

MAR 14 1997

WAYS AND MEANS

HOUSE FILE

633

BY VANDE HOEF

Passed House, Date \_\_\_\_\_

Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the definition of veteran, veterans' benefits,  
2 veterans preference, and veterans' claims.

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

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- 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. a. "Veteran" means a resident of this state who served  
6 in the armed forces of the United States at any time during  
7 any of the following time periods and who was discharged under  
8 honorable conditions:
- 9 (1) World War I at any time between April 6, 1917, and  
10 November 11, 1918, both dates inclusive.
- 11 (2) World War I occupation of Germany at any time between  
12 November 12, 1918, and July 11, 1923, both dates inclusive.
- 13 (3) American expeditionary forces service at any time  
14 between November 12, 1918, and April 30, 1920, both dates  
15 inclusive.
- 16 (4) Second Nicaraguan campaign with the navy second  
17 Haitian suppression of insurrections at any time between 1919  
18 and 1920.
- 19 (5) Yangtze service with navy and marines in Shanghai or  
20 the Yangtze Valley at any time between 1926 and 1927 or  
21 between 1930 and 1932.
- 22 (6) Navy and marine operations in China at any time  
23 between 1937 and 1939.
- 24 (7) World War II at any time between December 7, 1941, and  
25 December 31, 1946, both dates inclusive.
- 26 (8) Korean Conflict any time between June 25, 1950, and  
27 January 31, 1955, both dates inclusive.
- 28 (9) Those who served on active duty during the Vietnam  
29 Conflict beginning December 22, 1961, and ending May 7, 1975,  
30 both dates inclusive.
- 31 (10) Those who served on active duty during the  
32 Lebanon/Grenada campaign at any time between August 24, 1982,  
33 and July 31, 1984, both dates inclusive.
- 34 (11) Those who served on active duty during the Panama  
35 campaign at any time between December 20, 1989, and January

1 31, 1990, or the Persian Gulf Conflict between August 2, 1990,  
2 and the cessation of hostilities as determined by the United  
3 States Congress or the president.

4 b. "Veteran" includes the following persons:

5 (1) Members of the reserve forces of the United States who  
6 were activated for duty during any of the time periods listed  
7 in this subsection, and who were discharged under honorable  
8 conditions.

9 (2) Members of the Iowa national guard who were  
10 federalized for active duty in the armed forces of the United  
11 States during any of the time periods listed in this  
12 subsection, and who were discharged under honorable  
13 conditions.

14 (3) Former members of the active, oceangoing merchant  
15 marines who served during World War II at any time between  
16 December 7, 1941, and August 15, 1945, both dates inclusive,  
17 who were discharged under honorable conditions as provided in  
18 federal Pub. L. No. 95-202.

19 (4) Former members of the women's air force service pilots  
20 and other persons who have been conferred veterans status  
21 based on their civilian duties during World War II in  
22 accordance with federal Pub. L. No. 95-202, section 401(a)(1),  
23 38 U.S.C. § 106, and were discharged under honorable  
24 conditions.

25 Sec. 2. Section 35.8, Code 1997, is amended to read as  
26 follows:

27 35.8 MONEY COMPRISING FUND.

28 A war orphans educational aid fund is created as a separate  
29 fund in the state treasury under the control of the commission  
30 of veterans affairs. Any money hereafter appropriated for the  
31 purpose of aiding in the education of orphaned children of  
32 ~~honorably-discharged-persons-who-served-in-the-military-or~~  
33 ~~naval-forces-of-the-United-States-in-World-War-I-or-World-War~~  
34 ~~II~~ veterans, as provided by this chapter defined in section  
35 35.1, shall be known as deposited in the war orphans

1 educational aid fund.

