

CHAPTER 35B

COUNTY COMMISSIONS OF VETERAN AFFAIRS

This chapter not enacted as a part of this title; transferred from chapter 250 in Code 1993
See §218.95 for provisions pertaining to construction of synonymous terms

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35B.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in [section 445.1](#).

[2000 Acts, ch 1148, §1](#)

35B.2 Administration.

Unless otherwise provided, the county commission of veteran affairs shall be responsible for the administration of [this chapter](#).

[2014 Acts, ch 1116, §37](#)

NEW section

35B.3 County commission of veteran affairs.

The county commission of veteran affairs shall consist of either three or five persons, as determined by the board of supervisors, all of whom shall be veterans as defined in [section 35.1](#). If possible, each member of the commission shall be a veteran of a different military action. However, this qualification does not preclude membership to a veteran who served in more than one of the military actions.

[C97, §431; C24, 27, 31, 35, §5387; C39, §3828.053; C46, 50, 54, §250.3; C58, 62, 66, 71, 73, 75, 77, 79, 81, §250.3, 250.21; S81, §250.3; [81 Acts, ch 33, §3](#)]

[85 Acts, ch 67, §26](#); [88 Acts, ch 1082, §1](#); [91 Acts, ch 199, §1](#)

C93, §35B.3

[94 Acts, ch 1007, §1](#); [99 Acts, ch 180, §6](#)

Referred to in [§35B.6, §331.321](#)

35B.4 Appointment — vacancies.

1. Members of the commission of veteran affairs shall be appointed by the board of supervisors, in consultation with the current commission members and the executive director or administrator, to staggered three-year terms at the regular meeting in June. However, a member shall serve until a successor has been appointed and qualifies. The board may remove an appointee at any time for neglect of duty or maladministration. A vacancy on the commission shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made.

2. If the board of supervisors increases the commission of veteran affairs membership

to five members, the initial terms of the two new members shall be two and three years respectively. However, the new members shall serve until their successors are appointed and qualify.

[C97, §431; C24, 27, 31, 35, §5388; C39, §3828.054; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.4]

C93, §35B.4

[94 Acts, ch 1007, §2](#); [2014 Acts, ch 1116, §38](#)

Section amended

35B.5 Compensation.

A member of the commission shall receive twenty-five dollars or a greater amount as established by the board of supervisors for each month during which the member attends one or more commission meetings and shall be reimbursed for mileage the same as a member of the board of supervisors. Compensation and mileage shall be paid out of the appropriation authorized in [section 35B.14](#).

[C27, 31, 35, §5388-b1; C39, §3828.055; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.5; [81 Acts, ch 33, §4, ch 117, §1034](#)]

[83 Acts, ch 123, §97, 209](#)

C93, §35B.5

[2005 Acts, ch 115, §16, 40](#)

Mileage, §331.215

35B.6 Qualification — training — offices.

1. a. The members of the commission shall qualify by taking the usual oath of office. The commission shall organize by the selection of one of their members as chairperson and one as secretary. The commission, subject to the annual approval of the board of supervisors, shall employ an executive director or administrator who shall have the power to employ other necessary employees to carry out the provisions of [this chapter](#), including administrative or clerical assistants, but no member of the commission shall be so employed. The state department of veterans affairs shall recognize the executive director or administrator as a county veterans service officer of a veterans' service organization recognized pursuant to 38 C.F.R. §14.628(c) for the purposes of assisting veterans and their dependents in obtaining federal and state benefits. The commission shall recommend the compensation of the executive director or administrator and all employees of the county veteran affairs office to the board of supervisors. The board of supervisors shall consider the recommendation and shall determine and approve the compensation of the executive director or administrator and all employees of the county veteran affairs office. The executive director must possess the same qualifications as provided in [section 35B.3](#) for commission members. However, this qualification requirement shall not apply to a person employed as an executive director prior to July 1, 1989.

b. The commission may employ an administrator in lieu of an executive director. Administrators shall not be required to meet all the qualifications provided in [section 35B.3](#) for commissioners. An administrator may hold another position within the county or other government entity while serving as an administrator only if such position does not adversely affect the administrator's duties under [this chapter](#).

c. Upon the employment of an executive director or administrator, the executive director or administrator shall complete a course of certification training provided by the department of veterans affairs pursuant to [section 35A.5](#). If an executive director or administrator fails to obtain certification within one year of being employed, the executive director or administrator shall be removed from office. The department shall issue the executive director or administrator a certificate of training after completion of the certification training course. To maintain certification, the executive director or administrator shall satisfy the continuing education requirements established by the national association of county veterans service officers. Failure of an executive director or administrator to maintain certification shall be cause for removal from office. The expenses of training the executive director or administrator shall be paid from the appropriation authorized in [section 35B.14](#).

d. The duties of the executive director, administrator, and employees shall include all of the following:

(1) Inform members of the armed forces, veterans, and their dependents of all federal, state, and local laws enacted for their benefit.

