

3/3/91 Referred to W. & mean

FILED MAR 3 1999

SENATE FILE 291
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 145)

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

A BILL FOR

1 An Act relating to veterans' benefits, veterans preference,
2 veterans' claims, reimbursement for military service tax
3 exemption, and providing a penalty and applicability date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 291

S-3047

1 Amend Senate File 291 as follows:
2 1. Page 1, line 17, by inserting after the word
3 "means" the following: ", for the purpose of
4 receiving benefits, exemptions, or preferences
5 pursuant to the Code,".

By MIKE CONNOLLY

S-3047 FILED MARCH 9, 1999

SF 291

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DIVISION I

VETERAN BENEFITS

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2
3 Section 1. Section 19A.9, subsection 21, unnumbered
4 paragraph 1, Code 1999, is amended to read as follows:

5 For veterans preference through a provision that ~~honorably~~
6 ~~separated veterans who served on active duty in the armed~~
7 ~~forces of the United States in any war, campaign or expedition~~
8 ~~for which a campaign badge or service medal has been~~
9 ~~authorized by the government of the United States~~ as defined
10 in section 35.1 shall have five points added to the grade or
11 score attained in qualifying examinations for appointment to
12 jobs.

13 Sec. 2. NEW SECTION. 35.1 DEFINITIONS.

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

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

17 2. "Veteran" means a resident of this state who served in
18 the armed forces of the United States and who was discharged
19 under honorable conditions. "Veteran" includes the following
20 persons:

21 a. Former members of the reserve forces of the United
22 States who served at least twenty years in the reserve forces
23 after January 28, 1973, and who were discharged under
24 honorable conditions. However, a member of the reserve forces
25 of the United States who completed a minimum aggregate of
26 ninety days of active federal service, other than training,
27 and was discharged under honorable conditions, or was retired
28 under Title X of the United States Code shall be included as a
29 veteran.

30 b. Former members of the Iowa national guard who served at
31 least twenty years in the Iowa national guard after January
32 28, 1973, and who were discharged under honorable conditions.
33 However, a member of the Iowa national guard who was activated
34 for federal duty, other than training, for a minimum aggregate
35 of ninety days, and was discharged under honorable conditions

1 or was retired under Title X of the United States Code shall
2 be included as a veteran.

3 c. Former members of the active, oceangoing merchant
4 marines who served during World War II at any time between
5 December 7, 1941, and December 31, 1946, both dates inclusive,
6 who were discharged under honorable conditions.

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

11 Sec. 3. Section 35.8, Code 1999, is amended to read as
12 follows:

13 35.8 MONEY COMPRISING FUND.

14 A war orphans educational aid fund is created as a separate
15 fund in the state treasury under the control of the commission
16 of veterans affairs. Any money hereafter appropriated for the
17 purpose of aiding in the education of orphaned children of
18 ~~honorably-discharged-persons-who-served-in-the-military-or~~
19 ~~naval-forces-of-the-United-States-in-World-War-I-or-World-War~~
20 ~~II veterans,~~ as provided-by-this-chapter defined in section
21 35.1, shall be known as deposited in the war orphans
22 educational aid fund.

23 Sec. 4. Section 35.9, unnumbered paragraph 1, Code 1999,
24 is amended to read as follows:

25 The commission of veterans affairs may expend not more than
26 six hundred dollars per year for any one child who has lived
27 in the state of Iowa for two years preceding application for
28 aid, and who is the child of a person who died ~~during-World~~
29 ~~War-I-between-the-dates-of-April-6,1917-and-June-27,1921,-or~~
30 ~~during-World-War-II-between-the-dates-of-September-16,1940,~~
31 ~~and-December-31,1946,-both-dates-inclusive,-or-the-Korean~~
32 ~~Conflict-between-June-25,1950,-and-January-31,1955,-both~~
33 ~~dates-inclusive,-or-the-Vietnam-Conflict-between-August-5,~~
34 ~~1964,-and-May-7,1975,-both-dates-inclusive,-or-the-Persian~~
35 ~~Gulf-Conflict-at-any-time-between-August-2,1990,-and-the-date~~

