

In State House 3/17. Do Pass 3/23 (p. 1003)

HOUSE FILE 2440

State Government
Carr, Chair
Gettings
Schorhitz

HOUSE FILE 2440

BY COMMITTEE ON HUMAN RESOURCES

(Formerly Study Bill 734)

MAR 2 1984

Place On Calendar

Passed House, Date 3-8-84 (p. 820) Passed Senate, Date 5-27-84 (p. 1688)

Vote: Ayes 98 Nays 0 Vote: Ayes 49 Nays 0

Approved May 14, 1984

Repassed House 4-4-84 (p. 1651)
79-0

Repassed Senate 4-9-84 (p. 1389)
47-0

A BILL FOR

- 1 An Act relating to the Iowa veterans home and its administration.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2440

S-5560

1 Amend House File 2440 as passed by the House as
2 follows:

- 3 1. By striking page 1, line 34 through page 2,
4 line 2, and inserting in lieu thereof the words:
- 5 "2. A person shall not be received or retained in
6 the home who has been diagnosed by a qualified mental
7 health professional as acutely mentally ill and considered
8 dangerous to self or others, is an acute inebriate,
9 or is addicted to the use of drugs, and whose documented
10 behavior is continuously disruptive to the operation
11 of the facility. Notwithstanding section 219.9, Code 1983,
12 for the purposes of payment of costs incurred relating
13 to the care and treatment of a resident discharged under
14 this section, the county of legal settlement shall be
15 financially responsible."

S-5560 FILED & ADOPTED BY ROBERT M. CARR
MARCH 27, 1984 (p. 1087)

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1 Section 1. Section 219.1, Code 1983, is amended to read
2 as follows:

3 219.1 PURPOSE OF HOME--FOR WHOM MAINTAINED.

4 1. The Iowa veterans home, located in Marshalltown, shall
5 be maintained as a long-term health care facility providing
6 multiple levels of care, with attendant health care services,
7 for honorably discharged veterans and ~~for-the~~ their dependent
8 spouses and for surviving spouses of ~~such~~ honorably discharged
9 veterans. Eligibility requirements for admission to the Iowa
10 veterans home shall coincide with the eligibility requirements
11 for hospitalization in a United States veterans administration
12 facility pursuant to title 38, United States Code, ~~sections~~
13 ~~210-and~~ section 610, and regulations promulgated under such
14 ~~provisions~~ that section as amended to January 1, ~~1975~~ 1984.

15 2. As used in this chapter:

16 a. "Commissioner" means the commissioner of the department
17 of human services.

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

19 Sec. 2. Section 219.2, Code 1983, is amended to read as
20 follows:

21 219.2 RIGHT TO ADMISSION. ~~All-persons-named~~

22 1. ~~Persons described~~ in section 219.1 who do not have
23 sufficient means for their own support, or ~~who~~ are disabled
24 by disease, wounds, old age or otherwise, ~~or-who~~ and are
25 unable to earn a livelihood, ~~and-who-have-been-residents-and~~
26 ~~citizens-of-the-state-of-Iowa-for-the-three-years-immediately~~
27 ~~preceeding-the-date-of-the-application~~ and who are residents
28 of the state of Iowa ~~at-the-time~~ on the date of the application
29 and immediately preceding the date the application is accepted,
30 may be admitted to the home as members ~~thereof~~ under ~~such~~
31 rules ~~and-regulations-as-may-be~~ adopted by the ~~direeter~~
32 commissioner. Eligibility determinations are subject to
33 approval by the commissioner.

34 2. A person shall not be received or retained in the home
35 who has been diagnosed as acutely mentally ill and considered

1 dangerous to self or others, is an acute inebriate, or is
 2 addicted to the use of drugs.

3 Sec. 3. Section 219.3, Code 1983, is amended to read as
 4 follows:

5 219.3 ~~ELIGIBILITY--RULES--GENERAL MANAGEMENT.~~ The ~~director~~
 6 ~~shall have power to determine the eligibility of applicants~~
 7 ~~for admission to the home in accordance with the provisions~~
 8 ~~of this chapter, and~~ commissioner shall adopt all the necessary
 9 rules ~~and regulations~~ for the preservation of order and
 10 enforcement of discipline, the promotion of health and well-
 11 being of all the members and ~~for~~ the management and control
 12 of the home and ~~the~~ its grounds ~~thereof~~.

