. TRANSITION. The five members of the commission
27 of the veterans affairs division of the department of public
28 defense abolished by this Act serving unexpired terms on the
29 effective date of this Act may serve as members of the
30 commission of veterans affairs established under section 35A.3
31 until the expiration of the terms to which they were appointed
32 as members of the commission of the veterans affairs division
33 of the department of public defense. The sixth and seventh
34 members shall serve until June 30, 1996. Their successors
35 shall be appointed as provided in section 35A.2. A commission

1 commission and the commandant of the Iowa veterans home be ap-
2 pointed by the commission to serve at the pleasure of the com-
3 mission. The executive director will be required to be a
4 resident of Iowa and an honorably discharged veteran who
5 served in the armed forces of the United States during a
6 conflict or war. The commandant will be required to be a
7 licensed nursing home administrator.

8 The bill also provides that a member of the Iowa veterans
9 home who is on active duty with state or federal military
10 forces who commits an offense, may be delivered to the
11 appropriate branch of the state or federal military forces for
12 disciplinary action or trial.

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SENATE FILE 2011
FISCAL NOTE

REQ. BY SENATOR HUSAK

A fiscal note for Senate File 2011 as amended by S. 5003 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate Amendment 5003 eliminates the requirement that the Division of Veterans Affairs of the Department of Public Defense (DPD) be relocated to the Veterans Home and allows until December 31, 1992, for the Department of Human Services and DPD to consolidate necessary records, furnishings and supplies.

ASSUMPTIONS

1. Staff responsibilities and functions of the Division of Veterans Affairs would remain housed in its current quarters.
2. The existing staff at the Marshalltown facility would handle all accounting responsibilities.
3. The Division of Veterans Affairs would continue to utilize the computer equipment of the Military Division of the DPD.
4. No new office or storage space would be necessary as the Division will maintain its current quarters.
5. The position of Administrator of Veterans Affairs would be downgraded to a PSE II position to make it a middle management position rather than a division director.

FISCAL EFFECT: The amendment, S. 5003, would result in a savings of \$4,103 in FY 1993 and FY 1994.

(SOURCES: Departments of Public Defense and Human Services)

(LSB 5095ss.2, DPW)

FILED FEBRUARY 4, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2011
FISCAL NOTE

A fiscal note for Senate File 2011 is hereby submitted pursuant to Joint 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2011 expands the membership of the Commission of Veterans Affairs to 7. The Division of Veterans Affairs in the Department of Public Defense is abolished and those duties are transferred to the Commission.

The Iowa Veterans Home of the Department of Human Services, will be administered by the Commission. Funds appropriated to these agencies will be allocated to the Commission.

The offices of the Commission will be located at the Veterans Home and the Executive Director of the Commission and the Commandant of the Veterans Home will be appointed by the Commission. The Executive Director will be required to be a resident of Iowa and an honorably discharged veteran who served in the armed forces of the United States during a conflict of War. The Commandant will be required to be a licensed nursing home administrator.

The bill also provides that a member of the Iowa Veterans Home who is on active duty with State or federal military forces who commits an offense, may be delivered to the appropriate branch of the State or federal military forces for disciplinary action or trial.

ASSUMPTIONS

1. All staff, responsibilities, and functions would be moved to Marshalltown.
2. The existing staff at the Marshalltown facility would handle all accounting responsibilities.
3. A computer system would need to be purchased to store automated records. Currently the Division of Veterans Affairs utilizes the computer equipment of the Military Division of the DPD and the Marshalltown facility does not have a computer system.
4. Marshalltown has some office space available, but no space for storage of permanent records. An addition to the Marshalltown facility would be necessary if the records are going to be transferred as the hard copies of records need to be accessible for daily reference by staff and for filing purposes for the Graves Registrar.
5. The position of Administrator of Veterans Affairs would be downgraded to a PSE II position to make it a middle management position rather than a division director.

FISCAL EFFECT: Total costs to relocate the Veterans Affairs Division to the

-2-

Veterans Home and add three additional commissioners would be \$166,492 in FY 1993 and a savings of \$4,108 in FY 1994.

(SOURCES: Departments of Public Defense and Human Services) (LSB 5095-8, DPW)

SENATE FILE 2011

S-5003

- 1 Amend Senate File 2011 as follows:
- 2 1. Page 4, by striking lines 18 through 20.
- 3 2. Page 15, line 20, by striking the words "Iowa
- 4 veterans home" and inserting the following:
- 5 "commission of veterans affairs".

By COMMITTEE ON STATE GOVERNMENT
JOHN P. KIBBIE, CHAIRPERSON

S-5003 FILED JANUARY 23, 1992

adopted 2/7/92 (p. 245)

SENATE FILE 2011

S-5004

~~1 Amend Senate File 2011 as follows:~~

- 2 1. Page 12, line 27, by striking the word
- 3 "commandant" and inserting the following:
- 4 "commission".

By WILLIAM W. DIELEMAN

S-5004 FILED JANUARY 23, 1992

adopted 2/7/92 (p. 245)

SENATE FILE 2011

S-5011

- 1 Amend amendment, S-5003, to Senate File 2011, as
- 2 follows:
- 3 1. Page 1, line 2, by inserting after the figure
- 4 "20" the following: ", and inserting the following:
- 5 3. The office of the commission shall be located
- 6 at the Iowa veterans home."
- 7 2. By renumbering and as necessary.

By JOHN KIBBIE
EMIL HUSAK

S-5011 FILED JANUARY 29, 1992

adopted 2/7/92 (p. 245)

SENATE FILE 2011

S-5035

1 Amend Senate File 2011 as follows:

2 1. Page 4, by striking lines 31 and 32.

3 2. Page 4, line 33, by striking the words
4 "Consult with and advise the commandant on" and
5 inserting the following: "Supervise the commandant's
6 administration of commission".

7 3. Page 10, by striking lines 9 through 11 and
8 inserting the following:

9 "The ~~director~~ commission shall adopt all the
10 necessary rules, pursuant to chapter 17A, for the
11 preservation of order and enforcement".

12 4. Page 11, by striking line 23 and inserting the
13 following:

14 "1. The ~~director~~ governor shall appoint a
15 commandant, subject to senate confirmation, who".

16 5. Page 11, line 26, by striking the word
17 "commission" and inserting the following: "governor".

18 6. Page 12, by striking lines 3 and 4 and
19 inserting the following:

20 "3. The salary of the commandant shall receive-an
21 annual-salary-as-the-director-may-determine be fixed
22 by the governor within salary guidelines or a range
23 established by the general assembly. In addition to
24 salary, the".

25 7. By renumbering as necessary.