1 the-president-or-the-Congress-of-the-United-States-declares-a
2 permanent-cessation-of-hostilities, both-dates-inclusive,
3 while-serving-in-the during active federal military or naval
4 forces service while serving in the armed forces or during
5 active federal military service in the Iowa national guard or
6 other military component of the United States, to-include
7 members-of-the-reserve-components-performing-service-or-duties
8 required-or-authorized-under-chapter-39, United-States-Code
9 and-Title-32, United-States-Code, sections-502-through-505,
10 and-active-state-service-required-or-authorized-under-chapter
11 29A, or-as-a-result-of-such-service, to defray the expenses of
12 tuition, matriculation, laboratory and similar fees, books and
13 supplies, board, lodging, and any other reasonably necessary
14 expense for such the child or children incident to attendance
15 in this state at an educational or training institution of
16 college grade, or in a business or vocational training school
17 with standards approved by the commission of veterans affairs.
18 However, if-Congress-enacts-a-date-different-from-August-2,
19 1990, as-the-beginning-of-the-Persian-Gulf-Conflict-for
20 purposes-of-determining-whether-a-veteran-is-entitled-to
21 receive-military-benefits-as-a-veteran-of-the-Persian-Gulf
22 Conflict, that-date-shall-be-substituted-for-August-2, 1990.

23 Sec. 5. Section 35A.8, Code 1999, is amended by adding the
24 following new subsection:

25 NEW SUBSECTION. 4. a. The executive director shall
26 provide for the administration of the bonus authorized in this
27 subsection. The commission shall adopt rules, pursuant to
28 chapter 17A, as necessary to administer this subsection
29 including, but not limited to, application procedures,
30 investigation, approval or disapproval, and payment of claims.

31 b. (1) Each person who served on active duty in the
32 active, oceangoing merchant marine service of the United
33 States, at any time between September 16, 1940, and September
34 2, 1945, both dates inclusive, and who served for a period of
35 not less than one hundred twenty days on or before December

1 31, 1946, and who at the time of entering into the merchant
2 marine service was a legal resident of the state of Iowa, and
3 who had maintained the person's residence in this state for a
4 period of at least six months immediately before entering the
5 merchant marine service, and was honorably discharged or
6 separated from the merchant marine service, is entitled to
7 receive from moneys appropriated for that purpose the sum of
8 twelve dollars and fifty cents for each month that the person
9 was on active duty in the merchant marine service, all before
10 December 31, 1946, not to exceed a total sum of five hundred
11 dollars. Compensation for a fraction of a month shall not be
12 considered unless the fraction is sixteen days or more, in
13 which case the fraction shall be computed as a full month.

14 (2) A person is not entitled to compensation pursuant to
15 this subsection if the person received a bonus or compensation
16 similar to that provided in this subsection from another
17 state.

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

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

35 c. A person who knowingly makes a false statement relating

1 to a material fact in supporting an application under this
2 subsection is guilty of a serious misdemeanor. A person
3 convicted pursuant to this subsection shall forfeit all
4 benefits to which the person may have been entitled under this
5 subsection.

6 d. All payments and allowances made under this subsection
7 shall be exempt from taxation and from levy and sale on
8 execution.

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

11 Sec. 6. Section 35B.3, Code 1999, is amended to read as
12 follows:

13 35B.3 COUNTY COMMISSION OF VETERAN AFFAIRS.

14 The county commission of veteran affairs shall consist of
15 either three or five persons, as determined by the board of
16 supervisors, all of whom shall be ~~honorably-discharged-persons~~
17 ~~who-served-in-the-military-or-naval-forces-of-the-United~~
18 ~~States-in-any-war,-including-World-War-I-at-any-time-between~~
19 ~~April-6,-1917,-and-November-11,-1918,-both-dates-inclusive,-~~
20 ~~World-War-II-at-any-time-between-December-7,-1941,-and~~
21 ~~December-31,-1946,-both-dates-inclusive,-the-Korean-Conflict~~
22 ~~at-any-time-between-June-25,-1950,-and-January-31,-1955,-both~~
23 ~~dates-inclusive,-the-Vietnam-Conflict-at-any-time-between~~
24 ~~December-22,-1961,-and-May-7,-1975,-both-dates-inclusive,-and~~
25 ~~the-Persian-Gulf-Conflict-at-any-time-between-August-2,-1990,~~
26 ~~and-the-date-the-president-or-the-Congress-of-the-United~~
27 ~~States-declares-a-permanent-cessation-of-hostilities,-both~~
28 ~~dates-inclusive.--However,-if-Congress-enacts-a-date-different~~
29 ~~from-August-2,-1990,-as-the-beginning-of-the-Persian-Gulf~~
30 ~~Conflict-for-purposes-of-determining-whether-a-veteran-is~~
31 ~~entitled-to-receive-military-benefits-as-a-veteran-of-the~~
32 ~~Persian-Gulf-Conflict,-that-date-shall-be-substituted-for~~
33 August-2,-1990 veterans as defined in section 35.1. If
34 possible, each member of the commission shall be a veteran of
35 a different war-or-conflict,-so-as-to-divide-membership-among

