

FEB 8 1996
STATE GOVERNMENT

HOUSE FILE 2188
BY KREMER and CONNORS

(COMPANION TO LSB 3804SS
BY IVERSON)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to veterans of the United States armed forces, by
2 changing eligibility for veteran benefits, preferences, and
3 tax exemptions, by providing for the administration of veteran
4 benefits, providing a penalty, and by providing for other
5 properly related matters.

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

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HF 2188

1 Section 1. NEW SECTION. 35.1 DEFINITIONS.

2 As used in this chapter and chapters 35A through 35D:

3 1. "Commission" means the commission of veterans affairs
4 created in section 35A.2.

5 2. "Veteran" means a resident of this state and former
6 member of the armed forces of the United States who was
7 discharged under honorable conditions. "Veteran" includes the
8 following persons:

9 a. Former members of the reserve forces of the United
10 States who served at least six years in the reserve forces
11 after January 28, 1973, and who were discharged under
12 honorable conditions.

13 b. Former members of the Iowa national guard who served at
14 least six years in the Iowa national guard and who were
15 discharged under honorable conditions.

16 c. Former members of the merchant marines who served
17 during World War II at any time between December 7, 1941, and
18 December 31, 1946, both dates inclusive, who were discharged
19 under honorable conditions.

20 d. Former members of the women's air force service pilots
21 and other persons who have been conferred veterans status
22 based on their civilian duties during World War II in
23 accordance with federal Pub. L. No. 95-202, 38 U.S.C. § 106.

24 Sec. 2. Section 35.8, Code 1995, is amended to read as
25 follows:

26 35.8 MONEY COMPRISING FUND.

27 Any money hereafter appropriated for the purpose of aiding
28 in the education of children of ~~honorably-discharged-persons~~
29 ~~who-served-in-the-military-or-naval-forces-of-the-United~~
30 ~~States-in-World-War-I-or-World-War-II~~ veterans, as provided by
31 this chapter, shall be known as the war orphans educational
32 aid fund.

33 Sec. 3. Section 35.9, unnumbered paragraph 1, Code 1995,
34 is amended to read as follows:

35 The commission of veterans affairs may expend not more than

1 six hundred dollars per year for any one child who has lived
2 in the state of Iowa for two years preceding application for
3 aid, and who is the child of a person veteran who died during
4 ~~World War I between the dates of April 6, 1917, and June 2,~~
5 ~~1921, or during World War II between the dates of September~~
6 ~~16, 1940, and December 31, 1946, both dates inclusive, or the~~
7 ~~Korean Conflict between June 25, 1950, and January 31, 1955,~~
8 ~~both dates inclusive, or the Vietnam Conflict between August~~
9 ~~5, 1964, and May 7, 1975, both dates inclusive, or the Persian~~
10 ~~Gulf Conflict at any time between August 2, 1990, and the date~~
11 ~~the president or the Congress of the United States declares a~~
12 ~~permanent cessation of hostilities, both dates inclusive,~~
13 while serving in the military or naval armed forces of the
14 United States, to include members of the reserve components
15 performing service or duties required or authorized under
16 chapter 39, United States Code and Title 32, United States
17 Code, sections U.S.C. § 502 through 505, and active state
18 service required or authorized under chapter 29A, or as a
19 result of such the service, to defray the expenses of tuition,
20 matriculation, laboratory and similar fees, books and
21 supplies, board, lodging, and any other reasonably necessary
22 expense for such child or children incident to attendance in
23 this state at an educational or training institution of
24 college grade, or in a business or vocational training school
25 with standards approved by the commission of veterans affairs.
26 ~~However, if Congress enacts a date different from August 2,~~
27 ~~1990, as the beginning of the Persian Gulf Conflict for~~
28 ~~purposes of determining whether a veteran is entitled to~~
29 ~~receive military benefits as a veteran of the Persian Gulf~~
30 ~~Conflict, that date shall be substituted for August 2, 1990.~~

31 Sec. 4. Section 35A.2, subsection 2, Code Supplement 1995,
32 is amended to read as follows:

33 2. Six commissioners shall be honorably discharged members
34 of the armed forces of the United States veterans. The
35 American legion of Iowa, disabled American veterans department

1 of-Iowa,-veterans-of-foreign-wars-department-of-Iowa,-American
2 veterans-of-World-War-II,-Korea,-and-Vietnam,-the-Vietnam
3 veterans-of-America,-and-the-military-order-of-the-purple
4 heart,-through-their-department-commanders, All
5 congressionally chartered veterans service organizations, as
6 recognized by the United States department of veterans
7 affairs, which have an established office in this state shall
8 submit two names respectively from their organizations to the
9 governor. The governor shall appoint from each of the
10 organizations one representative to serve as a member of the
11 commission, unless the appointments would conflict with the
12 bipartisan and gender balance provisions of sections 69.16 and
13 69.16A. In addition, the governor shall appoint one member of
14 the-public,-knowledgeable-in-the-general-field-of-veterans
15 affairs,-to-serve-on-the-commission nominated by the executive
16 board of the Iowa association of county commissioners of
17 veteran affairs.

18 Sec. 5. Section 35A.3, subsection 12, Code Supplement
19 1995, is amended to read as follows:

20 12. Provide training to county veteran affairs commission
21 members, executive directors of-county-commissions-of-veteran
22 affairs and other staff pursuant to section 35B.6. The
23 commission may shall adopt rules in accordance with chapter
24 17A to provide for training of county veteran affairs
25 commission members, executive directors, and other staff.