By EMIL J. HUSAK

WILLIAM W. DIELEMAN

S-5035 FILED FEBRUARY 7, 1992
ADOPTED 2/7/92 (p 245)

House State Govt
Bill (5158) - To Pass 2/27

SENATE FILE 2011
BY HUSAK, BOSWELL, DIELEMAN,
FRAISE, KIBBIE, SOORHOLTZ
VANDE HOEF, and WELSH

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 7, 1992)

_____ - New Language by the Senate
* - Language Stricken by the Senate

Re Passed Senate, Date 4/6/92 (p.1220) Passed House, Date 3/27/92 (p.587)
Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 0
Approved April 27, 1992 (p.1670)
Re Passed House 4/10/92 (p.1290)
Ayes 96 - Nays 0

A BILL FOR

1 An Act relating to veterans affairs, including provisions for the
2 establishment of an independent commission of veterans
3 affairs, for transferring control of the Iowa veterans home to
4 the commission of veterans affairs, for disposition of active
5 duty members of the Iowa veterans home who are charged with an
6 offense, and for properly related matters.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF. 2011

1 Section 1. Section 7E.5, subsection 1, paragraph q, Code
2 1991, 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 1991, is amended
7 by adding the following new lettered paragraph:

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

11 Sec. 3. Section 29.1, Code 1991, 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. The Iowa emergency response
20 commission established by section 30.2 is attached to the
21 department of public defense for organizational purposes.

22 Sec. 4. Section 35.7, Code 1991, is amended to read as
23 follows:

24 35.7 ORPHANS EDUCATIONAL FUND.

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

29 Sec. 5. Section 35.9, Code 1991, is amended to read as
30 follows:

31 35.9 EXPENDITURE BY COMMISSION.

32 ~~Said~~ The commission of ~~the veterans affairs division-is~~
33 ~~authorized-to~~ may expend not to exceed more than four hundred
34 dollars per year for any one child who ~~shall-have~~ has lived in
35 the state of Iowa for two years preceding application for aid

1 hereunder, and who is the child of a person who died during
2 World War I between the dates of April 6, 1917, and June 2,
3 1921, or during World War II between the dates of September
4 16, 1940, and December 31, 1946, both dates inclusive, or the
5 Korean Conflict ~~at-any-time~~ between June 25, 1950, and January
6 31, 1955, both dates inclusive, or the Vietnam Conflict ~~at-any~~
7 ~~time~~ between August 5, 1964, and May 7, 1975, both dates
8 inclusive, while serving in the military or naval forces of
9 the United States, to include members of the reserve
10 components performing service or duties required or authorized
11 under chapter 39, United States Code and Title 32, United
12 States Code, sections 502 through 505, and active state
13 service required or authorized under chapter 29A, or as a
14 result of such service, to defray the expenses of tuition,
15 matriculation, laboratory and similar fees, books and
16 supplies, board, lodging, and any other reasonably necessary
17 expense for such child or children incident to attendance in
18 this state at any an educational or training institution of
19 college grade, or in any a business or vocational training
20 school of with standards approved by ~~said the~~ the commission of
21 the veterans affairs division, ~~said-educational-institutions~~
22 ~~to-be-located-within-the-state-of-Iowa.~~

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

26 Sec. 6. Section 35.10, Code 1991, is amended to read as
27 follows:

28 35.10 ELIGIBILITY AND PAYMENT OF AID.

29 Eligibility for aid hereunder shall be determined upon
30 application to the commission of the veterans affairs
31 ~~division~~, whose decision ~~shall-be~~ is final. The eligibility
32 of eligible applicants shall be certified by the ~~administrator~~
33 commission of the veterans affairs ~~division~~ to the director of
34 revenue and finance, and all amounts that ~~may-be~~ are or may
35 become due to any an individual or any a training institution

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

20 Sec. 7. Section 35A.1, Code 1991, is amended by striking
21 the section and inserting in lieu thereof the following:

22 35A.1 DEFINITIONS.

23 1. "Commandant" means the commandant of the Iowa veterans
24 home appointed in section 219.13.

25 2. "Commission" means the commission of veterans affairs
26 established in section 35A.2.

27 3. "Commissioner" means a member of the commission of
28 veterans affairs.

29 4. "Director" means the executive director appointed
30 pursuant to section 35A.3, subsection 3.

31 Sec. 8. Section 35A.2, Code 1991, is amended by striking
32 the section and inserting in lieu thereof the following:

33 35A.2 COMMISSION OF VETERANS AFFAIRS.

34 1. A commission of veterans affairs is created consisting
35 of seven persons who shall be appointed by the governor,

1 subject to confirmation by the senate. Members shall be
2 appointed to staggered terms of four years. The governor
3 shall fill a vacancy for the unexpired portion of the term.

4 2. Five commissioners shall be honorably discharged
5 members of the armed forces of the United States. The
6 American legion of Iowa, disabled American veterans department
7 of Iowa, veterans of foreign wars department of Iowa, American
8 veterans of World War II, Korea, and Vietnam, and the military
9 order of the purple heart, through their department
10 commanders, shall submit two names respectively from their
11 organizations to the governor. The governor shall appoint
12 from each of the organizations one representative to serve as
13 a member of the commission, unless the appointments would
14 conflict with the bipartisan and gender balance provisions of
15 sections 69.16 and 69.16A. In addition, the governor shall
16 appoint two members of the public, knowledgeable in the
17 general field of veterans affairs, to serve on the commission.

18 3. The office of the commission shall be located at the
19 Iowa veterans home.

20 Sec. 9. Section 35A.3, Code 1991, is amended by striking
21 the section and inserting in lieu thereof the following:

22 35A.3 DUTIES OF THE COMMISSION.

23 The commission shall do all of the following:

- 24 1. Organize and annually select a chairperson.
- 25 2. Adopt rules pursuant to chapter 17A and establish
- 26 policy for the management and operation of the commission.

515827 3. Appoint and prescribe the duties of an executive
28 director and other employees as the commission shall deem
29 necessary to carry out the duties of the commission.

* 30 4. Supervise the commandant's administration of commission
31 policy for the operations and conduct of the Iowa veterans
32 home.

33 5. Maintain information and data concerning the military
34 service records of Iowa veterans.

35 6. Assist county veterans affairs commissions established

1 pursuant to chapter 250. The commission shall provide to
2 county commissions suggested uniform benefits and
3 administrative procedures for carrying out the functions and
4 duties of the county commissions.

5 7. Permanently maintain the records including certified
6 records of bonus applications for awards paid from the war
7 orphans educational fund under chapter 35.

8 8. Collect and maintain information concerning veterans'
9 affairs.

10 9. Conduct two service schools each year for the Iowa
11 association of county commissioners and executive secretaries.

12 10. Assist the United States veterans administration, the
13 Iowa veterans home, funeral directors, and federally chartered
14 veterans service organizations in providing information
15 concerning veterans service records and veterans affairs data.

16 11. Maintain alphabetically a permanent registry of the
17 graves of all persons who served in the military or naval
18 forces of the United States in time of war and whose mortal
19 remains rest in Iowa.

20 Sec. 10. Section 35A.8, Code 1991, is amended by striking
21 the section and inserting in lieu thereof the following:

22 35A.8 EXECUTIVE DIRECTOR -- TERM -- DUTIES.

23 1. The executive director shall be responsible for
24 administering the duties of the commission, other than those
25 related to the Iowa veterans home, and shall serve at the
26 pleasure of the commission.

