

Senate File 2038

H-8310

1 Amend Senate File 2038, as passed by the Senate, as
2 follows:

3 1. Page 5, after line 8 by inserting:

4 <Sec. _____. Section 35B.6, subsection 1, paragraphs
5 a and c, Code 2011, are amended to read as follows:

6 a. The members of the commission shall qualify by
7 taking the usual oath of office, ~~and give bond in the~~
8 ~~sum of five hundred dollars each, conditioned for the~~
9 ~~faithful discharge of their duties with sureties to be~~
10 ~~approved by the county auditor.~~ The commission shall
11 organize by the selection of one of their members as
12 chairperson and one as secretary. The commission,
13 subject to the approval of the board of supervisors,
14 shall employ an executive director or administrator
15 and shall have the power to employ other necessary
16 employees when needed, including administrative or
17 clerical assistants, but no member of the commission
18 shall be so employed. ~~The compensation of such~~
19 ~~employees shall be fixed by the board of supervisors.~~
20 The state department of veterans affairs shall
21 recognize the executive director or administrator as
22 a county veterans service officer recognized pursuant
23 to 38 C.F.R. § 14.628(c) for the purposes of assisting
24 veterans and their dependents in obtaining federal
25 benefits. The commission shall recommend the annual
26 compensation of the executive director or administrator
27 to the board of supervisors. The board of supervisors
28 shall consider the recommendation and shall determine
29 and approve the annual compensation of the executive
30 director or administrator. The executive director
31 must possess the same qualifications as provided in
32 section 35B.3 for commission members. However, this
33 qualification requirement shall not apply to a person
34 employed as an executive director prior to July 1,
35 1989.

36 c. Upon the employment of an executive director or
37 administrator, the executive director or administrator
38 shall complete a course of certification training
39 provided by the department of veterans affairs
40 pursuant to section 35A.5. If an executive director
41 or administrator fails to obtain certification within
42 one year of being employed, the executive director
43 or administrator shall be removed from office. A
44 ~~commissioner or other~~ commission employee may also
45 complete the course of certification training. The
46 department shall issue the executive director,
47 administrator, ~~commissioner~~, or employee a certificate
48 of training after completion of the certification
49 training course. To maintain certification, the
50 executive director, administrator, ~~commissioner~~,

1 or employee shall satisfy the continuing education
2 requirements established by the national association
3 of county ~~veteran~~ veterans service officers. Failure
4 of an executive director or administrator to maintain
5 certification shall be cause for removal from office.
6 The expenses of training the executive director or
7 administrator shall be paid from the appropriation
8 authorized in section 35B.14.

9 Sec. _____. Section 35B.6, subsection 1, paragraph
10 d, Code 2011, is amended by adding the following new
11 subparagraph:

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

14 Sec. _____. Section 35B.6, subsection 2, Code 2011,
15 is amended to read as follows:

16 2. a. Two or more boards of supervisors may agree,
17 pursuant to chapter 28E, to share the services of an
18 executive director or administrator. The agreement
19 shall provide for the establishment of a commission
20 of veteran affairs office in each of the counties
21 participating in the agreement.

22 b. It shall be unlawful for any county board of
23 supervisors or any county commission of veteran affairs
24 to place the administration of the duties of the county
25 commission of veteran affairs under any other agency
26 of any county, or to publish the names of the veterans
27 or their families who receive benefits under the
28 provisions of this chapter.

29 Sec. _____. Section 35B.6, subsection 3, Code 2011,
30 is amended by striking the subsection.

31 Sec. _____. Section 35B.6, subsection 4, paragraph a,
32 Code 2011, is amended to read as follows:

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

36 Sec. _____. Section 35B.7, Code 2011, is amended to
37 read as follows:

38 **35B.7 Meetings — report — budget.**

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

49 Sec. _____. Section 35B.10, Code 2011, is amended to
50 read as follows:

1 **35B.10 Disbursements — inspection of records.**

2 1. All claims certified by the commission shall
3 be reviewed by the board of supervisors and the
4 county auditor shall issue warrants in payment of the
5 claims. All applications, investigation reports, and
6 case records are privileged communications and shall
7 ~~be held~~ confidential, subject to use and inspection
8 only by persons authorized by law in connection with
9 their official duties relating to financial audits and
10 the administration of this chapter or as authorized
11 by order of a district court. ~~However, the county~~
12 ~~commission of veteran affairs shall prepare and file~~
13 ~~in the office of the county auditor on or before the~~
14 ~~thirtieth day of each January, April, July, and October~~
15 ~~a report showing the case numbers of all recipients~~
16 ~~receiving assistance under this chapter, together with~~
17 ~~the amount paid to each during the preceding quarter.~~
18 ~~Each report so filed shall be securely fixed in a~~
19 ~~record book to be used only for such reports made under~~
20 ~~this chapter.~~ A person may sign a release to authorize
21 the examination of that person's applications, reports,
22 or records.