26 Sec. 6. Section 35A.8, Code 1995, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 4. a. The executive director shall
29 provide for the administration of the bonus authorized in this
30 subsection. The executive director shall adopt rules,
31 pursuant to chapter 17A, as necessary to administer this
32 subsection including, but not limited to, application pro-
33 cedures, and investigation, approval or disapproval, and
34 payment of claims.

35 b. (1) Each person who served on active duty in the

1 merchant marine service of the United States, at any time
2 between September 16, 1940, and September 2, 1945, both dates
3 inclusive, and who served for a period of not less than one
4 hundred twenty days on or before December 31, 1946, and who at
5 the time of entering into the merchant marine service was a
6 legal resident of the state of Iowa, and who had maintained
7 the person's residence in this state for a period of at least
8 six months immediately before entering the merchant marine
9 service and was honorably discharged or separated from the
10 merchant marine service, is entitled to receive from moneys
11 appropriated for that purpose the sum of twenty-two dollars
12 and seventy-five cents for each month that the person was on
13 active duty in the merchant marine service, all before
14 December 31, 1946, not to exceed a total sum of five hundred
15 dollars. Compensation for a fraction of a month shall not be
16 considered unless the fraction is sixteen days or more, in
17 which case the fraction shall be computed as a full month.

18 (2) A person is not entitled to compensation pursuant to
19 this subsection if the person received a bonus or compensation
20 of a similar nature as provided in this subsection from
21 another state.

22 (3) A person is not entitled to compensation pursuant to
23 this subsection if the person was on active duty in the
24 merchant marine service after September 16, 1940, and the
25 person refused on conscientious, political, religious, or
26 other grounds, to be subject to military discipline.

27 (4) The surviving widow or widower, child or children,
28 mother, father, or person standing in loco parentis, in the
29 order named and none other, of any deceased person, shall be
30 paid the compensation that the deceased person would be
31 entitled to pursuant to this subsection, if living, but if any
32 person has died or shall die, or is disabled, from service-
33 connected causes incurred during the period and in the area
34 from which the person is entitled to receive compensation
35 pursuant to this subsection, the person or the first survivor

1 as designated by this subsection and in the order named, shall
2 be paid five hundred dollars, regardless of the length of
3 service.

4 c. A person who knowingly makes a false statement relating
5 to a material fact in supporting an application under this
6 subsection is guilty of a serious misdemeanor. A person
7 convicted pursuant to this subsection shall forfeit all
8 benefits to which the person may have been entitled under this
9 subsection.

10 d. All payments and allowances made under this subsection
11 shall be exempt from taxation and from levy and sale on
12 execution.

13 e. The bonus compensation authorized under this subsection
14 shall be paid from moneys appropriated for that purpose.

15 Sec. 7. Section 35B.3, Code 1995, is amended to read as
16 follows:

17 35B.3 COUNTY COMMISSION OF VETERAN AFFAIRS.

18 The county commission of veteran affairs shall consist of
19 either three or five persons, as determined by the board of
20 supervisors, all of whom shall be honorably-discharged-persons
21 ~~who-served-in-the-military-or-naval-forces-of-the-United~~
22 ~~States-in-any-war,-including-World-War-I-at-any-time-between~~
23 ~~April-6,-1917,-and-November-11,-1918,-both-dates-inclusive,-~~
24 ~~World-War-II-at-any-time-between-December-7,-1941,-and~~
25 ~~December-31,-1946,-both-dates-inclusive,-the-Korean-Conflict~~
26 ~~at-any-time-between-June-25,-1950,-and-January-31,-1955,-both~~
27 ~~dates-inclusive,-the-Vietnam-Conflict-at-any-time-between~~
28 ~~December-22,-1961,-and-May-7,-1975,-both-dates-inclusive,-and~~
29 ~~the-Persian-Gulf-Conflict-at-any-time-between-August-2,-1990,-~~
30 ~~and-the-date-the-president-or-the-Congress-of-the-United~~
31 ~~States-declares-a-permanent-cessation-of-hostilities,-both~~
32 ~~dates-inclusive~~ veterans. However, if Congress enacts a date
33 different from August 2, 1990, as the beginning of the Persian
34 Gulf Conflict for purposes of determining whether a veteran is
35 entitled to receive military benefits as a veteran of the

1 ~~Persian-Gulf-Conflict, that date shall be substituted for~~
2 ~~August 27, 1990.~~ If possible, each member of the commission
3 shall be a veteran of a different war, or conflict, so as to
4 ~~divide membership among the persons who served in World War I,~~
5 ~~World War II, the Korean Conflict, the Vietnam Conflict, and~~
6 ~~the Persian Gulf Conflict~~ or era; however, this qualification
7 does not preclude membership to a veteran who served in more
8 than one of the wars, or conflicts, or eras.