13 Sec. 4. Section 219.4, Code 1983, is amended to read as
 14 follows:

15 219.4 MARRIED COUPLES--QUARTERS.

16 1. When a married person is or becomes a member of the
 17 home, the spouse, if married to the person for at least one
 18 year and ~~is~~ otherwise eligible under this chapter, may be
 19 admitted as a member of the home subject to ~~all~~ the rules
 20 of ~~said~~ the home. Husband-and-wife Veteran and spouse members
 21 may be permitted to occupy, together, cottages or other
 22 quarters on the grounds of the home.

23 2. The cottages may be made available to persons on the
 24 staff of the home at a rental rate determined by the
 25 commissioner.

26 Sec. 5. Section 219.5, Code 1983, is amended to read as
 27 follows:

28 219.5 SURVIVING SPOUSES OF VETERANS. If any a deceased
 29 veteran, who would be entitled to admission to the home if
 30 the deceased veteran were living, has left a surviving spouse,
 31 ~~such~~ the spouse ~~shall be~~ is entitled to admission to the home
 32 with the same rights, privileges and benefits as ~~though~~ if
 33 the veteran were living and a member of the home, ~~provided,~~
 34 ~~however, that such~~ if the spouse has been was married to ~~said~~
 35 the veteran for at least one year immediately prior to the

1 veteran's death, ~~and-has-reached-the-age-of-fifty-years-or~~
2 is found by the commandant to be ~~totally-and-permanently~~
3 disabled, ~~and-the-spouse~~ does not have sufficient means or
4 ~~does-not-possess-sufficient-funds~~ for support and maintenance,
5 and ~~provided-further-that-the-surviving-spouse-has-been-for~~
6 ~~the-three-years-preceding-the-date-of-application,~~ is a
7 resident of the state of Iowa, ~~and-has-not-married-at-any~~
8 ~~time-since-the-death-of-the-veteran-spouse-except-to-a-member~~
9 ~~of-the-home~~ on the date of the application and immediately
10 preceding the date the application is accepted.

11 Sec. 6. Section 219.6, Code 1983, is amended to read as
12 follows:

13 219.6 CERTIFICATE OF ELIGIBILITY. Before admission, each
14 applicant shall file with the commandant an affidavit signed
15 by two members of the commission of veteran affairs of the
16 county in which ~~sueh~~ the person resides, stating that ~~sueh~~
17 the person to the best of their knowledge and belief is a
18 resident of ~~sueh~~ that county ~~as-required-under-this-chapter~~
19 and that ~~sueh~~ the person is unable to earn a livelihood and
20 ~~his~~ the person's income, ~~is-less-than-twelve-hundred-dollars~~
21 ~~per-annum~~ exclusive of pension, compensation, war risk
22 insurance payments, or pensions or annuities under the social
23 security Act and the railroad retirement Acts, ~~sueh,~~ is less
24 than is sufficient to provide the type of health care necessary
25 for the person's welfare. ~~The~~ affidavit ~~shall-be~~ is conclusive
26 evidence of the residence of ~~sueh-persons-and~~ the person but
27 is prima facie only in all other matters affecting the
28 eligibility of the applicant and the liability of the county
29 with respect to the expense of ~~any-sueh~~ the person for which
30 the county may be liable. All records of admission shall
31 show the residence of the applicant.

32 Sec. 7. Section 219.7, Code Supplement 1983, is amended
33 by striking the section and inserting in lieu thereof the
34 following:

35 219.7 CONTRIBUTING TO OWN SUPPORT.

1 1. Except as otherwise provided in chapter 249A and other
2 provisions of this chapter, a member of the home who receives
3 a pension, compensation or gratuity from the United States
4 government, or income from any source of more than twenty-
5 five dollars per month, shall contribute to the member's own
6 maintenance or support while a member of the home. The amount
7 of the contribution and the method of collection shall be
8 determined by the commissioner, but the amount shall in no
9 case exceed the actual cost of keeping and maintaining the
10 person in the home.

