

CHAPTER 15
VETERANS COMMEMORATIVE PROPERTY

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

801—15.1(37A) Purpose. Pursuant to Iowa Code section 37A.1, these rules establish the process for the sale, trade or transfer of veterans commemorative property.

801—15.2(37A) Definitions. For the purposes of this chapter, the following terms are defined as follows:

“Department” means the Iowa department of veterans affairs.

“Veteran” means a deceased person who served in the armed forces of the United States during a war in which the United States was engaged or served full-time in active duty in a force of an organized state militia, excluding service in the National Guard when in an inactive status.

“Veterans commemorative property” means any memorial as defined in Iowa Code section 523I.102, including a headstone, plaque, statue, urn, decoration, flag holder, badge, shield, item of memorabilia, or other embellishment, that identifies or commemorates any veteran or group of veterans, including any veterans organization or any military unit, company, battalion, or division.

“Veterans organization” means the Grand Army of the Republic, Sons of Union Veterans of the Civil War, Sons of Confederate Veterans, Veterans of Foreign Wars, Disabled American Veterans, Paralyzed Veterans of America, Military Order of the Purple Heart, Forty and Eight, Vietnam Veterans of America, United Spanish War Veterans, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., American Legion, American Veterans of World War II, Italian American War Veterans of the United States, Inc., or other corporation or association of veterans.

801—15.3(37A) Notification procedure.

15.3(1) Notification. Prior to the sale, trade or transfer of veterans commemorative property, a person who owns or controls a property where veterans commemorative property has been placed shall provide notice to the department and obtain written authorization. Notification to the department shall be submitted for review on forms provided by the department 60 days prior to the proposed transaction date of the veterans commemorative property.

15.3(2) Notification forms. Notification forms may be obtained from the Iowa Department of Veterans Affairs, Camp Dodge, Bldg. 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, or from the department’s Web site at <https://va.iowa.gov>.

[ARC 3341C, IAB 9/27/17, effective 11/1/17]

801—15.4(37A) Transaction approval. Upon receipt of transaction notification and supporting documentation, the department shall take action on the request within a reasonable time frame not to exceed 60 days. The following criteria will be considered in evaluating a request:

15.4(1) Risk of deterioration. The department may authorize the sale, trade, or transfer of veterans commemorative property, if the veterans commemorative property is determined to be at risk of deterioration to a point where the veteran, group of veterans, or veterans organization that the property commemorates will be unrecognizable.

15.4(2) Relocation of veterans commemorative property to a suitable location. The department may authorize the sale, trade, or transfer of veterans commemorative property if the transaction will be made with an individual or organization that will preserve the current condition of the property and will display the property in a manner that will commemorate the veteran, group of veterans, or veterans organization for which the property was intended.

15.4(3) To provide for the maintenance of cemetery property. The department may authorize the sale, trade, or transfer of veterans commemorative property if the transaction is necessary to ensure that sufficient funds are available to maintain the cemetery where the veterans commemorative property is placed and the specific lot, plot, grave, burial place, niche, crypt, or other place of interment of a veteran or group of veterans.

15.4(4) *Veterans commemorative property will be suitably replaced.* The department may authorize the sale, trade, or transfer of veterans commemorative property if the property will be replaced at the same site, with a memorial that will continue to commemorate the veteran, group of veterans, or veterans organization that the original memorial was intended to honor.

15.4(5) *Donating veterans organization approval.* The department may authorize the sale, trade, or transfer of veterans commemorative property if the veterans organization that is believed to have donated the property consents to the transaction.

15.4(6) *Lending owner approval.* The department may authorize the sale, trade, or transfer of veterans commemorative property if the owner of the property authorizes the transaction and is aware that the entity in possession of the property will retain the proceeds of the transaction.

801—15.5(37A) Appeals.

15.5(1) *Final department action.* Action taken on the application shall be the final decision of the department.

15.5(2) *Review.* Review of the department's final decision may be sought in accordance with Iowa Code section 17A.19. Written notice of appeal should be directed to the Executive Director, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824, within 30 days of receipt of final department action.

801—15.6(37A) Penalty. Engaging in the sale, trade, or transfer of veterans commemorative property without department authorization is punishable as a simple misdemeanor pursuant to Iowa Code section 37A.1(3).

These rules are intended to implement Iowa Code section 37A.1 as amended by 2008 Iowa Acts, Senate File 2333.

[Filed 11/28/07, Notice 10/24/07—published 12/19/07, effective 1/23/08]

[Filed 9/3/08, Notice 7/30/08—published 9/24/08, effective 10/29/08]

[Filed ARC 3341C (Notice ARC 3147C, IAB 7/5/17), IAB 9/27/17, effective 11/1/17]