9 Sec. 8. Section 35B.6, subsection 1, Code 1995, is amended
10 to read as follows:

11 1. a. The members of the commission shall qualify by
12 taking the usual oath of office, and give bond in the sum of
13 five hundred dollars each, conditioned for the faithful
14 discharge of their duties with sureties to be approved by the
15 county auditor. The commission shall organize by the
16 selection of one of their members as chairperson, and one as
17 secretary. The commission, subject to the approval of the
18 board of supervisors, shall ~~have power to~~ employ an executive
19 director and other necessary administrative or clerical
20 assistants when needed, the compensation of ~~such~~ the employees
21 to be fixed by the board of supervisors, but no member of the
22 commission shall be so employed. If the duties of executive
23 director do not require full-time employment in a county, the
24 board of supervisors may assign additional duties to the
25 executive director including, but not limited to, zoning
26 director, relief director, public health director, emergency
27 management director, or other compatible employment. The
28 executive director ~~must possess the same qualifications as~~
29 ~~provided in section 35B.3 for commission members~~ need not be a
30 veteran, but a veteran shall be given preference if all other
31 conditions are met. However, this ~~qualification requirement~~
32 shall preference does not apply to a person employed as an
33 executive director prior to July 1, 1989.

34 b. Upon the employment of an executive director, the
35 executive director shall complete a course of initial training

1 provided by the commission of veterans affairs pursuant to
2 section 35A.3. ~~If an executive director is not appointed, a~~
3 ~~commissioner or a clerical assistant shall complete the course~~
4 ~~of training.~~ Each commissioner and clerical assistant
5 appointed by the county commission shall also complete a
6 course of training provided by the commission of veterans
7 affairs. The commission shall issue the executive director,
8 commissioner, or clerical assistant a certificate of training
9 after completion of the initial training course. To maintain
10 annual certification, the executive director, commissioner, or
11 clerical assistant shall attend one commission training course
12 each year. Failure to maintain certification ~~may~~ shall be
13 cause for removal from office. The expenses of training
14 including the actual and necessary expenses of the executive
15 directors, commissioners, and clerical assistants shall be
16 paid from the appropriation authorized in section 35B.14.

17 Sec. 9. Section 35B.6, subsection 1, Code 1995, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. c. The training program for county
20 commissioners, executive directors, and other staff shall
21 include, but is not limited to, the following topics as
22 appropriate for the specific office:

- 23 (1) Office management principles.
- 24 (2) Current programs available to veterans, including care
25 provided at the Iowa veterans home.
- 26 (3) Procedures for application for state and federal
27 veteran benefits.
- 28 (4) Waiver and appeal processes for veteran programs.
- 29 (5) Assistance in making referrals within the veterans
30 administration system.
- 31 (6) Competent knowledge of other federal assistance
32 programs such as social security administration programs,
33 Medicare, and medical assistance.
- 34 (7) Role of conservators and the power of attorney to
35 assist veterans.

1 (8) Legal obligations of commissioners and executive
2 directors.

3 Sec. 10. Section 35B.6, subsections 3 and 4, Code 1995,
4 are amended by striking the subsections.

5 Sec. 11. Section 35B.10, unnumbered paragraph 1, Code
6 1995, is amended to read as follows:

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

23 Sec. 12. Section 35B.13, Code 1995, is amended to read as
24 follows:

25 35B.13 BURIAL -- EXPENSES.

26 The commission is responsible for the interment in a
27 suitable cemetery of the body of any ~~honorably-discharged~~
28 ~~person-who-served-in-the-military-or-naval-forces-of-the~~
29 ~~United-States-during-any-war,-including-World-War-I-at-any~~
30 ~~time-between-April-6,-1917,-and-November-11,-1918,-both-dates~~
31 ~~inclusive,-World-War-II-at-any-time-between-December-7,-1941,~~
32 ~~and-December-31,-1946,-both-dates-inclusive,-the-Korean~~
33 ~~Conflict-at-any-time-between-June-25,-1950,-and-January-31,~~
34 ~~1955,-both-dates-inclusive,-the-Vietnam-Conflict-at-any-time~~
35 ~~between-December-22,-1961,-and-May-7,-1975,-both-dates~~

1 inclusive, and the Persian Gulf Conflict at any time between
2 August 27, 1990, and the date the president or the Congress of
3 the United States declares a permanent cessation of
4 hostilities, both dates inclusive; veteran or the spouse,
5 surviving spouse, or child of the person veteran, if the
6 person veteran has died without leaving sufficient means to
7 defray the funeral expenses. However, if Congress enacts a
8 date different from August 27, 1990, as the beginning of the
9 Persian Gulf Conflict for purposes of determining whether a
10 veteran is entitled to receive military benefits as a veteran
11 of the Persian Gulf Conflict, that date shall be substituted
12 for August 27, 1990. The commission may pay the expenses in a
13 sum not exceeding an amount established by the board of
14 supervisors.

15 Sec. 13. Section 35B.14, unnumbered paragraph 1, Code
16 1995, is amended to read as follows:

17 The board of supervisors of each county may appropriate
18 moneys for the food, clothing, shelter, utilities, medical
19 benefits, and funeral expenses of honorably discharged
20 indigent persons who served in the military or naval forces of
21 the United States in any war including World War I at any time
22 between April 6, 1917, and November 11, 1918, both dates
23 inclusive; World War II at any time between December 7, 1941,
24 and December 31, 1946, both dates inclusive; the Korean
25 Conflict at any time between June 25, 1950, and January 31,
26 1955, both dates inclusive; the Vietnam Conflict at any time
27 between December 22, 1961, and May 7, 1975, both dates
28 inclusive; and the Persian Gulf Conflict at any time between
29 August 27, 1990, and the date the president or the Congress of
30 the United States declares a permanent cessation of
31 hostilities, both dates inclusive; veterans and their indigent
32 spouses, surviving spouses, and minor children not over yet
33 eighteen years of age, having a legal residence in the county.
34 However, if Congress enacts a date different from August 27,
35 1990, as the beginning of the Persian Gulf Conflict for

1 purposes-of-determining-whether-a-veteran-is-entitled-to
2 receive-military-benefits-as-a-veteran-of-the-Persian-Gulf
3 Conflict, that date shall be substituted for August 27, 1990.