11 2. Sums paid to and received by the commandant for the
12 support of members of the home shall be paid monthly by the
13 commandant to the treasurer of state and credited to the
14 general fund of the state.

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

21 Sec. 8. Section 219.8, Code 1983, is amended by striking
22 the section and inserting in lieu thereof the following:

23 219.8 CONDITIONAL ADMITTANCE. The commissioner may, if
24 there is room for all dependent members and applicants, admit
25 and allow to remain in the home persons who have sufficient
26 means for their own support but are otherwise eligible to
27 become members of the home, on payment of the cost of their
28 support. The cost and method of collection shall be determined
29 by the commissioner.

30 Sec. 9. Section 219.9, Code 1983, is amended by strik-
31 ing the section and inserting in lieu thereof the following:

32 219.9 COUNTY OF RESIDENCE UPON DISCHARGE. When a member
33 of the home is discharged or voluntarily leaves the home,
34 or is adjudged mentally ill after admittance, the member's
35 residence is that of the county in which the member was

1 residing at the time of admittance.

2 Sec. 10. NEW SECTION. 219.10 PAYMENT TO DEPENDENTS.

3 Except as otherwise provided in chapter 249A and other provi-
4 sions of this chapter, a member of the home who receives a
5 pension or compensation and who has a child, as defined in
6 section 234.1, or a spouse who is dependent upon employment
7 or others for support shall deposit with the commandant on
8 receipt of the member's pension or compensation check one-
9 half of its amount, which shall be sent at once to the spouse
10 or, if there is no spouse, to the guardian of the child.
11 The commandant, if satisfied that the spouse has deserted
12 the member of the home, may pay the money deposited to the
13 guardian of the child.

14 Sec. 11. NEW SECTION. 219.11 HANDLING OF PENSION MONEY
15 AND OTHER FUNDS.

16 1. Pension money deposited with the commandant is not
17 assignable for any purpose except as provided in sections
18 219.10 and 219.19, or in accordance with subsection 2 of this
19 section.

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

27 Sec. 12. NEW SECTION. 219.12 BANK ACCOUNT FOR MEMBERS'
28 DEPOSITS.

29 1. The Iowa veterans home, for the convenience of its
30 members, may maintain a commercial account with a federally
31 insured bank for the individual personal deposits of its
32 members. The account shall be known as the Iowa veterans
33 home membership account. The commandant shall record each
34 member's personal deposits individually and shall deposit
35 the funds in the membership account, where the members' de-

1 posits shall be held in the aggregate.

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

8 Sec. 13. Section 219.13, Code 1983, is amended by strik-
9 ing the section and inserting in lieu thereof the following:
10 219.13 COMMANDANT.

11 1. The commissioner shall appoint a commandant who shall
12 be the person responsible for handling veterans affairs for
13 the department of human services, shall serve as the chief
14 executive of the home and shall have the immediate custody
15 and control, subject to the orders of the commissioner or
16 the commissioner's designee, of all property used in connection
17 with the home.

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

24 3. The commandant shall receive an annual salary as the
25 commissioner may determine. In addition to salary, the com-
26 missioner shall furnish the commandant with a dwelling house
27 or with appropriate quarters and additional allowances, as
28 provided in section 218.14 for executive heads of state insti-
29 tutions.

30 Sec. 14. Section 219.18, Code 1983, is amended to read
31 as follows:

32 219.18 RULES ENFORCED--POWER TO DISMISS SUSPEND AND EXPEL
33 MEMBERS. The commandant shall administer and enforce all
34 rules ~~and regulations~~ adopted by the ~~director~~ commissioner,
35 including rules of discipline, and, ~~shall have power to dismiss~~

1 subject to these rules, may immediately suspend the membership
2 of and expel any member person from the home for infraction
3 of such the rules and-regulations-subject-to-the-approval
4 of-the-director when the commandant determines that the health,
5 safety or welfare of the residents of the home is in immediate
6 danger and other reasonable alternatives have been exhausted.
7 The suspension and expulsion are temporary pending action
8 by the commissioner. Judicial review of the action of the
9 commissioner may be sought in accordance with chapter 17A.