2 Sec. 3. Section 35.9, unnumbered paragraph 1, Code 1997,  
3 is amended to read as follows:

4 The commission of veterans affairs may expend not more than  
5 six hundred dollars per year for any one child who has lived  
6 in the state of Iowa for two years preceding application for  
7 aid, and who is the child of a person who died during World  
8 War-I-between-the-dates-of-April-6, 1917, and June 2, 1921, or  
9 during World War II-between-the-dates-of-September-16, 1940,  
10 and December 31, 1946, both dates inclusive, or the Korean  
11 Conflict-between-June-25, 1950, and January 31, 1955, both  
12 dates inclusive, or the Vietnam Conflict-between-August-5,  
13 1964, and May 7, 1975, both dates inclusive, or the Persian  
14 Gulf Conflict-at-any-time-between-August-2, 1990, and the date  
15 the-president-or-the-Congress-of-the-United-States-declares-a  
16 permanent-cessation-of-hostilities, both dates inclusive,  
17 while-serving-in-the during active federal military or naval  
18 forces service while serving in the armed forces or during  
19 active federal military service in the Iowa national guard or  
20 other military component of the United States, to include  
21 members-of-the-reserve-components-performing-service-or-duties  
22 required-or-authorized-under-chapter-39, United States Code  
23 and Title 32, United States Code, sections 502 through 505,  
24 and active state service required or authorized under chapter  
25 29A, or as a result of such service, to defray the expenses of  
26 tuition, matriculation, laboratory and similar fees, books and  
27 supplies, board, lodging, and any other reasonably necessary  
28 expense for such the child or children incident to attendance  
29 in this state at an educational or training institution of  
30 college grade, or in a business or vocational training school  
31 with standards approved by the commission of veterans affairs.  
32 However, if Congress enacts a date different from August 2,  
33 1990, as the beginning of the Persian Gulf Conflict for  
34 purposes of determining whether a veteran is entitled to  
35 receive military benefits as a veteran of the Persian Gulf

1 Conflict, that date shall be substituted for August 27, 1990.

2 Sec. 4. Section 35B.3, Code 1997, is amended to read as  
3 follows:

4 35B.3 COUNTY COMMISSION OF VETERAN AFFAIRS.

5 The county commission of veteran affairs shall consist of  
6 either three or five persons, as determined by the board of  
7 supervisors, all of whom shall be honorably discharged persons  
8 who served in the military or naval forces of the United  
9 States in any war, including World War I at any time between  
10 April 6, 1917, and November 11, 1918, both dates inclusive;  
11 World War II at any time between December 7, 1941, and  
12 December 31, 1946, both dates inclusive; the Korean Conflict  
13 at any time between June 25, 1950, and January 31, 1955, both  
14 dates inclusive; the Vietnam Conflict at any time between  
15 December 22, 1961, and May 7, 1975, both dates inclusive; and  
16 the Persian Gulf Conflict at any time between August 27, 1990,  
17 and the date the president or the Congress of the United  
18 States declares a permanent cessation of hostilities, both  
19 dates inclusive. However, if Congress enacts a date different  
20 from August 27, 1990, as the beginning of the Persian Gulf  
21 Conflict for purposes of determining whether a veteran is  
22 entitled to receive military benefits as a veteran of the  
23 Persian Gulf Conflict, that date shall be substituted for  
24 August 27, 1990 veterans as defined in section 35.1. If  
25 possible, each member of the commission shall be a veteran of  
26 a different war or conflict, so as to divide membership among  
27 the persons who served in World War I, World War II, the  
28 Korean Conflict, the Vietnam Conflict, and the Persian Gulf  
29 Conflict; however, military action. However, this  
30 qualification does not preclude membership to a veteran who  
31 served in more than one of the wars or conflicts military  
32 actions.

33 Sec. 5. Section 35B.10, unnumbered paragraph 1, Code 1997,  
34 is amended to read as follows:

35 All claims certified by the commission shall be reviewed by

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

16 Sec. 6. Section 35B.13, Code 1997, is amended to read as  
17 follows:

18 35B.13 BURIAL -- EXPENSES.