4 Sec. 14. Section 35B.16, Code 1995, is amended to read as
5 follows:

6 35B.16 MARKERS FOR GRAVES.

7 The county commission of veteran affairs may furnish a
8 suitable and appropriate metal marker for the grave of each
9 honorably-discharged-person, who served in the military or
10 naval forces of the United States during any war, including
11 World War I at any time between April 6, 1917, and November
12 11, 1918, both dates inclusive, World War II at any time
13 between December 7, 1941, and December 31, 1946, both dates
14 inclusive, the Korean Conflict at any time between June 25,
15 1950, and January 31, 1955, both dates inclusive, the Vietnam
16 Conflict at any time between December 22, 1961, and May 7,
17 1975, both dates inclusive, and the Persian Gulf Conflict at
18 any time between August 2, 1990, and the date the president or
19 the Congress of the United States declares a permanent
20 cessation of hostilities, both dates inclusive, and veteran
21 who is buried within the limits of the county, to be placed at
22 the individual's grave to permanently mark and designate the
23 grave for memorial purposes. The expenses shall be paid from
24 any funds raised as provided in this chapter. If Congress
25 enacts a date different from August 27, 1990, as the beginning
26 of the Persian Gulf Conflict for purposes of determining
27 whether a veteran is entitled to receive military benefits as
28 a veteran of the Persian Gulf Conflict, that date shall be
29 substituted for August 27, 1990.

30 Sec. 15. Section 35B.19, Code 1995, is amended to read as
31 follows:

32 35B.19 BURIAL RECORDS.

33 The county commission of veteran affairs shall be charged
34 with securing the information requested by the commission of
35 veterans affairs of every person having a military service

1 ~~record-and~~ veteran buried in that county. Such The county
2 commission shall obtain the information shall-be-secured from
3 the undertaker funeral director in charge of the burial and
4 ~~shall-be-transmitted-by-the-undertaker-to-the-commission-of~~
5 ~~veteran-affairs-of-the-county-where-burial-is-made~~ within ten
6 working days of the burial. This information shall be
7 recorded alphabetically and by description of location in the
8 cemetery where the veteran is buried. This recording shall
9 conform to the directives of the state commission of veterans
10 affairs and shall be kept in a book by the county commission.
11 The county commission shall send a copy of each recording to
12 the state commission of veterans affairs within ten working
13 days after its recording in the county.

14 Sec. 16. Section 35C.1, subsection 1, Code 1995, is
15 amended to read as follows:

16 1. In every public department and upon all public works in
17 the state, and of the counties, cities, and school
18 corporations of the state, ~~honorably-discharged-persons-from~~
19 ~~the-military-or-naval-forces-of-the-United-States-in-any-war~~
20 ~~in-which-the-United-States-has-been-engaged,~~ including the
21 ~~Korean-Conflict-at-any-time-between-June-25,-1950-and-January~~
22 ~~31,-1955,-both-dates-inclusive,~~ the Vietnam Conflict beginning
23 ~~August-5,-1964,-and-ending-on-May-7,-1975,-both-dates~~
24 ~~inclusive,~~ and the Persian Gulf Conflict beginning August 2,
25 1990, and ending on the date specified by the president or the
26 Congress of the United States as the date of permanent
27 ~~cessation-of-hostilities,~~ both dates inclusive, veterans who
28 are citizens and residents of this state are entitled to
29 preference in appointment and employment over other applicants
30 of no greater qualifications. ~~However,-if-the-Congress-of-the~~
31 ~~United-States-enacts-a-date-different-from-August-2,-1990,-as~~
32 ~~the-beginning-of-the-Persian-Gulf-Conflict-to-determine-the~~
33 ~~eligibility-of-a-veteran-for-military-benefits-as-a-veteran-of~~
34 ~~the-Persian-Gulf-Conflict,-the-date-enacted-by-the-Congress-of~~
35 ~~the-United-States-shall-be-substituted-for-August-2,-1990.~~

1 The preference in appointment and employment for employees of
2 cities under a municipal civil service is the same as provided
3 in section 400.10. ~~For the purposes of this section service~~
4 ~~in World War II means service in the armed forces of the~~
5 ~~United States between December 7, 1941, and December 31, 1946,~~
6 ~~both dates inclusive.~~

7 Sec. 17. Section 35C.3, Code 1995, is amended to read as
8 follows:

9 35C.3 DUTY TO INVESTIGATE AND APPOINT.

10 When any preferred person shall apply for appointment or
11 employment under this chapter, the officer, board, or person
12 whose duty it is or may be to appoint or employ some person to
13 fill such the position or place shall, before appointing or
14 employing anyone to fill such the position or place, make an
15 investigation as to the qualifications of said the applicant
16 for such the place or position, and if the applicant is of
17 good moral character and can perform the duties of said the
18 position so applied for, as hereinbefore provided, said the
19 officer, board, or person shall appoint said the applicant to
20 such position, place, or employment. Said The appointing
21 officer, board or person shall set forth in writing and file
22 for public inspection, the specific grounds upon which it is
23 held that the person appointed is entitled to said the
24 appointment, or in the case such the appointment is refused,
25 the specific grounds for the refusal thereof. Unsuccessful
26 applicants shall be notified in writing of the specific
27 grounds for the refusal within ten working days.