10 Sec. 15. Section 219.19, Code 1983, is amended to read
11 as follows:

12 219.19 DUAL CONVICTION -- PROBATION. Any A person who,
13 while a member of the home, is twice convicted of an offense
14 against the statutes of the state, or twice found guilty by
15 the commandant or a court martial of intoxication or other
16 infraction of the rules of the home, shall ~~be-required-to~~
17 deposit all of ~~his~~ the person's pension money with the
18 commandant immediately upon receipt of ~~his~~ the pension check
19 or warrant. In lieu of trial by the commandant the member
20 may demand a court martial. ~~Such~~ The pension money shall
21 be deposited by the commandant in a separate account for and
22 in behalf of ~~such~~ the pensioner and the commandant shall,
23 under ~~such~~ the rules as the ~~director-may-provide~~ commissioner
24 provides, pay the ~~same~~ money out with the consent of the
25 pensioner in ~~such~~ the manner and for ~~such~~ purposes as the
26 ~~director-may-approve~~ commissioner approves. If, after a
27 period of six months, the ~~pensioner-shall-conduct-himself~~
28 ~~in-an~~ pensioner's conduct is orderly and sober manner, ~~said~~
29 the deposit shall be returned to ~~him~~ the pensioner. If the
30 pensioner ~~be~~ is discharged from the home the balance of ~~such~~
31 the deposit shall be paid to ~~said~~ the pensioner within thirty
32 days after ~~his~~ discharge.

33 Sec. 16. Section 219.21, Code 1983, is amended to read
34 as follows:

35 219.21 REPORT BY ~~DIRECTOR~~ COMMISSIONER. The ~~director~~

1 ~~commissioner~~ shall, biennially, ~~on or before October 1, prior~~
 2 ~~to the meeting of the general assembly,~~ make a full and
 3 detailed report to the governor showing the condition of the
 4 home, the number of members in the home, the order and
 5 discipline enforced, and the needs of the home financially
 6 and otherwise, together with an itemized statement of all
 7 receipts and disbursements and any ~~and all~~ other matters of
 8 importance in the management and control of the home.

9 Sec. 17. Section 218.9, unnumbered paragraph 3, Code
 10 Supplement 1983, is amended to read as follows:

11 The superintendent or warden shall have immediate custody
 12 and control, subject to the orders and policies of the divi-
 13 sion director in charge of the institution, of all property
 14 used in connection with the institution except as provided
 15 in this chapter ~~or section 219.7~~. The tenure of office shall
 16 be at the pleasure of the appointing authority. The appoint-
 17 ing authority may transfer a superintendent or warden from
 18 one institution to another.

19 Sec. 18.

20 1. Sections 219.14, 219.15, 219.16, 219.17, 219.20 and
 21 219.23, Code 1983, are repealed.

22 2. Section 219.24, Code Supplement 1983, is repealed.

23 EXPLANATION

24 This bill makes several substantive and organizational
 25 changes in the statutes governing the administration of the
 26 Iowa veterans home. It places overall responsibility in the
 27 commissioner of the department of human services rather than
 28 the director of the division of child and family services.
 29 It reduces certain eligibility requirements for admission
 30 to the home, recognizes the home as a provider of health care
 31 services, revises provisions relating to the commandant's
 32 functions and qualifications, authorizes the commandant to
 33 immediately suspend and expel a member for infraction of the
 34 rules under certain circumstances, and adds provisions relat-
 35 ing to the handling of funds of members of the home. The
 36 bill takes effect July 1 following its enactment.