27 2. The executive director shall be a resident of the state
28 of Iowa and an honorably discharged veteran who served in the
29 armed forces of the United States during a conflict or war.
30 As used in this section, the dates of service in a conflict or
31 war shall coincide with the dates of service established by
32 the Congress of the United States.

33 Sec. 11. Section 35A.9, Code 1991, is amended by striking
34 the section and inserting in lieu thereof the following:

35 35A.9 EXPENSES AND COMPENSATION.

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

5 1. The executive director, commandant, and employees of
6 the commission and the Iowa veterans home are entitled to
7 receive, in addition to salary, reimbursement for actual
8 expenses incurred while engaged in the performance of official
9 duties.

10 2. All out-of-state travel by commissioners, the executive
11 director, the commandant, or employees of the commission or
12 the Iowa veterans home shall be approved by the chairperson of
13 the commission.

14 Sec. 12. Section 110.24, subsection 16, Code Supplement
15 1991, is amended to read as follows:

16 16. Upon payment of the fee of thirty dollars for a
17 lifetime hunting and fishing combined license, the department
18 shall issue a hunting and fishing combined license to a
19 veteran who was disabled during the period of a veteran's
20 service listed in this subsection or who was a prisoner of war
21 during that veteran's military service. The department shall
22 prepare an application to be used by a person requesting a
23 hunting and fishing combined license under this subsection.
24 ~~The commission of veterans affairs division-of-the-department~~
25 ~~of-public-defense~~ shall assist the department in verifying the
26 status or claims of applicants under this subsection. As used
27 in this subsection, "veteran" means a person who is a resident
28 of Iowa and who served in the armed forces of the United
29 States of America at any time during World War I between the
30 dates of April 6, 1917, and July 2, 1921, World War II between
31 the dates of December 7, 1941, and December 31, 1946, the
32 Korean conflict between the dates of June 27, 1950, and
33 January 31, 1955, the Vietnam conflict between August 5, 1964,
34 and May 7, 1975, or the Persian Gulf conflict between August
35 2, 1990, and the date the president or the congress of the

1 United States declares a permanent cessation of hostilities,
2 all dates inclusive, and "disabled" means entitled to
3 compensation under the United States Code, Title 38, chapter
4 11.

5 Sec. 13. Section 139A.1, subsection 3, Code 1991, is
6 amended to read as follows:

7 3. "~~Division~~" "Commission" means the commission of
8 veterans affairs ~~division-within-the-department-of-public~~
9 ~~defense~~.

10 Sec. 14. Section 139A.2, Code 1991, is amended to read as
11 follows:

12 139A.2 CHEMICAL EXPOSURE REPORT TO ~~DIVISION~~ COMMISSION.

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

19 Sec. 15. Section 139A.3, Code 1991, is amended to read as
20 follows:

21 139A.3 DUTIES OF THE ~~DIVISION~~ COMMISSION.

22 The ~~division~~ commission shall:

23 1. Provide the forms for the reports required in section
24 139A.2. The report form shall require the doctor to provide
25 all of 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~~ commission. The ~~division~~ commission 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 commission. The
10 division commission shall obtain consent from a veteran before
11 conducting the investigations.

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

14 Sec. 16. Section 139A.4, Code 1991, is amended to read as
15 follows:

16 139A.4 CONFIDENTIALITY AND LIABILITY.

17 The division commission 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 commission 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. 17. Section 139A.6, unnumbered paragraph 1, Code
27 1991, is amended to read as follows:

28 The division commission 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. 18. Section 139A.7, Code 1991, is amended to read as
32 follows:

33 139A.7 FEDERAL PROGRAM.

34 If the ~~administrator of the~~ division commission or the
35 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 commission or the general assembly by specific action may
4 discontinue all or part of the services and requirements in
5 this chapter.

6 Sec. 19. Section 139A.8, Code 1991, is amended to read as
7 follows:

8 139A.8 RULES.

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

11 Sec. 20. Section 139A.9, Code 1991, is amended to read as
12 follows:

13 139A.9 APPROPRIATIONS.

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

17 Sec. 21. Section 218.1, subsection 1, Code 1991, is
18 amended by striking the subsection.

19 Sec. 22. Section 219.1, subsection 2, Code 1991, is
20 amended to read as follows:

21 2. As used in this chapter:

22 a. "~~Director~~" "Commandant" means the ~~director~~ commandant
23 of the ~~department-of-human-services~~ Iowa veterans home
24 appointed pursuant to section 219.13.

25 b. "Commission" means the commission of veterans affairs
26 established in section 35A.2.

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

28 Sec. 23. Section 219.2, subsection 1, Code 1991, is
29 amended to read as follows:

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

1 members under rules adopted by the director commission.
2 Eligibility determinations are subject to approval by the
3 director commandant.

4 Sec. 24. Section 219.3, Code 1991, is amended to read as
5 follows:

6 219.3 RULES -- GENERAL MANAGEMENT.

7 The director commission shall adopt all the necessary
8 rules, pursuant to chapter 17A, for the preservation of order
9 and enforcement of discipline, the promotion of health and
10 well-being of all the members and the management and control
11 of the home and its grounds.

12 Sec. 25. Section 219.4, subsection 2, Code 1991, is
13 amended to read as follows:

14 2. The cottages may be made available to persons on the
15 staff of the home at a rental rate determined by the director
16 commission.

17 Sec. 26. Section 219.7, subsection 3, Code 1991, is
18 amended to read as follows:

19 3. The director commandant may require any member of the
20 home to render assistance in the care of the home and its
21 grounds as the member's psycho-social and physical condition
22 ~~will~~ permit, as a phase of that member's rehabilitation
23 program. The director commandant shall compensate each member
24 who furnishes assistance at rates established by the director
25 commission.

26 Sec. 27. Section 219.8, Code 1991, is amended to read as
27 follows:

28 219.8 CONDITIONAL ADMITTANCE.

29 The director commission may, if there is room for all
30 dependent members and applicants, admit and allow to remain in
31 the home persons who have sufficient means for their own
32 support but are otherwise eligible to become members of the
33 home, on payment of the cost of their support. The cost and
34 method of collection shall be determined by the director
35 commission.

1 Sec. 28. Section 219.11, subsection 2, Code 1991, is
2 amended to read as follows:

3 2. The commandant, if authorized by a member of the home,
4 and pursuant to policies adopted by the director commission,
5 may act on behalf of that member in receiving, disbursing, and
6 accounting for personal funds of the member received from any
7 source. The authorization may be given by the member at any
8 time and shall not be a condition of admission to the home.

9 Sec. 29. Section 219.12, subsection 2, Code 1991, is
10 amended to read as follows:

11 2. The commandant, if authorized by a member of the home,
12 and pursuant to policies adopted by the director commission,
13 may make withdrawals against that member's personal account to
14 pay regular bills and other expenses incurred by the member.
15 The authorization may be given by the member at any time and
16 shall not be a condition of admission to the home.