(2) Assist all residents of the state who served in the armed forces of the United States and their relatives, beneficiaries, and dependents in receiving from the United States and this state any and all compensation, pensions, hospitalization, insurance, education, employment pay and gratuities, loan guarantees, or any other aid or benefit to which they may be entitled under any law.

(3) Complete and submit all forms required for federal, state, and county benefits.

e. The department of veterans affairs or county veteran affairs offices shall not charge for any service provided to any individual.

2. a. Two or more boards of supervisors may agree, pursuant to [chapter 28E](#), to share the services of an executive director or administrator. The agreement shall provide for the establishment of a commission of veteran affairs office in each of the counties participating in the agreement.

b. Neither a county board of supervisors nor a county commission of veteran affairs shall publish the names of the veterans or their families who receive benefits under the provisions of [this chapter](#).

3. a. Each county commission of veteran affairs shall maintain an office in a public building owned, operated, or leased by the county.

b. An executive director or administrator employed pursuant to [subsection 1](#) shall provide veterans services for the following minimum number of hours each week:

(1) For a county with a population of thirty thousand or less, no fewer than twenty hours per week.

(2) For a county with a population of more than thirty thousand and less than sixty thousand, no fewer than thirty hours per week.

(3) For a county with a population of sixty thousand or more, no fewer than forty hours per week.

c. Counties sharing the services of an executive director or administrator shall provide the number of hours of service required under paragraph “b” for each county.

d. The hours that the office established under paragraph “a” is open shall be posted in a prominent position outside the office.

[C97, §431; C24, 27, 31, 35, §5389; C39, [§3828.056](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.6; [81 Acts, ch 33, §5](#)]

[89 Acts, ch 248, §1](#); [92 Acts, ch 1075, §2](#)

C93, §35B.6

[94 Acts, ch 1107, §4](#); [2005 Acts, ch 115, §17, 40](#); [2008 Acts, ch 1130, §4 – 6, 10](#); [2009 Acts, ch 4, §2](#); [2009 Acts, ch 133, §188](#); [2014 Acts, ch 1116, §39 – 43](#)

Oath, §63.10

Subsection 1, paragraphs a and c amended

Subsection 1, paragraph d, NEW subparagraph (3)

Subsection 2 amended

Subsection 3 stricken and former subsection 4 renumbered as 3

Subsection 3, paragraph a amended

35B.7 Meetings — report — budget.

The commission shall meet monthly and at other times as necessary. At the monthly meeting it shall determine who are entitled to county benefits and the probable amount required to be expended. The commission shall meet annually to prepare an estimated budget for all expenditures to be made in the next fiscal year and certify the budget to the board of supervisors. The board may approve or reduce the budget for valid reasons shown and entered of record and the board’s decision is final.

[C97, §432; S13, §432; C24, 27, 31, 35, §5390; C39, [§3828.057](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.7; [81 Acts, ch 33, §6](#)]

C93, §35B.7

[2014 Acts, ch 1116, §44](#)

Section amended

35B.8 Accounting system. Repealed by .

35B.9 Names certified — benefits changed. Repealed by .

35B.10 Disbursements — inspection of records.

1. All claims certified by the commission shall be sent to the board of supervisors with all personally identifying information redacted and shall be subject to approval by the board of supervisors. Upon the approval of the board of supervisors, the county auditor shall issue warrants in payment of the claims. All applications, investigation reports, and case records are privileged communications and confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and the administration of [this chapter](#) or as authorized by order of a district court. A person may sign a release to authorize the examination of that person's applications, reports, or records.

2. The county commission of veteran affairs shall prepare and file in the office of the county auditor on or before the thirtieth day of each January, April, July, and October a report showing the case numbers of all recipients receiving assistance under [this chapter](#), together with the amount paid to each during the preceding quarter. Each report so filed shall be maintained as a permanent record to be used only for such reports made under [this chapter](#).

3. It shall be unlawful for any person, body, association, firm, corporation or any other agency to solicit, disclose, receive, make use of or to authorize, knowingly permit, participate in or acquiesce in the use of any lists, names or other information obtained from the reports above provided for, for commercial or political purposes, and a violation of this provision shall constitute a serious misdemeanor.

[C97, §432; S13, §432; C24, 27, 31, 35, §5392; C39, §3828.059; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.10; [81 Acts, ch 33, §7](#)]

[83 Acts, ch 123, §98, 209](#)

C93, §35B.10

[99 Acts, ch 180, §7; 2014 Acts, ch 1116, §45](#)

Section amended

35B.11 Data furnished Iowa department of veterans affairs.

The commission of veteran affairs of each county shall provide information to the department of veterans affairs as the department may request.

[C27, 31, 35, §5392-b1; C39, §3828.060; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.11; [81 Acts, ch 33, §8](#)]

[92 Acts, ch 1140, §35](#)

C93, §35B.11

[2005 Acts, ch 115, §18, 40](#)

Referred to in [§35A.5](#)

35B.12 Benefit information confidential. Repealed by . See §35B.6.

35B.13 Burial — expenses. Repealed by . See §35B.14.

35B.14 County appropriation — burial expenses — audit.