1 the persons who served in World War I, World War II, the
2 Korean Conflict, the Vietnam Conflict, and the Persian Gulf
3 Conflict; however, military action. However, this
4 qualification does not preclude membership to a veteran who
5 served in more than one of the wars or conflicts military
6 actions.

7 Sec. 7. Section 35B.10, unnumbered paragraph 1, Code 1999,
8 is amended to read as follows:

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

25 Sec. 8. Section 35B.13, Code 1999, is amended to read as
26 follows:

27 35B.13 BURIAL -- EXPENSES.

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

1 1955, both dates inclusive, the Vietnam Conflict at any time
2 between December 22, 1961, and May 7, 1975, both dates
3 inclusive, and 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, or the spouse, surviving spouse, or child of the
8 person, if the person has died without leaving sufficient
9 means to defray the funeral expenses. However, if Congress
10 enacts a date different from August 2, 1990, as the beginning
11 of the Persian Gulf Conflict for purposes of determining
12 whether a veteran is entitled to receive military benefits as
13 a veteran of the Persian Gulf Conflict, that date shall be
14 substituted for August 2, 1990. The commission may pay the
15 expenses in a sum not exceeding an amount established by the
16 board of supervisors.

17 Sec. 9. Section 35B.14, unnumbered paragraph 1, Code 1999,
18 is amended to read as follows:

19 The board of supervisors of each county may appropriate
20 moneys for the food, clothing, shelter, utilities, medical
21 benefits, and funeral expenses of honorably discharged,
22 indigent persons who served in the military or naval forces of
23 the United States in any war including World War I at any time
24 between April 6, 1917, and November 11, 1918, both dates
25 inclusive, World War II at any time between December 7, 1941,
26 and December 31, 1946, both dates inclusive, the Korean
27 Conflict at any time between June 25, 1950, and January 31,
28 1955, both dates inclusive, the Vietnam Conflict at any time
29 between December 22, 1961, and May 7, 1975, both dates
30 inclusive, and the Persian Gulf Conflict at any time between
31 August 2, 1990, and the date the president or the Congress of
32 the United States declares a permanent cessation of
33 hostilities, both dates inclusive, veterans, as defined in
34 section 35.1, and their indigent spouses, surviving spouses,
35 and minor children not over eighteen years of age, having a

1 legal residence in the county. However, if Congress enacts a
2 date different from August 2, 1990, as the beginning of the
3 Persian Gulf Conflict for purposes of determining whether a
4 veteran is entitled to receive military benefits as a veteran
5 of the Persian Gulf Conflict, that date shall be substituted
6 for August 2, 1990.

7 Sec. 10. Section 35B.16, Code 1999, is amended to read as
8 follows:

9 35B.16 MARKERS FOR GRAVES.

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

34 Sec. 11. Section 35C.3, Code 1999, is amended to read as
35 follows:

1 35C.3 DUTY TO INVESTIGATE AND APPOINT.