28 Sec. 18. Section 35C.5, Code 1995, is amended to read as
29 follows:

30 35C.5 APPEALS.

31 In addition to the remedy provided in section 35C.4, an
32 appeal may be taken by any person belonging to any of the
33 classes of persons to whom a preference is hereby granted,
34 from any refusal to allow said the preference, as provided in
35 this chapter, to the district court of the county in which

1 such the refusal occurs. The appeal shall be made by serving
2 upon the appointing board within twenty sixty days after the
3 date of the refusal of said the appointing officer, board, or
4 persons to allow said the preference, a written notice of such
5 the appeal stating the grounds of the appeal, a demand in
6 writing for a certified transcript of the record, and all
7 papers on file in the office affecting or relating to said the
8 appointment. Thereupon Upon receipt of the notice and demand,
9 said the appointing officer, board, or person shall, within
10 ten days, make, certify, and deliver to appellant such-a the
11 transcript; and the appellant shall, within five days
12 thereafter, file the same transcript and a copy of the notice
13 of appeal with the clerk of said the court, and said the
14 notice of appeal shall stand as appellant's complaint and
15 thereupon-said the cause shall be accorded such the preference
16 in its assignment for trial as to assure its prompt
17 disposition. The court shall receive and consider any
18 pertinent evidence, whether oral or documentary, concerning
19 said the appointment from which the appeal is taken, and if
20 the court shall find that the said applicant is qualified as
21 defined in section 35C.1, to hold the position for which the
22 applicant has applied, said the court shall, by its mandate,
23 specifically direct the said appointing officer, board or
24 persons as to their further action in the matter. An appeal
25 may be taken from judgment of the said district court on any
26 such appeal on the same terms as an appeal is taken in civil
27 actions. At their election parties entitled to appeal under
28 this section may, in the alternative, maintain an action for
29 judicial review in accordance with ~~the-terms-of-the-Iowa~~
30 ~~administrative-procedure-Act~~ chapter 17A if that is otherwise
31 applicable to their case.

32 Sec. 19. NEW SECTION. 35C.5A ARBITRATION.

33 In addition to the remedies provided in sections 35C.4 and
34 35C.5, a person belonging to a class of persons to whom a
35 preference is granted may submit any refusal to allow the

1 preference to arbitration within sixty days after written
2 notification of the refusal. If submitted, an arbitrator
3 shall be selected by a committee which includes one member
4 selected by the person who is refused preference in
5 appointment or employment, one member selected by the
6 appointing officer, board, or persons, and a disinterested
7 party selected by the other two members of the committee. A
8 list of qualified arbitrators may be obtained from the
9 American arbitration association or other recognized
10 arbitration organization. The decision of the arbitrator is
11 final.

12 Sec. 20. Section 35D.1, subsection 1, Code 1995, is
13 amended to read as follows:

14 1. The Iowa veterans home, located in Marshalltown, shall
15 be maintained as a long-term health care facility providing
16 multiple levels of care, with attendant health care services,
17 for honorably-discharged veterans and their dependent spouses
18 and for surviving spouses of honorably-discharged veterans.
19 ~~Eligibility-requirements-for-admission-to-the-Iowa-veterans~~
20 ~~home-shall-coincide-with-the-eligibility-requirements-for~~
21 ~~hospitalization-in-a-United-States-veterans-administration~~
22 ~~facility-pursuant-to-title-38,-United-States-Code,-section~~
23 ~~6107-and-regulations-promulgated-under-that-section-as-amended~~
24 ~~to-January-17-1984.~~

25 Sec. 21. Section 35D.13, subsection 2, Code 1995, is
26 amended to read as follows:

27 2. The commandant must be a resident of the state of Iowa,
28 ~~an-honorably-discharged~~ a ~~veteran who-served-in-the-armed~~
29 ~~forces-of-the-United-States-during-a-conflict-or-war,~~ and a
30 licensed nursing home administrator. ~~As-used-in-this-section,~~
31 ~~the-dates-of-service-in-a-conflict-or-war-shall-coincide-with~~
32 ~~the-dates-of-service-established-by-the-Congress-of-the-United~~
33 ~~States.~~

34 Sec. 22. Section 37.10, unnumbered paragraph 1, Code 1995,
35 is amended to read as follows:

1 Each commissioner shall be ~~an-honorably-discharged-soldier,~~
2 ~~sailor,-marine,-airman,-or-coast-guard-member~~ a veteran, as
3 defined in section 35.1, and be a resident of the city in
4 which the memorial hall or monument is located or live within
5 the county if the memorial hall or monument is located outside
6 of a city or is a joint memorial as provided in this chapter.