19 The commission is responsible for the interment in a  
20 suitable cemetery of the body of any ~~honorably-discharged~~  
21 ~~person-who-served-in-the-military-or-naval-forces-of-the~~  
22 ~~United-States-during-any-war,-including-World-War-I-at-any~~  
23 ~~time-between-April-6,-1917,-and-November-11,-1918,-both-dates~~  
24 ~~inclusive,-World-War-II-at-any-time-between-December-7,-1941,~~  
25 ~~and-December-31,-1946,-both-dates-inclusive,-the-Korean~~  
26 ~~Conflict-at-any-time-between-June-25,-1950,-and-January-31,~~  
27 ~~1955,-both-dates-inclusive,-the-Vietnam-Conflict-at-any-time~~  
28 ~~between-December-22,-1961,-and-May-7,-1975,-both-dates~~  
29 ~~inclusive,-and-the-Persian-Gulf-Conflict-at-any-time-between~~  
30 ~~August-2,-1990,-and-the-date-the-president-or-the-Congress-of~~  
31 ~~the-United-States-declares-a-permanent-cessation-of~~  
32 ~~hostilities,-both-dates-inclusive,-~~ veteran, as defined in  
33 section 35.1, or the spouse, surviving spouse, or child of the  
34 person, if the person has died without leaving sufficient  
35 means to defray the funeral expenses. ~~However,-if-Congress~~

1 ~~enacts a date different from August 27, 1990, as the beginning~~  
2 ~~of the Persian Gulf Conflict for purposes of determining~~  
3 ~~whether a veteran is entitled to receive military benefits as~~  
4 ~~a veteran of the Persian Gulf Conflict, that date shall be~~  
5 ~~substituted for August 27, 1990.~~ The commission may pay the  
6 expenses in a sum not exceeding an amount established by the  
7 board of supervisors.

8 Sec. 7. Section 35B.14, unnumbered paragraph 1, Code 1997,  
9 is amended to read as follows:

10 The board of supervisors of each county may appropriate  
11 moneys for the food, clothing, shelter, utilities, medical  
12 benefits, and funeral expenses of ~~honorably discharged,~~  
13 ~~indigent persons who served in the military or naval forces of~~  
14 ~~the United States in any war including World War I at any time~~  
15 ~~between April 6, 1917, and November 11, 1918, both dates~~  
16 ~~inclusive, World War II at any time between December 7, 1941,~~  
17 ~~and December 31, 1946, both dates inclusive, the Korean~~  
18 ~~Conflict at any time between June 25, 1950, and January 31,~~  
19 ~~1955, both dates inclusive, the Vietnam Conflict at any time~~  
20 ~~between December 22, 1961, and May 7, 1975, both dates~~  
21 ~~inclusive, and the Persian Gulf Conflict at any time between~~  
22 ~~August 27, 1990, and the date the president or the Congress of~~  
23 ~~the United States declares a permanent cessation of~~  
24 ~~hostilities, both dates inclusive, veterans, as defined in~~  
25 ~~section 35.1, and their indigent spouses, surviving spouses,~~  
26 ~~and minor children not over eighteen years of age, having a~~  
27 ~~legal residence in the county. However, if Congress enacts a~~  
28 ~~date different from August 27, 1990, as the beginning of the~~  
29 ~~Persian Gulf Conflict for purposes of determining whether a~~  
30 ~~veteran is entitled to receive military benefits as a veteran~~  
31 ~~of the Persian Gulf Conflict, that date shall be substituted~~  
32 ~~for August 27, 1990.~~

33 Sec. 8. Section 35B.16, Code 1997, is amended to read as  
34 follows:

35 35B.16 MARKERS FOR GRAVES.