2 When any preferred person ~~shall apply~~ applies for
3 appointment or employment under this chapter, the officer,
4 board, or person whose duty it is or may be to appoint or
5 employ ~~some~~ a person to fill ~~such~~ the position or place shall,
6 before appointing or employing ~~anyone~~ a person to fill ~~such~~
7 the position or place, make an investigation as to the
8 qualifications of ~~said~~ the applicant for ~~such~~ the place or
9 position, and if the applicant is of good moral character and
10 can perform the duties of ~~said~~ the position ~~so~~ applied for, ~~as~~
11 ~~hereinbefore-provided,~~ ~~said~~ the officer, board, or person
12 shall appoint ~~said~~ the applicant to ~~such~~ the position, place,
13 or employment. ~~Said~~ The appointing officer, board, or person
14 shall set forth in writing and file for public inspection, ~~the~~
15 specific grounds upon which it ~~is held that the person~~
16 ~~appointed is entitled to said appointment,~~ or ~~in the case such~~
17 ~~appointment is refused, the specific grounds for the refusal~~
18 ~~thereof~~ refused to appoint the person. Within ten days after
19 an appointment is refused, the appointing officer, board, or
20 person shall notify the unsuccessful applicant in writing of
21 the specific grounds for refusal.

22 Sec. 12. NEW SECTION. 35C.5A ARBITRATION.

23 In addition to the remedies provided in sections 35C.4 and
24 35C.5, a person belonging to a class of persons qualifying for
25 a preference may submit any refusal to allow a preference, or
26 any reduction of the person's salary as described in section
27 35C.4, to arbitration within sixty days after written
28 notification of the refusal or reduction. Within ten days
29 after any submission, an arbitrator shall be selected by a
30 committee that includes one member chosen by the person
31 refused preference, one member chosen by the appointing
32 officer, board, or person, and one member who shall be a
33 disinterested party selected by the other two members of the
34 committee. A list of qualified arbitrators may be obtained
35 from the American arbitration association or other recognized

1 arbitration organization or association. The decision of the
2 arbitrator shall be final and binding on the parties.

3 Sec. 13. Section 37.10, unnumbered paragraph 1, Code 1999,
4 is amended to read as follows:

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

9 Sec. 14. Section 282.6, unnumbered paragraph 1, Code 1999,
10 is amended to read as follows:

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

26 Sec. 15. Section 331.608, subsection 8, Code 1999, is
27 amended to read as follows:

28 8. As used in this section, "veteran" means a ~~man-or-woman~~
29 veteran as defined in section 35.1 who enlisted or was
30 inducted from the county, resided at any time in the county,
31 or is buried in the county ~~and-who-served-as-a-member-of-a~~
32 ~~branch-of-the-armed-forces-of-the-United-States-of-America,~~ ~~as~~
33 ~~a-member-of-the-merchant-marine-during-the-time-of-war,~~ ~~during~~
34 ~~the-Korean-Conflict-beginning-June-25,-1950,-and-ending~~
35 ~~January-31,-1955,-both-dates-inclusive,-or-during-the-Vietnam~~

1 Conflict-beginning-August-5,1964-and-ending-June-30,1973,
2 both-dates-inclusive,or-as-a-member-of-the-armed-forces-of-a
3 country-allied-with-the-United-States-of-America-or-the-armed
4 forces-of-Iowa-or-another-state-or-territory.

5 Sec. 16. Section 400.10, Code 1999, is amended to read as
6 follows:

7 400.10 PREFERENCES.

8 In all examinations and appointments under this chapter,
9 other than promotions and appointments of chief of the police
10 department and chief of the fire department, honorably
11 discharged veterans from-the-military-or-naval-forces-of-the
12 United-States-in-any-war-in-which-the-United-States-has-been
13 engaged,including-the-Korean-Conflict-at-any-time-between
14 June-25,1950-and-January-31,1955,both-dates-inclusive,the
15 Vietnam-Conflict-beginning-August-5,1964-and-ending-May-7,
16 1975,both-dates-inclusive,and-the-Persian-Gulf-Conflict
17 beginning-August-2,1990-and-ending-on-the-date-specified-by
18 the-president-or-the-Congress-of-the-United-States-as-the-date
19 of-permanent-cessation-of-hostilities,both-dates-inclusive,
20 and as defined in section 35.1, who are citizens and residents
21 of this state, shall have five points added to the veteran's
22 grade or score attained in qualifying examinations for
23 appointment to positions and five additional points added to
24 the grade or score if the veteran has a service-connected
25 disability or is receiving compensation, disability benefits
26 or pension under laws administered by the veterans
27 administration. However,if-the-Congress-of-the-United-States
28 enacts-a-date-different-from-August-2,1990-as-the-beginning
29 of-the-Persian-Gulf-Conflict-to-determine-the-eligibility-of-a
30 veteran-for-military-benefits-as-a-veteran-of-the-Persian-Gulf
31 Conflict,the-date-enacted-by-the-Congress-of-the-United
32 States-shall-be-substituted-for-August-2,1990. An honorably
33 discharged veteran who has been awarded the Purple Heart for
34 disabilities incurred in action shall be considered to have a
35 service-connected disability. However, the points shall be

1 given only upon passing the exam and shall not be the
2 determining factor in passing.