SENATE AMENDMENT TO HOUSE FILE 2440

Amend House File 2440 as passed by the House as follows:

1. By striking page 1, line 34 through page 2, line 2, and inserting in lieu thereof the following:

"2. A person shall not be received or retained in the home who has been diagnosed by a qualified mental health professional as acutely mentally ill and constitutes a danger to self or others, is an acute inebriate, or is addicted to the use of drugs, and whose documented behavior is continuously disruptive to the operation of the facility. Notwithstanding section 219.9, Code 1963, for the purposes of payment of costs incurred relating to the care and treatment of a resident discharged under this section, the county of legal settlement shall be financially responsible."

H-5966 FILED MARCH 29, 1984

RECEIVED FROM THE SENATE

House amendment (6055) & concurred 4/4 (p. 1650)

HOUSE FILE 2440

H-6055

Amend the Senate amendment H-5966 to House File 2440 as passed by the House as follows:

1. Page 1, by striking lines 11 through 15 and inserting in lieu thereof the following: "of the facility."

2. By inserting after line 15 the following:

"2. By striking page 4, line 32 through page 5, line 1 and inserting in lieu thereof the following: "219.9 COUNTY OF SETTLEMENT UPON DISCHARGE. A member of the home does not acquire legal settlement in the county in which the home is located unless the member is voluntarily or involuntarily discharged from the home, continuously resides in the county for a period of one year subsequent to the discharge, and during that year is not readmitted to the home or does not receive any services from the home.""

H-6055 FILED APRIL 3, 1984

BY SPEAR of Lee

Adopted 4/4 (p. 1650)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2440

S-5817

1 Amend the Senate amendment H-5966 to House File
2 2440 as passed by the House as follows:

3 1. Page 1, by striking lines 11 through 15 and
4 inserting in lieu thereof the following: "of the
5 facility."

6 2. By inserting after line 15 the following:

7 "2. By striking page 4, line 32 through page 5,
8 line 1 and inserting in lieu thereof the following:
9 "219.9 COUNTY OF SETTLEMENT UPON DISCHARGE. A
10 member of the home does not acquire legal settlement
11 in the county in which the home is located unless
12 the member is voluntarily or involuntarily discharged
13 from the home, continuously resides in the county
14 for a period of one year subsequent to the discharge,
15 and during that year is not readmitted to the home
16 or does not receive any services from the home."

S-5817 FILED
APRIL 6, 1984

RECEIVED FROM THE HOUSE

Senate concurred 4/9 (S. 1389)

HOUSE FILE 2440

AN ACT

RELATING TO THE IOWA VETERANS HOME AND ITS ADMINISTRATION.

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

Section 1. Section 219.1, Code 1983, is amended to read as follows:

219.1 PURPOSE OF HOME--FOR WHOM MAINTAINED.

1. The Iowa veterans home, located in Marshalltown, shall be maintained as a long-term health care facility providing multiple levels of care, with attendant health care services, for honorably discharged veterans and ~~for~~ their dependent spouses and for surviving spouses of ~~such~~ honorably discharged veterans. Eligibility requirements for admission to the Iowa veterans home shall coincide with the eligibility requirements for hospitalization in a United States veterans administration facility pursuant to title 38, United States Code, ~~sections 210 and section 610,~~ and regulations promulgated under ~~such provisions that~~ section as amended to January 1, 1975 ~~1984~~.

2. As used in this chapter:

a. "Commissioner" means the commissioner of the department of human services;

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

Sec. 2. Section 219.2, Code 1983, is amended to read as follows:

219.2 RIGHT TO ADMISSION. ~~All persons named~~

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

2. ~~A person shall not be received or retained in the home who has been diagnosed by a qualified mental health professional as acutely mentally ill and considered dangerous to self or others, is an acute inebriate, or is addicted to the use of drugs, and whose documented behavior is continuously disruptive to the operation of the facility.~~

Sec. 3. Section 219.3, Code 1983, is amended to read as follows:

219.3 ELIGIBILITY--RULES--GENERAL MANAGEMENT. ~~The director shall have power to determine the eligibility of applicants for admission to the home in accordance with the provisions of this chapter, and commissioner shall adopt all the necessary rules and regulations for the preservation of order and enforcement of discipline, the promotion of health and well-being of all the members and for the management and control of the home and the its grounds thereof.~~

Sec. 4. Section 219.4, Code 1983, is amended to read as follows:

219.4 MARRIED COUPLES--QUARTERS.

1. When a married person is or becomes a member of the home, the spouse, if married to the person for at least one year and is otherwise eligible under this chapter, may be admitted as a member of the home subject to ~~all the~~ the rules

of said the home. ~~Husband-and-wife Veteran and spouse members~~ may be permitted to occupy, together, cottages or other quarters on the grounds of the home.