7 Sec. 23. Section 282.6, unnumbered paragraph 1, Code 1995,
8 is amended to read as follows:

9 Every school shall be free of tuition to all actual
10 residents between the ages of five and twenty-one years and to
11 resident ~~honorably-discharged-soldiers,-sailors,-and-marines~~
12 veterans as defined in section 35.1, as many months after
13 becoming twenty-one years of age as they have spent in the
14 ~~military-or-naval-service~~ armed forces of the United States
15 before they became twenty-one, provided, however, fees may be
16 charged covering instructional costs for a summer school or
17 drivers education program. The board of education may, in a
18 hardship case, exempt a student from payment of the above
19 fees. Every person, however, who shall attend any school
20 after graduation from a four-year course in an approved high
21 school or its equivalent shall be charged a sufficient tuition
22 fee to cover the cost of the instruction received by ~~such~~ the
23 person.

24 Sec. 24. Section 321.189, subsection 2, paragraph a, Code
25 Supplement 1995, is amended to read as follows:

26 a. Appearing on the driver's license shall be a
27 distinguishing number assigned to the licensee; the licensee's
28 full name, date of birth, sex, and residence address; a
29 colored photograph; a physical description of the licensee;
30 the name of the state; the dates of issuance and expiration;
31 and the usual signature of the licensee. The license shall
32 identify the class of vehicle the licensee may operate and the
33 applicable endorsements and restrictions which the department
34 shall require by rule. At the request of the licensee, the
35 license shall include a military veteran identifier.

1 Sec. 25. Section 331.608, subsection 8, Code 1995, is
2 amended to read as follows:

3 8. As used in this section, "veteran" means a man-or-woman
4 veteran as defined in section 35.1 who enlisted or was
5 inducted from the county, resided at any time in the county,
6 or is buried in the county and-who-served-as-a-member-of-a
7 ~~branch-of-the-armed-forces-of-the-United-States-of-America,-as~~
8 ~~a-member-of-the-merchant-marine-during-the-time-of-war,-during~~
9 ~~the-Korean-Conflict-beginning-June-25,-1950,-and-ending~~
10 ~~January-31,-1955,-both-dates-inclusive,-or-during-the-Vietnam~~
11 ~~Conflict-beginning-August-5,-1964,-and-ending-June-30,-1973,-~~
12 ~~both-dates-inclusive,-or-as-a-member-of-the-armed-forces-of-a~~
13 ~~country-allied-with-the-United-States-of-America-or-the-armed~~
14 ~~forces-of-Iowa-or-another-state-or-territory.~~

15 Sec. 26. Section 400.10, Code 1995, is amended to read as
16 follows:

17 400.10 PREFERENCES.

18 In all examinations and appointments under this chapter,
19 other than promotions and appointments of chief of the police
20 department and chief of the fire department, honorably
21 ~~discharged veterans from-the-military-or-naval-forces-of-the~~
22 ~~United-States-in-any-war-in-which-the-United-States-has-been~~
23 ~~engaged,-including-the-Korean-Conflict-at-any-time-between~~
24 ~~June-25,-1950,-and-January-31,-1955,-both-dates-inclusive,-the~~
25 ~~Vietnam-Conflict-beginning-August-5,-1964,-and-ending-May-7,~~
26 ~~1975,-both-dates-inclusive,-and-the-Persian-Gulf-Conflict~~
27 ~~beginning-August-2,-1990,-and-ending-on-the-date-specified-by~~
28 ~~the-president-or-the-Congress-of-the-United-States-as-the-date~~
29 ~~of-permanent-cessation-of-hostilities,-both-dates-inclusive,-~~
30 and, as defined in section 35.1, who are citizens and
31 residents of this state, shall have five points added to the
32 veteran's grade or score attained in qualifying examinations
33 for appointment to positions and five additional points added
34 to the grade or score if the veteran has a service-connected
35 disability or is receiving compensation, disability benefits

1 or pension under laws administered by the veterans
2 administration. However, ~~if the Congress of the United States~~
3 ~~enacts a date different from August 27, 1990, as the beginning~~
4 ~~of the Persian Gulf Conflict to determine the eligibility of a~~
5 ~~veteran for military benefits as a veteran of the Persian Gulf~~
6 ~~Conflict, the date enacted by the Congress of the United~~
7 ~~States shall be substituted for August 27, 1990. -- An honorably~~
8 ~~discharged~~ A veteran who has been awarded the Purple Heart
9 for disabilities incurred in action shall be considered to
10 have a service-connected disability. However, the points
11 shall be given only upon passing the exam and shall not be the
12 determining factor in passing.

13 ~~For the purposes of this section World War II shall be from~~
14 ~~December 7, 1941, to December 31, 1946, both dates inclusive.~~

15 Sec. 27. Section 427.3, subsections 1 and 2, Code 1995,
16 are amended to read as follows:

17 1. The property, not to exceed two thousand seven hundred
18 seventy-eight dollars in taxable value of any honorably
19 ~~discharged soldier, sailor, marine, or nurse~~ veteran, as
20 defined in section 35.1 of the first World War.