1 The county commission of veteran affairs may furnish a  
2 suitable and appropriate metal marker for the grave of each  
3 ~~honorably discharged person, who served in the military or~~  
4 ~~naval forces of the United States during any war, including~~  
5 ~~World War I at any time between April 6, 1917, and November~~  
6 ~~11, 1918, both dates inclusive; World War II at any time~~  
7 ~~between December 7, 1941, and December 31, 1946, both dates~~  
8 ~~inclusive; the Korean Conflict at any time between June 25,~~  
9 ~~1950, and January 31, 1955, both dates inclusive; the Vietnam~~  
10 ~~Conflict at any time between December 22, 1961, and May 7,~~  
11 ~~1975, both dates inclusive; and the Persian Gulf Conflict at~~  
12 ~~any time between August 2, 1990, and the date the president or~~  
13 ~~the Congress of the United States declares a permanent~~  
14 ~~cessation of hostilities, both dates inclusive; and veteran,~~  
15 as defined in section 35.1, who is buried within the limits of  
16 the county ~~to.~~ The marker shall be placed at the  
17 individual's grave to permanently mark and designate the grave  
18 for memorial purposes. The expenses shall be paid from any  
19 funds raised as provided in this chapter. ~~If Congress enacts~~  
20 ~~a date different from August 2, 1990, as the beginning of the~~  
21 ~~Persian Gulf Conflict for purposes of determining whether a~~  
22 ~~veteran is entitled to receive military benefits as a veteran~~  
23 ~~of the Persian Gulf Conflict, that date shall be substituted~~  
24 ~~for August 2, 1990.~~

25 Sec. 9. Section 35C.3, Code 1997, is amended to read as  
26 follows:

27 35C.3 DUTY TO INVESTIGATE AND APPOINT.

28 When any preferred person ~~shall apply~~ applies for  
29 appointment or employment under this chapter, the officer,  
30 board, or person whose duty it is or may be to appoint or  
31 employ some person to fill ~~such~~ the position or place shall,  
32 before appointing or employing anyone to fill ~~such~~ the  
33 position or place, make an investigation as to the  
34 qualifications of ~~said~~ the applicant for ~~such~~ the place or  
35 position, and if the applicant is of good moral character and

1 can perform the duties of ~~said~~ the position ~~so~~ applied for, as  
2 ~~hereinbefore-provided,~~ ~~said~~ the officer, board, or person  
3 shall appoint ~~said~~ the applicant to ~~such~~ the position, place,  
4 or employment. ~~Said~~ The appointing officer, board, or person  
5 shall set forth in writing and file for public inspection, the  
6 specific grounds upon which it ~~is-held-that-the-person~~  
7 appointed ~~is-entitled-to-said-appointment,~~ or ~~in-the-case-such~~  
8 ~~appointment-is-refused,~~ ~~the-specific-grounds-for-the-refusal~~  
9 ~~thereof~~ refused to appoint the person. Within ten days after  
10 an appointment is refused, the appointing officer, board, or  
11 person shall notify the unsuccessful applicant in writing of  
12 the specific grounds for refusal.

13 Sec. 10. NEW SECTION. 35C.5A ARBITRATION.

14 In addition to the remedies provided in sections 35C.4 and  
15 35C.5, a person belonging to a class of persons qualifying for  
16 a preference may submit any refusal to allow a preference, or  
17 any reduction of the person's salary as described in section  
18 35C.4, to arbitration within sixty days after written  
19 notification of the refusal or reduction. Within ten days  
20 after any submission, an arbitrator shall be selected by a  
21 committee that includes one member chosen by the person  
22 refused preference, one member chosen by the appointing  
23 officer, board, or person, and one member who shall be a  
24 disinterested party selected by the other two members of the  
25 committee. A list of qualified arbitrators may be obtained  
26 from the American arbitration association or other recognized  
27 arbitration organization or association. The decision of the  
28 arbitrator shall be final and binding on the parties.

29 Sec. 11. Section 37.10, unnumbered paragraph 1, Code 1997,  
30 is amended to read as follows:

31 Each commissioner shall be ~~an-honorably-discharged-soldier,~~  
32 ~~sailor,~~ ~~marine,~~ ~~airman,~~ ~~or-coast-guard-member~~ a veteran, as  
33 defined in section 35.1, and be a resident of the county in  
34 which the memorial hall or monument is located.