17 Sec. 30. Section 219.13, Code 1991, is amended to read as
18 follows:

19 219.13 COMMANDANT.

20 1. The director governor shall appoint a commandant,
21 subject to senate confirmation, who shall be the person
22 responsible for handling veterans affairs for the department
23 of human services, shall serve at the pleasure of the governor
24 as the chief executive of the home and. The commandant shall
25 report directly to the commission and shall have the immediate
26 custody and control, subject to the orders of the director or
27 the director's designee commission, of all property used in
28 connection with the home.

29 2. The commandant must be a resident of the state of Iowa,
30 and an honorably discharged veteran who served in the armed
31 forces of the United States during a conflict or war, and a
32 licensed nursing home administrator. As used in this section,
33 the dates of service in a conflict or war shall coincide with
34 the dates of service established by the Congress of the United
35 States.

1 3. The salary of the commandant shall receive-an-annual
2 salary-as-the-director-may-determine be fixed by the governor
3 within salary guidelines or a range established by the general
4 assembly. In addition to salary, the director commission
5 shall furnish the commandant with a dwelling house or with
6 appropriate quarters and additional allowances, as provided in
7 section 218.14 for executive heads of state institutions.

8 Sec. 31. NEW SECTION. 219.14 EXPENSES AND COMPENSATION.

9 The commandant and employees of the Iowa veterans home are
10 entitled to receive, in addition to salary, reimbursement for
11 actual expenses incurred while engaged in the performance of
12 official duties pursuant to section 35A.9.

13 Sec. 32. Section 219.18, Code 1991, is amended to read as
14 follows:

15 219.18 RULES ENFORCED -- POWER TO SUSPEND AND EXPEL
16 MEMBERS.

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

28 Sec. 33. Section 219.19, Code 1991, is amended by striking
29 the section and inserting in lieu thereof the following:

30 219.19 DISPOSITIONS OF ACTIVE DUTY MEMBERS CHARGED WITH
31 OFFENSE.

32 A person on active duty in the state military forces
33 subject to the provisions of chapter 29B, or on active duty in
34 the federal military forces subject to 10 U.S.C. chapter 47,
35 charged with an offense under either code, may be summarily

1 delivered to the appropriate state or federal branch of the
2 military for disciplinary action or trial.

3 Sec. 34. Section 219.21, Code 1991, is amended to read as
4 follows:

5 219.21 REPORT BY ~~DIRECTOR~~ COMMANDANT.

6 The ~~director~~ commandant shall, biennially, make a full and
7 detailed report to the governor, the commission, and the
8 general assembly, showing the condition of the home, the
9 number of members in the Iowa veterans home, the order and
10 discipline enforced, and the needs of the home financially and
11 otherwise, together with an itemized statement of all receipts
12 and disbursements and any other matters of importance in the
13 management and control of the Iowa veterans home.

14 Sec. 35. Section 250.11, Code 1991, is amended to read as
15 follows:

16 250.11 DATA FURNISHED STATE COMMISSION.

17 The commission of veteran affairs of each county shall
18 provide information to the state commission of the veterans
19 ~~affairs division-of-the-department-of-public-defense~~ as the
20 state commission may request.

21 Sec. 36. Section 250.19, Code 1991, is amended to read as
22 follows:

23 250.19 BURIAL RECORDS.

24 The county commission of veteran affairs shall be charged
25 with securing the information requested by the commission of
26 ~~veterans affairs division-of-the-department-of-public-defense~~
27 of every person having a military service record and buried in
28 that county. Such information shall be secured from the
29 undertaker in charge of the burial and shall be transmitted by
30 the undertaker to the commission of veteran affairs of the
31 county where burial is made. This information shall be
32 recorded alphabetically and by description of location in the
33 cemetery where the veteran is buried. This recording shall
34 conform to the directives of the ~~division~~ state commission of
35 veterans affairs and shall be kept in a book by the county

1 commission.

2 Sec. 37. Section 331.608, subsection 1, Code 1991, is
3 amended to read as follows:

4 1. The recorder shall maintain a special book in which,
5 upon request, the discharge of a veteran shall be recorded
6 without charge. The discharge book shall be a uniform type,
7 kind, and form approved by the commission of veterans affairs
8 ~~division-of-the-department-of-public-defense-and-the-adjutant~~
9 ~~general-of-the-state.~~

10 Sec. 38. Sections 29.4, 35A.4, 35A.5, 35A.6, and 35A.7,
11 Code 1991, are repealed.

12 Sec. 39. All rules, regulations, forms, orders, and
13 directives in effect for the Iowa veterans home on the
14 effective date of this Act shall continue in full force and
15 effect as rules, regulations, forms, orders, and directives of
16 the commission of veterans affairs until amended, repealed, or
17 supplemented by affirmative action of the commission or
18 commandant.

19 Sec. 40. Rules, regulations, forms, orders, and directives
20 of the division of veterans affairs of the department of
21 public defense in effect on the effective date of this Act
22 shall continue in full force and effect until amended,
23 repealed, or supplemented by affirmative action of the
24 commission of veterans affairs.

25 Sec. 41. TRANSITION. The five members of the commission
26 of the veterans affairs division of the department of public
27 defense abolished by this Act serving unexpired terms on the
28 effective date of this Act may serve as members of the
29 commission of veterans affairs established under section 35A.3
30 until the expiration of the terms to which they were appointed
31 as members of the commission of the veterans affairs division
32 of the department of public defense. The sixth and seventh
33 members shall serve until June 30, 1996. Their successors
34 shall be appointed as provided in section 35A.2. A commission
35 member is eligible for reappointment.

1 Sec. 42. TRANSFER. On the effective date of this Act, the
2 director of revenue and finance shall allocate to the
3 commission of veterans affairs any funds appropriated to the
4 department of public defense for the veterans affairs division
5 abolished by this Act.

6 Sec. 43. TRANSFER. On the effective date of this Act, the
7 director of revenue and finance shall allocate to the
8 commission of veterans affairs any funds appropriated to the
9 department of human services for the Iowa veterans home and
10 the department of human services shall take all actions
11 necessary to transfer administration and control of the Iowa
12 veterans home to the commission of veterans affairs, including
13 but not limited to, the assignment of contracts and transfer
14 of records and supplies as applicable.

515 15 Sec. 44. RELOCATION. The commission of veterans affairs
16 shall have until December 31, 1992, if necessary, to complete
17 the relocation of office supplies, furnishings, and records,
18 from the department of defense and the department of human
19 services to the commission of veterans affairs.

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SENATE FILE 2011

H-5127

1 Amend Senate File 2011, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 11, line 20, by inserting after the word
4 "director" the following: "commission shall submit
5 three names to the governor, from which the".