21 2. The property, not to exceed one thousand eight hundred
22 fifty-two dollars in taxable value of an honorably separated,
23 retired, furloughed to a reserve, placed on inactive status,
24 or discharged ~~soldier, sailor, marine, or nurse of the second~~
25 ~~World War from December 7, 1941, to December 31, 1946, army of~~
26 ~~occupation in Germany from November 12, 1918, to July 11,~~
27 ~~1923, American expeditionary forces in Siberia from November~~
28 ~~12, 1918, to April 30, 1920, second Nicaraguan campaign with~~
29 ~~the navy or marines in Nicaragua or on combatant ships 1926-~~
30 ~~1933, second Haitian suppression of insurrections 1919-1920,~~
31 ~~navy and marine operations in China 1937-1939 and Yangtze~~
32 ~~service with navy and marines in Shanghai or in the Yangtze~~
33 ~~Valley 1926-1927 and 1930-1932 or of the Korean Conflict at~~
34 ~~any time between June 25, 1950, and January 31, 1955, both~~
35 ~~dates inclusive, or those who served on active duty during the~~

1 Vietnam Conflict beginning December 22, 1961, and ending May
 2 7, 1975, both dates inclusive, or those who served on active
 3 duty during the Persian Gulf Conflict at any time between
 4 August 2, 1990, and the date the president or the Congress of
 5 the United States declares a permanent cessation of
 6 hostilities, both dates inclusive veteran, as defined in
 7 section 35.1. However, if Congress enacts a date different
 8 from August 2, 1990, as the beginning of the Persian Gulf
 9 Conflict for purposes of determining whether a veteran is
 10 entitled to receive military benefits as a veteran of the
 11 Persian Gulf Conflict, that date shall be substituted for
 12 August 2, 1990. -- For the purposes of this section, "active
 13 duty" means full-time duty in the armed forces of the United
 14 States, excluding active duty for training purposes only and
 15 excluding any period a person was assigned by the armed forces
 16 to a civilian institution for a course of education or
 17 training which was substantially the same as established
 18 courses offered to civilians, or as a cadet or midshipman,
 19 however enrolled, at one of the service academies.

20 Sec. 28. Section 427.3, subsection 3, Code 1995, is
 21 amended by striking the subsection and inserting in lieu
 22 thereof the following:

23 3. The military service tax credit payable to political
 24 subdivisions of this state pursuant to chapter 426A shall be
 25 paid in full.

26 Sec. 29. Section 427.4, Code 1995, is amended to read as
 27 follows:

28 427.4 EXEMPTIONS TO RELATIVES.

29 In case any person in the foregoing classifications does
 30 not claim any such the exemption from taxation, it shall be
 31 allowed in the name of such the person to the same extent on
 32 the property of any one of the following persons in the order
 33 named:

34 1. The spouse, or surviving spouse remaining unmarried, of
 35 any such soldier, sailor, marine, or nurse a veteran, as

1 defined in section 35.1, where they are living together or
2 were living together at the time of the death of such-person
3 the veteran.

4 2. The parent whose spouse is deceased and who remains
5 unmarried, of any-such-soldier, sailor, marine, or nurse a
6 veteran, as defined in section 35.1, whether living or
7 deceased, where such the parent is, or was at the time of
8 death of the soldier, sailor, marine, or nurse veteran,
9 dependent on such-person the veteran for support.

10 3. The minor child, or children owning property as tenants
11 in common, of any-such a deceased soldier, sailor, marine, or
12 nurse veteran, as defined in section 35.1.

13 No more than one tax exemption shall be allowed under this
14 section or section 427.3 in the name of any-honorably
15 discharged-soldier, sailor, marine, or nurse a veteran, as
16 defined in section 35.1.

17 Sec. 30. Section 483A.24, subsection 16, Code 1995, is
18 amended to read as follows:

19 16. Upon payment of the fee of thirty dollars for a
20 lifetime hunting and fishing combined license, the department
21 shall issue a hunting and fishing combined license to a
22 veteran who was disabled during the period of a veteran's
23 service listed in this subsection or who was a prisoner of war
24 during that veteran's military service. The department shall
25 prepare an application to be used by a person requesting a
26 hunting and fishing combined license under this subsection.
27 The commission of veterans affairs shall assist the department
28 in verifying the status or claims of applicants under this
29 subsection. As used in this subsection, "veteran" means a
30 person-who-is-a-resident-of-Iowa-and-who-served-in-the-armed
31 forces-of-the-United-States-of-America-at-any-time-during
32 World-War-I-between-the-dates-of-April-6, 1917, and July 2,
33 1921, World-War-II-between-the-dates-of-December 7, 1941, and
34 December 31, 1946, the Korean conflict-between-the-dates-of
35 June 27, 1950, and January 31, 1955, the Vietnam conflict

1 between-August-5, 1964, and-May-7, 1975, or-the-Persian-Gulf
2 conflict-between-August-2, 1990, and-the-date-the-president-or
3 the-Congress-of-the-United-States-declares-a-permanent
4 cessation-of-hostilities, all-dates-inclusive veteran as
5 defined in section 35.1, and "disabled" means entitled to
6 compensation under the-United-States-Code, Title 38, chapter
7 U.S.C. ch. 11.

8 Sec. 31. Section 27 of this Act, being deemed of immediate
9 importance, is effective upon enactment.

10 EXPLANATION

11 This bill redefines "veteran" to include persons who served
12 in the armed forces of the United States during peacetime or
13 in civilian occupations which have been given military status
14 when performed during actual conflict or in war zones.

15 In addition to the persons who served during wars or
16 military conflicts, the term "veteran" is redefined to include
17 former members of the armed forces who served on active duty
18 during peacetime or the "Cold War" and were discharged under
19 honorable conditions, former members of the national guard or
20 military reserve who served six or more years and were
21 discharged under honorable conditions, former members of the
22 merchant marines who served during World War II and were
23 discharged under honorable conditions, and former members of
24 the women's air force service pilots and other persons who
25 have been conferred veterans status based on their civilian
26 duties during World War II pursuant to federal law. The
27 definition change makes these persons and their families
28 eligible for veteran benefits, such as military service
29 property tax exemptions and credits, education benefits for
30 veterans' children, burial benefits, employment preferences,
31 bonus compensation for merchant marines during World War II,
32 benefits for indigent veterans and their families, and
33 eligibility for care at the Iowa veterans home.