35 Sec. 12. Section 282.6, unnumbered paragraph 1, Code 1997,

1 is amended to read as follows:

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

17 Sec. 13. Section 331.608, subsection 8, Code 1997, is  
18 amended to read as follows:

19 8. As used in this section, "veteran" means a ~~man-or-woman~~  
20 veteran as defined in section 35.1 who enlisted or was  
21 inducted from the county, resided at any time in the county,  
22 or is buried in the county ~~and-who-served-as-a-member-of-a~~  
23 ~~branch-of-the-armed-forces-of-the-United-States-of-America,-as~~  
24 ~~a-member-of-the-merchant-marine-during-the-time-of-war,-during~~  
25 ~~the-Korean-Conflict-beginning-June-25,-1950,-and-ending~~  
26 ~~January-31,-1955,-both-dates-inclusive,-or-during-the-Vietnam~~  
27 ~~Conflict-beginning-August-5,-1964,-and-ending-June-30,-1973,-~~  
28 ~~both-dates-inclusive,-or-as-a-member-of-the-armed-forces-of-a~~  
29 ~~country-allied-with-the-United-States-of-America-or-the-armed~~  
30 ~~forces-of-Iowa-or-another-state-or-territory.~~

31 Sec. 14. Section 400.10, Code 1997, is amended to read as  
32 follows:

33 400.10 PREFERENCES.

34 In all examinations and appointments under this chapter,  
35 other than promotions and appointments of chief of the police

1 department and chief of the fire department, honorably  
2 discharged veterans from the military or naval forces of the  
3 United States in any war in which the United States has been  
4 engaged, including the Korean Conflict at any time between  
5 June 25, 1950, and January 31, 1955, both dates inclusive, the  
6 Vietnam Conflict beginning August 5, 1964, and ending May 7,  
7 1975, both dates inclusive, and the Persian Gulf Conflict  
8 beginning August 2, 1990, and ending on the date specified by  
9 the president or the Congress of the United States as the date  
10 of permanent cessation of hostilities, both dates inclusive,  
11 and as defined in section 35.1, who are citizens and residents  
12 of this state, shall have five points added to the veteran's  
13 grade or score attained in qualifying examinations for  
14 appointment to positions and five additional points added to  
15 the grade or score if the veteran has a service-connected  
16 disability or is receiving compensation, disability benefits  
17 or pension under laws administered by the veterans  
18 administration. However, if the Congress of the United States  
19 enacts a date different from August 2, 1990, as the beginning  
20 of the Persian Gulf Conflict to determine the eligibility of a  
21 veteran for military benefits as a veteran of the Persian Gulf  
22 Conflict, the date enacted by the Congress of the United  
23 States shall be substituted for August 2, 1990. An honorably  
24 discharged veteran who has been awarded the Purple Heart for  
25 disabilities incurred in action shall be considered to have a  
26 service-connected disability. However, the points shall be  
27 given only upon passing the exam and shall not be the  
28 determining factor in passing.

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

31 Sec. 15. Section 427.3, subsections 1 and 2, Code 1997,  
32 are amended to read as follows:

33 1. The property, not to exceed two thousand seven hundred  
34 seventy-eight dollars in taxable value of any honorably  
35 discharged soldier, sailor, marine, or nurse veteran, as

1 defined in section 35.1, of the first World War.  
2 2. The property, not to exceed one thousand eight hundred  
3 fifty-two dollars in taxable value of an honorably separated,  
4 retired, furloughed to a reserve, placed on inactive status,  
5 or discharged soldier, sailor, marine, or nurse of the second  
6 World War from December 7, 1941, to December 31, 1946, army of  
7 occupation in Germany from November 12, 1918, to July 11,  
8 1923, American expeditionary forces in Siberia from November  
9 12, 1918, to April 30, 1920, second Nicaraguan campaign with  
10 the navy or marines in Nicaragua or on combatant ships 1926-  
11 1933, second Haitian suppression of insurrections 1919-1920,  
12 navy and marine operations in China 1937-1939 and Yangtze  
13 service with navy and marines in Shanghai or in the Yangtze  
14 Valley 1926-1927 and 1930-1932 or of the Korean Conflict at  
15 any time between June 25, 1950, and January 31, 1955, both  
16 dates inclusive, or those who served on active duty during the  
17 Vietnam Conflict beginning December 22, 1961, and ending May  
18 7, 1975, both dates inclusive, or those who served on active  
19 duty during the Persian Gulf Conflict at any time between  
20 August 2, 1990, and the date the president or the Congress of  
21 the United States declares a permanent cessation of  
22 hostilities, both dates inclusive veteran, as defined in  
23 section 35.1. However, if Congress enacts a date different  
24 from August 2, 1990, as the beginning of the Persian Gulf  
25 Conflict for purposes of determining whether a veteran is  
26 entitled to receive military benefits as a veteran of the  
27 Persian Gulf Conflict, that date shall be substituted for  
28 August 2, 1990. -- For the purposes of this section, "active  
29 duty" means full-time duty in the armed forces of the United  
30 States, excluding active duty for training purposes only and  
31 excluding any period a person was assigned by the armed forces  
32 to a civilian institution for a course of education or  
33 training which was substantially the same as established  
34 courses offered to civilians, or as a cadet or midshipman,  
35 however enrolled, at one of the service academies.