3 ~~For the purposes of this section World War II shall be from~~
4 ~~December 7, 1941, to December 31, 1946, both dates inclusive.~~
5 Sec. 17. Section 427.3, subsections 1, 2, and 3, Code
6 1999, are amended to read as follows:

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

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

10 3. Where the word "soldier veteran" appears in this
11 chapter, it includes, without limitation, the members of the
12 United States air force and the United States merchant marine.

13 Sec. 18. Section 427.4, Code 1999, is amended to read as
14 follows:

15 427.4 EXEMPTIONS TO RELATIVES.

16 In case any person in the foregoing classifications does
17 not claim any-such the exemption from taxation, it shall be
18 allowed in the name of such the person to the same extent on
19 the property of any one of the following persons in the order
20 named:

21 1. The spouse, or surviving spouse remaining unmarried, of
22 any-such-soldier, sailor, marine, or nurse a veteran, as
23 defined in section 35.1, where they are living together or
24 were living together at the time of the death of such-person
25 the veteran.

26 2. The parent whose spouse is deceased and who remains
27 unmarried, of any-such-soldier, sailor, marine, or nurse a
28 veteran, as defined in section 35.1, whether living or
29 deceased, where such the parent is, or was at the time of
30 death of the soldier, sailor, marine, or nurse veteran,
31 dependent on such-person the veteran for support.

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

35 No more than one tax exemption shall be allowed under this

1 section or section 427.3 in the name of any-honorably
2 ~~discharged-soldier,-sailor,-marine,-or-nurse~~ a veteran, as
3 defined in section 35.1.

4 Sec. 19. Section 483A.24, subsection 13, Code 1999, is
5 amended to read as follows:

6 13. Upon payment of the fee of thirty dollars for a
7 lifetime hunting and fishing combined license, the department
8 shall issue a hunting and fishing combined license to a
9 resident of Iowa who is a veteran, as defined in section 35.1,
10 ~~who was disabled during-the-period-of-a-veteran's-service~~
11 ~~listed-in-this-subsection~~ or who was a prisoner of war during
12 that veteran's military service. The department shall prepare
13 an application to be used by a person requesting a hunting and
14 fishing combined license under this subsection. The
15 commission of veterans affairs shall assist the department in
16 verifying the status or claims of applicants under this
17 subsection. As used in this subsection, ~~"veteran"-means-a~~
18 ~~person-who-is-a-resident-of-Iowa-and-who-served-in-the-armed~~
19 ~~forces-of-the-United-States-of-America-at-any-time-during~~
20 ~~World-War-I-between-the-dates-of-April-6,-1917,-and-July-2,~~
21 ~~1921,-World-War-II-between-the-dates-of-December-7,-1941,-and~~
22 ~~December-31,-1946,-the-Korean-Conflict-between-the-dates-of~~
23 ~~June-27,-1950,-and-January-31,-1955,-the-Vietnam-Conflict~~
24 ~~between-August-5,-1964,-and-May-7,-1975,-or-the-Persian-Gulf~~
25 ~~Conflict-between-August-2,-1990,-and-the-date-the-president-or~~
26 ~~the-Congress-of-the-United-States-declares-a-permanent~~
27 ~~cessation-of-hostilities,-all-dates-inclusive,-and "disabled"~~
28 means entitled to compensation under the United States Code,
29 Title 38, chapter 11.

30 Sec. 20. Section 35.7, Code 1999, is repealed.

31 DIVISION II

32 MILITARY SERVICE PROPERTY TAX CREDIT AND EXEMPTION

33 Sec. 21. Section 25B.7, subsection 2, paragraph c, Code
34 1999, is amended to read as follows:

35 c. Military service property tax credit and exemption

1 pursuant to chapter 426A and sections 427.3 through 427.7, to
2 the extent of ~~six~~ ten dollars and ~~seventy-five~~ thirty-five
3 cents per thousand dollars of assessed value of the exempt
4 property.