By BURKE of Marshall

H-5127 FILED FEBRUARY 20, 1992

w/d. 3/27 (p. 887)

SENATE FILE 2011

H-5158

1 Amend Senate File 2011, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 27, by striking the words
4 "Appoint and prescribe" and inserting the following:
5 "Prescribe".
6 2. Page 5, by striking lines 23 through 26 and
7 inserting the following:
8 "1. The governor shall appoint an executive
9 director who shall serve at the pleasure of the
10 governor. The executive director is responsible for
11 administering the duties of the commission other than
12 those related to the Iowa veterans home."
13 3. Page 15, line 17, by inserting after the word
14 "of" the following: "the commission's own".
15 4. Page 15, line 19, by inserting after the word
16 "affairs" the following: "as provided in section
17 35A.2, subsection 3."
18 5. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT
BLANSHAN of Greene, Chairperson

H-5158 FILED FEBRUARY 27, 1992

Adopted 3/27 (p. 887)

SENATE FILE 2011

H-5168

1 Amend the amendment, H-5158, to Senate File 2011,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 9, by inserting after the word
5 "director" the following: ", subject to senate
6 confirmation,".
7 2. By renumbering as necessary.

By BURKE of Marshall

H-5168 FILED MARCH 2, 1992

w/d. 3/27 (p. 887)

SENATE FILE 2011

H-5208

1 Amend the Committee amendment, H-5158, to Senate
2 File 2011, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 1, by inserting after line 2 the fol-
5 lowing:

6 "_____. Page 1, by striking line 5 and inserting
7 the following: "forces, disaster services, and
8 veterans affairs, and the Iowa veterans home."

9 _____ Page 1, by striking lines 6 through 21 and
10 inserting the following:

11 "Sec. _____. Section 29.1, Code 1991, is amended to
12 read as follows:

13 29.1 DEPARTMENT OF PUBLIC DEFENSE.

14 The department of public defense is composed of the
15 military division, the disaster services division, and
16 the veterans affairs division. The adjutant general
17 is the director of the department of public defense
18 and the budget and personnel of all of the divisions,
19 other than the division of veterans affairs, are
20 subject to the approval of the adjutant general. The
21 Iowa emergency response commission established by
22 section 30.2 is attached to the department of public
23 defense for organizational purposes.

24 Sec. _____. Section 29.4, Code 1991, is amended to
25 read as follows:

26 29.4 VETERANS AFFAIRS DIVISION.

27 A veterans affairs division is created within the
28 department of public defense with ~~an administrator to~~
29 manage a commission responsible for the budgetary and
30 personnel decisions for the division. The adjutant
31 general as director of the department of public
32 defense shall exercise supervisory authority over the
33 commission and the division pursuant to section
34 35A.7."

35 _____ Page 3, by inserting after line 22 the
36 following:

37 "_____. "Administrator" means the administrator of
38 the division of veterans affairs of the department of
39 public defense."

40 _____ Page 3, by striking lines 29 and 30 and
41 inserting the following:

42 "_____. "Division" means the division of veterans
43 affairs of the department of public defense."

44 _____ Page 4, line 26, by inserting after the word
45 "commission" the following: "and the division"."

46 2. Page 1, by striking lines 3 through 5 and
47 inserting the following:

48 "_____. Page 4, by striking line 27 and inserting
49 the following:

50 "3. Prescribe the duties of an administrator".

H-5208

H-5208

Page 2

1 . Page 4, line 28, by striking the word
2 "director".

3 . Page 5, by inserting after line 19 the
4 following:
5 "Sec. . Section 35A.7, Code 1991, is amended by
6 striking the section and inserting in lieu thereof the
7 following:
8 35A.7 POWERS AND DUTIES OF THE ADJUTANT GENERAL.
9 The adjutant general as the director of the
10 department of public defense shall:
11 1. Receive budgets submitted by the commission and
12 reconcile the budgets among the divisions of the
13 department of public defense.
14 2. Coordinate and supervise personnel services and
15 shared administrative support services to assure
16 maximum support and assistance to the division.
17 3. Identify and, with the administrator,
18 facilitate the opportunities for consolidation and
19 operational efficiencies for the division within the
20 department.
21 4. In cooperation with the commission, make
22 recommendations to the governor regarding the
23 appointment of the administrator of the division.
24 5. Serve as an ex officio member of the
25 commission.""

26 3. Page 1, by striking lines 6 through 12 and
27 inserting the following:
28 . Page 5, by striking lines 22 through 26 and
29 inserting the following:
30 "35A.8 ADMINISTRATOR APPOINTED -- TERM -- DUTIES.
31 1. The governor shall appoint the administrator of
32 the division subject to confirmation by the senate.
33 The administrator shall serve at the pleasure of the
34 governor and is exempt from the merit system
35 provisions of chapter 19A. The governor shall set the
36 salary of the administrator within a range set by the
37 general assembly. The administrator shall be
38 responsible for administering the duties of the
39 commission, other than those related to the Iowa
40 veterans home.
41 . Page 5, line 27, by striking the words
42 "executive director" and inserting the following:
43 "administrator".
44 . Page 6, line 5, by striking the words
45 "executive director" and inserting the following:
46 "administrator".
47 . Page 6, line 10, by striking the word
48 "executive" and inserting the following:
49 "administrator".
50 . Page 6, line 11, by striking the word

H-5208

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Page 3

1 "director".
2 _____. Page 7, by inserting after line 4 the
3 following:
4 "Sec. _____. Section 139A.1, Code 1991, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 2A. "Commission" means the
7 commission of veterans affairs in the department of
8 public defense."
9 _____. Page 7, by striking lines 7 through 9 and
10 inserting the following:
11 "3. "Division" means the veterans affairs division
12 within in the department of public defense."
13 _____. Page 9, line 16, by striking the words
14 "division commission" and inserting the following:
15 "division".
16 _____. Page 14, by striking line 10 and inserting
17 the following:
18 "Sec. _____. Sections 35A.4, 35A.5, and 35A.6,".
19 _____. Page 15, by striking lines 1 through 5.
20 _____. Page 15, line 8, by striking the word
21 "commission" and inserting the following:
22 "division"."
23 4. Page 1, by inserting after line 17 the
24 following:
25 "_____. Title page, by striking lines 1 through 4
26 and inserting the following: "An Act relating to
27 veterans affairs, including provisions for
28 transferring control of the Iowa veterans home to the
29 commission of veterans affairs in the department of
30 public defense, for disposition of active"."
31 5. Page 1, by striking line 18 and inserting the
32 following: "By numbering, renumbering, and correcting
33 internal references as necessary."

By CARPENTER of Polk
TEAFORD of Black Hawk

H-5208 FILED MARCH 9, 1992

lost 3/27 (p. 887)

SENATE FILE 2011
AS PASSED BY THE SENATE
FISCAL NOTE

- A fiscal note for Senate File 2011 as passed by the Senate is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.
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Senate File 2011 as passed by the Senate expands the membership of the Commission of Veterans Affairs to 7. The Division of Veterans Affairs in the Department of Public Defense is abolished and those duties are transferred to the Commission. Additionally, the Iowa Veterans Home of the Department of Human Services, will be administered by the Commission. Funds appropriated to these agencies will be allocated to the Commission.