1 Sec. 16. Section 427.4, Code 1997, is amended to read as  
2 follows:

3 427.4 EXEMPTIONS TO RELATIVES.

4 In case any person in the foregoing classifications does  
5 not claim ~~any-such~~ the exemption from taxation, it shall be  
6 allowed in the name of ~~such~~ the person to the same extent on  
7 the property of any one of the following persons in the order  
8 named:

9 1. The spouse, or surviving spouse remaining unmarried, of  
10 ~~any-such-soldier, sailor, marine, or nurse~~ a veteran, as  
11 defined in section 35.1, where they are living together or  
12 were living together at the time of the death of ~~such-person~~  
13 the veteran.

14 2. The parent whose spouse is deceased and who remains  
15 unmarried, of ~~any-such-soldier, sailor, marine, or nurse~~ a  
16 veteran, as defined in section 35.1, whether living or  
17 deceased, where ~~such~~ the parent is, or was at the time of  
18 death of the ~~soldier, sailor, marine, or nurse~~ veteran,  
19 dependent on ~~such-person~~ the veteran for support.

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

23 No more than one tax exemption shall be allowed under this  
24 section or section 427.3 in the name of ~~any-honorably~~  
25 ~~discharged-soldier, sailor, marine, or nurse~~ a veteran, as  
26 defined in section 35.1.

27 Sec. 17. Section 483A.24, subsection 13, Code 1997, is  
28 amended to read as follows:

29 13. Upon payment of the fee of thirty dollars for a  
30 lifetime hunting and fishing combined license, the department  
31 shall issue a hunting and fishing combined license to a  
32 resident of Iowa who is a veteran, as defined in section 35.1,  
33 who was disabled during-the-period-of-a-veteran's-service  
34 ~~listed-in-this-subsection~~ or who was a prisoner of war during  
35 that veteran's military service. The department shall prepare

1 an application to be used by a person requesting a hunting and  
2 fishing combined license under this subsection. The  
3 commission of veterans affairs shall assist the department in  
4 verifying the status or claims of applicants under this  
5 subsection. As used in this subsection, "veteran" means a  
6 ~~person who is a resident of Iowa and who served in the armed~~  
7 ~~forces of the United States of America at any time during~~  
8 ~~World War I between the dates of April 6, 1917, and July 2,~~  
9 ~~1921, World War II between the dates of December 7, 1941, and~~  
10 ~~December 31, 1946, the Korean Conflict between the dates of~~  
11 ~~June 27, 1950, and January 31, 1955, the Vietnam Conflict~~  
12 ~~between August 5, 1964, and May 7, 1975, or the Persian Gulf~~  
13 ~~Conflict between August 2, 1990, and the date the president or~~  
14 ~~the Congress of the United States declares a permanent~~  
15 ~~cessation of hostilities, all dates inclusive, and "disabled"~~  
16 means entitled to compensation under the United States Code,  
17 Title 38, chapter 11.

18 Sec. 18. Section 35.7, Code 1997, is repealed.

19

EXPLANATION

20 This bill redefines "veteran" to include persons who served  
21 in the armed forces of the United States during armed conflict  
22 or in civilian occupations which have been given military  
23 status when performed during actual conflict or in war zones.