5 Sec. 22. Section 426A.2, Code 1999, is amended to read as
6 follows:

7 426A.2 MILITARY SERVICE TAX CREDIT.

8 The moneys shall be apportioned each year so as to replace
9 all or a portion of the tax which would be due on property
10 eligible for military service tax exemption in the state, if
11 the property were subject to taxation, the amount of the
12 credit to be not more than ~~six~~ ten dollars and ~~seventy-five~~
13 thirty-five cents per thousand dollars of assessed value of
14 property which would be subject to the tax, except for the
15 military service tax exemption.

16 Sec. 23. The increase in state reimbursement resulting
17 from the amendment to section 426A.2 in this Act is subject to
18 the limitation on its use by local governments as provided in
19 section 25B.7, subsection 3.

20 Sec. 24. Division II of this Act applies to the military
21 service property tax exemption claims allowed on or after
22 January 1, 2000.

23 EXPLANATION

24 Division I of this bill redefines "veteran" to include
25 persons who served in the armed forces of the United States
26 during peacetime or in civilian occupations which have been
27 given military status when performed during actual conflict or
28 in war zones.

29 In addition to the persons who served during wars or
30 military conflicts, the term "veteran" is redefined to include
31 former members of the armed forces who served on active duty
32 during peacetime and were discharged under honorable
33 conditions, former members of the national guard or military
34 reserve who served 20 or more years after January 28, 1973,
35 and were discharged under honorable conditions, former members

1 of the active, oceangoing merchant marines who served during
2 World War II and were discharged under honorable conditions,
3 and former members of the women's air force service pilots and
4 other persons who have been conferred veterans status based on
5 their civilian duties during World War II pursuant to federal
6 law. A veteran also includes a member of the reserve forces
7 of the United States or the Iowa national guard who was
8 activated for federal service for at least 90 days or
9 completed at least 90 days of active federal service,
10 excluding training, and was discharged or retired under
11 honorable conditions. The definition change makes these
12 persons and their families eligible for veteran benefits, such
13 as military service property tax exemptions and credits,
14 education benefits for veterans' children, burial benefits,
15 employment preferences, bonus compensation for active,
16 oceangoing merchant marines during World War II, and benefits
17 for indigent veterans and their families. A veteran also
18 receives a preference in state employment.

19 Division I establishes a bonus compensation for merchant
20 marines who served during World War II and were discharged
21 under honorable conditions or for qualified relatives of
22 deceased merchant marines. The bonus is to be administered by
23 the executive director of the state commission of veterans
24 affairs. The bonus amounts to \$12.50 for each month served on
25 active duty, not to exceed a total of \$500. A person applying
26 for bonus compensation who knowingly makes a false statement
27 relating to a material fact commits a serious misdemeanor and
28 forfeits all rights to such compensation.

29 Division I amends the military service property tax
30 exemption provisions to correspond to the new definition of
31 veteran.

32 Division I replaces the term "honorably discharged persons"
33 with the term "veteran" for purposes of memorial markers
34 placed by county commissions of veteran affairs, for
35 membership on county commissions of veteran affairs, for

1 payment of burial expenses of veterans, for payments to
2 indigent veterans, and for the war orphans educational aid
3 fund. This change expands the number of persons eligible for
4 veterans preference and for lifetime hunting and fishing
5 licenses.

6 Claims certified by a county commission of veteran affairs
7 are required to be reviewed by the county board of supervisors
8 and the county auditor then issues warrants in payment of the
9 claims. The Code requires the county commissions to prepare
10 and file quarterly in the county auditor's office a report
11 showing the names and addresses of all recipients of
12 assistance. Division I requires that case numbers, rather
13 than names and addresses, be used to identify recipients.

14 Under Division I, when a person who qualifies for a
15 veterans preference applies for an appointment or employment,
16 and is refused the appointment or employment, the appointing
17 officer, board, or person is required, within 10 days of the
18 refusal, to notify the unsuccessful applicant in writing of
19 the specific grounds for refusal.