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

Sec. 5. Section 219.5, Code 1983, is amended to read as follows:

219.5 SURVIVING SPOUSES OF VETERANS. If ~~any~~ a deceased veteran, who would be entitled to admission to the home if the deceased veteran were living, has left a surviving spouse, ~~such the spouse shall be is~~ entitled to admission to the home with the same rights, privileges and benefits as ~~though if~~ the veteran were living and a member of the home, ~~provided; however, that such if the spouse has been was~~ married to ~~said~~ the veteran for at least one year immediately prior to the veteran's death, ~~and has reached the age of fifty years or~~ is found by the commandant to be ~~totally and permanently~~ disabled, ~~and the spouse does not have sufficient means or does not possess sufficient funds for support and maintenance, and provided further that the surviving spouse has been for the three years preceding the date of application, is a resident of the state of Iowa and has not married at any time since the death of the veteran spouse except to a member of the home on the date of the application and immediately preceding the date the application is accepted.~~

Sec. 6. Section 219.6, Code 1983, is amended to read as follows:

219.6 CERTIFICATE OF ELIGIBILITY. Before admission, each applicant shall file with the commandant an affidavit signed by two members of the commission of veteran affairs of the county in which ~~such~~ the person resides, stating that ~~such~~ the person to the best of their knowledge and belief is a resident of ~~such~~ that county ~~as required under this chapter~~ and that ~~such~~ the person is unable to earn a livelihood and

~~has the person's income, as less than twelve hundred dollars per annum exclusive of pension, compensation, war risk insurance payments, or pensions or annuities under the social security Act and the railroad retirement Act--6000, is less than is sufficient to provide the type of health care necessary for the person's welfare. The affidavit shall be is~~ conclusive evidence of the residence of ~~such persons and the person but~~ is ~~prima facie~~ only in all other matters affecting the eligibility of the applicant and the liability of the county with respect to the expense of ~~any such the~~ person for which the county may be liable. All records of admission shall show the residence of the applicant.

Sec. 7. Section 219.7, Code Supplement 1983, is amended by striking the section and inserting in lieu thereof the following:

219.7 CONTRIBUTING TO OWN SUPPORT.

1. Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension, compensation or gratuity from the United States government, or income from any source of more than twenty-five dollars per month, shall contribute to the member's own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall be determined by the commissioner, but the amount shall in no case exceed the actual cost of keeping and maintaining the person in the home.

2. Sums paid to and received by the commandant for the support of members of the home shall be paid monthly by the commandant to the treasurer of state and credited to the general fund of the state.

3. The commissioner 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 commissioner shall compensate each member who furnishes assistance at rates established by the commissioner.

Sec. 8. Section 219.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

219.8 CONDITIONAL ADMITTANCE. The commissioner 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 commissioner.

Sec. 9. Section 219.9, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

219.9 COUNTY OF SETTLEMENT UPON DISCHARGE. A member of the home does not acquire legal settlement in the county in which the home is located unless the member is voluntarily or involuntarily discharged from the home, continuously resides in the county for a period of one year subsequent to the discharge, and during that year is not readmitted to the home or does not receive any services from the home.

Sec. 10. NEW SECTION. 219.10 PAYMENT TO DEPENDENTS. Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension or compensation and who has a child, as defined in section 234.1, or a spouse who is dependent upon employment or others for support shall deposit with the commandant on receipt of the member's pension or compensation check one-half of its amount, which shall be sent at once to the spouse or, if there is no spouse, to the guardian of the child. The commandant, if satisfied that the spouse has deserted the member of the home, may pay the money deposited to the guardian of the child.