The Offices of the Commission will be located at the Veterans Home and the Executive Director of the Commission and the Commandant of the Veterans Home will be appointed by the Commission. The Executive Director will be required to be a resident of Iowa and an honorably discharged veteran who served in the armed forces of the United States during a conflict of War. The Commandant will be required to be a licensed nursing home administrator.

Senate File 2011 eliminates the requirement that the Division of Veterans Affairs of the Department of Public Defense (DPD) be relocated to the Veterans Home and allows until December 31, 1992, for the Department of Human Services and DPD to consolidate necessary records, furnishings and supplies.

ASSUMPTIONS

1. Staff responsibilities and functions of the Division of Veterans Affairs would remain housed in its current quarters.
2. The existing staff at the Marshalltown facility would handle all accounting responsibilities.
3. The Division of Veterans Affairs would continue to utilize the computer equipment of the Military Division of the DPD.
4. No new office or storage space would be necessary as the Division will maintain its current quarters.
5. The position of Administrator of Veterans Affairs would be downgraded to a PSE II position to make it a middle management position rather than a division director.
6. The new position of Executive Director of the Commission would receive a salary of between \$40,000 and \$50,000 per year.

FISCAL EFFECT: The increase in costs would be approximately the cost of the

PAGE 2 , FISCAL NOTE, SENATE FILE 2011

-2-

Executive Director or \$40,000 to \$50,000 per year. Some additional communications and travel expense may occur but should not be significant.

(SOURCES: Departments of Public Defense and Human Services)

(LSB 5095ss.3, DPW)

FILED MARCH 24, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE AMENDMENT TO
SENATE FILE 2011

S-5430

- 1 Amend Senate File 2011, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 27, by striking the words
4 "Appoint and prescribe" and inserting the following:
5 "Prescribe".
6 2. Page 5, by striking lines 23 through 26 and
7 inserting the following:
8 "1. The governor shall appoint an executive
9 director who shall serve at the pleasure of the
10 governor. The executive director is responsible for
11 administering the duties of the commission other than
12 those related to the Iowa veterans home."
13 3. Page 15, line 17, by inserting after the word
14 "of" the following: "the commission's own".
15 4. Page 15, line 19, by inserting after the word
16 "affairs" the following: "as provided in section
17 35A.2, subsection 3."
18 5. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5430 FILED MARCH 27, 1992

Amended (5497) - concurred 4/6 (p 1220)

SENATE FILE 2011

S-5497

- 1 Amend the House amendment, S-5430, to Senate File
2 2011, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 9, by inserting after the word
5 "director" the following: ", subject to confirmation
6 by the senate, "."

By JOHN P. KIBBIE
WILLIAM W. DIELEMAN
LEONARD L. BOSWELL

DALE L. TIEDEN
EMIL J. HUSAK
RICHARD VANDE HOEF

S-5497 FILED APRIL 1, 1992

Adopted 4/6 (p 1220)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2011

H-5804

1 Amend the House amendment, S-5430, to Senate File
2 2011, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, line 9, by inserting after the word
5 "director" the following: ", subject to confirmation
6 by the senate, "."

RECEIVED FROM THE SENATE

H-5804 FILED APRIL 8, 1992

Concurred 4/10 (p. 1289)

SENATE FILE 2011

AN ACT

RELATING TO VETERANS AFFAIRS, INCLUDING PROVISIONS FOR THE ESTABLISHMENT OF AN INDEPENDENT COMMISSION OF VETERANS AFFAIRS, FOR TRANSFERRING CONTROL OF THE IOWA VETERANS HOME TO THE COMMISSION OF VETERANS AFFAIRS, FOR DISPOSITION OF ACTIVE DUTY MEMBERS OF THE IOWA VETERANS HOME WHO ARE CHARGED WITH AN OFFENSE, AND FOR PROPERLY RELATED MATTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 7E.5, subsection 1, paragraph q, Code 1991, is amended to read as follows:

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

Sec. 2. Section 7E.5, subsection 1, Code 1991, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. w. The commission of veterans affairs, which has primary responsibility for state veterans affairs.

Sec. 3. Section 29.1, Code 1991, is amended to read as follows:

29.1 DEPARTMENT OF PUBLIC DEFENSE.

The department of public defense is composed of the military division, ~~and the disaster services division, and the veterans affairs division.~~ The adjutant general is the director of the department of public defense and the budget

and personnel of all of the divisions are subject to the approval of the adjutant general. The Iowa emergency response commission established by section 30.2 is attached to the department of public defense for organizational purposes.

Sec. 4. Section 35.7, Code 1991, is amended to read as follows:

35.7 ORPHANS EDUCATIONAL FUND.

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

Sec. 5. Section 35.9, Code 1991, is amended to read as follows:

35.9 EXPENDITURE BY COMMISSION.

~~Said~~ The commission of the veterans affairs division ~~is authorized to~~ may expend not to exceed more than four hundred dollars per year for any one child who ~~shall have~~ has lived in the state of Iowa for two years preceding application for aid hereunder, and who is the child of a person who died during World War I between the dates of April 6, 1917, and June 2, 1921, or during World War II between the dates of September 16, 1940, and December 31, 1946, both dates inclusive, or the Korean Conflict ~~at any time~~ between June 25, 1950, and January 31, 1955, both dates inclusive, or the Vietnam Conflict ~~at any time~~ between August 5, 1964, and May 7, 1975, both dates inclusive, while serving in the military or naval forces of the United States, to include members of the reserve components performing service or duties required or authorized under chapter 39, United States Code and Title 32, United States Code, sections 502 through 505, and active state service required or authorized under chapter 29A, or as a result of such service, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for such child or children incident to attendance in

~~this state at any an educational or training institution of college grade, or in any a business or vocational training school of with standards approved by said the commission of the veterans affairs division-said-educational-institutions to-be-located-within-the-state-of-Iowa.~~

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

Sec. 6. Section 35.10, Code 1991, is amended to read as follows:

35.10 ELIGIBILITY AND PAYMENT OF AID.

Eligibility for aid hereunder shall be determined upon application to the commission of the veterans affairs division, whose decision ~~shall-be~~ is final. The eligibility of eligible applicants shall be certified by the administrator ~~commission~~ of the veterans affairs division to the director of revenue and finance, and all amounts that ~~may-be are~~ or may become due to any an individual or any a training institution under this chapter shall be paid to the individual or institution by said the director of revenue and finance upon receipt by the director of certification by the president or governing board of such the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at such the educational or training institution. ~~It-shall-be-proper-for-the~~ The commission of the veterans affairs division-to may pay over said the annual sum of four hundred dollars to such the educational or training institution in a lump sum, or in such installments as the circumstances may warrant, upon receiving from such the institution such written undertaking as the ~~commission-of-the-veterans-affairs-division~~ may require to assure the use of said funds for such the child for the authorized purposes and for no other purpose. A person ~~shall~~ is not be eligible for the benefits of this chapter until the person ~~shall-have~~ has graduated from a high school or

educational institution offering a course of training equivalent to high school training.

Sec. 7. Section 35A.1, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

35A.1 DEFINITIONS.