20 If a person who belongs to a class of persons qualifying
21 for veterans preference is refused a preference or receives a
22 qualifying reduction in salary, the Code currently allows the
23 person the remedies of judicial review and appeal. Division I
24 adds arbitration as a third remedy. Within 60 days after
25 written notification of the refusal or reduction, the person
26 affected may submit the refusal or reduction to arbitration.
27 Within 10 days of a submission, an arbitrator shall be
28 selected by a committee that includes one member chosen by the
29 person refused preference, one member chosen by the appointing
30 officer, board, or person, and one member who shall be a
31 disinterested party selected by the other two members of the
32 committee. The arbitrator's decision is final and binding.

33 Division I repeals Code section 35.7, which becomes
34 redundant with the amendment to Code section 35.8.

35 Under present law, the state will reimburse local

1 governments for the lost tax revenue resulting from the
2 military service tax exemption. However, the amount of
3 reimbursement is limited to \$6.75 per \$1,000 of the assessed
4 value of the exemption. Since the consolidated levies
5 throughout the state exceed \$6.75 per \$1,000 of the assessed
6 value, the local governments are not reimbursed for all the
7 lost property tax revenue. This bill increases the amount of
8 the reimbursement to \$10.35 per \$1,000 of the assessed value.

9 Division II also limits the use of the increased
10 reimbursement to local governments to property tax relief and
11 infrastructure needs until July 1, 2002.

12 Division II applies to military service property tax
13 exemption claims allowed on or after January 1, 2000.

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SENATE FILE 291

083

1 Amend Senate File 291 as follows:

2 1. Page 1, by striking lines 17 through 20 and
3 inserting the following:

4 "2. a. "Veteran" means a resident of this state
5 who served in the armed forces of the United States at
6 any time during the following dates and who was
7 discharged under honorable conditions:

8 (1) World War I from April 6, 1917, through
9 November 11, 1918.

10 (2) Occupation of Germany from November 12, 1918,
11 through July 11, 1923.

12 (3) American expeditionary forces in Siberia from
13 November 12, 1918, through April 30, 1920.

14 (4) Second Haitian suppression of insurrections
15 from 1919 through 1920.

16 (5) Second Nicaragua campaign with marines or navy
17 in Nicaragua or on combatant ships from 1926 through
18 1933.

19 (6) Yangtze service with navy and marines in
20 Shanghai or in the Yangtze valley from 1926 through
21 1927 and 1930 through 1932.

22 (7) China service with navy and marines from 1937
23 through 1939.

24 (8) World War II from December 7, 1941, through
December 31, 1946.

25 (9) Korean conflict from June 25, 1950, through
26 January 31, 1955.

27 (10) Vietnam conflict from February 28, 1961,
28 through May 7, 1975.

29 (11) Lebanon or Grenada service from August 24,
30 1982, through July 31, 1984.

31 (12) Panama service from December 20, 1989,
32 through January 31, 1990.

33 (13) Persian Gulf conflict from August 2, 1990,
34 through the date the president or the Congress of the
35 United States declares a cessation of hostilities.

36 However, if the United States Congress enacts a date
37 different from August 2, 1990, as the beginning of the
38 Persian Gulf conflict for purposes of determining
39 whether a veteran is entitled to receive military
40 benefits as a veteran of the Persian Gulf conflict,
41 that date shall be substituted for August 2, 1990.

42 b. "Veteran" includes the following persons:"

43 2. Page 1, line 21, by striking the letter "a."
44 and inserting the following: "(1)".

45 3. Page 1, line 30, by striking the letter "b."
46 and inserting the following: "(2)".

47 4. Page 2, line 3, by striking the letter "c."
48 and inserting the following: "(3)".

49 5. Page 2, line 7, by striking the letter "d."
50

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Page 2

1 and inserting the following: "(4)".

By RICHARD F. DRAKE

S-3083 FILED MARCH 17, 1999

SENATE FILE 291

S-3099

1 Amend Senate File 291 as follows:

2 1. Page 15, by striking line 2 and inserting the
3 following: "the extent of six dollars and ~~seventy-~~
4 five ninety-two".

5 2. Page 15, by striking lines 12 and 13 and
6 inserting the following: "credit to be not more than
7 six dollars and ~~seventy-five~~ ninety-two cents per
8 thousand dollars of assessed value of".

By RICHARD F. DRAKE

S-3099 FILED MARCH 17, 1999