34 The bill also provides for the training and certification
35 of county veteran affairs commissioners and executive

1 directors in the counties as a qualification to remain in
2 office. Each county is to employ an executive director and
3 provide additional compatible duties if the executive
4 director's job is not full-time. The bill also strikes a
5 provision that provides a deputy county auditor as an
6 administrative assistant to the county veteran affairs
7 commission and a requirement for a minimum four-hour work day.
8 A provision that names and addresses of veterans receiving
9 financial assistance be included in quarterly reports to the
10 board of supervisors is changed to use of case numbers.

11 The bill provides that the seventh member of the state
12 commission of veterans affairs is to be selected from nominees
13 of the executive board of the Iowa association of county
14 commissioners of veteran affairs.

15 The bill establishes a bonus compensation for merchant
16 marines serving during World War II and discharged under
17 honorable conditions. The bonus is to be administered by the
18 executive director of the state commission of veterans
19 affairs. The bonus amounts to \$22.75 for each month served on
20 active duty, not to exceed a total of \$500.

21 Concerning employment preferences, the bill also provides
22 that a veteran who is denied a preference may appeal the
23 denial within 60 days of notice rather than 20 days.

24 Unsuccessful preferred applicants shall be given written
25 grounds for the refusal within 10 working days. A veteran is
26 provided another option to appeal a denial of an employment
27 preference by submitting the denial to arbitration.

28 The bill provides that the eligibility requirements for the
29 Iowa veterans home do not have to coincide with the
30 hospitalization requirements of the United States veterans
31 administration. Veterans may also request a veteran
32 identifier on their drivers' license.

33 The bill includes a number of corresponding amendments to
34 replace current language listing the dates of military service
35 during which persons must have served in order to qualify as a

1 veteran with the new definition of veteran. The bill amends
2 the military service property tax exemption provisions to
3 correspond to the new definition of veteran and provides for
4 the full payment of the military service tax credit to local
5 government.

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HOUSE FILE 2188
FISCAL NOTE

The estimate for House File 2188 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2188 redefines the definition of veteran, provides for training and certification of county veteran affairs commissioners and executive directors, provides a bonus compensation for merchant marines, clarifies the eligibility requirements for the Iowa Veterans Home, provides for an identifier on the veteran's drivers license, and amends the military service property tax exemptions based upon the new definition of veteran.

ASSUMPTIONS

1. Training of county veteran affairs commissioners and executive directors:
 - A. One person to Des Moines twice a year to attend school.
 - B. Reimbursement for meals, mileage, and lodging at current state rate.
2. Bonus compensation for merchant marines:
 - A. There are approximately 300 eligible merchant marines/widows/children.
 - B. The maximum bonus is \$500 per eligible merchant marine or survivor.
3. Eligibility requirements for the Iowa Veterans Home:
 - A. The redefinition of veterans does not match the federal definition of veterans.
 - B. The federal guidelines state that to be classified a veterans home, 75.0% of population must be veterans.
 - C. Currently the mix of veterans and nonveterans in the Home is 85.0%/15.0%.
 - D. The 10.0% increase in nonveterans would affect the amount of federal funds and resident payments received by the Home.
 - E. If the Iowa Veterans Home were to exceed 25.0% nonveterans, the Home would lose all veterans affairs federal funding or approximately \$7.5 million per year.
4. Identifier on the veteran's drivers license:
 - A. The drivers license form would change.
 - B. The Department of Transportation will provide the Commission on Veterans Affairs with a list of veterans.
5. The military service property tax exemptions based upon the new definition of veteran:

-2-

- A. The redefinition of a veteran would increase the number of veterans from approximately 295,600 in FY 1994 to 349,900 or 54,300 veterans.
- B. For FY 1995, the FY 1994 number of veterans received approximately \$2.85 million in property tax exemptions or \$9.64/veteran.
6. Staff at the Commission on Veterans Affairs - An additional clerical position for increased work load.

FISCAL IMPACT

The estimated fiscal impact of HF 2188 is as follows:

Veterans Benefits as per HF 2188
(dollars in thousands)

	<u>FY 1997</u>	<u>FY 1998</u>
<u>REVENUES</u>		
Federal Funds	\$ (471)	\$ (471)
Resident Payments	(382)	(382)
Total	\$ (853)	\$ (853)
<u>EXPENDITURES</u>		
Training	\$ 50	\$ 50
Merchant Marines	150	0
Drivers License	35	0
Military PT Exemption	523	523
Salary	20	26
Support	6	1
Total	\$ 784	\$ 600
<u>NET EFFECT</u>	\$ <u>1,637</u>	\$ <u>1,453</u>

Note: House File 2188 also allows the 54,300 newly defined veterans to receive a \$30 lifetime hunting/fishing license. This action would potentially produce an indeterminate loss to the Department of Natural Resources.

SOURCES

Commission on Veterans Affairs
Iowa Veterans Home

(LSB 3804hh, RRS)

FILED FEBRUARY 28, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR