

SENATE FILE 2080

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

A BILL FOR

1 An Act providing for a death benefit for soldiers who die in the
2 line of duty and providing an effective date and retroactive
3 applicability provision.

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

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SF 2080
APPROPRIATIONS

1 Section 1. Section 35A.13, subsection 6, Code Supplement
2 2003, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. g. A soldier death benefit as provided by
4 section 35A.14.

5 Sec. 2. NEW SECTION. 35A.14 SOLDIER DEATH BENEFIT --
6 ELIGIBILITY.

7 1. There is appropriated annually from the general fund of
8 the state to the commission for deposit in the veterans trust
9 fund created in section 35A.13 an amount sufficient to pay
10 death benefit claims under this section. The director of the
11 department of administrative services shall issue warrants for
12 payment of death benefit claims approved for payment by the
13 commission under subsection 2.

14 2. a. If the commission determines, upon the receipt of
15 sufficient evidence and proof, that the death of a soldier was
16 the direct and proximate result of a traumatic personal injury
17 incurred in the line of duty as a soldier, a line of duty
18 death benefit in an amount of one hundred thousand dollars
19 shall be paid in a lump sum to the soldier's eligible
20 beneficiary. A line of duty death benefit payable under this
21 subsection shall be in addition to any other death benefit
22 payable to the soldier.

23 b. A line of duty death benefit shall not be payable under
24 this subsection if any of the following applies:

25 (1) The death resulted from stress, strain, occupational
26 illness, or a chronic, progressive, or congenital illness,
27 including, but not limited to, a disease of the heart, lungs,
28 or respiratory system, unless a traumatic personal injury was
29 a substantial contributing factor to the soldier's death.

30 (2) The death was caused by the intentional misconduct of
31 the soldier or by such soldier's intent to cause the soldier's
32 own death.

33 (3) The soldier was voluntarily intoxicated at the time of
34 death.

35 (4) The soldier was performing the soldier's duties in a

1 grossly negligent manner at the time of death.

2 (5) An eligible beneficiary who would otherwise be
3 entitled to a benefit under this subsection was, through the
4 beneficiary's actions, a substantial contributing factor to
5 the soldier's death.

6 3. For purposes of this section:

7 a. "Eligible beneficiary" means the beneficiary designated
8 by the soldier for receipt of a death benefit for service
9 while in the armed forces of the United States. If the
10 soldier failed to designate a beneficiary, or if the
11 beneficiary designated by the soldier predeceases the member,
12 an "eligible beneficiary" means, in order of priority, the
13 following:

14 (1) The soldier's surviving spouse.

15 (2) The soldier's surviving children, including any adult
16 children, in equal shares.

17 (3) The soldier's surviving parents, in equal shares.

18 (4) The soldier's estate.

19 (5) The soldier's heirs if the estate is not probated.

20 b. "Soldier" means a resident of this state who was, at
21 the time of the soldier's death, serving in the armed forces
22 of the United States in active federal service or serving in
23 state active duty, as defined in section 29A.1, as a member of
24 the Iowa national guard.

25 Sec. 3. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY. This
26 Act, being deemed of immediate importance, takes effect upon
27 enactment and is retroactively applicable to September 11,
28 2001, and is applicable on and after that date.

29 EXPLANATION

30 This bill establishes a soldier's death benefit of \$100,000
31 for residents of Iowa who are killed in the line of duty while
32 a member of the armed forces in active federal service or as a
33 member of the Iowa national guard in state active duty. The
34 bill provides that the commission of veterans affairs shall
35 determine payment of the death benefit. The bill establishes

1 a standing unlimited appropriation to the commission for
2 deposit in the veterans trust fund for payment of such death
3 benefits. The bill defines an "eligible beneficiary" of this
4 death benefit as the person otherwise designated to receive a
5 military death benefit for that soldier, or if no person is
6 designated or the person predeceases the soldier, then, in
7 order of priority, the soldier's spouse, children, parents,
8 estate, or heirs are the eligible beneficiary.

9 The bill takes effect upon enactment and is retroactively
10 applicable to September 11, 2001.

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