1. The board of supervisors of each county may appropriate moneys for training an executive director or administrator as provided in [section 35B.6](#), and for the expenses for food, clothing, shelter, utilities, medical benefits, and a funeral for indigent veterans, as defined in [section 35.1](#), as well as for their indigent spouses, surviving spouses, and minor children not over eighteen years of age, who legally reside in the county.

2. The appropriation shall be expended by the joint action and control of the board of supervisors and the county commission of veteran affairs.

3. The commission is responsible for the interment in a suitable cemetery of the body of any veteran, as defined in [section 35.1](#), or the spouse, surviving spouse, or child of the person, if the person has died without leaving sufficient means to defray the funeral expenses. The commission may pay the expenses in a sum not exceeding an amount established by the board of supervisors.

4. Burial expenses shall be paid by the county in which the person died. If the person is a resident of a different county at the time of death, the county of residence shall reimburse the county where the person died for the cost of burial. In either case, the board of supervisors of the respective counties shall audit and pay the account from the funds provided for in [this chapter](#) in the manner as other claims are audited and paid.

[83 Acts, ch 123, §99, 209](#)

CS83, §250.14

[85 Acts, ch 67, §28; 88 Acts, ch 1082, §3; 91 Acts, ch 1, §1; 91 Acts, ch 199, §3](#)

C93, §35B.14

[99 Acts, ch 180, §9; 2008 Acts, ch 1130, §7, 10; 2009 Acts, ch 133, §189; 2014 Acts, ch 1116, §46](#)

NEW subsections 3 and 4

35B.15 Expenses and audit. Repealed by . See §35B.14.

35B.16 Markers for graves.

The county commission of veteran affairs may furnish a suitable and appropriate marker for the grave of each veteran, as defined in [section 35.1](#), who is buried within the limits of the county. The marker shall be placed at the individual's grave to permanently mark and designate the grave for memorial purposes. The expenses shall be paid from any funds raised as provided in [this chapter](#).

[SS15, §434-a; C24, 27, 31, 35, §5396; C39, §**3828.064**; C46, 50, 54, §250.16; C58, 62, 66, 71, 73, 75, 79, 81, §250.16, 250.21; S81, §250.16; [81 Acts, ch 33, §11](#)]

[85 Acts, ch 67, §29; 86 Acts, ch 1237, §13; 88 Acts, ch 1082, §4; 91 Acts, ch 199, §4](#)

C93, §35B.16

[99 Acts, ch 180, §10; 2014 Acts, ch 1116, §47](#)

Section amended

35B.16A Veterans' grave markers.

A person commits a simple misdemeanor when the person takes possession or control of a veteran's grave marker which was provided pursuant to [section 35B.16](#), with the intention to deprive the owner of the marker, regardless of the value of the marker. The person shall also be liable for reimbursement in an amount equal to three times the cost of the marker to be paid to the county commission of veteran affairs or other person who furnished the marker.

[89 Acts, ch 47, §1](#)

CS89, §714.7A

[94 Acts, ch 1142, §4; 2006 Acts, ch 1107, §3](#)

C2007, §35B.16A

See also §37A.1

35B.17 Maintenance of graves.

1. The county boards of supervisors shall each year appropriate and shall, as provided in [this section](#), pay to the owners of, or to the public board or officers having control of cemeteries within the state in which any such deceased service person is buried, a sum sufficient to pay for the care and maintenance of the lots on which they are buried in all cases in which provision for such care is not otherwise made, or may conclude their responsibility by paying a mutually agreed to fee for perpetual care when the cemetery authority has established a perpetual care fund for the cemetery, to be paid either as a lump sum, or in not to exceed five installments in a manner agreed to by the parties.

2. Payment under [subsection 1](#) shall be made at a rate that does not exceed the rate charged for like care and maintenance of other lots of similar size in the same cemetery, upon the affidavit of the superintendent or other person in charge of such cemetery, that the same has not been otherwise paid or provided for.

[C27, 31, 35, §5396-a1; C39, §**3828.065**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.17]

[83 Acts, ch 123, §100, 209; 85 Acts, ch 67, §30; 91 Acts, ch 188, §1](#)

C93, §35B.17

[2014 Acts, ch 1116, §48](#)

Section amended

35B.18 Payment — how made. Repealed by . See §35B.17.

35B.19 Burial records.

The executive director or administrator shall be charged with securing the information requested by the department of veterans affairs of every person having a military service record and buried in the county. Such information shall be secured from the funeral director in charge of the burial or cremation and shall be transmitted by the funeral director to the county veteran affairs office of the county where burial or disposition of cremated remains is made. This information shall be recorded alphabetically and by description of location in the cemetery where the veteran is buried or the place of disposition of the cremated remains of the veteran. This recording shall conform to the directives of the department of veterans affairs and shall be maintained as a permanent record by the executive director or administrator.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.19]

[92 Acts, ch 1140, §36](#)

C93, §35B.19

[2005 Acts, ch 115, §19, 40; 2014 Acts, ch 1116, §49](#)

Section amended