24 In addition to the persons who served during wars or armed  
25 conflicts, the term "veteran" is redefined to include former  
26 members of the national guard or military reserve who were  
27 called to active duty during the war or armed conflict periods  
28 and were discharged under honorable conditions, former members  
29 of the active, oceangoing merchant marines who served during  
30 World War II and were discharged under honorable conditions,  
31 and former members of the women's air force service pilots and  
32 other persons who have been conferred veterans status based on  
33 their civilian duties during World War II pursuant to federal  
34 law. The definition change makes these persons and their  
35 families eligible for veteran benefits, such as military

1 service property tax exemptions and credits, education  
2 benefits for veterans' children, burial benefits, employment  
3 preferences, and benefits for indigent veterans and their  
4 families.

5 The bill amends the military service property tax exemption  
6 provisions to correspond to the new definition of veteran.

7 The bill replaces the term "honorably discharged persons"  
8 with the term "veteran" for purposes of memorial markers  
9 placed by county commissions of veteran affairs, for  
10 membership of county commissions of veteran affairs, for  
11 payment of burial expenses of veterans, for payments to  
12 indigent veterans, and for the war orphans educational aid  
13 fund. This change expands the number of persons eligible for  
14 veterans preference and for lifetime hunting and fishing  
15 licenses.

16 Claims certified by a county commission of veteran affairs  
17 are required to be reviewed by the county board of supervisors  
18 and the county auditor then issues warrants in payment of the  
19 claims. The Code requires the county commissions to prepare  
20 and file quarterly in the county auditor's office a report  
21 showing the names and addresses of all recipients of  
22 assistance. The bill requires that case numbers, rather than  
23 names and addresses, be used to identify recipients.

24 Under the bill, when a person who qualifies for a veterans  
25 preference applies for an appointment or employment, and is  
26 refused the appointment or employment, the appointing officer,  
27 board, or person is required, within 10 days of the refusal,  
28 to notify the unsuccessful applicant in writing of the  
29 specific grounds for refusal.

30 If a person who belongs to a class of persons qualifying  
31 for veterans preference is refused a preference or receives a  
32 qualifying reduction in salary, the Code currently allows the  
33 person the remedies of judicial review and appeal. The bill  
34 adds arbitration as a third remedy. Within 60 days after  
35 written notification of the refusal or reduction, the person

1 affected may submit the refusal or reduction to arbitration.  
2 Within 10 days of a submission, an arbitrator shall be  
3 selected by a committee that includes one member chosen by the  
4 person refused preference, one member chosen by the appointing  
5 officer, board, or person, and one member who shall be a  
6 disinterested party selected by the other two members of the  
7 committee. The arbitrator's decision is final and binding.

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## HOUSE FILE 634

H-1526

1 Amend House File 634 as follows:  
2 1. By striking page 1, line 5, through page 3,  
3 line 6, and inserting the following:  
4 "1. ~~On-or-after Beginning July 1, 1994 1997, with~~  
5 ~~regard-to-new-applicants-for-licensure-or-employment,~~  
6 ~~if-a-person-is-being-considered-for-licensure-under~~  
7 ~~this-chapter,-or-for-employment-involving-direct~~  
8 ~~responsibility-for-a-resident-or-with-access-to-a~~  
9 ~~resident-when-the-resident-is-alone,-or-if-the-person~~  
10 ~~considered-for-licensure-or-employment-under-this~~  
11 ~~chapter-will-reside~~ prior to employment of a person in  
12 a facility, the facility ~~may~~ shall request that the  
13 department of ~~human-services-conduct~~ public safety  
14 ~~perform~~ criminal ~~and-child~~ and dependent adult abuse  
15 ~~record~~ checks of the person in this state ~~and-in-other~~  
16 ~~states,-on-a-random-basis.~~ In addition, the facility  
17 may request that the department of human services  
18 ~~perform a child abuse record check in this state.~~  
19 Beginning July 1, 1994 1997, a facility shall inform  
20 all ~~new-applicants-for-employment~~ persons prior to  
21 ~~employment of-the-possibility-of~~ regarding the  
22 ~~performance of a-record-check~~ the records checks and  
23 shall obtain, from the ~~applicant~~ persons, a signed  
24 acknowledgment of the receipt of the information.  
25 Additionally, ~~on-or-after-July-1,-1994,~~ a facility  
26 shall include the following inquiry in an application  
27 for employment: "Do you have a record of founded  
28 child or dependent adult abuse or have you ever been  
29 convicted of a crime, in this state or any other  
30 state?" If the person has been convicted of a crime  
31 under a law of any state or has a record of founded  
32 child or dependent adult abuse, the department of  
33 human services shall perform an evaluation to  
34 determine whether the crime or founded child or  
35 dependent adult abuse warrants prohibition of  
36 ~~licensure,~~ employment, ~~or-residence~~ in the facility.  
37 The evaluation shall be performed in accordance with  
38 procedures adopted for this purpose by the department  
39 of human services.  
40 2. If the department of ~~human-services~~ public  
41 ~~safety~~ determines that a person has committed a crime  
42 or has a record of founded ~~child-or~~ dependent adult  
43 abuse and is ~~licensed,~~ to be employed by in a facility  
44 licensed under this chapter, ~~or-resides-in-a-licensed~~  
45 ~~facility,~~ the department of ~~public safety~~ shall notify  
46 the licensee that an evaluation will be conducted by  
47 the department of human services to determine whether  
48 ~~prohibition of the person's licensure,~~ employment, ~~or~~  
49 ~~residence~~ is warranted. ~~If a department of human~~  
50 ~~services child abuse record check determines the~~