1. "Commandant" means the commandant of the Iowa veterans home appointed in section 219.13.
2. "Commission" means the commission of veterans affairs established in section 35A.2.
3. "Commissioner" means a member of the commission of veterans affairs.
4. "Director" means the executive director appointed pursuant to section 35A.3, subsection 3.

Sec. 8. Section 35A.2, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

35A.2 COMMISSION OF VETERANS AFFAIRS.

1. A commission of veterans affairs is created consisting of seven persons who shall be appointed by the governor, subject to confirmation by the senate. Members shall be appointed to staggered terms of four years. The governor shall fill a vacancy for the unexpired portion of the term.
2. Five commissioners shall be honorably discharged members of the armed forces of the United States. The American legion of Iowa, disabled American veterans department of Iowa, veterans of foreign wars department of Iowa, American veterans of World War II, Korea, and Vietnam, and the military order of the purple heart, through their department commanders, shall submit two names respectively from their organizations to the governor. The governor shall appoint from each of the organizations one representative to serve as a member of the commission, unless the appointments would conflict with the bipartisan and gender balance provisions of sections 69.16 and 69.16A. In addition, the governor shall appoint two members of the public, knowledgeable in the general field of veterans affairs, to serve on the commission.

3. The office of the commission shall be located at the Iowa veterans home.

Sec. 9. Section 35A.3, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

35A.3 DUTIES OF THE COMMISSION.

The commission shall do all of the following:

1. Organize and annually select a chairperson.
2. Adopt rules pursuant to chapter 17A and establish policy for the management and operation of the commission.
3. Prescribe the duties of an executive director and other employees as the commission shall deem necessary to carry out the duties of the commission.
4. Supervise the commandant's administration of commission policy for the operations and conduct of the Iowa veterans home.
5. Maintain information and data concerning the military service records of Iowa veterans.
6. Assist county veterans affairs commissions established pursuant to chapter 250. The commission shall provide to county commissions suggested uniform benefits and administrative procedures for carrying out the functions and duties of the county commissions.
7. Permanently maintain the records including certified records of bonus applications for awards paid from the war orphans educational fund under chapter 35.
8. Collect and maintain information concerning veterans' affairs.
9. Conduct two service schools each year for the Iowa association of county commissioners and executive secretaries.
10. Assist the United States veterans administration, the Iowa veterans home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans service records and veterans affairs data.
11. Maintain alphabetically a permanent registry of the graves of all persons who served in the military or naval

forces of the United States in time of war and whose mortal remains rest in Iowa.

Sec. 10. Section 35A.8, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

35A.8 EXECUTIVE DIRECTOR -- TERM -- DUTIES.

1. The governor shall appoint an executive director, subject to confirmation by the senate, who shall serve at the pleasure of the governor. The executive director is responsible for administering the duties of the commission other than those related to the Iowa veterans home.
2. The executive director shall be a resident of the state of Iowa and an honorably discharged veteran who served in the armed forces of the United States during a conflict or war. As used in this section, the dates of service in a conflict or war shall coincide with the dates of service established by the Congress of the United States.

Sec. 11. Section 35A.9, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

35A.9 EXPENSES AND COMPENSATION.

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

1. The executive director, commandant, and employees of the commission and the Iowa veterans home are entitled to receive, in addition to salary, reimbursement for actual expenses incurred while engaged in the performance of official duties.
2. All out-of-state travel by commissioners, the executive director, the commandant, or employees of the commission or the Iowa veterans home shall be approved by the chairperson of the commission.

Sec. 12. Section 110.24, subsection 16, Code Supplement 1991, is amended to read as follows:

16. Upon payment of the fee of thirty dollars for a lifetime hunting and fishing combined license, the department shall issue a hunting and fishing combined license to a veteran who was disabled during the period of a veteran's service listed in this subsection or who was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a hunting and fishing combined license under this subsection. The ~~commission of veterans affairs division-of-the-department of-public-defense~~ shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, "veteran" means a person who is a resident of Iowa and who served in the armed forces of the United States of America at any time during World War I between the dates of April 6, 1917, and July 2, 1921, World War II between the dates of December 7, 1941, and December 31, 1946, the Korean conflict between the dates of June 27, 1950, and January 31, 1955, the Vietnam conflict between August 5, 1964, and May 7, 1975, or the Persian Gulf conflict between August 2, 1990, and the date the president or the congress of the United States declares a permanent cessation of hostilities, all dates inclusive, and "disabled" means entitled to compensation under the United States Code, Title 38, chapter 11.

Sec. 13. Section 139A.1, subsection 3, Code 1991, is amended to read as follows:

3. "Division" "Commission" means the commission of veterans affairs division-within-the-department-of-public defense.

Sec. 14. Section 139A.2, Code 1991, is amended to read as follows:

139A.2 CHEMICAL EXPOSURE REPORT TO DIVISION COMMISSION.

A licensed physician pursuant to, as defined in section 135.1, subsection 5, who treats a veteran the physician believes may have been exposed to chemicals while serving in

the armed forces of the United States shall submit a report indicating that information to the division commission at the request of the veteran pursuant to section 139A.3.

Sec. 15. Section 139A.3, Code 1991, is amended to read as follows:

139A.3 DUTIES OF THE DIVISION COMMISSION.

The division commission shall:

1. Provide the forms for the reports required in section 139A.2. The report form shall require the doctor to provide all of the following:
 - a. Symptoms of the veteran which may be related to exposure to chemicals.
 - b. Diagnosis of the veteran.
 - c. Methods of treatment prescribed.
2. Annually compile and evaluate the information submitted in the reports pursuant to subsection 1, in consultation and cooperation with a certified medical toxicologist selected by the division commission. The division commission shall submit the report to the governor, the general assembly, and the United States veterans' administration. The report shall include current research data on the effects of exposure to chemicals, statistical information received from individual physicians' reports, and statistical information from the epidemiological investigations pursuant to subsection 3.
3. Conduct epidemiological investigations of veterans who have cancer or other medical problems or who have children born with birth defects associated with exposure to chemicals, in consultation and cooperation with a certified medical toxicologist selected by the division commission. The division commission shall obtain consent from a veteran before conducting the investigations.

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

Sec. 16. Section 139A.4, Code 1991, is amended to read as follows:

139A.4 CONFIDENTIALITY AND LIABILITY.

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

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

Sec. 17. Section 139A.6, unnumbered paragraph 1, Code 1991, is amended to read as follows:

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

Sec. 18. Section 139A.7, Code 1991, is amended to read as follows:

139A.7 FEDERAL PROGRAM.

If the ~~adminstrator-of-the-division~~ commission or the general assembly determines that an agency of the federal government or the state of Iowa is providing the referral and genetic services pursuant to section 139A.6, the ~~administrator~~ commission or the general assembly by specific action may discontinue all or part of the services and requirements in this chapter.

Sec. 19. Section 139A.8, Code 1991, is amended to read as follows:

139A.8 RULES.