23 ~~The record book shall be and the same is hereby~~
24 ~~declared to be a public record, open to public~~
25 ~~inspection at all times during the regular office~~
26 ~~hours of the county auditor. Each person who desires~~
27 ~~to examine said records, other than in pursuance of~~
28 ~~official duties as hereinbefore provided, shall sign~~
29 ~~a written request to examine the same, which shall~~
30 ~~contain an agreement on the part of the signer that~~
31 ~~the signer will not utilize any information gained~~
32 ~~therefrom for commercial or political purposes.~~

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

42 Sec. _____. Section 35B.14, Code 2011, is amended by
43 adding the following new subsections:

44 NEW SUBSECTION. 3. The commission is responsible
45 for the interment in a suitable cemetery of the body of
46 any veteran, as defined in section 35.1, or the spouse,
47 surviving spouse, or child of the person, if the person
48 has died without leaving sufficient means to defray the
49 funeral expenses. The commission may pay the expenses
50 in a sum not exceeding an amount established by the

1 board of supervisors.

2 NEW SUBSECTION. 4. Burial expenses shall be paid
3 by the county in which the person died. If the person
4 is a resident of a different county at the time of
5 death, the county of residence shall reimburse the
6 county where the person died for the cost of burial.
7 In either case, the board of supervisors of the
8 respective counties shall audit and pay the account
9 from the funds provided for in this chapter in the
10 manner as other claims are audited and paid.

11 Sec. _____. Section 35B.16, Code 2011, is amended to
12 read as follows:

13 **35B.16 Markers for graves.**

14 The county commission of veteran affairs may
15 furnish a suitable and appropriate ~~metal~~ marker for
16 the grave of each veteran, as defined in section 35.1,
17 who is buried within the limits of the county. The
18 marker shall be placed at the individual's grave to
19 permanently mark and designate the grave for memorial
20 purposes. The expenses shall be paid from any funds
21 raised as provided in this chapter.

22 Sec. _____. Section 35B.17, Code 2011, is amended to
23 read as follows:

24 **35B.17 Maintenance of graves.**

25 1. The county boards of supervisors shall each
26 year appropriate and pay to the owners of, or to the
27 public board or officers having control of cemeteries
28 within the state in which any such deceased service
29 person is buried, a sum sufficient to pay for the care
30 and maintenance of the lots on which they are buried
31 in all cases in which provision for such care is not
32 otherwise made, or may conclude their responsibility
33 by paying a mutually agreed to fee for perpetual care
34 when the cemetery authority has established a perpetual
35 care fund for the cemetery, to be paid either as a lump
36 sum, or in not to exceed five installments in a manner
37 agreed to by the parties.

38 2. Payment under subsection 1 shall be made at the
39 rate charged for like care and maintenance of other
40 lots of similar size in the same cemetery, upon the
41 affidavit of the superintendent or other person in
42 charge of such cemetery, that the same has not been
43 otherwise paid or provided for.

44 Sec. _____. Section 35B.19, Code 2011, is amended to
45 read as follows:

46 **35B.19 Burial records.**

47 The county commission of veteran affairs executive
48 director or administrator shall be charged with
49 securing the information requested by the department
50 of veterans affairs of every person having a military

1 service record and buried in ~~that~~ the county. Such
2 information shall be secured from the undertaker
3 in charge of the burial or cremation and shall be
4 transmitted by the undertaker to the ~~commission of~~
5 county veteran affairs office of the county where
6 burial or disposition of cremated remains is made.
7 This information shall be recorded alphabetically and
8 by description of location in the cemetery where the
9 veteran is buried or the place of disposition of the
10 cremated remains of the veteran. This recording shall
11 conform to the directives of the department of veterans
12 affairs and shall be kept in a book by the ~~county~~
13 commission executive director or administrator.>

14 2. Page 5, after line 23 by inserting:

15 <Sec. _____. Section 64.11, Code 2011, is amended to
16 read as follows:

17 **64.11 Expense of bonds paid by county.**

18 If a county treasurer, county attorney, recorder,
19 auditor, sheriff, medical examiner, ~~member of the~~
20 ~~veterans affairs commission,~~ member of the board of
21 supervisors, engineer, steward, or matron elects to
22 furnish a bond with an association or incorporation as
23 surety as provided in this chapter, the reasonable cost
24 of the bond shall be paid by the county where the bond
25 is filed.

26 Sec. _____. Section 331.381, subsection 6, Code 2011,
27 is amended to read as follows:

28 6. Audit and pay the burial expense for indigent
29 veterans, as provided in section ~~35B.15~~ 35B.14,
30 subsection 4.

31 Sec. _____. Section 331.502, subsections 14 and 15,
32 Code 2011, are amended by striking the subsections.

33 Sec. _____. Section 331.508, subsection 5, Code 2011,
34 is amended by striking the subsection.>

35 3. Page 5, line 26, by striking <and>

36 4. Page 5, line 27, after <35.12,> by inserting
37 <35A.9, 35B.8, 35B.9, 35B.12, 35B.13, 35B.15, and
38 35B.18>

39 5. Page 5, by striking line 28.

40 6. Title page, line 1, after <relating to> by
41 inserting <veterans by making changes related to>

42 7. Title page, line 3, after <affairs> by inserting
43 <and the county commissions of veterans affairs>

44 8. By renumbering as necessary.

ALONS of Sioux