Sec. 11. NEW SECTION. 219.11 HANDLING OF PENSION MONEY AND OTHER FUNDS.

1. Pension money deposited with the commandant is not assignable for any purpose except as provided in sections 219.10 and 219.19, or in accordance with subsection 2 of this section.

2. The commandant, if authorized by a member of the home, and pursuant to policies adopted by the commissioner, 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. 12. NEW SECTION. 219.12 BANK ACCOUNT FOR MEMBERS' DEPOSITS.

1. The Iowa veterans home, for the convenience of its members, may maintain a commercial account with a federally insured bank for the individual personal deposits of its members. The account shall be known as the Iowa veterans home membership account. The commandant shall record each member's personal deposits individually and shall deposit the funds in the membership account, where the members' deposits shall be held in the aggregate.

2. The commandant, if authorized by a member of the home, and pursuant to policies adopted by the commissioner, 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. 13. Section 219.13, Code 1983, is amended by striking the section and inserting in lieu thereof the following:
219.13 COMMANDANT.

1. The commissioner shall appoint a commandant who shall be the person responsible for handling veterans affairs for the department of human services, shall serve as the chief executive of the home and shall have the immediate custody and control, subject to the orders of the commissioner or the commissioner's designee, 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. 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 commandant shall receive an annual salary as the commissioner may determine. In addition to salary, the commissioner 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. 14. Section 219.18, Code 1983, is amended to read as follows:

219.18. RULES ENFORCED--POWER TO DISMISS, SUSPEND AND EXPEL MEMBERS. The commandant shall administer and enforce all rules and regulations adopted by the director commissioner, including rules of discipline, and, shall have power to dismiss subject to these rules, may immediately suspend the membership of and expel any member person from the home for infraction of such the rules and regulations subject to the approval of the director 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 commissioner. Judicial review of the action of the commissioner may be sought in accordance with chapter 17A.

Sec. 15. Section 219.19, Code 1983, is amended to read as follows:

219.19. DUAL CONVICTION--PROBATION. Any A person who, while a member of the home, is twice convicted of an offense against the statutes of the state, or twice found guilty by the commandant or a court martial of intoxication or other infraction of the rules of the home, shall be required to deposit all of his the person's pension money with the commandant immediately upon receipt of his the pension check or warrant. In lieu of trial by the commandant the member

may demand a court martial. Such the pension money shall be deposited by the commandant in a separate account for and in behalf of such the pensioner and the commandant shall, under such the rules as the director may provide commissioner provide, pay the same money out with the consent of the pensioner in such the manner and for such purposes as the director may approve commissioner approves. If, after a period of six months, the pensioner shall conduct himself in an pensioner's conduct is orderly and sober manner and the deposit shall be returned to his the pensioner. If the pensioner be is discharged from the home the balance of such the deposit shall be paid to such the pensioner within thirty days after his discharge.

Sec. 16. Section 219.21, Code 1983, is amended to read as follows:

219.21. REPORT BY DIRECTOR COMMISSIONER. The director commissioner shall, biennially, on or before October 1, prior to the meeting of the general assembly, make a full and detailed report to the governor showing the condition of the home, the number of members in the 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 and all other matters of importance in the management and control of the home.

Sec. 17. Section 218.9, unnumbered paragraph 3, Code Supplement 1983, is amended to read as follows:

The superintendent or warden shall have immediate custody and control, subject to the orders and policies of the division director in charge of the institution, of all property used in connection with the institution except as provided in this chapter or section 219.77. The tenure of office shall be at the pleasure of the appointing authority. The appointing authority may transfer a superintendent or warden from one institution to another.

Sec. 18.

1. Sections 219.14, 219.15, 219.16, 219.17, 219.20 and 219.23, Code 1983, are repealed.
2. Section 219.24, Code Supplement 1983, is repealed.

DONALD D. AVENSON
Speaker of the House

CHARLES P. MILLER
President Pro Tempore of the
Senate

I hereby certify that this bill originated in the House and is known as House File 2440, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 14, 1984

TERRY E. BRANSTAD
Governor

H.F. 2440