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

Sec. 20. Section 139A.9, Code 1991, is amended to read as follows:

139A.9 APPROPRIATIONS.

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

Sec. 21. Section 218.1, subsection 1, Code 1991, is amended by striking the subsection.

Sec. 22. Section 219.1, subsection 2, Code 1991, is amended to read as follows:

2. As used in this chapter:

a. "Director" "Commandant" means the director commandant of the department-of-human-services Iowa veterans home appointed pursuant to section 219.13.

b. "Commission" means the commission of veterans affairs established in section 35A.2.

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

Sec. 23. Section 219.2, subsection 1, Code 1991, is amended to read as follows:

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

Sec. 24. Section 219.3, Code 1991, is amended to read as follows:

219.3 RULES -- GENERAL MANAGEMENT.

The director commission shall adopt all the necessary rules, pursuant to chapter 17A, for the preservation of order and enforcement of discipline, the promotion of health and well-being of all the members and the management and control of the home and its grounds.

Sec. 25. Section 219.4, subsection 2, Code 1991, is amended to read as follows:

2. The cottages may be made available to persons on the staff of the home at a rental rate determined by the director commission.

Sec. 26. Section 219.7, subsection 3, Code 1991, is amended to read as follows:

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

Sec. 27. Section 219.8, Code 1991, is amended to read as follows:

219.8 CONDITIONAL ADMITTANCE.

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

Sec. 28. Section 219.11, subsection 2, Code 1991, is amended to read as follows:

2. The commandant, if authorized by a member of the home, and pursuant to policies adopted by the director commission, may act on behalf of that member in receiving, disbursing, and accounting for personal funds of the member received from any source. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

Sec. 29. Section 219.12, subsection 2, Code 1991, is amended to read as follows:

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

Sec. 30. Section 219.13, Code 1991, is amended to read as follows:

219.13 COMMANDANT.

1. The director governor shall appoint a commandant, subject to senate confirmation, who shall be the person responsible for handling veterans affairs for the department of human services; shall serve at the pleasure of the governor as the chief executive of the home and, The commandant shall report directly to the commission and shall have the immediate custody and control, subject to the orders of the director or the director's designee commission, of all property used in connection with the home.

2. The commandant must be a resident of the state of Iowa, and an honorably discharged veteran who served in the armed forces of the United States during a conflict or war, and a licensed nursing home administrator. As used in this section, the dates of service in a conflict or war shall coincide with the dates of service established by the Congress of the United States.

3. The salary of the commandant shall receive an annual salary as the director may determine be fixed by the governor within salary guidelines or a range established by the general assembly. In addition to salary, the director commission shall furnish the commandant with a dwelling house or with appropriate quarters and additional allowances, as provided in section 218.14 for executive heads of state institutions.

Sec. 31. NEW SECTION. 219.14 EXPENSES AND COMPENSATION.

The commandant and employees of the Iowa veterans home are entitled to receive, in addition to salary, reimbursement for actual expenses incurred while engaged in the performance of official duties pursuant to section 35A.9.

Sec. 32. Section 219.18, Code 1991, is amended to read as follows:

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

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

Sec. 33. Section 219.19, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

219.19 DISPOSITIONS OF ACTIVE DUTY MEMBERS CHARGED WITH OFFENSE.

A person on active duty in the state military forces subject to the provisions of chapter 29B, or on active duty in the federal military forces subject to 10 U.S.C. chapter 47, charged with an offense under either code, may be summarily delivered to the appropriate state or federal branch of the military for disciplinary action or trial.

Sec. 34. Section 219.21, Code 1991, is amended to read as follows:

219.21 REPORT BY DIRECTOR COMMANDANT.

The director commandant shall, biennially, make a full and detailed report to the governor, the commission, and the general assembly, showing the condition of the home, the number of members in the Iowa veterans home, the order and discipline enforced, and the needs of the home financially and otherwise, together with an itemized statement of all receipts and disbursements and any other matters of importance in the management and control of the Iowa veterans home.

Sec. 35. Section 250.11, Code 1991, is amended to read as follows:

250.11 DATA FURNISHED STATE COMMISSION.

The commission of veteran affairs of each county shall provide information to the state commission of the veterans affairs division-of-the-department-of-public-defense as the state commission may request.

Sec. 36. Section 250.19, Code 1991, is amended to read as follows:

250.19 BURIAL RECORDS.

The county commission of veteran affairs shall be charged with securing the information requested by the commission of veterans affairs division-of-the-department-of-public-defense of every person having a military service record and buried in that county. Such information shall be secured from the undertaker in charge of the burial and shall be transmitted by the undertaker to the commission of veteran affairs of the county where burial is made. This information shall be recorded alphabetically and by description of location in the cemetery where the veteran is buried. This recording shall conform to the directives of the division state commission of veterans affairs and shall be kept in a book by the county commission.

Sec. 37. Section 331.608, subsection 1, Code 1991, is amended to read as follows:

1. The recorder shall maintain a special book in which, upon request, the discharge of a veteran shall be recorded without charge. The discharge book shall be a uniform type, kind, and form approved by the commission of veterans affairs division-of-the-department-of-public-defense-and-the-adjutant general-of-the-state.

Sec. 38. Sections 29.4, 35A.4, 35A.5, 35A.6, and 35A.7, Code 1991, are repealed.

Sec. 39. All rules, regulations, forms, orders, and directives in effect for the Iowa veterans home on the effective date of this Act shall continue in full force and effect as rules, regulations, forms, orders, and directives of the commission of veteran affairs until amended, repealed, or

supplemented by affirmative action of the commission or commandant.

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

Sec. 41. TRANSITION. The five members of the commission of the veterans affairs division of the department of public defense abolished by this Act serving unexpired terms on the effective date of this Act may serve as members of the commission of veterans affairs established under section 35A.3 until the expiration of the terms to which they were appointed as members of the commission of the veterans affairs division of the department of public defense. The sixth and seventh members shall serve until June 30, 1996. Their successors shall be appointed as provided in section 35A.2. A commission member is eligible for reappointment.

Sec. 42. TRANSFER. On the effective date of this Act, the director of revenue and finance shall allocate to the commission of veterans affairs any funds appropriated to the department of public defense for the veterans affairs division abolished by this Act.

Sec. 43. TRANSFER. On the effective date of this Act, the director of revenue and finance shall allocate to the commission of veterans affairs any funds appropriated to the department of human services for the Iowa veterans home and the department of human services shall take all actions necessary to transfer administration and control of the Iowa veterans home to the commission of veterans affairs, including but not limited to, the assignment of contracts and transfer of records and supplies as applicable.

Sec. 44. RELOCATION. The commission of veterans affairs shall have until December 31, 1992, if necessary, to complete

the relocation of the commission's own office supplies, furnishings, and records, from the department of defense and the department of human services to the commission of veterans affairs as provided in section 35A.2, subsection 3.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2011, Seventy-fourth General Assembly.

JOHN P. DWYER
Secretary of the Senate

Approved April 27, 1992

TERRY E. BRANSTAD
Governor