

**CHAPTER 1140****VETERANS AFFAIRS***S.F. 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 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 sueh the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at sueh 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 sueh the educational or training institution in a lump sum, or in sueh installments as the circumstances may warrant, upon receiving from sueh the institution such written undertaking as the commission of the veterans affairs division may require to assure the use of said funds for sueh 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 administrator 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 veterans 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.

Approved April 27, 1992

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**CHAPTER 1141**  
FOSTER CARE REVIEW BOARDS  
*S.F. 2197*

**AN ACT** relating to state and local foster care review boards.

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

Section 1. Section 10A.104, subsection 2, Code 1991, is amended to read as follows:

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, members of the employment appeal board, and administrator of the state citizen foster care review board. All persons appointed and employed in the department are covered by the provisions of chapter 19A, but persons not appointed by the director are exempt from the merit system provisions of chapter 19A.

Sec. 2. Section 232.175, Code 1991, is amended to read as follows:

232.175 PURPOSE AND POLICY.

It is the purpose and policy of this division to provide court oversight for placements that involve a handicapped child placed voluntarily in foster care by the child's parent or guardian, through review of the voluntary placements every six months by the department's foster care review committees or by a local citizen foster care review board. It is the purpose and policy of this division to assure the additional safeguard of court oversight as required by Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), while maintaining parental decision-making authority.

Sec. 3. Section 232.183, subsection 7, Code 1991, is amended to read as follows:

7. A dispositional hearing is not required if the court has approved either the local citizen foster care review board review or the department's administrative review procedure as defined under section 234.42, and all parties agree. This provision does not eliminate the initial judicial determination required under section 232.182.

Sec. 4. Section 235A.15, subsection 2, paragraph e, subparagraph (6), Code Supplement 1991, is amended to read as follows:

(6) To the state and local citizen foster care review boards created pursuant to sections 237.16 and 237.19.

Sec. 5. Section 237.15, subsections 2, 4, and 6, Code Supplement 1991, are amended to read as follows:

2. "Child receiving foster care" means a child defined in section 234.1 ~~whose~~ who is described by any of the following circumstances:

a. The child's foster care placement is the financial responsibility of the state pursuant to section 234.35, ~~who~~.

b. The child is under the guardianship of the department, ~~or who~~.