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Page 2

1 person has a record of founded child abuse, the  
2 department shall inform the licensee that an  
3 evaluation will be conducted to determine whether  
4 prohibition of the person's employment is warranted.

5 3. In an evaluation, the department of human  
6 services shall consider the nature and seriousness of  
7 the crime or founded child or dependent adult abuse in  
8 relation to the position sought or held, the time  
9 elapsed since the commission of the crime or founded  
10 child or dependent adult abuse, the circumstances  
11 under which the crime or founded child or dependent  
12 adult abuse was committed, the degree of  
13 rehabilitation, the likelihood that the person will  
14 commit the crime or founded child or dependent adult  
15 abuse again, and the number of crimes or founded child  
16 or dependent adult abuses committed by the person  
17 involved. The department of human services has final  
18 authority in determining whether prohibition of the  
19 person's licensure, employment, or residence is  
20 warranted.

21 4. If the department of human services determines  
22 that the person has committed a crime or has a record  
23 of founded child or dependent adult abuse which  
24 warrants prohibition of licensure, employment, or  
25 residence, the person shall not be licensed under this  
26 chapter and shall not be employed by in a facility or  
27 reside in a facility licensed under this chapter.

28 Sec. \_\_\_\_ . Section 235B.6, subsection 2, paragraph  
29 e, Code 1997, is amended by adding the following new  
30 subparagraph:

31 NEW SUBPARAGRAPH. (7) The department of public  
32 safety for purposes of performing records checks  
33 required under section 135C.33.

34 Sec. \_\_\_\_ . HOME HEALTH SERVICES -- REGULATORY  
35 REQUIREMENTS. The departments of public health and  
36 inspections and appeals shall review federal and state  
37 requirements applicable to providers of homemaker,  
38 home-health aide, home-care aide, hospice, and other  
39 in-home services to persons with health problems. The  
40 review shall include but is not limited to current and  
41 proposed federal requirements for quality assurance,  
42 fiscal information concerning the source of regulatory  
43 funding, feasibility analysis of requiring criminal  
44 and dependent adult abuse record checks of employees  
45 of the providers, feasibility analysis of implementing  
46 state regulation of the providers, and other  
47 information deemed appropriate by the departments.  
48 The departments shall submit a report of findings and  
49 recommendations on or before December 15, 1997."

50 2. Title page, by striking lines 1 through 3 and

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Page 3

- 1 inserting the following: "An Act relating to health
- 2 care facilities by requiring employment checks of
- 3 prospective health care facility employees."
- 4 3. By renumbering as necessary.

By MARTIN of Scott

H-1526 FILED APRIL 2, 1997

*adopted*  
*4-9-97*  
*(P. 1106)*